

1 **SUBMISSION OF NONBINDING OPINION QUESTIONS TO**
2 **VOTERS**

3 2016 GENERAL SESSION
4 STATE OF UTAH

5 **Chief Sponsor: Patrice M. Arent**
6 Senate Sponsor: _____

7 **LONG TITLE**

8 **General Description:**

9 This bill modifies the Election Code to establish procedures for submitting a
10 nonbinding opinion question to the voters of Utah.

11 **Highlighted Provisions:**

12 This bill:

13 ▶ defines terms;
14 ▶ establishes procedures for submitting a nonbinding opinion question to the voters of
15 Utah;

16 ▶ describes the duties of the lieutenant governor and county clerks in submitting the
17 opinion question to the voters;

18 ▶ establishes procedures for the ballot form, voter information pamphlet, public
19 notice, manner of voting, and canvass of returns in relation to the nonbinding
20 opinion question; and

21 ▶ provides a repealer.

22 **Money Appropriated in this Bill:**

23 None

24 **Other Special Clauses:**

25 None

26 **Utah Code Sections Affected:**



28 AMENDS:

29 **20A-6-107**, as enacted by Laws of Utah 2008, Chapter 315

30 **63I-2-220**, as last amended by Laws of Utah 2014, Chapter 3

31 **63I-2-236**, as last amended by Laws of Utah 2015, Chapters 118 and 219

32 ENACTS:

33 **36-16b-101**, Utah Code Annotated 1953

34 **36-16b-102**, Utah Code Annotated 1953

35 **36-16b-103**, Utah Code Annotated 1953

36 **36-16b-201**, Utah Code Annotated 1953

37 **36-16b-202**, Utah Code Annotated 1953

38 **36-16b-203**, Utah Code Annotated 1953

39 **36-16b-204**, Utah Code Annotated 1953

40 **36-16b-301**, Utah Code Annotated 1953

41 **36-16b-302**, Utah Code Annotated 1953

42 **36-16b-303**, Utah Code Annotated 1953

43 **36-16b-304**, Utah Code Annotated 1953

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

46 Section 1. Section **20A-6-107** is amended to read:

47 **20A-6-107. Numbering of ballot propositions, bond propositions, and nonbinding
opinion questions -- Duties of election officer and lieutenant governor.**

49 (1) (a) Except as provided in Subsections (1)(b) and (1)(c), each ballot proposition
50 shall be listed on the ballot under the heading "Proposition #____", with the number of the ballot
51 proposition placed in the blank.

52 (b) Each proposed amendment to the Utah Constitution shall be listed on the ballot
53 under the heading "Constitutional Amendment ____", with a letter placed in the blank.

54 (c) Each bond proposition that has qualified for the ballot shall be listed on the ballot
55 under the title assigned to each bond proposition under Section **11-14-206**.

56 (2) Each nonbinding opinion question submitted to a vote of the people under Title 36,
57 Chapter 16b, Nonbinding Statewide Public Opinion Questions, shall be listed on the ballot
58 under the heading "Nonbinding Opinion Question #____," with the number of the nonbinding

59 opinion question placed in the blank.

60 [¶] (3) (a) When an election officer or other person given authority to prepare or
61 number ballot propositions receives a ballot proposition that is eligible for inclusion on the
62 ballot, they shall ask the lieutenant governor to assign a number to the ballot proposition.

63 (b) (i) Upon request from an election officer or other person given authority to prepare
64 or number ballot propositions, the lieutenant governor shall assign each ballot proposition a
65 unique number, except as provided under Subsection [¶] (3)(b)(iii).

66 (ii) Ballot proposition numbers shall be assigned sequentially, in the order requests for
67 ballot proposition numbers are received.

68 (iii) The same ballot proposition number may be assigned to multiple ballot
69 propositions if:

70 (A) the sponsors of each ballot proposition agree, in writing, to share the number; and
71 (B) the ballot propositions sharing the same number are identical in their terms,
72 purpose, and effect, with jurisdiction being the only significant difference between the ballot
73 propositions.

74 (4) When the lieutenant governor receives a joint resolution for a nonbinding opinion
75 question under Section 36-16b-202, the lieutenant governor shall:

76 (a) assign a number to the nonbinding opinion question that is unique to the
77 nonbinding opinion question; and

78 (b) assign numbers to each nonbinding opinion question sequentially, in the order in
79 which the lieutenant governor receives the joint resolutions.

80 Section 2. Section 36-16b-101 is enacted to read:

81 CHAPTER 16b. NONBINDING STATEWIDE PUBLIC OPINION QUESTIONS

82 Part 1. General Provisions

83 **36-16b-101. Title.**

84 (1) This chapter is known as "Nonbinding Statewide Public Opinion Questions."

85 (2) This part is known as "General Provisions."

86 Section 3. Section 36-16b-102 is enacted to read:

87 **36-16b-102. Definitions.**

88 As used in this chapter:

89 (1) "Opinion question" means a nonbinding question that is submitted to all legal

90 voters of the state in accordance with this chapter.

91 (2) "Originating house" means:

92 (a) the Utah House of Representatives if the resolution is a House joint resolution; or

93 (b) the Utah State Senate if the resolution is a Senate joint resolution.

94 (3) "Regular general election" means the same as that term is defined in Section
95 [20A-1-102](#).

96 Section 4. Section **36-16b-103** is enacted to read:

97 **36-16b-103. Exemption.**

98 Title 20A, Chapter 7, Issues Submitted to the Voters, does not apply to an opinion
99 question.

100 Section 5. Section **36-16b-201** is enacted to read:

101 **Part 2. Submission of Nonbinding Opinion Questions to Voters**

102 **36-16b-201. Title.**

103 This part is known as "Submission of Nonbinding Opinion Questions to Voters."

104 Section 6. Section **36-16b-202** is enacted to read:

105 **36-16b-202. Resolution to submit nonbinding opinion questions to voters.**

106 (1) The Legislature may submit an opinion question to the legal voters of the state by
107 passing a joint resolution in accordance with the requirements of this section.

108 (2) The joint resolution described in Subsection (1) shall include:

109 (a) the language of the opinion question as it will appear on the ballot;

110 (b) a statement directing that the lieutenant governor submit the language of the
111 opinion question to the legal voters of the state for their approval or rejection; and

112 (c) language designating the date of the regular general election in which the opinion
113 question shall be submitted to the voters.

114 (3) After passage by both houses of the Legislature, the originating house shall submit
115 the joint resolution to the lieutenant governor with instructions that the opinion question
116 specified in the joint resolution be submitted to the legal voters on the regular general election
117 date specified in the resolution.

118 Section 7. Section **36-16b-203** is enacted to read:

119 **36-16b-203. Lieutenant governor's duties.**

120 (1) After receipt of a joint resolution described in Section [36-16b-202](#), the lieutenant

121 governor shall:

122 (a) submit the opinion question to the legal voters of Utah as required by the
123 resolution;

124 (b) comply with Section 36-16b-302; and

125 (c) except as provided in Section 36-16b-103, comply with all relevant provisions of
126 Title 20A, Election Code, relating to the conduct of elections.

127 (2) The lieutenant governor may establish additional requirements for county clerks to
128 facilitate the conduct of the election.

129 Section 8. Section **36-16b-204** is enacted to read:

130 **36-16b-204. Duties of county clerks.**

131 Each county clerk shall, with respect to an opinion question described in this chapter,
132 comply with:

133 (1) the requirements of Title 20A, Election Code, relating to regular general elections;

134 (2) the requirements of Section 36-16b-302; and

135 (3) any other requirement imposed by the lieutenant governor.

136 Section 9. Section **36-16b-301** is enacted to read:

Part 3. Voting and Canvassing

138 **36-16b-301. Title.**

139 This part is known as "Voting and Canvassing."

140 Section 10. Section **36-16b-302** is enacted to read:

141 **36-16b-302. Procedures -- Ballot title -- Publication of nonbinding opinion**

142 **question.**

143 (1) The lieutenant governor, the Office of Legislative Research and General Counsel,
144 and each county clerk shall comply with the procedures described in this section whenever the
145 Legislature authorizes an opinion question under Section 36-16b-202.

146 (2) If the Legislature passes a resolution described in Section 36-16b-202, the Office of
147 Legislative Research and General Counsel shall, on or before July 20:

148 (a) draft a ballot title that summarizes the subject matter of the opinion question; and
149 (b) deliver the ballot title to the lieutenant governor.

150 (3) On or before August 31, the lieutenant governor shall certify the number and ballot
151 title of the opinion question to each county clerk in accordance with Section 20A-6-107.

152 (4) No more than 60 days nor less than 14 days before the date of the regular general
153 election, the lieutenant governor shall cause the full text of the opinion question to be
154 published in at least one newspaper in every county of the state where a newspaper is
155 published.

156 (5) Each county clerk shall cause both the number and title of the opinion question to
157 be:

- 158 (a) printed on the ballot to be used on election day;
- 159 (b) printed on the sample ballot; and
- 160 (c) otherwise published as required by law.

161 Section 11. Section **36-16b-303** is enacted to read:

162 **36-16b-303. Ballot form -- Manner of voting.**

163 The lieutenant governor shall ensure that a ballot containing an opinion question
164 includes:

- 165 (1) a number and ballot title;
- 166 (2) the text of the opinion question; and
- 167 (3) (a) the words "FOR" and "AGAINST," each word presented with an adjacent
168 square in which the voter may indicate the voter's vote; or
- 169 (b) all possible responses to the opinion question, each response presented with an
170 adjacent square in which the voter may indicate the voter's vote.

171 Section 12. Section **36-16b-304** is enacted to read:

172 **36-16b-304. Canvass of returns.**

173 (1) The county legislative body shall conduct a public canvass of the returns from the
174 opinion question election no later than 14 days after the day on which the regular general
175 election is held.

176 (2) Each county clerk shall:

177 (a) make a certified abstract of the record of the canvassers detailing the votes cast on
178 the opinion question; and

179 (b) seal the transcript, endorse on the transcript, "Election Returns," and transmit the
180 transcript to the lieutenant governor's office so that the lieutenant governor receives the
181 transcript on or before the fifth day before the day designated for the meeting of the state board
182 of canvassers.

183 (3) The state board of canvassers established under Section 20A-4-306 shall meet to
184 compute and determine the vote on the opinion question.

185 (4) The lieutenant governor may, in accordance with the requirements of Title 20A,
186 Election Code, establish additional requirements for county clerks to facilitate the conduct of
187 an election on an opinion question described in this chapter.

188 Section 13. Section **63I-2-220** is amended to read:

189 **63I-2-220. Repeal dates, Title 20A.**

190 [(1) Section 20A-3-704 is repealed January 1, 2016.]

191 [(2) Section 20A-5-410 is repealed January 1, 2016.]

192 [(3) (a) Subsection 20A-7-101(1)(a)(i), the language that states "of the first class" and
193 ", or" is repealed January 1, 2015.]

194 [(b) Subsection 20A-7-101(1)(a)(ii), the language that states "for a county not
195 described in Subsection (1)(a)(i), a person designated as budget officer in Section 17-19-19" is
196 repealed January 1, 2015.]

197 [(4) Section 20A-9-403.1 is repealed on January 1, 2015.]

198 On January 1, 2017, Subsections 20A-6-107(2) and (4) are repealed and the remaining
199 subsections, and references to those subsections, are renumbered accordingly.

200 Section 14. Section **63I-2-236** is amended to read:

201 **63I-2-236. Repeal dates -- Title 36.**

202 (1) Title 36, Chapter 16b, Nonbinding Statewide Public Opinion Questions, is repealed
203 on January 1, 2017.

204 [(1)] (2) Sections 36-28-101 through 36-28-104 are repealed July 1, 2019.

205 [(2)] (3) Section 36-29-102 is repealed July 1, 2016.

Legislative Review Note
Office of Legislative Research and General Counsel