

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 the definitions of a local law and a local tax law;
- ▶ 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:

AMENDS:



- 26 [20A-7-101](#), as last amended by Laws of Utah 2014, Chapters 364 and 396
- 27 [20A-7-203](#), as last amended by Laws of Utah 2014, Chapter 329
- 28 [20A-7-303](#), as last amended by Laws of Utah 2014, Chapter 329
- 29 [20A-7-503](#), as last amended by Laws of Utah 2014, Chapter 329
- 30 [20A-7-504](#), as last amended by Laws of Utah 2000, Chapter 3
- 31 [20A-7-601](#), as last amended by Laws of Utah 2014, Chapter 242
- 32 [20A-7-602](#), as last amended by Laws of Utah 2000, Chapter 3
- 33 [20A-7-603](#), as last amended by Laws of Utah 2014, Chapter 329
- 34 [20A-7-604](#), as enacted by Laws of Utah 1994, Chapter 272
- 35 [20A-7-606](#), as last amended by Laws of Utah 2014, Chapter 396
- 36 [20A-7-613](#), as last amended by Laws of Utah 2015, Chapter 258

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

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

40 **[20A-7-101. Definitions.](#)**

41 As used in this chapter:

42 (1) "Budget officer" means:

- 43 (a) for a county, the person designated as budget officer in Section [17-19a-203](#);
- 44 (b) for a city, the person designated as budget officer in Subsection [10-6-106\(5\)](#); or
- 45 (c) for a town, the town council.

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

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

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

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

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

56 (b) a financial and legal statement prepared under Section [20A-7-502.5](#) or [20A-7-602.5](#)

57 for an initiative or referendum petition.

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

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

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

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

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

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

66 (a) is registered to vote; or

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

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

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

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

74 (i) an ordinance[;];

75 (ii) a resolution[;];

76 (iii) a master plan[~~;~~ and any];

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

78 (v) other legislative action of a local legislative body.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

103 **20A-7-203. Form of initiative petition and signature sheets.**

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

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

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

110 Each signer says:

111 I have personally signed this petition;

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

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

115 NOTICE TO SIGNERS:

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

118 (b) The sponsors of an initiative shall attach a copy of the proposed law to each

119 initiative petition.

120 (2) Each signature sheet shall:

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

122 (b) be ruled with a horizontal line three-fourths inch from the top, with the space above

123 that line blank for the purpose of binding;

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

125 (d) contain the initial fiscal impact estimate's summary statement issued by the

126 Governor's Office of Management and Budget according to Subsection 20A-7-202.5(2)(b),

127 including any update according to Subsection 20A-7-204.1(4), and the cost estimate for

128 printing and distributing information related to the initiative petition according to Subsection

129 20A-7-202.5(3), printed or typed in not less than 12 point, bold type, at the top of each

130 signature sheet under the title of the initiative;

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

132 under the initial fiscal impact estimate's summary statement;

133 (f) contain, to the right of the word "Warning," the following statement printed or

134 typed in not less than eight-point, single-leaded type:

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

136 name than his own, or knowingly to sign his name more than once for the same measure, or to

137 sign an initiative petition when he knows he is not a registered voter and knows that he does

138 not intend to become registered to vote before the certification of the petition names by the

139 county clerk."; [and]

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

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

142 wide, be headed with "For Office Use Only," and be subdivided with a light vertical line down

143 the middle with the left subdivision entitled "Registered" and the right subdivision left untitled;

144 (ii) the next column shall be 2-1/2 inches wide, headed "Registered Voter's Printed

145 Name (must be legible to be counted)";

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

147 Voter";

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

149 and

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

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

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

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

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

164 "Verification

165 State of Utah, County of ____

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

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

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

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

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

175 _____
176 (Name) (Residence Address) (Date)"

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

180 Section 3. Section ~~20A-7-303~~ is amended to read:

181 **20A-7-303. Form of referendum petition and signature sheets.**

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

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

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

190 Each signer says:

191 I have personally signed this petition;

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

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

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

197 (2) Each signature sheet shall:

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

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

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

202 (d) contain the word "Warning" printed or typed at the top of each signature sheet
203 under the title of the referendum;

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

206 "It is a class A misdemeanor for anyone to sign any referendum petition with any other
207 name than his own, or knowingly to sign his name more than once for the same measure, or to
208 sign a referendum petition when he knows he is not a registered voter and knows that he does
209 not intend to become registered to vote before the certification of the petition names by the
210 county clerk.";

211 (f) contain horizontally ruled lines, three-eighths inch apart under the "Warning"

212 statement required by this section; ~~and~~

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

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

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

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

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

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

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

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

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

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

237 "Verification

238 State of Utah, County of _____

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

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

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

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

246 _____
247 (Name) (Residence Address) (Date)"

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

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

252 **20A-7-503. Form of initiative petitions and signature sheets.**

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

255 "INITIATIVE PETITION To the Honorable _____, County Clerk/City Recorder/Town
256 Clerk:

257 We, the undersigned citizens of Utah, respectfully demand that the following proposed
258 law be submitted to: the legislative body for its approval or rejection at its next meeting; and
259 the legal voters of the county/city/town, if the legislative body rejects the proposed law or takes
260 no action on it.

261 Each signer says:

262 I have personally signed this petition;

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

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

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

268 (2) Each signature sheet shall:

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

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

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

273 (d) contain the initial fiscal impact estimate's summary statement issued by the budget

274 officer according to Subsection 20A-7-502.5(2)(b) and the cost estimate for printing and
275 distributing information related to the initiative petition according to Subsection
276 20A-7-502.5(3) printed or typed in not less than 12-point, bold type, at the top of each
277 signature sheet under the title of the initiative;

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

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

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

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

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

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

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

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

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

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

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

304 ["By signing this petition, you are stating that you have read and understand the law

305 proposed by this petition."; and]

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

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

313 "Verification
314 State of Utah, County of _____

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

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

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

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

323 _____"

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

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

328 **20A-7-504. Circulation requirements -- Local clerk to provide sponsors with**
329 **materials.**

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

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

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

336 (b) one signature sheet.

337 (3) The sponsors of the petition shall:

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

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

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

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

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

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

351 (b) The local clerk shall:

352 (i) number each of the initiative packets and return them to the sponsors within five
353 working days; and

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

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

356 **20A-7-601. Referenda -- General signature requirements -- Signature**
357 **requirements for land use laws and subjurisdictional laws -- Time requirements.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

398 subjurisdiction equal to:

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

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

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

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

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

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

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

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

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

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

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

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

433 **20A-7-602. Local referendum process -- Application procedures.**

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

436 (2) The application shall contain:

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

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

439 (i) is a resident of Utah; and

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

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

444 (C) if the referendum challenges a local law other than a local law described in
445 Subsection (2)(b)(ii)(A) or (B), has, within the last three years, voted in Utah in a regular
446 general election or a municipal general election.

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

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

449 or

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

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

453 **20A-7-603. Form of referendum petition and signature sheets.**

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

456 "REFERENDUM PETITION To the Honorable _____, County Clerk/City
457 Recorder/Town Clerk:

458 We, the undersigned citizens of Utah, respectfully order that [~~Ordinance No. _____,~~

459 ~~entitled (title of ordinance, and, if the petition is against less than the whole ordinance, set forth~~

460 ~~here the part or parts on which the referendum is sought]~~ (description of local law or portion
461 of local law being challenged), passed by the ____ be referred to the voters for their approval
462 or rejection at the regular/municipal general election to be held on
463 _____(month\day\year);

464 Each signer says:

465 I have personally signed this petition;

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

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

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

471 (2) Each signature sheet shall:

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

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

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

476 (d) contain the word "Warning" printed or typed at the top of each signature sheet
477 under the title of the referendum;

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

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

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

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

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

491 the middle;

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

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

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

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

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

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

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

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

512 "Verification

513 State of Utah, County of _____

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

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

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

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

522 _____ "

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

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

527 **20A-7-604. Circulation requirements -- Local clerk to provide sponsors with**
528 **materials.**

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

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

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

535 (b) five signature sheets.

536 (3) The sponsors of the petition shall:

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

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

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

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

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

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

551 (b) The local clerk shall:

552 (i) number each of the referendum packets and return them to the sponsors within five

553 working days; and

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

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

556 **20A-7-606. Submitting the referendum petition -- Certification of signatures by**
557 **the county clerks -- Transfer to local clerk.**

558 (1) (a) The sponsors shall deliver each signed and verified referendum packet to the
559 county clerk of the county in which the packet was circulated no later than 45 days after the day
560 on which the ~~[local law is passed]~~ sponsors receive the items described in Subsection
561 20A-7-604(2) from the local clerk.

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

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

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

569 (ii) submit the name of each of those persons who is not a Utah resident or who is not
570 at least 18 years old to the attorney general and county attorney.

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

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

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

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

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

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

581 **20A-7-613. Property tax referendum petition.**

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

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

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

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

591 (4) Notwithstanding Subsection 20A-7-606(1), the sponsors shall deliver each signed
592 and verified referendum packet to the county clerk of the county in which the packet was
593 circulated no later than 40 days after the day on which the local clerk complies with Subsection
594 (3).

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

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

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

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

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

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

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

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

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

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

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

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

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

626 (b) If a majority of voters votes against imposing a tax at the rate established by the
627 vote of the [fiscal year] taxing entity's legislative body, the certified tax rate for the [fiscal year]
628 taxing entity is [its] the taxing entity's most recent certified tax rate.

629 (c) If the tax rate is set in accordance with Subsection (11)(a)(ii), a [fiscal year] taxing
630 entity is not required to comply with the notice and public hearing requirements of Section
631 59-2-919 if the [fiscal year] taxing entity complies with those notice and public hearing
632 requirements before the referendum petition is filed.

633 (12) The ballot title shall, at a minimum, include in substantially this form the
634 following: "Shall the [name of the taxing entity] be authorized to levy a tax rate in the amount
635 sufficient to generate an increased property tax revenue of [amount] for fiscal year [year] as
636 budgeted, adopted, and approved by the [name of the taxing entity]".

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

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

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

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

645 (iii) the deadline for qualifying the referendum for placement on the ballot occurs after

646 the day on which the ballot will be printed.

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

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