

Representative Brian M. Greene proposes the following substitute bill:

INITIATIVE AND REFERENDUM AMENDMENTS

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Brian M. Greene

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions of the Election Code relating to initiatives and referenda.

Highlighted Provisions:

This bill:

- ▶ modifies definitions, including the definition of a local law;
- ▶ expands the political subdivisions that are subject to local initiatives and referenda;
- ▶ removes the requirement that an initiative or referendum petition contain a statement that a person signing the petition has read and understands the law to which the initiative or referendum relates;
- ▶ establishes and modifies deadlines relating to the local initiative and referendum process;
- ▶ modifies provisions relating to property tax referenda; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:



26 AMENDS:

27 [20A-7-101](#), as last amended by Laws of Utah 2014, Chapters 364 and 396

28 [20A-7-203](#), as last amended by Laws of Utah 2014, Chapter 329

29 [20A-7-303](#), as last amended by Laws of Utah 2014, Chapter 329

30 [20A-7-503](#), as last amended by Laws of Utah 2014, Chapter 329

31 [20A-7-504](#), as last amended by Laws of Utah 2000, Chapter 3

32 [20A-7-601](#), as last amended by Laws of Utah 2014, Chapter 242

33 [20A-7-602](#), as last amended by Laws of Utah 2000, Chapter 3

34 [20A-7-603](#), as last amended by Laws of Utah 2014, Chapter 329

35 [20A-7-604](#), as enacted by Laws of Utah 1994, Chapter 272

36 [20A-7-606](#), as last amended by Laws of Utah 2014, Chapter 396

37 [20A-7-613](#), as last amended by Laws of Utah 2015, Chapter 258

38

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

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

41 **[20A-7-101](#). Definitions.**

42 As used in this chapter:

43 (1) "Budget officer" means:

44 (a) for a county, the person designated as budget officer in Section [17-19a-203](#);

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

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

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

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

51 (4) "Final fiscal impact statement" means a financial statement prepared after voters
52 approve an initiative that contains the information required by Subsection [20A-7-202.5\(2\)](#) or
53 [20A-7-502.5\(2\)](#).

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

55 (a) a financial statement prepared under Section [20A-7-202.5](#) after the filing of an
56 application for an initiative petition; or

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

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

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

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

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

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

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

67 (a) is registered to vote; or

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

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

72 (11) "Local clerk" means:

73 (a) for a county, city, or town, the county clerk, city recorder, or town clerk in whose
74 jurisdiction a local initiative or referendum petition is circulated[-]; or

75 (b) for a political subdivision, with a local legislative body described in Subsection
76 (13)(b), in whose jurisdiction a local initiative or referendum petition is circulated:

77 (i) if the political subdivision is located entirely within a town, the town clerk;

78 (ii) if Subsection (11)(b)(i) does not apply and the political subdivision is located
79 entirely within a city, the city recorder;

80 (iii) if Subsections (11)(b)(i) and (ii) do not apply and the political subdivision is
81 located entirely within a county, the county clerk; or

82 (iv) if Subsections (11)(b)(i) through (iii) do not apply, the county clerk of each county
83 in which the political subdivision is located.

84 (12) (a) "Local law" includes:

85 (i) an ordinance[-];

86 (ii) a resolution[-];

87 (iii) a master plan[-, and any];

88 (iv) a comprehensive zoning regulation adopted by ordinance or resolution[-]; or

89 (v) other legislative action.

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

91 (13) "Local legislative body" means:

92 (a) the legislative body of a county, city, or town[-]; or

93 (b) a political subdivision, or a person or body within a political subdivision, with
94 authority to pass a local law.

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

97 (15) "Local tax law" means a local law[-] passed by a political subdivision [~~with an~~
98 ~~annual or biannual calendar fiscal year,~~] that increases a tax or imposes a new tax.

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

101 (17) "Referendum" means a process by which a law passed by the Legislature or by a
102 local legislative body is submitted or referred to the voters for their approval or rejection.

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

106 (19) (a) "Signature" means a holographic signature.

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

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

110 (21) "Sponsors" means the legal voters who support the initiative or referendum and
111 who sign the application for petition copies.

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

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

116 Section 2. Section **20A-7-203** is amended to read:

117 **20A-7-203. Form of initiative petition and signature sheets.**

118 (1) (a) Each proposed initiative petition shall be printed in substantially the following

119 form:

120 "INITIATIVE PETITION To the Honorable ____, Lieutenant Governor:

121 We, the undersigned citizens of Utah, respectfully demand that the following proposed
122 law be submitted to the legal voters/Legislature of Utah for their/its approval or rejection at the
123 regular general election/session to be held/ beginning on _____(month\day\year);

124 Each signer says:

125 I have personally signed this petition;

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

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

129 NOTICE TO SIGNERS:

130 Public hearings to discuss this petition were held at: (list dates and locations of public
131 hearings.)"

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

134 (2) Each signature sheet shall:

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

136 (b) be ruled with a horizontal line three-fourths inch from the top, with the space above
137 that line blank for the purpose of binding;

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

139 (d) contain the initial fiscal impact estimate's summary statement issued by the
140 Governor's Office of Management and Budget according to Subsection 20A-7-202.5(2)(b),
141 including any update according to Subsection 20A-7-204.1(4), and the cost estimate for
142 printing and distributing information related to the initiative petition according to Subsection
143 20A-7-202.5(3), printed or typed in not less than 12 point, bold type, at the top of each
144 signature sheet under the title of the initiative;

145 (e) contain the word "Warning" printed or typed at the top of each signature sheet
146 under the initial fiscal impact estimate's summary statement;

147 (f) contain, to the right of the word "Warning," the following statement printed or
148 typed in not less than eight-point, single-leaded type:

149 "It is a class A misdemeanor for anyone to sign any initiative petition with any other

150 name than his own, or knowingly to sign his name more than once for the same measure, or to
151 sign an initiative petition when he knows he is not a registered voter and knows that he does
152 not intend to become registered to vote before the certification of the petition names by the
153 county clerk."; ~~and]~~

154 (g) be vertically divided into columns as follows:

155 (i) the first column shall appear at the extreme left of the sheet, be five-eighths inch
156 wide, be headed with "For Office Use Only," and be subdivided with a light vertical line down
157 the middle with the left subdivision entitled "Registered" and the right subdivision left untitled;

158 (ii) the next column shall be 2-1/2 inches wide, headed "Registered Voter's Printed
159 Name (must be legible to be counted)";

160 (iii) the next column shall be 2-1/2 inches wide, headed "Signature of Registered
161 Voter";

162 (iv) the next column shall be one inch wide, headed "Birth Date or Age (Optional)";
163 and

164 (v) the final column shall be 4-3/8 inches wide, headed "Street Address, City, Zip
165 Code"; and

166 ~~[(h) spanning the sheet horizontally beneath each row on which a registered voter may
167 submit the information described in Subsection (2)(g), contain the following statement printed
168 or typed in not less than eight-point, single-leaded type:]~~

169 ~~["By signing this petition, you are stating that you have read and understand the law
170 proposed by this petition."; and]~~

171 ~~[(+) (h) at the bottom of the sheet, contain the following statement: "Birth date or age
172 information is not required, but it may be used to verify your identity with voter registration
173 records. If you choose not to provide it, your signature may not be verified as a valid signature
174 if you change your address before petition signatures are verified or if the information you
175 provide does not match your voter registration records."~~

176 (3) The final page of each initiative packet shall contain the following printed or typed
177 statement:

178 "Verification

179 State of Utah, County of _____

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

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

182 All the names that appear in this packet were signed by persons who professed to be the
183 persons whose names appear in it, and each of them signed his name on it in my presence;

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

187 I have not paid or given anything of value to any person who signed this petition to
188 encourage that person to sign it.

189 _____
190 (Name) (Residence Address) (Date)"

191 (4) The forms prescribed in this section are not mandatory, and, if substantially
192 followed, the initiative petitions are sufficient, notwithstanding clerical and merely technical
193 errors.

194 Section 3. Section **20A-7-303** is amended to read:

195 **20A-7-303. Form of referendum petition and signature sheets.**

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

198 "REFERENDUM PETITION To the Honorable ____, Lieutenant Governor:

199 We, the undersigned citizens of Utah, respectfully order that Senate (or House) Bill No.
200 ____, entitled (title of act, and, if the petition is against less than the whole act, set forth here
201 the part or parts on which the referendum is sought), passed by the ____ Session of the
202 Legislature of the state of Utah, be referred to the people of Utah for their approval or rejection
203 at a regular general election or a statewide special election;

204 Each signer says:

205 I have personally signed this petition;

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

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

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

211 (2) Each signature sheet shall:

- 212 (a) be printed on sheets of paper 8-1/2 inches long and 11 inches wide;
- 213 (b) be ruled with a horizontal line three-fourths inch from the top, with the space above
214 that line blank for the purpose of binding;
- 215 (c) contain the title of the referendum printed below the horizontal line;
- 216 (d) contain the word "Warning" printed or typed at the top of each signature sheet
217 under the title of the referendum;
- 218 (e) contain, to the right of the word "Warning," the following statement printed or
219 typed in not less than eight-point, single-leaded type:
220 "It is a class A misdemeanor for anyone to sign any referendum petition with any other
221 name than his own, or knowingly to sign his name more than once for the same measure, or to
222 sign a referendum petition when he knows he is not a registered voter and knows that he does
223 not intend to become registered to vote before the certification of the petition names by the
224 county clerk.";
- 225 (f) contain horizontally ruled lines, three-eighths inch apart under the "Warning"
226 statement required by this section; and
- 227 (g) be vertically divided into columns as follows:
 - 228 (i) the first column shall appear at the extreme left of the sheet, be five-eighths inch
229 wide, be headed with "For Office Use Only," and be subdivided with a light vertical line down
230 the middle;
 - 231 (ii) the next column shall be 2-1/2 inches wide, headed "Registered Voter's Printed
232 Name (must be legible to be counted)";
 - 233 (iii) the next column shall be 2-1/2 inches wide, headed "Signature of Registered
234 Voter";
 - 235 (iv) the next column shall be one inch wide, headed "Birth Date or Age (Optional)";
236 and
 - 237 (v) the final column shall be 4-3/8 inches wide, headed "Street Address, City, Zip
238 Code"; and
- 239 ~~[(h) spanning the sheet horizontally beneath each row on which a registered voter may
240 submit the information described in Subsection (2)(g), contain the following statement printed
241 or typed in not less than eight-point, single-leaded type:]~~
- 242 ["By signing this petition, you are stating that you have read and understand the law this

243 ~~petition seeks to overturn."; and]~~

244 [(+) (h) at the bottom of the sheet, contain the following statement: "Birth date or age
245 information is not required, but it may be used to verify your identity with voter registration
246 records. If you choose not to provide it, your signature may not be verified as a valid signature
247 if you change your address before petition signatures are verified or if the information you
248 provide does not match your voter registration records."

249 (3) The final page of each referendum packet shall contain the following printed or
250 typed statement:

251 "Verification
252 State of Utah, County of _____

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

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

255 All the names that appear in this packet were signed by persons who professed to be the
256 persons whose names appear in it, and each of them signed his name on it in my presence;

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

260 _____
261 (Name) (Residence Address) (Date)"

262 (4) The forms prescribed in this section are not mandatory, and, if substantially
263 followed, the referendum petitions are sufficient, notwithstanding clerical and merely technical
264 errors.

265 Section 4. Section **20A-7-503** is amended to read:

266 **20A-7-503. Form of initiative petitions and signature sheets.**

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

269 "INITIATIVE PETITION To the Honorable _____, County Clerk/City Recorder/Town
270 Clerk:

271 We, the undersigned citizens of Utah, respectfully demand that the following proposed
272 law be submitted to: the legislative body for its approval or rejection at its next meeting; and
273 the legal voters of the county/city/town, if the legislative body rejects the proposed law or takes

274 no action on it.

275 Each signer says:

276 I have personally signed this petition;

277 I am registered to vote in Utah or intend to become registered to vote in Utah before the

278 certification of the petition names by the county clerk; and

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

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

282 (2) Each signature sheet shall:

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

284 (b) be ruled with a horizontal line three-fourths inch from the top, with the space above
285 that line blank for the purpose of binding;

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

287 (d) contain the initial fiscal impact estimate's summary statement issued by the budget
288 officer according to Subsection [20A-7-502.5\(2\)\(b\)](#) and the cost estimate for printing and
289 distributing information related to the initiative petition according to Subsection
290 [20A-7-502.5\(3\)](#) printed or typed in not less than 12-point, bold type, at the top of each
291 signature sheet under the title of the initiative;

292 (e) contain the word "Warning" printed or typed at the top of each signature sheet
293 under the initial fiscal impact estimate's summary statement;

294 (f) contain, to the right of the word "Warning," the following statement printed or
295 typed in not less than eight-point, single-leaded type:

296 "It is a class A misdemeanor for anyone to sign any initiative petition with any other
297 name than his own, or knowingly to sign his name more than once for the same measure, or to
298 sign an initiative petition when he knows he is not a registered voter and knows that he does
299 not intend to become registered to vote before the certification of the petition names by the
300 county clerk.";

301 (g) contain horizontally ruled lines three-eighths inch apart under the "Warning"
302 statement required by this section;

303 (h) be vertically divided into columns as follows:

304 (i) the first column shall appear at the extreme left of the sheet, be five-eighths inch

305 wide, be headed with "For Office Use Only", and be subdivided with a light vertical line down
306 the middle with the left subdivision entitled "Registered" and the right subdivision left untitled;

307 (ii) the next column shall be 2-1/2 inches wide, headed "Registered Voter's Printed
308 Name (must be legible to be counted)";

309 (iii) the next column shall be 2-1/2 inches wide, headed "Signature of Registered
310 Voter";

311 (iv) the next column shall be one inch wide, headed "Birth Date or Age (Optional)";
312 and

313 (v) the final column shall be 4-3/8 inches wide, headed "Street Address, City, Zip
314 Code"; and

315 [~~(i) spanning the sheet horizontally beneath each row on which a registered voter may
316 submit the information described in Subsection (2)(h), contain the following statement printed
317 or typed in not less than eight-point, single-leaded type:]~~

318 [~~"By signing this petition, you are stating that you have read and understand the law
319 proposed by this petition."; and]~~

320 [~~(j)~~] (i) at the bottom of the sheet, contain the following statement: "Birth date or age
321 information is not required, but it may be used to verify your identity with voter registration
322 records. If you choose not to provide it, your signature may not be verified as a valid signature
323 if you change your address before petition signatures are verified or if the information you
324 provide does not match your voter registration records."

325 (3) The final page of each initiative packet shall contain the following printed or typed
326 statement:

327 "Verification

328 State of Utah, County of _____

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

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

331 All the names that appear in this initiative packet were signed by persons who professed
332 to be the persons whose names appear in it, and each of them signed his name on it in my
333 presence;

334 I believe that each has printed and signed his name and written his post office address
335 and residence correctly, and that each signer is registered to vote in Utah or intends to become

336 registered to vote before the certification of the petition names by the county clerk.

337 _____ "

338 (4) The forms prescribed in this section are not mandatory, and, if substantially
339 followed, the initiative petitions are sufficient, notwithstanding clerical and merely technical
340 errors.

341 Section 5. Section **20A-7-504** is amended to read:

342 **20A-7-504. Circulation requirements -- Local clerk to provide sponsors with**
343 **materials.**

344 (1) In order to obtain the necessary number of signatures required by this part, the
345 sponsors shall circulate initiative packets that meet the form requirements of this part.

346 (2) [The] Within five days after the day on which a local clerk receives an application
347 that complies with the requirements of Section [20A-7-502](#), the local clerk shall furnish to the
348 sponsors:

349 (a) one copy of the initiative petition; and

350 (b) one signature sheet.

351 (3) The sponsors of the petition shall:

352 (a) arrange and pay for the printing of all additional copies of the petition and signature
353 sheets; and

354 (b) ensure that the copies of the petition and signature sheets meet the form
355 requirements of this section.

356 (4) (a) The sponsors may prepare the initiative for circulation by creating multiple
357 initiative packets.

358 (b) The sponsors shall create those packets by binding a copy of the initiative petition,
359 a copy of the proposed law, and no more than 50 signature sheets together at the top in such a
360 way that the packets may be conveniently opened for signing.

361 (c) The sponsors need not attach a uniform number of signature sheets to each
362 initiative packet.

363 (5) (a) After the sponsors have prepared sufficient initiative packets, they shall return
364 them to the local clerk.

365 (b) The local clerk shall:

366 (i) number each of the initiative packets and return them to the sponsors within five

367 working days; and

368 (ii) keep a record of the numbers assigned to each packet.

369 Section 6. Section **20A-7-601** is amended to read:

370 **20A-7-601. Referenda -- General signature requirements -- Signature**
371 **requirements for land use laws and subjurisdictional laws -- Time requirements.**

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

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

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

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

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

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

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

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

395 (b) Except as provided in Subsection (3), a person seeking to have a land use law or
396 local obligation law passed by the local legislative body submitted to a vote of the people shall
397 obtain legal signatures equal to:

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

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

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

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

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

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

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

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

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

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

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

428 (vi) 30% of all the votes cast in the subjurisdiction for all candidates for president of

429 the United States at the last election at which a president of the United States was elected if the
430 total number of votes does not exceed 250.

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

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

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

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

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

446 Section 7. Section **20A-7-602** is amended to read:

447 **20A-7-602. Local referendum process -- Application procedures.**

448 (1) Persons wishing to circulate a referendum petition shall file an application with the
449 local clerk.

450 (2) The application shall contain:

451 (a) the name and residence address of at least five sponsors of the referendum petition;

452 (b) a certification indicating that each of the sponsors:

453 (i) is a resident of Utah; and

454 (ii) (A) if the referendum challenges a county [~~ordinance~~] local law, has voted in a
455 regular general election in Utah within the last three years; [~~or~~]

456 (B) if the referendum challenges a municipal [~~ordinance~~] local law, has voted in a
457 regular municipal election in Utah within the last three years; or

458 (C) if the referendum challenges a local law other than a local law described in
459 Subsection (2)(b)(ii)(A) or (B), has, within the last three years, voted in Utah in a regular

460 general election or a municipal general election.

461 (c) the signature of each of the sponsors, attested to by a notary public; and

462 (d) (i) if the referendum challenges an ordinance or resolution, one copy of the law[:];

463 or

464 (ii) if the referendum challenges a local law that is not an ordinance or resolution, a
465 written description of the local law, including the result of the vote on the local law.

466 Section 8. Section **20A-7-603** is amended to read:

467 **20A-7-603. Form of referendum petition and signature sheets.**

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

470 "REFERENDUM PETITION To the Honorable ____, County Clerk/City
471 Recorder/Town Clerk:

472 We, the undersigned citizens of Utah, respectfully order that [~~Ordinance No. _____,~~
473 ~~entitled (title of ordinance, and, if the petition is against less than the whole ordinance, set forth~~
474 ~~here the part or parts on which the referendum is sought)~~] (description of local law or portion
475 of local law being challenged), passed by the ____ be referred to the voters for their approval
476 or rejection at the regular/municipal general election to be held on
477 _____ (month\day\year);

478 Each signer says:

479 I have personally signed this petition;

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

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

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

485 (2) Each signature sheet shall:

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

487 (b) be ruled with a horizontal line three-fourths inch from the top, with the space above
488 that line blank for the purpose of binding;

489 (c) contain the title of the referendum printed below the horizontal line;

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

491 under the title of the referendum;

492 (e) contain, to the right of the word "Warning," the following statement printed or
493 typed in not less than eight-point, single-leaded type:

494 "It is a class A misdemeanor for ~~[anyone]~~ an individual to sign ~~[any]~~ a referendum
495 petition with any other name than ~~[his]~~ the individual's own name, or to knowingly ~~[to]~~ sign
496 ~~[his]~~ the individual's name more than once for the same measure, or to sign a referendum
497 petition when ~~[he]~~ the individual knows ~~[he]~~ that the individual is not a registered voter and
498 knows that ~~[he]~~ the individual does not intend to become registered to vote before the
499 certification of the petition names by the county clerk.";

500 (f) contain horizontally ruled lines three-eighths inch apart under the "Warning"
501 statement required by this section;

502 (g) be vertically divided into columns as follows:

503 (i) the first column shall appear at the extreme left of the sheet, be five-eighths inch
504 wide, be headed with "For Office Use Only," and be subdivided with a light vertical line down
505 the middle;

506 (ii) the next column shall be 2-1/2 inches wide, headed "Registered Voter's Printed
507 Name (must be legible to be counted)";

508 (iii) the next column shall be 2-1/2 inches wide, headed "Signature of Registered
509 Voter";

510 (iv) the next column shall be one inch wide, headed "Birth Date or Age (Optional)";

511 and

512 (v) the final column shall be 4-3/8 inches wide, headed "Street Address, City, Zip
513 Code"; and

514 ~~[(h) spanning the sheet horizontally beneath each row on which a registered voter may
515 submit the information described in Subsection (2)(g), contain the following statement printed
516 or typed in not less than eight-point, single-leaded type:]~~

517 ~~["By signing this petition, you are stating that you have read and understand the law this
518 petition seeks to overturn."; and]~~

519 ~~[(i)]~~ (h) at the bottom of the sheet, contain the following statement: "Birth date or age
520 information is not required, but it may be used to verify your identity with voter registration
521 records. If you choose not to provide it, your signature may not be verified as a valid signature

522 if you change your address before petition signatures are verified or if the information you
523 provide does not match your voter registration records."

524 (3) The final page of each referendum packet shall contain the following printed or
525 typed statement:

526 "Verification
527 State of Utah, County of _____

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

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

530 All the names that appear in this referendum packet were signed by persons who
531 professed to be the persons whose names appear in it, and each of them signed his name on it
532 in my presence;

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

536 _____"

537 (4) The forms prescribed in this section are not mandatory, and, if substantially
538 followed, the referendum petitions are sufficient, notwithstanding clerical and merely technical
539 errors.

540 Section 9. Section **20A-7-604** is amended to read:

541 **20A-7-604. Circulation requirements -- Local clerk to provide sponsors with**
542 **materials.**

543 (1) In order to obtain the necessary number of signatures required by this part, the
544 sponsors shall circulate referendum packets that meet the form requirements of this part.

545 (2) ~~[The]~~ Within five days after the day on which a local clerk receives an application
546 that complies with the requirements of Section [20A-7-602](#), the local clerk shall furnish to the
547 sponsors:

548 (a) five copies of the referendum petition; and

549 (b) five signature sheets.

550 (3) The sponsors of the petition shall:

551 (a) arrange and pay for the printing of all additional copies of the petition and signature
552 sheets; and

553 (b) ensure that the copies of the petition and signature sheets meet the form
554 requirements of this section.

555 (4) (a) The sponsors may prepare the referendum for circulation by creating multiple
556 referendum packets.

557 (b) The sponsors shall create those packets by binding a copy of the referendum
558 petition, a copy of the law that is the subject of the referendum, and no more than 50 signature
559 sheets together at the top in such a way that the packets may be conveniently opened for
560 signing.

561 (c) The sponsors need not attach a uniform number of signature sheets to each
562 referendum packet.

563 (5) (a) After the sponsors have prepared sufficient referendum packets, they shall
564 return them to the local clerk.

565 (b) The local clerk shall:

566 (i) number each of the referendum packets and return them to the sponsors within five
567 working days; and

568 (ii) keep a record of the numbers assigned to each packet.

569 Section 10. Section **20A-7-606** is amended to read:

570 **20A-7-606. Submitting the referendum petition -- Certification of signatures by**
571 **the county clerks -- Transfer to local clerk.**

572 (1) (a) The sponsors shall deliver each signed and verified referendum packet to the
573 county clerk of the county in which the packet was circulated no later than 45 days after the day
574 on which the ~~[local law is passed]~~ sponsors receive the items described in Subsection
575 20A-7-604(2) from the local clerk.

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

578 (2) (a) No later than 15 days after the day on which a county clerk receives a
579 referendum packet under Subsection (1)(a), the county clerk shall:

580 (i) check the names of all persons completing the verification on the last page of each
581 referendum packet to determine whether those persons are Utah residents and are at least 18
582 years old; and

583 (ii) submit the name of each of those persons who is not a Utah resident or who is not

584 at least 18 years old to the attorney general and county attorney.

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

587 (3) No later than 30 days after the day on which a county clerk receives a referendum
588 packet under Subsection (1)(a), the county clerk shall:

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

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

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

594 Section 11. Section 20A-7-613 is amended to read:

595 **20A-7-613. Property tax referendum petition.**

596 (1) As used in this section[:(a) "Certified", "certified tax rate" [is as] means the same
597 as that term is defined in Subsection 59-2-924(3)(a).

598 [~~(b) "Fiscal year taxing entity" means a taxing entity that operates under a fiscal year~~
599 ~~that begins on July 1 and ends on June 30.]~~

600 (2) Except as provided in this section, the requirements of this part apply to a
601 referendum petition challenging a [~~fiscal year taxing entity's~~] local legislative body's vote to
602 impose a tax rate that exceeds the certified tax rate.

603 (3) Notwithstanding Subsection 20A-7-604(5), the local clerk shall number each of the
604 referendum packets and return them to the sponsors within two working days.

605 (4) Notwithstanding Subsection 20A-7-606(1), the sponsors shall deliver each signed
606 and verified referendum packet to the county clerk of the county in which the packet was
607 circulated no later than 40 days after the day on which the local clerk complies with Subsection
608 (3).

609 (5) Notwithstanding Subsections 20A-7-606(2) and (3), the county clerk shall take the
610 actions required in Subsections 20A-7-606(2) and (3) within 10 working days after the day on
611 which the county clerk receives the signed and verified referendum packet as described in
612 Subsection (4).

613 (6) The local clerk shall take the actions required by Section 20A-7-607 within two
614 working days after the day on which the local clerk receives the referendum packets from the

615 county clerk.

616 (7) Notwithstanding Subsection 20A-7-608(2), the local attorney shall prepare the
617 ballot title within two working days after the day on which the referendum petition is declared
618 sufficient for submission to a vote of the people.

619 (8) Notwithstanding Subsection 20A-7-609(2)(c), a referendum that qualifies for the
620 ballot under this section shall appear on the ballot for the earlier of the next regular general
621 election or the next municipal general election unless a special election is called.

622 (9) Notwithstanding the requirements related to absentee ballots under this title:

623 (a) the election officer shall prepare absentee ballots for those voters who have
624 requested an absentee ballot as soon as possible after the ballot title is prepared as described in
625 Subsection (7); and

626 (b) the election officer shall mail absentee ballots on a referendum under this section
627 the later of:

628 (i) the time provided in Section 20A-3-305 or 20A-16-403; or

629 (ii) the time that absentee ballots are prepared for mailing under this section.

630 (10) Section 20A-7-402 does not apply to a referendum described in this section.

631 (11) (a) If a majority of voters does not vote against imposing the tax at a rate
632 calculated to generate the increased revenue budgeted, adopted, and approved by the [~~fiscal~~
633 ~~year taxing entity's~~] local legislative body:

634 (i) the certified tax rate for the fiscal year during which the referendum petition is filed
635 is its most recent certified tax rate; and

636 (ii) the proposed increased revenues for purposes of establishing the certified tax rate
637 for the fiscal year after the fiscal year described in Subsection (11)(a)(i) are the proposed
638 increased revenues budgeted, adopted, and approved by the [~~fiscal year taxing entity's~~] local
639 legislative body before the filing of the referendum petition.

640 (b) If a majority of voters votes against imposing a tax at the rate established by the
641 vote of the [~~fiscal year taxing entity's~~] local legislative body, the certified tax rate for the [~~fiscal~~
642 ~~year taxing entity is its~~] political subdivision is the political subdivision's most recent certified
643 tax rate.

644 (c) If the tax rate is set in accordance with Subsection (11)(a)(ii), a [~~fiscal year taxing~~
645 ~~entity~~] political subdivision is not required to comply with the notice and public hearing

646 requirements of Section 59-2-919 if the ~~[fiscal year taxing entity]~~ political subdivision
647 complies with those notice and public hearing requirements before the referendum petition is
648 filed.

649 (12) The ballot title shall, at a minimum, include in substantially this form the
650 following: "Shall the [name of the ~~taxing entity~~] political subdivision] be authorized to levy a
651 tax rate in the amount sufficient to generate an increased property tax revenue of [amount] for
652 fiscal year [year] as budgeted, adopted, and approved by the [name of the ~~taxing entity~~]
653 political subdivision?".

654 (13) A ~~[fiscal year taxing entity]~~ political subdivision shall pay the county the costs
655 incurred by the county that are directly related to meeting the requirements of this section and
656 that the county would not have incurred but for compliance with this section.

657 (14) (a) An election officer shall include on a ballot a referendum that has not yet
658 qualified for placement on the ballot, if:

659 (i) sponsors file an application for a referendum described in this section;

660 (ii) the ballot will be used for the election for which the sponsors are attempting to
661 qualify the referendum; and

662 (iii) the deadline for qualifying the referendum for placement on the ballot occurs after
663 the day on which the ballot will be printed.

664 (b) If an election officer includes on a ballot a referendum described in Subsection
665 (14)(a), the ballot title shall comply with Subsection (12).

666 (c) If an election officer includes on a ballot a referendum described in Subsection
667 (14)(a) that does not qualify for placement on the ballot, the election officer shall inform the
668 voters by any practicable method that the referendum has not qualified for the ballot and that
669 votes cast in relation to the referendum will not be counted.