

Representative Daniel McCay proposes the following substitute bill:

ELECTION MODIFICATIONS

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Daniel McCay

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions of the Election Code.

Highlighted Provisions:

This bill:

- ▶ clarifies certain deadlines relating to issues submitted to voters; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

20A-7-202.5, as last amended by Laws of Utah 2013, Chapter 310

20a-7-308, as last amended by Laws of Utah 2010, Chapter 367

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

Section 1. Section **20A-7-202.5** is amended to read:

20A-7-202.5. Initial fiscal impact estimate -- Preparation of estimate -- Challenge



26 to estimate.

27 (1) Within three working days of receipt of an application for an initiative petition, the
28 lieutenant governor shall submit a copy of the application to the Governor's Office of
29 Management and Budget.

30 (2) (a) The Governor's Office of Management and Budget shall prepare an unbiased,
31 good faith estimate of the fiscal impact of the law proposed by the initiative that contains:

32 (i) a dollar amount representing the total estimated fiscal impact of the proposed law;

33 (ii) if the proposed law would increase or decrease taxes, a dollar amount representing
34 the total estimated increase or decrease for each type of tax affected under the proposed law
35 and a dollar amount representing the total estimated increase or decrease in taxes under the
36 proposed law;

37 (iii) if the proposed law would result in the issuance or a change in the status of bonds,
38 notes, or other debt instruments, a dollar amount representing the total estimated increase or
39 decrease in public debt under the proposed law;

40 (iv) a listing of all sources of funding for the estimated costs associated with the
41 proposed law showing each source of funding and the percentage of total funding provided
42 from each source;

43 (v) a dollar amount representing the estimated costs or savings, if any, to state and
44 local government entities under the proposed law; and

45 (vi) a concise explanation, not exceeding 100 words, of the above information and of
46 the estimated fiscal impact, if any, under the proposed law.

47 (b) (i) If the proposed law is estimated to have no fiscal impact, the Governor's Office
48 of Management and Budget shall include a summary statement in the initial fiscal impact
49 statement in substantially the following form:

50 "The Governor's Office of Management and Budget estimates that the law proposed by
51 this initiative would have no significant fiscal impact and would not result in either an increase
52 or decrease in taxes or debt."

53 (ii) If the proposed law is estimated to have a fiscal impact, the Governor's Office of
54 Management and Budget shall include a summary statement in the initial fiscal impact estimate
55 in substantially the following form:

56 "The Governor's Office of Management and Budget estimates that the law proposed by

57 this initiative would result in a total fiscal expense/savings of \$_____, which includes a (type
58 of tax or taxes) tax increase/decrease of \$_____ and a \$_____ increase/decrease in state
59 debt."

60 (iii) If the estimated fiscal impact of the proposed law is highly variable or is otherwise
61 difficult to reasonably express in a summary statement, the Governor's Office of Management
62 and Budget may include in the summary statement a brief explanation that identifies those
63 factors affecting the variability or difficulty of the estimate.

64 (3) The Governor's Office of Management and Budget shall prepare an unbiased, good
65 faith estimate of the cost of printing and distributing information related to the initiative
66 petition in:

67 (a) the voter information pamphlet as required by Title 20A, Chapter 7, Part 7, Voter
68 Information Pamphlet; or

69 (b) the newspaper, as required by Section 20A-7-702.

70 (4) Within 25 calendar days [~~from the date that~~] after the day on which the lieutenant
71 governor delivers a copy of the application, the Governor's Office of Management and Budget
72 shall:

73 (a) deliver a copy of the initial fiscal impact estimate to the lieutenant governor's
74 office; and

75 (b) mail a copy of the initial fiscal impact estimate to the first five sponsors named in
76 the initiative application.

77 (5) (a) (i) Three or more of the sponsors of the petition may, within 20 calendar days
78 [~~of the date of delivery of~~] after the day on which the Governor's Office of Management and
79 Budget delivers the initial fiscal impact estimate to the lieutenant governor's office, file a
80 petition with the Supreme Court, alleging that the initial fiscal impact estimate, taken as a
81 whole, is an inaccurate estimate of the fiscal impact of the initiative.

82 (ii) After receipt of the appeal, the Supreme Court shall direct the lieutenant governor
83 to send notice of the petition to:

84 (A) any person or group that has filed an argument with the lieutenant governor's office
85 for or against the measure that is the subject of the challenge; and

86 (B) any political issues committee established under Section 20A-11-801 that has filed
87 written or electronic notice with the lieutenant governor that identifies the name, mailing or

88 email address, and telephone number of the person designated to receive notice about any
89 issues relating to the initiative.

90 (b) (i) There is a presumption that the initial fiscal impact estimate prepared by the
91 Governor's Office of Management and Budget is based upon reasonable assumptions, uses
92 reasonable data, and applies accepted analytical methods to present the estimated fiscal impact
93 of the initiative.

94 (ii) The Supreme Court may not revise the contents of, or direct the revision of, the
95 initial fiscal impact estimate unless the plaintiffs rebut the presumption by clear and convincing
96 evidence that establishes that the initial fiscal estimate, taken as a whole, is an inaccurate
97 statement of the estimated fiscal impact of the initiative.

98 (iii) The Supreme Court may refer an issue related to the initial fiscal impact estimate
99 to a master to examine the issue and make a report in accordance with Utah Rules of Civil
100 Procedure, Rule 53.

101 (c) The Supreme Court shall certify to the lieutenant governor a fiscal impact estimate
102 for the measure that meets the requirements of this section.

103 Section 2. Section **20a-7-308** is amended to read:

104 **20A-7-308. Ballot title -- Duties of lieutenant governor and Office of Legislative**
105 **Research and General Counsel.**

106 (1) Whenever a referendum petition is declared sufficient for submission to a vote of
107 the people, the lieutenant governor shall deliver a copy of the petition and the proposed law to
108 the Office of Legislative Research and General Counsel.

109 (2) (a) The Office of Legislative Research and General Counsel shall:

110 (i) entitle each state referendum that has qualified for the ballot "Proposition Number
111 ___" and give it a number as assigned under Section [20A-6-107](#);

112 (ii) prepare an impartial ballot title for the referendum summarizing the contents of the
113 measure; and

114 (iii) return the petition and the ballot title to the lieutenant governor within 15 days
115 after its receipt.

116 (b) The ballot title may be distinct from the title of the law that is the subject of the
117 petition, and shall be not more than 100 words.

118 (c) The ballot title and the number of the measure as determined by the Office of

119 Legislative Research and General Counsel shall be printed on the official ballot.

120 (3) Immediately after the Office of Legislative Research and General Counsel files a
121 copy of the ballot title with the lieutenant governor, the lieutenant governor shall mail a copy of
122 the ballot title to any of the sponsors of the petition.

123 (4) (a) (i) At least three of the sponsors of the petition may, within 15 days [~~of the date~~]
124 after the day on which the lieutenant governor mails the ballot title, challenge the wording of
125 the ballot title prepared by the Office of Legislative Research and General Counsel to the
126 Supreme Court.

127 (ii) After receipt of the appeal, the Supreme Court shall direct the lieutenant governor
128 to send notice of the appeal to:

129 (A) any person or group that has filed an argument for or against the measure that is the
130 subject of the challenge; or

131 (B) any political issues committee established under Section 20A-11-801 that has filed
132 written or electronic notice with the lieutenant governor that identifies the name, mailing or
133 email address, and telephone number of the person designated to receive notice about any
134 issues relating to the initiative.

135 (b) (i) There is a presumption that the ballot title prepared by the Office of Legislative
136 Research and General Counsel is an impartial summary of the contents of the referendum.

137 (ii) The Supreme Court may not revise the wording of the ballot title unless the
138 plaintiffs rebut the presumption by clearly and convincingly establishing that the ballot title is
139 patently false or biased.

140 (c) The Supreme Court shall:

141 (i) examine the ballot title;

142 (ii) hear arguments; and

143 (iii) certify to the lieutenant governor a ballot title for the measure that meets the
144 requirements of this section.

145 (d) The lieutenant governor shall certify the title verified by the Supreme Court to the
146 county clerks to be printed on the official ballot.