

1 **INITIATIVES, REFERENDA, AND OTHER POLITICAL**
2 **ACTIVITIES**

3 2018 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Brad M. Daw**

6 Senate Sponsor: _____

8 **LONG TITLE**

9 **General Description:**

10 This bill amends provisions of the Election Code relating to initiatives, referenda, and
11 political activities of public entities.

12 **Highlighted Provisions:**

13 This bill:

- 14 ▶ defines terms;
- 15 ▶ provides for the publication of a proposition information pamphlet to inform voters
16 of arguments for and against proposed and pending local initiatives and referenda;
- 17 ▶ amends provisions relating to a local voter information pamphlet;
- 18 ▶ enacts provisions for holding a public hearing to discuss and present arguments
19 relating to a proposed or pending local initiative or referendum;
- 20 ▶ modifies requirements relating to local initiatives and referenda, including:
 - 21 • petition, circulation, and signature requirements;
 - 22 • timelines; and
 - 23 • appeals and other challenges;
- 24 ▶ enacts provisions relating to determining whether a proposed initiative or
25 referendum is legally referable to voters;
- 26 ▶ amends provisions regarding the use of email, and the expenditure of public funds,
27 for political purposes relating to proposed and pending initiatives and referenda;



- 28 ▶ regulates the dissemination of information regarding a proposed or pending
- 29 initiative or referendum by a county or municipality; and
- 30 ▶ makes technical and conforming amendments.

31 **Money Appropriated in this Bill:**

32 None

33 **Other Special Clauses:**

34 None

35 **Utah Code Sections Affected:**

36 AMENDS:

- 37 **11-14-301**, as last amended by Laws of Utah 2014, Chapter 189
- 38 **20A-7-101**, as last amended by Laws of Utah 2017, Chapter 291
- 39 **20A-7-402**, as last amended by Laws of Utah 2017, Chapters 91, 147, and 291
- 40 **20A-7-501**, as last amended by Laws of Utah 2016, Chapter 176
- 41 **20A-7-502**, as last amended by Laws of Utah 2017, Chapter 291
- 42 **20A-7-502.5**, as last amended by Laws of Utah 2017, Chapter 291
- 43 **20A-7-504**, as last amended by Laws of Utah 2016, Chapter 365
- 44 **20A-7-505**, as last amended by Laws of Utah 2012, Chapter 72
- 45 **20A-7-506**, as last amended by Laws of Utah 2012, Chapter 72
- 46 **20A-7-506.3**, as last amended by Laws of Utah 2011, Chapter 17
- 47 **20A-7-507**, as last amended by Laws of Utah 2011, Chapter 17
- 48 **20A-7-508**, as last amended by Laws of Utah 2017, Chapter 291
- 49 **20A-7-509**, as last amended by Laws of Utah 2009, Chapter 202
- 50 **20A-7-510**, as last amended by Laws of Utah 2010, Chapter 367
- 51 **20A-7-512**, as last amended by Laws of Utah 2013, Chapter 253
- 52 **20A-7-513**, as last amended by Laws of Utah 2017, Chapter 291
- 53 **20A-7-601**, as last amended by Laws of Utah 2016, Chapter 365
- 54 **20A-7-602**, as last amended by Laws of Utah 2016, Chapter 365
- 55 **20A-7-602.5**, as enacted by Laws of Utah 2014, Chapter 364
- 56 **20A-7-603**, as last amended by Laws of Utah 2016, Chapter 365
- 57 **20A-7-604**, as last amended by Laws of Utah 2016, Chapter 365
- 58 **20A-7-605**, as last amended by Laws of Utah 2012, Chapter 72

- 59 20A-7-606, as last amended by Laws of Utah 2016, Chapter 365
- 60 20A-7-606.3, as last amended by Laws of Utah 2011, Chapter 17
- 61 20A-7-607, as last amended by Laws of Utah 2014, Chapter 396
- 62 20A-7-608, as last amended by Laws of Utah 2008, Chapter 315
- 63 20A-7-609.5, as enacted by Laws of Utah 2014, Chapter 396
- 64 20A-7-610, as last amended by Laws of Utah 2010, Chapter 367
- 65 20A-7-612, as last amended by Laws of Utah 2001, Chapter 20
- 66 20A-7-613, as last amended by Laws of Utah 2016, Chapters 350, 365, and 367
- 67 20A-11-1202, as last amended by Laws of Utah 2017, Chapter 68
- 68 20A-11-1203, as last amended by Laws of Utah 2015, Chapter 435
- 69 20A-11-1205, as last amended by Laws of Utah 2017, Chapter 68
- 70 20A-11-1206, as enacted by Laws of Utah 2015, Chapter 435

71 ENACTS:

- 72 20A-7-401.5, Utah Code Annotated 1953
- 73 20A-7-405, Utah Code Annotated 1953
- 74 20A-7-502.7, Utah Code Annotated 1953
- 75 20A-7-602.7, Utah Code Annotated 1953



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

78 Section 1. Section 11-14-301 is amended to read:

79 **11-14-301. Issuance of bonds by governing body -- Computation of indebtedness**
80 **under constitutional and statutory limitations.**

81 (1) If the governing body has declared the bond proposition to have carried and no
82 contest has been filed, or if a contest has been filed and favorably terminated, the governing
83 body may proceed to issue the bonds voted at the election.

84 (2) (a) It is not necessary that all of the bonds be issued at one time, but, except as
85 otherwise provided in this Subsection (2), bonds approved by the voters may not be issued
86 more than 10 years after the day on which the election is held.

87 (b) The 10-year period described in Subsection (2)(a) is tolled if, at any time during the
88 10-year period:

89 (i) an application for a referendum petition is filed with a local clerk, in accordance

90 with Section 20A-7-602 [~~and Subsection 20A-7-601(3)(a)~~], with respect to the local obligation
91 law relating to the bonds; or

92 (ii) the bonds are challenged in a court of law or an administrative proceeding in
93 relation to:

94 (A) the legality or validity of the bonds, or the election or proceedings authorizing the
95 bonds;

96 (B) the authority of the local political subdivision to issue the bonds;

97 (C) the provisions made for the security or payment of the bonds; or

98 (D) any other issue that materially and adversely affects the marketability of the bonds,
99 as determined by the individual or body that holds the executive powers of the local political
100 subdivision.

101 (c) [~~A~~] For a bond described in this section that was approved by voters on or after
102 May 8, 2002, but before May 8, 2018, a tolling period described in Subsection (2)(b)(i) ends on
103 the later of the day on which:

104 (i) the local clerk determines that the petition is insufficient, in accordance with
105 Subsection 20A-7-607(2)(c), unless an application, described in Subsection 20A-7-607(4)(a), is
106 made to the Supreme Court;

107 (ii) the Supreme Court determines, under Subsection 20A-7-607(4)(c), that the petition
108 for the referendum is not legally sufficient; or

109 (iii) for a referendum petition that is sufficient, the governing body declares, as
110 provided by law, the results of the referendum election on the local obligation law.

111 (d) For a bond described in this section that was approved by voters on or after May 8,
112 2018, a tolling period described in Subsection (2)(b)(i) ends:

113 (i) if a county, city, town, metro township, or court determines, under Section
114 20A-7-602.7, that the proposed referendum is not legally referable to voters, the later of:

115 (A) the day on which the county, city, town, or metro township provides the notice
116 described in Subsection 20A-7-602.7(1)(b)(ii); or

117 (B) if a sponsor appeals, under Subsection 20A-7-602.7(4), the day on which a court
118 decision that the proposed referendum is not legally referable to voters becomes final; or

119 (ii) if a county, city, town, metro township, or court determines, under Section
120 20A-7-602.7, that the proposed referendum is legally referable to voters, the later of:

121 (A) the day on which the local clerk determines, under Section 20A-7-607, that the
122 number of certified names is insufficient for the proposed referendum to appear on the ballot;

123 or

124 (B) if the local clerk determines, under Section 20A-7-607, that the number of certified
125 names is sufficient for the proposed referendum to appear on the ballot, the day on which the
126 governing body declares, as provided by law, the results of the referendum election on the local
127 obligation law.

128 [~~(d)~~] (e) A tolling period described in Subsection (2)(b)(ii) ends after:

129 (i) there is a final settlement, a final adjudication, or another type of final resolution of
130 all challenges described in Subsection (2)(b)(ii); and

131 (ii) the individual or body that holds the executive powers of the local political
132 subdivision issues a document indicating that all challenges described in Subsection (2)(b)(ii)
133 are resolved and final.

134 [~~(e)~~] (f) If the 10-year period described in Subsection (2)(a) is tolled under this
135 Subsection (2) and, when the tolling ends and after giving effect to the tolling, the period of
136 time remaining to issue the bonds is less than one year, the period of time remaining to issue
137 the bonds shall be extended to one year.

138 [~~(f)~~] (g) The tolling provisions described in this Subsection (2) apply to all bonds
139 described in this section that were approved by voters on or after May 8, 2002.

140 (3) (a) Bonds approved by the voters may not be issued to an amount that will cause
141 the indebtedness of the local political subdivision to exceed that permitted by the Utah
142 Constitution or statutes.

143 (b) In computing the amount of indebtedness that may be incurred pursuant to
144 constitutional and statutory limitations, the constitutionally or statutorily permitted percentage,
145 as the case may be, shall be applied to the fair market value, as defined under Section 59-2-102,
146 of the taxable property in the local political subdivision, as computed from the last applicable
147 equalized assessment roll before the incurring of the additional indebtedness.

148 (c) In determining the fair market value of the taxable property in the local political
149 subdivision as provided in this section, the value of all tax equivalent property, as defined in
150 Section 59-3-102, shall be included as a part of the total fair market value of taxable property
151 in the local political subdivision, as provided in Title 59, Chapter 3, Tax Equivalent Property

152 Act.

153 (4) Bonds of improvement districts issued in a manner that they are payable solely
154 from the revenues to be derived from the operation of the facilities of the district may not be
155 included as bonded indebtedness for the purposes of the computation.

156 (5) Where bonds are issued by a city, town, or county payable solely from revenues
157 derived from the operation of revenue-producing facilities of the city, town, or county, or
158 payable solely from a special fund into which are deposited excise taxes levied and collected by
159 the city, town, or county, or excise taxes levied by the state and rebated pursuant to law to the
160 city, town, or county, or any combination of those excise taxes, the bonds shall be included as
161 bonded indebtedness of the city, town, or county only to the extent required by the Utah
162 Constitution, and any bonds not so required to be included as bonded indebtedness of the city,
163 town, or county need not be authorized at an election, except as otherwise provided by the Utah
164 Constitution, the bonds being hereby expressly excluded from the election requirement of
165 Section 11-14-201.

166 (6) A bond election is not void when the amount of bonds authorized at the election
167 exceeded the limitation applicable to the local political subdivision at the time of holding the
168 election, but the bonds may be issued from time to time in an amount within the applicable
169 limitation at the time the bonds are issued.

170 Section 2. Section 20A-7-101 is amended to read:

171 **20A-7-101. Definitions.**

172 As used in this chapter:

173 (1) "Budget officer" means:

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

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

176 (c) for a town, the town council; or

177 (d) for a metro township, the person described in Subsection (1)(a) for the county in
178 which the metro township is located.

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

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

183 (4) "Eligible voter" means a legal voter who resides in the jurisdiction of the county,
184 city, or town that is holding an election on a ballot proposition.

185 (5) "Final fiscal impact statement" means a financial statement prepared after voters
186 approve an initiative that contains the information required by Subsection [20A-7-202.5\(2\)](#) or
187 [20A-7-502.5\(2\)](#).

188 (6) "Initial fiscal impact estimate" means:

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

191 (b) a financial and legal statement prepared under Section [20A-7-502.5](#) or [20A-7-602.5](#)
192 for an initiative or referendum petition.

193 (7) "Initiative" means a new law proposed for adoption by the public as provided in
194 this chapter.

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

197 (9) "Legal signatures" means the number of signatures of legal voters that:

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

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

200 (10) "Legal voter" means a person who:

201 (a) is registered to vote; or

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

204 (11) "Legally referable to voters" means:

205 (a) for a proposed local initiative, that the proposed local initiative is legally referable
206 to voters under Section [20A-7-502.7](#); or

207 (b) for a proposed local referendum, that the proposed local referendum is legally
208 referable to voters under Section [20A-7-602.7](#).

209 [~~(11)~~] (12) "Local attorney" means the county attorney, city attorney, or town attorney
210 in whose jurisdiction a local initiative or referendum petition is circulated.

211 [~~(12)~~] (13) "Local clerk" means the county clerk, city recorder, or town clerk in whose
212 jurisdiction a local initiative or referendum petition is circulated.

213 [~~(13)~~] (14) (a) "Local law" includes:

- 214 (i) an ordinance;
- 215 (ii) a resolution;
- 216 (iii) a master plan;
- 217 (iv) a comprehensive zoning regulation adopted by ordinance or resolution; or
- 218 (v) other legislative action of a local legislative body.

219 (b) "Local law" does not include an individual property zoning decision.
 220 ~~[(14)]~~ (15) "Local legislative body" means the legislative body of a county, city, town,
 221 or metro township.

222 ~~[(15)]~~ (16) "Local obligation law" means a local law passed by the local legislative
 223 body regarding a bond that was approved by a majority of qualified voters in an election.

224 ~~[(16)]~~ (17) "Local tax law" means a law, passed by a political subdivision with an
 225 annual or biannual calendar fiscal year, that increases a tax or imposes a new tax.

226 ~~[(17)]~~ (18) "Measure" means a proposed constitutional amendment, an initiative, or
 227 referendum.

228 ~~[(18)]~~ (19) "Referendum" means a process by which a law passed by the Legislature or
 229 by a local legislative body is submitted or referred to the voters for their approval or rejection.

230 ~~[(19)]~~ (20) "Referendum packet" means a copy of the referendum petition, a copy of
 231 the law being submitted or referred to the voters for their approval or rejection, and the
 232 signature sheets, all of which have been bound together as a unit.

233 ~~[(20)]~~ (21) (a) "Signature" means a holographic signature.

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

235 ~~[(21)]~~ (22) "Signature sheets" means sheets in the form required by this chapter that are
 236 used to collect signatures in support of an initiative or referendum.

237 (23) "Special local ballot proposition" means a local ballot proposition that is not a
 238 standard local ballot proposition.

239 ~~[(22)]~~ (24) "Sponsors" means the legal voters who support the initiative or referendum
 240 and who sign the application for petition copies.

241 (25) "Standard local ballot proposition" means a local ballot proposition for an
 242 initiative or a referendum.

243 ~~[(23)]~~ (26) "Sufficient" means that the signatures submitted in support of an initiative
 244 or referendum petition have been certified and verified as required by this chapter.

245 ~~[(24)]~~ (27) "Tax percentage difference" means the difference between the tax rate
246 proposed by an initiative or an initiative petition and the current tax rate.

247 ~~[(25)]~~ (28) "Tax percentage increase" means a number calculated by dividing the tax
248 percentage difference by the current tax rate and rounding the result to the nearest thousandth.

249 ~~[(26)]~~ (29) "Verified" means acknowledged by the person circulating the petition as
250 required in Sections [20A-7-205](#) and [20A-7-305](#).

251 Section 3. Section [20A-7-401.5](#) is enacted to read:

252 **[20A-7-401.5. Proposition information pamphlet.](#)**

253 (1) If an eligible voter files an application to circulate an initiative petition under
254 Section [20A-7-502](#), or an application to circulate a referendum petition under Section
255 [20A-7-602](#):

256 (a) the sponsors of the proposed initiative or referendum may submit a written
257 argument in favor of the proposed initiative or referendum to the election officer of the county
258 or municipality to which the petition relates:

259 (i) within seven days after the day on which the county or municipality determines that
260 the proposed initiative or referendum is legally referable to voters; or

261 (ii) if a court determines that the proposed initiative or referendum is legally referable
262 to voters, within seven days after the day on which the determination is final; and

263 (b) the county or municipality to which the application relates may submit a written
264 argument in favor of, or against, the proposed initiative or referendum to the county's or
265 municipality's election officer:

266 (i) within seven days after the day on which the county or municipality determines that
267 the proposed initiative or referendum is legally referable to voters; or

268 (ii) if a court determines that the proposed initiative or referendum is legally referable
269 to voters, within seven days after the day on which the determination is final.

270 (2) (a) A written argument described in Subsection (1) may not exceed 500 words.

271 (b) Except as provided in Subsection (2)(c), a person may not modify a written
272 argument after the written argument is submitted to the election officer.

273 (c) The election officer and the person that submits the written argument described in
274 Subsection (1) may jointly agree to modify the written argument to:

275 (i) correct factual, grammatical, or spelling errors; or

276 (ii) reduce the number of words to come into compliance with Subsection (2)(a).
277 (d) An election officer shall refuse to include a written argument in the proposition
278 information pamphlet described in this section if the person who submits the argument:
279 (i) fails to negotiate, in good faith, to modify the argument in accordance with
280 Subsection (2)(c); or
281 (ii) does not timely submit the written argument to the election officer.
282 (e) An election officer shall make a good faith effort to negotiate a modification
283 described in Subsection (2)(c) in an expedited manner.
284 (3) An election officer who receives a written argument described in Subsection (1):
285 (a) may not, before publishing the proposition information pamphlet described in this
286 section, disclose the written argument, or any information contained in the written argument, to
287 any person who may in any way be involved in preparing an opposing written argument; and
288 (b) shall prepare a proposition information pamphlet for publication that includes:
289 (i) a copy of the application for the proposed initiative or referendum;
290 (ii) except as provided in Subsection (2)(d), immediately after the copy described in
291 Subsection (3)(b)(i), the argument prepared by the sponsors of the proposed initiative or
292 referendum, if any; and
293 (iii) except as provided in Subsection (2)(d), immediately after the argument described
294 in Subsection (3)(b)(ii), the argument prepared by the county or municipality, if any.
295 (4) Before an election officer publishes a proposition information pamphlet under
296 Subsection (5) or (6), the proposition information pamphlet is a draft for purposes of Title 63G,
297 Chapter 2, Government Records Access and Management Act.
298 (5) An election officer for a municipality shall publish the proposition information
299 pamphlet as follows:
300 (a) within the later of 10 days after the day on which the municipality or a court
301 determines that the proposed initiative or referendum is legally referable to voters, or, if the
302 election officer modifies an argument under Subsection (2)(c), three days after the day on
303 which the election officer and the person that submitted the argument agree on the
304 modification:
305 (i) by sending the proposition information pamphlet electronically to each individual in
306 the municipality for whom the municipality has an email address; and

307 (ii) by posting the proposition information pamphlet on the Utah Public Notice
308 Website, created in Section 63F-1-701, and the home page of the municipality's website, if the
309 municipality has a website, until:

310 (A) if the sponsors of the proposed initiative or referendum do not timely deliver any
311 verified initiative packets under Section 20A-7-506 or any verified referendum packets under
312 Section 20A-7-606, the day after the day of the deadline for delivery of the verified initiative
313 packets or verified referendum packets;

314 (B) the local clerk determines, under Section 20A-7-507 or 20A-7-607, that the
315 number of signatures necessary to qualify the proposed initiative or referendum for placement
316 on the ballot is insufficient and the determination is not timely appealed or is upheld after
317 appeal; or

318 (C) the day after the day of the election at which the proposed initiative or referendum
319 appears on the ballot; and

320 (b) if the municipality regularly mails a newsletter, utility bill, or other material to the
321 municipality's residents, including the proposition information pamphlet in the next mailing
322 that falls on or after the later of:

323 (i) 10 days after the day on which the municipality or a court determines that the
324 proposed initiative or referendum is legally referable to voters; or

325 (ii) if the election officer modifies an argument under Subsection (2)(c), three days
326 after the day on which the election officer and the person that submitted the argument agree on
327 the modification.

328 (6) An election officer for a county shall, within the later of 10 days after the day on
329 which the county or a court determines that the proposed initiative or referendum is legally
330 referable to voters, or, if the election officer modifies an argument under Subsection (2)(c),
331 three days after the day on which the election officer and the person that submitted the
332 argument agree on the modification:

333 (a) by sending the proposition information pamphlet electronically to each individual
334 in the county for whom the county has an email address; and

335 (b) by posting the proposition information pamphlet on the Utah Public Notice
336 Website, created in Section 63F-1-701, and the home page of the county's website, until:

337 (i) if the sponsors of the proposed initiative or referendum do not timely deliver any

338 verified initiative packets under Section 20A-7-506 or any verified referendum packets under
 339 Section 20A-7-606, the day after the day of the deadline for delivery of the verified initiative
 340 packets or verified referendum packets;

341 (ii) the local clerk determines, under Section 20A-7-507 or 20A-7-607, that the number
 342 of signatures necessary to qualify the proposed initiative or referendum for placement on the
 343 ballot is insufficient and the determination is not timely appealed or is upheld after appeal; or

344 (iii) the day after the day of the election at which the proposed initiative or referendum
 345 appears on the ballot.

346 Section 4. Section 20A-7-402 is amended to read:

347 **20A-7-402. Local voter information pamphlet -- Contents -- Limitations --**

348 **Preparation -- Statement on front cover.**

349 (1) The county or municipality that is subject to a ballot proposition shall prepare a
 350 local voter information pamphlet that complies with the requirements of this part.

351 ~~[(2) The arguments for or against a ballot proposition shall conform to the~~
 352 ~~requirements of this section.]~~

353 ~~[(3)]~~ (2) (a) Within the time requirements described in Subsection ~~[(3)]~~ (2)(c)(i), a
 354 municipality that is subject to a special local ballot proposition shall provide a notice that
 355 complies with the requirements of Subsection ~~[(3)]~~ (2)(c)(ii) to the municipality's residents by:

356 (i) if the municipality regularly mails a newsletter, utility bill, or other material to the
 357 municipality's residents, including the notice with a newsletter, utility bill, or other material;

358 (ii) posting the notice, until after the deadline described in Subsection ~~[(3)]~~ (2)(d) has
 359 passed, on:

360 (A) the Utah Public Notice Website created in Section 63F-1-701; and

361 (B) the home page of the municipality's website, if the municipality has a website; and

362 (iii) sending the notice electronically to each individual in the municipality for whom
 363 the municipality has an email address.

364 (b) A county that is subject to a special local ballot proposition shall:

365 (i) send an electronic notice that complies with the requirements of Subsection ~~[(3)]~~
 366 (2)(c)(ii) to each individual in the county for whom the county has an email address; or

367 (ii) until after the deadline described in Subsection ~~[(3)]~~ (2)(d) has passed, post a notice
 368 that complies with the requirements of Subsection ~~[(3)]~~ (2)(c)(ii) on:

- 369 (A) the Utah Public Notice Website created in Section 63F-1-701; and
 370 (B) the home page of the county's website.
- 371 (c) A municipality or county that mails, sends, or posts a notice under Subsection [(3)]
 372 (2)(a) or (b) shall:
- 373 (i) mail, send, or post the notice:
- 374 (A) not less than 90 days before the date of the election at which a special local ballot
 375 proposition will be voted upon; or
- 376 (B) if the requirements of Subsection [(3)] (2)(c)(i)(A) cannot be met, as soon as
 377 practicable after the special local ballot proposition is approved to be voted upon in an election;
 378 and
- 379 (ii) ensure that the notice contains:
- 380 (A) the ballot title for the special local ballot proposition;
 381 (B) instructions on how to file a request under Subsection [(3)] (2)(d); and
 382 (C) the deadline described in Subsection [(3)] (2)(d).
- 383 (d) To prepare ~~an~~ a written argument for or against a special local ballot proposition,
 384 an eligible voter shall file a request with the election officer at least 65 days before the election
 385 at which the special local ballot proposition is to be voted on.
- 386 (e) If more than one eligible voter requests the opportunity to prepare ~~an~~ a written
 387 argument for or against a special local ballot proposition, the election officer shall make the
 388 final designation according to the following criteria:
- 389 (i) sponsors have priority in preparing an argument regarding a special local ballot
 390 proposition; and
- 391 (ii) members of the local legislative body have priority over others.
- 392 (f) (i) ~~[Except as provided in Subsection (3)(g), a]~~ A sponsor of a special local ballot
 393 proposition may prepare ~~an~~ a written argument in favor of the special local ballot proposition.
- 394 (ii) ~~[Except as provided in Subsection (3)(g), and subject]~~ Subject to Subsection [(3)]
 395 (2)(e), an eligible voter opposed to the special local ballot proposition who submits a request
 396 under Subsection [(3)] (2)(d) may prepare ~~an~~ a written argument against the special local
 397 ballot proposition.
- 398 ~~[(g) (i) For a referendum, subject to Subsection (3)(e), an eligible voter who is in favor~~
 399 ~~of a law that is referred to the voters and who submits a request under Subsection (3)(d) may~~

400 ~~prepare an argument for adoption of the law.]~~

401 ~~[(ii) The sponsors of a referendum may prepare an argument against the adoption of a~~
402 ~~law that is referred to the voters.]~~

403 ~~[(h)]~~ (g) An eligible voter who submits ~~[an]~~ a written argument under this section in
404 relation to a special local ballot proposition shall:

- 405 (i) ensure that the written argument does not exceed 500 words in length;
406 (ii) ensure that the written argument does not list more than five names as sponsors;
407 (iii) submit the written argument to the election officer no later than 60 days before the
408 election day on which the ballot proposition will be submitted to the voters; and
409 (iv) include with the written argument the eligible voter's name, residential address,
410 postal address, email address if available, and phone number.

411 ~~[(i)]~~ (h) An election officer shall refuse to accept and publish an argument that is
412 submitted after the deadline described in Subsection ~~[(3)(h)]~~ (2)(g)(iii).

413 ~~[(4)]~~ (3) (a) An election officer who timely receives the written arguments in favor of
414 and against a special local ballot proposition shall, within one business day after the day on
415 which the election office receives both written arguments, send, via mail or email:

416 (i) a copy of the written argument in favor of the special local ballot proposition to the
417 eligible voter who submitted the written argument against the special local ballot proposition;
418 and

419 (ii) a copy of the written argument against the special local ballot proposition to the
420 eligible voter who submitted the written argument in favor of the special local ballot
421 proposition.

422 (b) The eligible voter who submitted a timely written argument in favor of the special
423 local ballot proposition:

424 (i) may submit to the election officer a written rebuttal argument of the written
425 argument against the special local ballot proposition;

426 (ii) shall ensure that the written rebuttal argument does not exceed 250 words in length;
427 and

428 (iii) shall submit the written rebuttal argument no later than 45 days before the election
429 day on which the special local ballot proposition will be submitted to the voters.

430 (c) The eligible voter who submitted a timely written argument against the special local

431 ballot proposition:

432 (i) may submit to the election officer a written rebuttal argument of the written
433 argument in favor of the special local ballot proposition;

434 (ii) shall ensure that the written rebuttal argument does not exceed 250 words in length;
435 and

436 (iii) shall submit the written rebuttal argument no later than 45 days before the election
437 day on which the special local ballot proposition will be submitted to the voters.

438 (d) An election officer shall refuse to accept and publish a written rebuttal argument in
439 relation to a special local ballot proposition that is submitted after the deadline described in
440 Subsection [~~(4)~~] (3)(b)(iii) or [~~(4)~~] (3)(c)(iii).

441 [~~(5)~~] (4) (a) Except as provided in Subsection [~~(5)~~] (4)(b), in relation to a special local
442 ballot proposition:

443 (i) an eligible voter may not modify [~~an~~] a written argument or a written rebuttal
444 argument after the eligible voter submits the written argument or written rebuttal argument to
445 the election officer; and

446 (ii) a person other than the eligible voter described in Subsection [~~(5)~~] (4)(a)(i) may not
447 modify [~~an~~] a written argument or a written rebuttal argument.

448 (b) The election officer, and the eligible voter who submits [~~an~~] a written argument or
449 written rebuttal argument in relation to a special local ballot proposition, may jointly agree to
450 modify [~~an~~] a written argument or written rebuttal argument in order to:

451 (i) correct factual, grammatical, or spelling errors; and

452 (ii) reduce the number of words to come into compliance with the requirements of this
453 section.

454 (c) An election officer shall refuse to accept and publish [~~an~~] a written argument or
455 written rebuttal argument in relation to a special local ballot proposition if the eligible voter
456 who submits the written argument or written rebuttal argument fails to negotiate, in good faith,
457 to modify the written argument or written rebuttal argument in accordance with Subsection
458 [~~(5)~~] (4)(b).

459 [~~(6)~~] (5) [~~An~~] In relation to a special local ballot proposition, an election officer may
460 designate another eligible voter to take the place of an eligible voter described in this section if
461 the original eligible voter is, due to injury, illness, death, or another circumstance, unable to

462 continue to fulfill the duties of an eligible voter described in this section.

463 (6) Sponsors whose written argument in favor of a standard local ballot proposition is
464 included in a proposition information pamphlet under Section [20A-7-401.5](#):

465 (a) may, if a written argument against the standard local ballot proposition is included
466 in the proposition information pamphlet, submit a written rebuttal argument to the election
467 officer;

468 (b) shall ensure that the written rebuttal argument does not exceed 250 words in length;
469 and

470 (c) shall submit the written rebuttal argument no later than 45 days before the election
471 day on which the standard local ballot proposition will be submitted to the voters.

472 (7) A county or municipality that submitted a written argument against a standard local
473 ballot proposition that is included in a proposition information pamphlet under Section
474 [20A-7-401.5](#):

475 (a) may, if a written argument in favor of the standard local ballot proposition is
476 included in the proposition information pamphlet, submit a written rebuttal argument to the
477 election officer;

478 (b) shall ensure that the written rebuttal argument does not exceed 250 words in length;
479 and

480 (c) shall submit the written rebuttal argument no later than 45 days before the election
481 day on which the ballot proposition will be submitted to the voters.

482 (8) (a) An election officer shall refuse to accept and publish a written rebuttal argument
483 that is submitted after the deadline described in Subsection (6)(c) or (7)(c).

484 (b) Before an election officer publishes a local voter information pamphlet under this
485 section, a written rebuttal argument is a draft for purposes of Title 63G, Chapter 2, Government
486 Records Access and Management Act.

487 (c) An election officer who receives a written rebuttal argument described in this
488 section may not, before publishing the local voter information pamphlet described in this
489 section, disclose the written rebuttal argument, or any information contained in the written
490 rebuttal argument, to any person who may in any way be involved in preparing an opposing
491 rebuttal argument.

492 (9) (a) Except as provided in Subsection (9)(b), a person may not modify a written

493 rebuttal argument after the written rebuttal argument is submitted to the election officer.

494 (b) The election officer, and the person who submits a written rebuttal argument, may
495 jointly agree to modify a written rebuttal argument in order to:

496 (i) correct factual, grammatical, or spelling errors; or

497 (ii) reduce the number of words to come into compliance with the requirements of this
498 section.

499 (c) An election officer shall refuse to accept and publish a written rebuttal argument if
500 the person who submits the written rebuttal argument:

501 (i) fails to negotiate, in good faith, to modify the written rebuttal argument in
502 accordance with Subsection (9)(b); or

503 (ii) does not timely submit the written rebuttal argument to the election officer.

504 (d) An election officer shall make a good faith effort to negotiate a modification
505 described in Subsection (9)(b) in an expedited manner.

506 (10) An election officer may designate another person to take the place of a person who
507 submits a written rebuttal argument in relation to a standard local ballot proposition if the
508 person is, due to injury, illness, death, or another circumstance, unable to continue to fulfill the
509 person's duties.

510 [~~7~~] (11) (a) The local voter information pamphlet shall include a copy of the initial
511 fiscal impact estimate prepared for each initiative under Section 20A-7-502.5.

512 (b) If the initiative proposes a tax increase, the local voter information pamphlet shall
513 include the following statement in bold type:

514 "This initiative seeks to increase the current (insert name of tax) rate by (insert the tax
515 percentage difference) percent, resulting in a(n) (insert the tax percentage increase) percent
516 increase in the current tax rate."

517 [~~8~~] (12) (a) In preparing the local voter information pamphlet, the election officer
518 shall:

519 (i) ensure that the written arguments are printed on the same sheet of paper upon which
520 the ballot proposition is also printed;

521 (ii) ensure that the following statement is printed on the front cover or the heading of
522 the first page of the printed written arguments:

523 "The arguments for or against a ballot proposition are the opinions of the authors.";

524 (iii) pay for the printing and binding of the local voter information pamphlet; and
525 (iv) not less than 15 days before, but not more than 45 days before, the election at
526 which the ballot proposition will be voted on, distribute, by mail or carrier, to each registered
527 voter entitled to vote on the ballot proposition:

- 528 (A) a voter information pamphlet; or
- 529 (B) the notice described in Subsection [(8)] (12)(c).

530 (b) (i) If the [~~proposed measure~~] language of the ballot proposition exceeds 500 words
531 in length, the election officer may summarize the [~~measure~~] ballot proposition in 500 words or
532 less.

533 (ii) The summary shall state where a complete copy of the ballot proposition is
534 available for public review.

535 (c) (i) The election officer may distribute a notice printed on a postage prepaid,
536 preaddressed return form that a person may use to request delivery of a voter information
537 pamphlet by mail.

538 (ii) The notice described in Subsection [(8)] (12)(c)(i) shall include:

539 (A) the address of the Statewide Electronic Voter Information Website authorized by
540 Section [20A-7-801](#); and

541 (B) the phone number a voter may call to request delivery of a voter information
542 pamphlet by mail or carrier.

543 Section 5. Section [20A-7-405](#) is enacted to read:

544 **20A-7-405. Public meeting.**

545 (1) A county or municipality may not discuss a proposed initiative, an initiative, a
546 proposed referendum, or a referendum at a public meeting unless the county or municipality
547 complies with the requirements of this section.

548 (2) The legislative body of a county or municipality may hold a public meeting to
549 discuss a proposed initiative, an initiative, a proposed referendum, or a referendum if the
550 legislative body:

551 (a) gives legal notice of the public meeting, including notice of the legislative body's
552 intent to discuss the proposed initiative, initiative, proposed referendum, or referendum at the
553 public meeting;

554 (b) allows equal time, within a reasonable limit, for presentations on both sides of the

555 proposed initiative, initiative, proposed referendum, or referendum;

556 (c) provides each interested party desiring to be heard an opportunity to present oral
557 testimony within reasonable time limits;

558 (d) holds the public meeting beginning at or after 6 p.m.; and

559 (e) makes a digital audio recording of the portion of the public meeting relating to the
560 proposed initiative, initiative, proposed referendum, or referendum.

561 (3) Within three days after the day of the public meeting described in this section:

562 (a) a county or municipality shall make a digital copy of the recording described in
563 Subsection (2)(e) available to the public;

564 (b) a county shall provide access to the digital audio recording described in Subsection
565 (2)(e) from a conspicuous place on the county's public website; and

566 (c) a municipality that has a public website shall provide access to the digital audio
567 recording described in Subsection (2)(e) from a conspicuous place on the municipality's public
568 website.

569 Section 6. Section **20A-7-501** is amended to read:

570 **20A-7-501. Initiatives -- Signature requirements -- Time requirements.**

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

574 ~~[(i) 10% of all the votes cast in the county, city, town, or metro township for all~~
575 ~~candidates for President of the United States at the last election at which a President of the~~
576 ~~United States was elected if the total number of votes exceeds 25,000;]~~

577 ~~[(ii) 12-1/2% of all the votes cast in the county, city, town, or metro township for all~~
578 ~~candidates for President of the United States at the last election at which a President of the~~
579 ~~United States was elected if the total number of votes does not exceed 25,000 but is more than~~
580 ~~10,000;]~~

581 ~~[(iii) 15% of all the votes cast in the county, city, town, or metro township for all~~
582 ~~candidates for President of the United States at the last election at which a President of the~~
583 ~~United States was elected if the total number of votes does not exceed 10,000 but is more than~~
584 ~~2,500;]~~

585 ~~[(iv) 20% of all the votes cast in the county, city, town, or metro township for all~~

586 candidates for President of the United States at the last election at which a President of the
587 United States was elected if the total number of votes does not exceed 2,500 but is more than
588 500;]

589 [~~(v) 25% of all the votes cast in the county, city, town, or metro township for all~~
590 candidates for President of the United States at the last election at which a President of the
591 United States was elected if the total number of votes does not exceed 500 but is more than
592 250; and]

593 [~~(vi) 30% of all the votes cast in the county, city, town, or metro township for all~~
594 candidates for President of the United States at the last election at which a President of the
595 United States was elected if the total number of votes does not exceed 250.]

596 [(b) ~~In addition to the signature requirements of Subsection (1)(a), a person seeking to~~
597 ~~have an initiative submitted to a local legislative body or to a vote of the people for approval or~~
598 ~~rejection in a county, city, town, or metro township where the local legislative body is elected~~
599 ~~from council districts shall obtain, from each of a majority of council districts, legal signatures~~
600 ~~equal to the percentages established in Subsection (1)(a).]~~

601 (1) As used in this section:

602 (a) "Areas with substantially equal population" means districts, precincts, or other areas
603 that:

604 (i) have a population deviation of no more than 3.5%; and

605 (ii) are designated by ordinance to be used for the purpose described in Subsection

606 (2)(b).

607 (b) "Number of active voters" means the number of active voters in the county, city, or
608 town on the immediately preceding January 1.

609 (2) An eligible voter seeking to have an initiative submitted to a local legislative body
610 or to a vote of the people for approval or rejection shall obtain:

611 (a) legal signatures equal to:

612 (i) for a metro township with a population of 100,000 or more, a city of the first class,
613 or a county of the first class, 10% of the number of active voters in the metro township, city, or
614 county;

615 (ii) for a metro township with a population of 65,000 or more but less than 100,000, a
616 city of the second class, or a county of the second class, 12.5% of the number of active voters

617 in the metro township, city, or county;

618 (iii) for a metro township with a population of 30,000 or more but less than 65,000, a
619 city of the third class, or a county of the third class, 15% of the number of active voters in the
620 metro township, city, or county;

621 (iv) for a metro township with a population of 10,000 or more but less than 30,000, a
622 city of the fourth class, or a county of the fourth class, 20% of the number of active voters in
623 the metro township, city, or county;

624 (v) for a metro township with a population of 1,000 or more but less than 10,000, a city
625 of the fifth class, or a county of the fifth class, 25% of the number of active voters in the metro
626 township, city, or county; or

627 (vi) for a metro township with a population of less than 1,000, a town, or a county of
628 the sixth class, 30% of the number of active voters in the metro township, town, or county; and

629 (b) if, before the day on which the eligible voter files the application to circulate the
630 initiative petition, the metro township, city, county, or town is divided into areas with
631 substantially equal population, in at least 90% of the areas, legal signatures equal to 2% of the
632 number of active voters in each area.

633 ~~[(2)]~~ (3) If the total number of certified names from each verified signature sheet
634 equals or exceeds the number of names required by this section, the clerk or recorder shall
635 deliver the proposed law to the local legislative body at ~~[its]~~ the local legislative body's next
636 meeting.

637 ~~[(3)]~~ (4) (a) The local legislative body shall either adopt or reject the proposed law
638 without change or amendment within 30 days ~~[of receipt of]~~ after the day on which the local
639 legislative body receives the proposed law under Subsection (3).

640 (b) The local legislative body may:

641 (i) adopt the proposed law and refer ~~[it]~~ the proposed law to the people;

642 (ii) adopt the proposed law without referring ~~[it]~~ the proposed law to the people; or

643 (iii) reject the proposed law.

644 (c) If the local legislative body adopts the proposed law but does not refer ~~[it]~~ the
645 proposed law to the people, ~~[it]~~ the proposed law is subject to referendum as with other local
646 laws.

647 (d) (i) If a county legislative body rejects a proposed ~~[county ordinance or amendment]~~

648 law, or takes no action on ~~[it] a proposed law~~, the county clerk shall submit ~~[it] the proposed~~
649 law to the voters of the county at the next regular general election immediately after the
650 petition for the proposed law is filed under Section 20A-7-502.

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

655 (e) (i) If ~~[the] a~~ local legislative body rejects ~~[the] a~~ proposed ~~[ordinance or~~
656 ~~amendment]~~ law, or takes no action on ~~[it] a proposed law~~, the local legislative body may adopt
657 a competing local law.

658 (ii) The local legislative body shall prepare and adopt the competing local law within
659 the ~~[30 days allowed for its action on the measure proposed by initiative petition]~~ 30-day
660 period described in Subsection (4)(a).

661 (iii) If ~~[the] a~~ local legislative body adopts a competing local law, the clerk or recorder
662 shall ~~[submit it]~~ refer the competing local law to the voters of the county or municipality at the
663 same election at which the initiative proposal is submitted under Subsection (4)(d).

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

667 Section 7. Section 20A-7-502 is amended to read:

668 **20A-7-502. Local initiative process -- Application procedures.**

669 (1) ~~[Persons]~~ An eligible voter wishing to circulate an initiative petition shall file an
670 application with the local clerk.

671 (2) The application shall contain:

672 (a) the name and residence address of ~~[at least five]~~ the sponsors of the initiative
673 petition, equal to or exceeding the number of members who serve on the legislative body of the
674 local government to which the initiative petition pertains;

675 (b) a statement indicating that each of the sponsors~~[(+)]~~ is a registered voter; ~~[and]~~

676 ~~[(ii) (A) if the initiative seeks to enact a county ordinance, has voted in a regular~~
677 ~~general election in Utah within the last three years; or]~~

678 ~~[(B) if the initiative seeks to enact a municipal ordinance, has voted in a regular~~

679 ~~municipal election in Utah;~~

680 ~~[(F) except as provided in Subsection (2)(b)(ii)(B)(H), within the last three years; or]~~

681 ~~[(H) within the last five years, if the sponsor's failure to vote within the last three years~~

682 ~~is due to the sponsor's residing in a municipal district that participates in a municipal election~~

683 ~~every four years;]~~

684 (c) a statement indicating that each of the sponsors has voted in an election in Utah in

685 the last three years;

686 ~~[(e)]~~ (d) the signature of each of the sponsors, [attested to] acknowledged by a notary

687 public;

688 ~~[(d)]~~ (e) a copy of the proposed law that includes:

689 (i) the title of the proposed law, which clearly expresses the subject of the law; and

690 (ii) the text of the proposed law; and

691 ~~[(e)]~~ (f) if the initiative petition proposes a tax increase, the following statement, "This

692 initiative petition seeks to increase the current (insert name of tax) rate by (insert the tax

693 percentage difference) percent, resulting in a(n) (insert the tax percentage increase) percent

694 increase in the current tax rate."

695 (3) A proposed law submitted under this section may not contain more than one subject

696 to the same extent a bill may not pass containing more than one subject as provided in Utah

697 Constitution, Article VI, Section 22.

698 Section 8. Section 20A-7-502.5 is amended to read:

699 **20A-7-502.5. Initial fiscal and legal impact estimate -- Preparation of estimate.**

700 (1) Within three working days [of receipt of an application for an initiative petition]

701 after the day on which the local clerk receives an application for an initiative petition, the local

702 clerk shall submit a copy of the [application] proposed law to the county, city, or town's budget

703 officer.

704 (2) (a) The budget officer, together with legal counsel, shall prepare an unbiased, good

705 faith estimate of the fiscal and legal impact of the law proposed by the initiative that contains:

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

707 (ii) if the proposed law would increase or decrease taxes, a dollar amount representing

708 the total estimated increase or decrease for each type of tax affected under the proposed law

709 and a dollar amount representing the total estimated increase or decrease in taxes under the

710 proposed law;

711 (iii) if the proposed law would increase taxes, the tax percentage difference and the tax
712 percentage increase;

713 (iv) if the proposed law would result in the issuance or a change in the status of bonds,
714 notes, or other debt instruments, a dollar amount representing the total estimated increase or
715 decrease in public debt under the proposed law;

716 (v) a listing of all sources of funding for the estimated costs associated with the
717 proposed law showing each source of funding and the percentage of total funding provided
718 from each source;

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

721 (vii) the proposed law's legal impact, including:

722 (A) any significant effects on a person's vested property rights;

723 (B) any significant effects on other laws or ordinances;

724 (C) any significant legal liability the city, county, or town may incur; and

725 (D) any other significant legal impact as determined by the budget officer and the legal
726 counsel; and

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

729 (b) (i) If the proposed law is estimated to have no fiscal impact, the local budget officer
730 shall include a summary statement in the initial fiscal impact statement in substantially the
731 following form:

732 "The (title of the local budget officer) estimates that the law proposed by this initiative
733 would have no significant fiscal impact and would not result in either an increase or decrease in
734 taxes or debt."

735 (ii) If the proposed law is estimated to have a fiscal impact, the local budget officer
736 shall include a summary statement in the initial fiscal impact estimate in substantially the
737 following form:

738 "The (title of the local budget officer) estimates that the law proposed by this initiative
739 would result in a total fiscal expense/savings of \$_____, which includes a (type of tax or
740 taxes) tax increase/decrease of \$_____ and a \$_____ increase/decrease in public debt."

741 (iii) If the estimated fiscal impact of the proposed law is highly variable or is otherwise
742 difficult to reasonably express in a summary statement, the local budget officer may include in
743 the summary statement a brief explanation that identifies those factors affecting the variability
744 or difficulty of the estimate.

745 (iv) If the proposed law would increase taxes, the local budget officer shall include a
746 summary statement in the initial fiscal impact statement in substantially the following form:

747 "This initiative petition seeks to increase the current (insert name of tax) rate by (insert
748 the tax percentage difference) percent, resulting in a(n) (insert the tax percentage increase)
749 percent increase in the current tax rate."

750 (3) The budget officer shall prepare an unbiased, good faith estimate of the cost of
751 printing and distributing information related to the initiative petition in the voter information
752 pamphlet as required by Section [20A-7-402](#).

753 (4) Within 25 calendar days [~~from the date that the local clerk delivers a copy of the~~
754 ~~application~~] after the day on which the local clerk submits a copy of the proposed law under
755 Subsection (1), the budget officer shall:

756 (a) deliver a copy of the initial fiscal impact estimate, including the legal impact
757 estimate, to the local clerk's office; and

758 (b) mail a copy of the initial fiscal impact estimate, including the legal impact estimate,
759 to the first [~~five~~] three sponsors named in the application.

760 [~~(5) (a) Three or more of the sponsors of the petition may, within 20 calendar days of~~
761 ~~the date of delivery of the initial fiscal impact estimate to the local clerk's office, file a petition~~
762 ~~with the Supreme Court, alleging that the initial fiscal impact estimate, including the legal~~
763 ~~impact estimate, taken as a whole, is an inaccurate estimate of the fiscal or legal impact of the~~
764 ~~initiative.]~~

765 [~~(b) (i) There is a presumption that the initial fiscal impact estimate, including the legal~~
766 ~~impact estimate, prepared by the budget officer and legal counsel is based upon reasonable~~
767 ~~assumptions, uses reasonable data, and applies accepted analytical methods to present the~~
768 ~~estimated fiscal and legal impact of the initiative.]~~

769 [~~(ii) The Supreme Court may not revise the contents of, or direct the revision of, the~~
770 ~~initial fiscal impact estimate, including the legal impact estimate, unless the plaintiffs rebut the~~
771 ~~presumption by clear and convincing evidence that establishes that the fiscal estimate,~~

772 including the legal impact estimate, taken as a whole, is an inaccurate statement of the
773 estimated fiscal or legal impact of the initiative.]

774 [(iii) The Supreme Court may refer an issue related to the initial fiscal impact estimate,
775 including the legal impact estimate, to a master to examine the issue and make a report in
776 accordance with Utah Rules of Civil Procedure, Rule 53.]

777 [(c) The Supreme Court shall certify to the local clerk an initial fiscal impact estimate,
778 including the legal impact estimate, for the measure that meets the requirements of this
779 section.]

780 Section 9. Section **20A-7-502.7** is enacted to read:

781 **20A-7-502.7. Referability to voters.**

782 (1) Within 20 days after the day on which an eligible voter files an application to
783 circulate an initiative petition under Section 20A-7-502, the county, city, town, or metro
784 township to which the initiative pertains shall:

785 (a) review the proposed law in the initiative application to determine whether the law is
786 legally referable to voters; and

787 (b) notify the first three sponsors, in writing, whether the proposed law is:

788 (i) legally referable to voters; or

789 (ii) rejected as not legally referable to voters.

790 (2) A proposed law in an initiative application is legally referable to voters unless:

791 (a) the proposed law is patently unconstitutional;

792 (b) the proposed law is nonsensical;

793 (c) the proposed law is administrative, rather than legislative, in nature;

794 (d) the proposed law could not become law if passed;

795 (e) the proposed law contains more than one subject as evaluated in accordance with

796 Subsection 20A-7-502(3);

797 (f) the subject of the proposed law is not clearly expressed in the law's title;

798 (g) the proposed law is identical or substantially similar to a legally referable proposed

799 law sought by an initiative application submitted to the local clerk, under Section 20A-7-502,

800 within two years before the day on which the application for the current proposed initiative is

801 filed; or

802 (h) the application for the proposed law was not timely filed or does not comply with

803 the requirements of this part.

804 (3) After the end of the 20-day period described in Subsection (1), a county, city, town,
805 or metro township may not:

806 (a) reject a proposed initiative as not legally referable to voters; or

807 (b) bring a legal action challenging a proposed initiative on the grounds that the
808 proposed initiative is not legally referable to voters.

809 (4) If a county, city, town, or metro township rejects a proposed initiative, a sponsor of
810 the proposed initiative may, within 10 days after the day on which a sponsor is notified under
811 Subsection (1)(b), appeal the decision to:

812 (a) district court; or

813 (b) the Supreme Court, if the Supreme Court has original jurisdiction over the appeal.

814 (5) If, on appeal, the court determines that the law proposed in the initiative petition is
815 legally referable to voters, the local clerk shall comply with Subsection [20A-7-504\(2\)](#) within
816 five days after the day on which the determination is final.

817 Section 10. Section **20A-7-504** is amended to read:

818 **20A-7-504. Circulation requirements -- Local clerk to provide sponsors with**
819 **materials.**

820 (1) In order to obtain the necessary number of signatures required by this part, the
821 sponsors shall, after the sponsors receive the documents described in Subsections (2)(a) and
822 (b), circulate initiative packets that meet the form requirements of this part.

823 (2) Within five days after the day on which a [~~local clerk receives an application that~~
824 ~~complies with the requirements of Section [20A-7-502](#)]~~ county, city, town, metro township, or
825 court determines, in accordance with Section [20A-7-502.7](#), that a law proposed in an initiative
826 petition is legally referable to voters, the local clerk shall furnish to the sponsors:

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

828 (b) one signature sheet.

829 (3) The sponsors of the petition shall:

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

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

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

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

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

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

843 (b) The local clerk shall:

844 (i) number each of the initiative packets and return ~~[them]~~ the packets to the sponsors
845 within ~~[five working days]~~ 10 days after the day on which the sponsors comply with Subsection

846 (5)(a); and

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

848 Section 11. Section **20A-7-505** is amended to read:

849 **20A-7-505. Obtaining signatures -- Verification -- Removal of signature.**

850 (1) Any Utah voter may sign a local initiative petition if the voter is a legal voter and
851 resides in the local jurisdiction.

852 (2) (a) The sponsors shall ensure that the ~~[person]~~ individual in whose presence each
853 signature sheet was signed:

854 (i) is at least 18 years old and meets the residency requirements of Section [20A-2-105](#);
855 and

856 (ii) verifies each signature sheet by completing the verification printed on the last page
857 of each initiative packet.

858 (b) ~~[A person]~~ An individual may not sign the verification printed on the last page of
859 the initiative packet if the ~~[person]~~ individual signed a signature sheet in the initiative packet.

860 (3) (a) (i) Any voter who has signed an initiative petition may have the voter's signature
861 removed from the petition by submitting a notarized statement to that effect to the local clerk.

862 (ii) In order for the signature to be removed, the statement must be received by the
863 local clerk before ~~[he]~~ the local clerk delivers the petition to the county clerk to be certified.

864 (b) Upon receipt of the statement, the local clerk shall remove the signature of the

865 [person] individual submitting the statement from the initiative petition.

866 (c) No one may remove signatures from an initiative petition after the petition is
867 submitted to the county clerk to be certified.

868 Section 12. Section **20A-7-506** is amended to read:

869 **20A-7-506. Submitting the initiative petition -- Certification of signatures by the**
870 **county clerks -- Transfer to local clerk.**

871 (1) (a) The sponsors shall deliver each signed and verified initiative packet to the
872 county clerk of the county in which the packet was circulated on or before the sooner of:

873 (i) for county initiatives:

874 (A) 316 days after the day on which the application is filed; or

875 (B) the April 15 immediately before the next regular general election immediately after
876 the application is filed under Section **20A-7-502**; or

877 (ii) for municipal initiatives:

878 (A) 316 days after the day on which the application is filed; or

879 (B) the April 15 immediately before the next municipal general election immediately
880 after the application is filed under Section **20A-7-502**.

881 (b) A sponsor may not submit an initiative packet after the deadline established in this
882 Subsection (1).

883 (2) (a) No later than May 1, the county clerk shall:

884 (i) check the names of all [persons] individuals completing the verification on the last
885 page of each initiative packet to determine whether those [persons] individuals are residents of
886 Utah and are at least 18 years old; and

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

889 (b) The county clerk may not certify a signature under Subsection (3) on an initiative
890 packet that is not verified in accordance with Section **20A-7-505**.

891 (3) No later than May 15, the county clerk shall:

892 (a) determine whether or not each signer is a voter according to the requirements of
893 Section **20A-7-506.3**;

894 (b) certify on the petition whether or not each name is that of a voter; and

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

896 Section 13. Section **20A-7-506.3** is amended to read:

897 **20A-7-506.3. Verification of petition signatures.**

898 (1) (a) For the purposes of this section, "substantially similar name" means:

899 (i) the given name and surname shown on the petition, or both, contain only minor
900 spelling differences when compared to the given name and surname shown on the official
901 register;

902 (ii) the surname shown on the petition exactly matches the surname shown on the
903 official register, and the given names differ only because one of the given names shown is a
904 commonly used abbreviation or variation of the other;

905 (iii) the surname shown on the petition exactly matches the surname shown on the
906 official register, and the given names differ only because one of the given names shown is
907 accompanied by a first or middle initial or a middle name which is not shown on the other
908 record; or

909 (iv) the surname shown on the petition exactly matches the surname shown on the
910 official register, and the given names differ only because one of the given names shown is an
911 alphabetically corresponding initial that has been provided in the place of a given name shown
912 on the other record.

913 (b) For the purposes of this section, "substantially similar name" does not mean a name
914 having an initial or a middle name shown on the petition that does not match a different initial
915 or middle name shown on the official register.

916 (2) The county clerk shall use the following procedures in determining whether or not a
917 signer is a registered voter:

918 (a) When a signer's name and address shown on the petition exactly match a name and
919 address shown on the official register and the signer's signature appears substantially similar to
920 the signature on the statewide voter registration database, the county clerk shall declare the
921 signature valid.

922 (b) When there is no exact match of an address and a name, the county clerk shall
923 declare the signature valid if:

924 (i) the address on the petition matches the address of [~~a person~~] an individual on the
925 official register with a substantially similar name; and

926 (ii) the signer's signature appears substantially similar to the signature on the statewide

927 voter registration database of the [person] individual described in Subsection (2)(b)(i).

928 (c) When there is no match of an address and a substantially similar name, the county
929 clerk shall declare the signature valid if:

930 (i) the birth date or age on the petition matches the birth date or age of [a person] an
931 individual on the official register with a substantially similar name; and

932 (ii) the signer's signature appears substantially similar to the signature on the statewide
933 voter registration database of the [person] individual described in Subsection (2)(c)(i).

934 (d) If a signature is not declared valid under Subsection (2)(a), (2)(b), or (2)(c), the
935 county clerk shall declare the signature to be invalid.

936 Section 14. Section **20A-7-507** is amended to read:

937 **20A-7-507. Evaluation by the local clerk.**

938 (1) When each initiative packet is received from a county clerk, the local clerk shall
939 check off from the local clerk's record the number of each initiative packet filed.

940 (2) (a) After all of the initiative packets have been received by the local clerk, the local
941 clerk shall count the number of the names certified by the county clerk that appear on each
942 verified signature sheet.

943 (b) If the total number of certified names from each verified signature sheet equals or
944 exceeds the number of names required by Section **20A-7-501** and the requirements of this part
945 are met, the local clerk shall mark upon the front of the petition the word "sufficient."

946 (c) If the total number of certified names from each verified signature sheet does not
947 equal or exceed the number of names required by Section **20A-7-501** or a requirement of this
948 part is not met, the local clerk shall mark upon the front of the petition the word "insufficient."

949 (d) The local clerk shall immediately notify any one of the sponsors of the local clerk's
950 finding.

951 (3) If the local clerk finds the total number of certified signatures from each verified
952 signature sheet to be insufficient, any sponsor may file a written demand with the local clerk
953 for a recount of the signatures appearing on the initiative petition in the presence of any
954 sponsor.

955 (4) Once a petition is declared insufficient, the sponsors may not submit additional
956 signatures to qualify the petition for the ballot.

957 ~~[(5)(a) If the local clerk refuses to accept and file any initiative petition, any voter may~~

958 apply to the supreme court for an extraordinary writ to compel him to do so within 10 days
959 after the refusal.]

960 [~~(b) If the supreme court determines that the initiative petition is legally sufficient, the~~
961 ~~local clerk shall file it, with a verified copy of the judgment attached to it, as of the date on~~
962 ~~which it was originally offered for filing in the local clerk's office.]~~

963 [~~(c) If the supreme court determines that any petition filed is not legally sufficient, the~~
964 ~~supreme court may enjoin the local clerk and all other officers from certifying or printing the~~
965 ~~ballot title and numbers of that measure on the official ballot.]~~

966 [(6)] (5) A petition determined to be sufficient in accordance with this section is
967 qualified for the ballot.

968 Section 15. Section ~~20A-7-508~~ is amended to read:

969 **20A-7-508. Ballot title -- Duties of local clerk and local attorney.**

970 (1) Whenever an initiative petition is declared sufficient for submission to a vote of the
971 people, the local clerk shall deliver a copy of the petition and the proposed law to the local
972 attorney.

973 (2) The local attorney shall:

974 (a) entitle each county or municipal initiative that has qualified for the ballot
975 "Proposition Number ___" and give it a number as assigned under Section ~~20A-6-107~~;

976 (b) prepare a proposed ballot title for the initiative;

977 (c) file the proposed ballot title and the numbered initiative titles with the local clerk
978 within 15 days after the date the initiative petition is declared sufficient for submission to a
979 vote of the people; and

980 (d) promptly provide notice of the filing of the proposed ballot title to:

981 (i) the sponsors of the petition; and

982 (ii) the local legislative body for the jurisdiction where the initiative petition was
983 circulated.

984 (3) (a) The ballot title may be distinct from the title of the proposed law attached to the
985 initiative petition, and shall express, in not exceeding 100 words, the purpose of the measure.

986 (b) In preparing a ballot title, the local attorney shall, to the best of the local attorney's
987 ability, give a true and impartial statement of the purpose of the measure.

988 (c) The ballot title may not intentionally be an argument, or likely to create prejudice,

989 for or against the measure.

990 (d) If the initiative proposes a tax increase, the local attorney shall include the
991 following statement, in bold, in the ballot title:

992 "This initiative seeks to increase the current (insert name of tax) rate by (insert the tax
993 percentage difference) percent, resulting in a(n) (insert the tax percentage increase) percent
994 increase in the current tax rate."

995 (4) (a) Within five calendar days after the date the local attorney files a proposed ballot
996 title under Subsection (2)(c), the local legislative body for the jurisdiction where the initiative
997 petition was circulated and the sponsors of the petition may file written comments in response
998 to the proposed ballot title with the local clerk.

999 (b) Within five calendar days after the last date to submit written comments under
1000 Subsection (4)(a), the local attorney shall:

- 1001 (i) review any written comments filed in accordance with Subsection (4)(a);
1002 (ii) prepare a final ballot title that meets the requirements of Subsection (3); and
1003 (iii) return the petition and file the ballot title with the local clerk.

1004 (c) Subject to Subsection (6), the ballot title, as determined by the local attorney, shall
1005 be printed on the official ballot.

1006 (5) Immediately after the local attorney files a copy of the ballot title with the local
1007 clerk, the local clerk shall serve a copy of the ballot title by mail upon the sponsors of the
1008 petition and the local legislative body for the jurisdiction where the initiative petition was
1009 circulated.

1010 (6) (a) If the ballot title furnished by the local attorney is unsatisfactory or does not
1011 comply with the requirements of this section, the decision of the local attorney may be
1012 appealed [by a petition] to the district court, or, if the Supreme Court has original jurisdiction,
1013 to the Supreme Court [that is], brought by:

- 1014 (i) at least three sponsors of the initiative petition; or
1015 (ii) a majority of the local legislative body for the jurisdiction where the initiative
1016 petition was circulated.

1017 (b) The [Supreme Court] court:

- 1018 (i) shall examine the measures and consider arguments[, and, in its decision,]; and
1019 (ii) may certify to the local clerk a ballot title for the measure that fulfills the intent of

1020 this section.

1021 (c) The local clerk shall print the title certified by the [~~Supreme Court~~] court on the
1022 official ballot.

1023 Section 16. Section **20A-7-509** is amended to read:

1024 **20A-7-509. Form of ballot -- Manner of voting.**

1025 (1) The local clerk shall ensure that the number and ballot title are presented upon the
1026 official ballot with, immediately adjacent to them, the words "For" and "Against," each word
1027 presented with an adjacent square in which the [~~elector~~] voter may indicate [~~his~~] the voter's
1028 vote.

1029 (2) [~~Electors~~] Voters desiring to vote in favor of enacting the law proposed by the
1030 initiative petition shall mark the square adjacent to the word "For," and [~~those~~] voters desiring
1031 to vote against enacting the law proposed by the initiative petition shall mark the square
1032 adjacent to the word "Against."

1033 Section 17. Section **20A-7-510** is amended to read:

1034 **20A-7-510. Return and canvass -- Conflicting measures -- Law effective on**
1035 **proclamation.**

1036 (1) The votes on the law proposed by the initiative petition shall be counted,
1037 canvassed, and delivered as provided in Title 20A, Chapter 4, Part 3, Canvassing Returns.

1038 (2) After the local board of canvassers completes its canvass, the local clerk shall
1039 certify to the local legislative body the vote for and against the law proposed by the initiative
1040 petition.

1041 (3) (a) The local legislative body shall immediately issue a proclamation that:

1042 (i) gives the total number of votes cast in the local jurisdiction for and against each law
1043 proposed by an initiative petition; and

1044 (ii) declares those laws proposed by an initiative petition that were approved by
1045 majority vote to be in full force and effect as the law of the local jurisdiction.

1046 (b) When the local legislative body determines that two proposed laws, or that parts of
1047 two proposed laws approved by the people at the same election are entirely in conflict, they
1048 shall proclaim that measure to be law that has received the greatest number of affirmative
1049 votes, regardless of the difference in the majorities which those measures have received.

1050 (c) (i) Within 10 days after the local legislative body's proclamation, any qualified

1051 voter who signed the initiative petition proposing the law that is declared by the local
1052 legislative body to be superseded by another measure approved at the same election may apply
1053 to the district court, or, if the Supreme Court has original jurisdiction, the Supreme Court to
1054 review the decision.

1055 (ii) The court shall:

1056 (A) consider the matter and decide whether [~~or not~~] the proposed laws are in conflict;
1057 and

1058 (B) certify [~~its~~] the court's decision to the local legislative body.

1059 (4) Within 10 days after the [~~Supreme Court certifies its~~] day on which the court
1060 certifies the decision, the local legislative body shall:

1061 (a) proclaim as law all [~~those~~] measures approved by the people [~~as law~~] that the
1062 [~~Supreme Court has determined~~] court determines are not in conflict; and

1063 (b) [~~of all those~~] for the measures approved by the people as law that the [~~Supreme~~
1064 ~~Court has determined~~] court determines to be in conflict, proclaim as law the [~~one~~] measure
1065 that received the greatest number of affirmative votes, regardless of the difference in
1066 majorities.

1067 Section 18. Section **20A-7-512** is amended to read:

1068 **20A-7-512. Misconduct of electors and officers -- Penalty.**

1069 (1) It is unlawful for any [~~person~~] individual to:

1070 (a) sign any name other than the [~~person's own~~] individual's own name to any initiative
1071 petition;

1072 (b) knowingly sign the [~~person's~~] individual's name more than once for the same
1073 measure at one election;

1074 (c) sign an initiative knowing the [~~person~~] individual is not a legal voter; or

1075 (d) knowingly and willfully violate any provision of this part.

1076 (2) It is unlawful for any [~~person~~] individual to sign the verification for an initiative
1077 packet knowing that:

1078 (a) the [~~person~~] individual does not meet the residency requirements of Section
1079 [20A-2-105](#);

1080 (b) the [~~person~~] individual has not witnessed the signatures of [~~those persons~~] the
1081 individuals whose names appear in the initiative packet; or

1082 (c) one or more ~~[persons]~~ individuals whose signatures appear in the initiative packet is
1083 either:

1084 (i) not registered to vote in Utah; or

1085 (ii) does not intend to become registered to vote in Utah.

1086 (3) ~~[Any person violating]~~ An individual who violates this part is guilty of a class A
1087 misdemeanor.

1088 Section 19. Section **20A-7-513** is amended to read:

1089 **20A-7-513. Fiscal review -- Repeal, amendment, or resubmission.**

1090 (1) No later than 60 days after the date of an election in which the voters approve an
1091 initiative petition, the budget officer shall:

1092 (a) for each initiative approved by the voters, prepare a final fiscal impact statement,
1093 using current financial information and containing the information required by Subsection

1094 **20A-7-502.5(2)**, except for the information required by Subsection **20A-7-502.5(2)(a)(vii)**; and

1095 (b) deliver a copy of the final fiscal impact statement to:

1096 (i) the local legislative body of the jurisdiction where the initiative was circulated;

1097 (ii) the local clerk; and

1098 (iii) the first ~~[five]~~ three sponsors listed on the initiative application.

1099 (2) If the final fiscal impact statement exceeds the initial fiscal impact estimate by 25%
1100 or more, the local legislative body shall review the final fiscal impact statement and may, by a
1101 majority vote:

1102 (a) repeal the law established by passage of the initiative;

1103 (b) amend the law established by the passage of the initiative; or

1104 (c) pass a resolution informing the voters that they may file an initiative petition to
1105 repeal the law enacted by the passage of the initiative.

1106 Section 20. Section **20A-7-601** is amended to read:

1107 **20A-7-601. Referenda -- General signature requirements -- Signature**

1108 **requirements for land use laws and subjurisdictional laws -- Time requirements.**

1109 ~~[(1) Except as provided in Subsection (2) or (3), a person seeking to have a local law~~
1110 ~~passed by the local legislative body submitted to a vote of the people shall obtain legal~~
1111 ~~signatures equal to:]~~

1112 ~~[(a) 10% of all the votes cast in the county, city, or town for all candidates for president~~

1113 of the United States at the last election at which a president of the United States was elected if
1114 the total number of votes exceeds 25,000;]

1115 [~~(b) 12-1/2% of all the votes cast in the county, city, or town for all candidates for~~
1116 ~~president of the United States at the last election at which a president of the United States was~~
1117 ~~elected if the total number of votes does not exceed 25,000 but is more than 10,000;]~~

1118 [~~(c) 15% of all the votes cast in the county, city, or town for all candidates for president~~
1119 ~~of the United States at the last election at which a president of the United States was elected if~~
1120 ~~the total number of votes does not exceed 10,000 but is more than 2,500;]~~

1121 [~~(d) 20% of all the votes cast in the county, city, or town for all candidates for president~~
1122 ~~of the United States at the last election at which a president of the United States was elected if~~
1123 ~~the total number of votes does not exceed 2,500 but is more than 500;]~~

1124 [~~(e) 25% of all the votes cast in the county, city, or town for all candidates for president~~
1125 ~~of the United States at the last election at which a president of the United States was elected if~~
1126 ~~the total number of votes does not exceed 500 but is more than 250; and]~~

1127 [~~(f) 30% of all the votes cast in the county, city, or town for all candidates for president~~
1128 ~~of the United States at the last election at which a president of the United States was elected if~~
1129 ~~the total number of votes does not exceed 250;]~~

1130 [~~(2) (a) As used in this Subsection (2), "land use law" includes a land use development~~
1131 ~~code, an annexation ordinance, and comprehensive zoning ordinances;]~~

1132 [~~(b) Except as provided in Subsection (3), a person seeking to have a land use law or~~
1133 ~~local obligation law passed by the local legislative body submitted to a vote of the people shall~~
1134 ~~obtain legal signatures equal to:]~~

1135 [~~(i) in a county or in a city of the first or second class, 20% of all votes cast in the~~
1136 ~~county or city for all candidates for president of the United States at the last election at which a~~
1137 ~~president of the United States was elected; and]~~

1138 [~~(ii) in a city of the third, fourth, or fifth class or a town, 35% of all the votes cast in the~~
1139 ~~city or town for all candidates for president of the United States at the last election at which a~~
1140 ~~president of the United States was elected;]~~

1141 [~~(3) (a) As used in this Subsection (3):]~~

1142 [~~(i) "Subjurisdiction" means an area comprised of all precincts and subprecincts in the~~
1143 ~~jurisdiction of a county, city, or town that are subject to a subjurisdictional law;]~~

1144 ~~[(ii) "Subjurisdictional law" means a local law or local obligation law passed by a local~~
1145 ~~legislative body that imposes a tax or other payment obligation on property in an area that does~~
1146 ~~not include all precincts and subprecincts under the jurisdiction of the county, city, or town.]~~

1147 ~~[(b) A person seeking to have a subjurisdictional law passed by the local legislative~~
1148 ~~body submitted to a vote of the people shall obtain legal signatures of the residents in the~~
1149 ~~subjurisdiction equal to:]~~

1150 ~~[(i) 10% of the total votes cast in the subjurisdiction for all candidates for president of~~
1151 ~~the United States at the last election at which a president of the United States was elected if the~~
1152 ~~total number of votes exceeds 25,000;]~~

1153 ~~[(ii) 12-1/2% of all the votes cast in the subjurisdiction for all candidates for president~~
1154 ~~of the United States at the last election at which a president of the United States was elected if~~
1155 ~~the total number of votes does not exceed 25,000 but is more than 10,000;]~~

1156 ~~[(iii) 15% of all the votes cast in the subjurisdiction for all candidates for president of~~
1157 ~~the United States at the last election at which a president of the United States was elected if the~~
1158 ~~total number of votes does not exceed 10,000 but is more than 2,500;]~~

1159 ~~[(iv) 20% of all the votes cast in the subjurisdiction for all candidates for president of~~
1160 ~~the United States at the last election at which a president of the United States was elected if the~~
1161 ~~total number of votes does not exceed 2,500 but is more than 500;]~~

1162 ~~[(v) 25% of all the votes cast in the subjurisdiction for all candidates for president of~~
1163 ~~the United States at the last election at which a president of the United States was elected if the~~
1164 ~~total number of votes does not exceed 500 but is more than 250; and]~~

1165 ~~[(vi) 30% of all the votes cast in the subjurisdiction for all candidates for president of~~
1166 ~~the United States at the last election at which a president of the United States was elected if the~~
1167 ~~total number of votes does not exceed 250;]~~

1168 (1) As used in this section:

1169 (a) "Areas with substantially equal population" means districts, precincts, or other areas
1170 that:

1171 (i) have a population deviation of no more than 3.5%; and

1172 (ii) are designated by ordinance to be used for the purpose described in Subsection

1173 (2)(b).

1174 (b) "Land use law" includes a land use development code, an annexation ordinance,

1175 and comprehensive zoning ordinances.

1176 (c) "Number of active voters" means the number of active voters in the county, city, or
1177 town on the immediately preceding January 1.

1178 (d) "Subjurisdiction" means an area comprised of all precincts and subprecincts in the
1179 jurisdiction of a county, city, or town that are subject to a subjurisdictional law.

1180 (e) "Subjurisdictional law" means a local law or local obligation law passed by a local
1181 legislative body that imposes a tax or other payment obligation on property in an area that does
1182 not include all precincts and subprecincts under the jurisdiction of the county, city, or town.

1183 (2) Except as provided in Subsection (3) or (4), an eligible voter seeking to have a local
1184 law passed by the local legislative body submitted to a vote of the people shall obtain:

1185 (a) legal signatures equal to:

1186 (i) for a metro township with a population of 100,000 or more, a city of the first class,
1187 or a county of the first class, 10% of the number of active voters in the metro township, city, or
1188 county;

1189 (ii) for a metro township with a population of 65,000 or more but less than 100,000, a
1190 city of the second class, or a county of the second class, 12.5% of the number of active voters
1191 in the metro township, city, or county;

1192 (iii) for a metro township with a population of 30,000 or more but less than 65,000, a
1193 city of the third class, or a county of the third class, 15% of the number of active voters in the
1194 metro township, city, or county;

1195 (iv) for a metro township with a population of 10,000 or more but less than 30,000, a
1196 city of the fourth class, or a county of the fourth class, 20% of the number of active voters in
1197 the metro township, city, or county;

1198 (v) for a metro township with a population of 1,000 or more but less than 10,000, a city
1199 of the fifth class, or a county of the fifth class, 25% of the number of active voters in the metro
1200 township, city, or county; or

1201 (vi) for a metro township with a population of less than 1,000, a town, or a county of
1202 the sixth class, 30% of the number of active voters in the metro township, town, or county; and

1203 (b) if, before the day on which the eligible voter files the application to circulate the
1204 referendum petition, the metro township, city, county, or town is divided into areas with
1205 substantially equal population, in at least 90% of the areas, legal signatures equal to 2% of the

1206 number of active voters in each area.

1207 (3) Except as provided in Subsection (4), an eligible voter seeking to have a land use
1208 law or local obligation law passed by the local legislative body submitted to a vote of the
1209 people shall obtain legal signatures equal to:

1210 (a) (i) for a metro township with a population of 65,000 or more, a city of the first or
1211 second class, or a county, 20% of the number of active voters in the metro township, city, or
1212 county; or

1213 (ii) for a metro township with a population of less than 65,000, a city of the third,
1214 fourth, or fifth class, or a town, 35% of the number of active voters in the metro township, city,
1215 or town; and

1216 (b) if, before the day on which the individual files the application to circulate the
1217 referendum petition, the metro township, city, county, or town is divided into areas with
1218 substantially equal population, in at least 85% of the areas, legal signatures equal to 10% of the
1219 number of active voters in each area.

1220 (4) An eligible voter seeking to have a subjurisdictional law passed by the local
1221 legislative body submitted to a vote of the people shall obtain legal signatures of the residents
1222 in the subjurisdiction equal to:

1223 (a) (i) for a subjurisdiction with a population of 100,000 or more, 10% of the number
1224 of active voters in the subjurisdiction;

1225 (ii) for a subjurisdiction with a population of 65,000 or more but less than 100,000,
1226 12.5% of the number of active voters in the subjurisdiction;

1227 (iii) for a subjurisdiction with a population of 30,000 or more but less than 65,000,
1228 15% of the number of active voters in the subjurisdiction;

1229 (iv) for a subjurisdiction with a population of 10,000 or more but less than 30,000,
1230 20% of the number of active voters in the subjurisdiction;

1231 (v) for a subjurisdiction with a population of 1,000 or more but less than 10,000, 25%
1232 of the number of active voters in the subjurisdiction; or

1233 (vi) for a subjurisdiction with a population of less than 1,000, 30% of the number of
1234 active voters in the subjurisdiction; and

1235 (b) if, before the day on which the eligible voter files the application to circulate the
1236 referendum petition, the subjurisdiction is divided into areas with substantially equal

1237 population, in at least 85% of the areas, legal signatures equal to 10% of the number of active
 1238 voters in each area.

1239 ~~[(4)]~~ (5) (a) Sponsors of any referendum petition challenging, under Subsection ~~[(1)~~,
 1240 ~~(2), or (3)]~~ (2), (3), or (4), any local law passed by a local legislative body shall file the
 1241 application within ~~[five]~~ seven days after the ~~[passage of]~~ day on which the local law was
 1242 passed.

1243 (b) Except as provided in Subsection ~~[(4)]~~ (5)(c), when a referendum petition has been
 1244 declared sufficient, the local law that is the subject of the petition does not take effect unless
 1245 and until the local law is approved by a vote of the people.

1246 (c) When a referendum petition challenging a subjurisdictional law has been declared
 1247 sufficient, the subjurisdictional law that is the subject of the petition does not take effect unless
 1248 and until the subjurisdictional law is approved by a vote of the people who reside in the
 1249 subjurisdiction.

1250 ~~[(5)]~~ (6) If the referendum passes, the local law that was challenged by the referendum
 1251 is repealed as of the date of the election.

1252 ~~[(6)]~~ (7) Nothing in this section authorizes a local legislative body to impose a tax or
 1253 other payment obligation on a subjurisdiction in order to benefit an area outside of the
 1254 subjurisdiction.

1255 Section 21. Section **20A-7-602** is amended to read:

1256 **20A-7-602. Local referendum process -- Application procedures.**

1257 (1) ~~[Persons]~~ An eligible voter wishing to circulate a referendum petition shall file an
 1258 application with the local clerk.

1259 (2) The application shall contain:

1260 (a) the name and residence address of ~~[at least five]~~ the sponsors of the referendum
 1261 petition, equal to or exceeding the number of members who serve on the local legislative body
 1262 to which the referendum petition pertains;

1263 (b) a certification indicating that each of the sponsors:

1264 (i) is a resident of Utah; and

1265 (ii) (A) if the referendum challenges a county local law, has voted in a regular general
 1266 election in Utah within the last three years; or

1267 (B) if the referendum challenges a municipal local law, has voted in a regular

1268 municipal election in Utah within the last three years;

1269 (c) the signature of each of the sponsors, [~~attested to~~] acknowledged by a notary public;

1270 and

1271 (d) (i) if the referendum challenges an ordinance or resolution, one copy of the law; or

1272 (ii) if the referendum challenges a local law that is not an ordinance or resolution, a

1273 written description of the local law, including the result of the vote on the local law.

1274 Section 22. Section **20A-7-602.5** is amended to read:

1275 **20A-7-602.5. Initial fiscal and legal impact estimate -- Preparation of estimate.**

1276 (1) Within three working days after the day on which the local clerk receives an

1277 application for a referendum petition, the local clerk shall submit a copy of the application to

1278 the county, city, or town's budget officer.

1279 (2) (a) The budget officer, together with legal counsel, shall prepare an unbiased, good

1280 faith estimate of the fiscal and legal impact of repealing the law the referendum proposes to

1281 repeal that contains:

1282 (i) a dollar amount representing the total estimated fiscal impact of repealing the law;

1283 (ii) if repealing the law would increase or decrease taxes, a dollar amount representing

1284 the total estimated increase or decrease for each type of tax that would be impacted by the law's

1285 repeal and a dollar amount representing the total estimated increase or decrease in taxes that

1286 would result from the law's repeal;

1287 (iii) if repealing the law would result in the issuance or a change in the status of bonds,

1288 notes, or other debt instruments, a dollar amount representing the total estimated increase or

1289 decrease in public debt that would result;

1290 (iv) a listing of all sources of funding for the estimated costs that would be associated

1291 with the law's repeal, showing each source of funding and the percentage of total funding that

1292 would be provided from each source;

1293 (v) a dollar amount representing the estimated costs or savings, if any, to state and

1294 local government entities if the law were repealed;

1295 (vi) the legal impacts that would result from repealing the law, including:

1296 (A) any significant effects on a person's vested property rights;

1297 (B) any significant effects on other laws or ordinances;

1298 (C) any significant legal liability the city, county, or town may incur; and

1299 (D) any other significant legal impact as determined by the budget officer and the legal
1300 counsel; and

1301 (vii) a concise explanation, not exceeding 100 words, of the above information and of
1302 the estimated fiscal impact, if any, if the law were repealed.

1303 (b) (i) If repealing the law would have no fiscal impact, the local budget officer shall
1304 include a summary statement in the initial fiscal impact statement in substantially the following
1305 form:

1306 "The (title of the local budget officer) estimates that repealing the law this referendum
1307 proposes to repeal would have no significant fiscal impact and would not result in either an
1308 increase or decrease in taxes or debt."

1309 (ii) If repealing the law is estimated to have a fiscal impact, the local budget officer
1310 shall include a summary statement describing the fiscal impact.

1311 (iii) If the estimated fiscal impact of repealing the law is highly variable or is otherwise
1312 difficult to reasonably express in a summary statement, the local budget officer may include in
1313 the summary statement a brief explanation that identifies those factors impacting the variability
1314 or difficulty of the estimate.

1315 (3) Within 25 calendar days after the day on which the local clerk submits a copy of the
1316 application under Subsection (1), the budget officer shall:

1317 (a) deliver a copy of the initial fiscal impact estimate, including the legal impact
1318 estimate, to the local clerk's office; and

1319 (b) mail a copy of the initial fiscal impact estimate, including the legal impact estimate,
1320 to the first ~~five~~ three sponsors named in the application.

1321 Section 23. Section **20A-7-602.7** is enacted to read:

1322 **20A-7-602.7. Referability to voters.**

1323 (1) Within 20 days after the day on which an eligible voter files an application to
1324 circulate a referendum petition under Section [20A-7-602](#), the county, city, town, or metro
1325 township to which the initiative pertains shall:

1326 (a) review the application to determine whether the proposed referendum is legally
1327 referable to voters; and

1328 (b) notify the first three sponsors, in writing, whether the proposed referendum is:

1329 (i) legally referable to voters; or

- 1330 (ii) rejected as not legally referable to voters.
- 1331 (2) A proposed referendum is legally referable to voters unless:
- 1332 (a) the proposed referendum challenges an action that is administrative, rather than
- 1333 legislative, in nature;
- 1334 (b) the proposed referendum challenges more than one law passed by the local
- 1335 legislative body; or
- 1336 (c) the application for the proposed referendum was not timely filed or does not
- 1337 comply with the requirements of this part.
- 1338 (3) After the end of the 20-day period described in Subsection (1), a county, city, town,
- 1339 or metro township may not:
- 1340 (a) reject a proposed referendum as not legally referable to voters; or
- 1341 (b) challenge, in a legal action or otherwise, a proposed referendum on the grounds that
- 1342 the proposed referendum is not legally referable to voters.
- 1343 (4) If a county, city, town, or metro township rejects a proposed referendum, a sponsor
- 1344 of the proposed referendum may, within 10 days after the day on which a sponsor is notified
- 1345 under Subsection (1)(b), appeal the decision to:
- 1346 (a) district court; or
- 1347 (b) the Supreme Court, if the Supreme Court has original jurisdiction over the appeal.
- 1348 (5) If, on appeal, the court determines that the proposed referendum is legally referable
- 1349 to voters, the local clerk shall comply with Subsection 20A-7-604(2) within five days after the
- 1350 day on which the determination is final.

Section 24. Section 20A-7-603 is amended to read:

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

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

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

We, the undersigned citizens of Utah, respectfully order that (description of local law or portion of local law being challenged), passed by the ____ be referred to the voters for their approval or rejection at the regular/municipal general election to be held on _____(month\day\year);

1361 Each signer says:
1362 I have personally signed this petition;
1363 I am registered to vote in Utah or intend to become registered to vote in Utah before the
1364 certification of the petition names by the county clerk; and
1365 My residence and post office address are written correctly after my name."
1366 (b) The sponsors of a referendum shall attach a copy of the law that is the subject of the
1367 referendum to each referendum petition.
1368 (2) Each signature sheet shall:
1369 (a) be printed on sheets of paper 8-1/2 inches long and 11 inches wide;
1370 (b) be ruled with a horizontal line three-fourths inch from the top, with the space above
1371 that line blank for the purpose of binding;
1372 (c) contain the title of the referendum printed below the horizontal line;
1373 (d) contain the word "Warning" printed or typed at the top of each signature sheet
1374 under the title of the referendum;
1375 (e) contain, to the right of the word "Warning," the following statement printed or
1376 typed in not less than eight-point, single-leaded type:
1377 "It is a class A misdemeanor for an individual to sign a referendum petition with any
1378 other name than the individual's own name, or to knowingly sign the individual's name more
1379 than once for the same measure, or to sign a referendum petition when the individual knows
1380 that the individual is not a registered voter and knows that the individual does not intend to
1381 become registered to vote before the certification of the petition names by the county clerk.";
1382 (f) contain horizontally ruled lines three-eighths inch apart under the "Warning"
1383 statement required by this section;
1384 (g) be vertically divided into columns as follows:
1385 (i) the first column shall appear at the extreme left of the sheet, be five-eighths inch
1386 wide, be headed with "For Office Use Only," and be subdivided with a light vertical line down
1387 the middle;
1388 (ii) the next column shall be 2-1/2 inches wide, headed "Registered Voter's Printed
1389 Name (must be legible to be counted)";
1390 (iii) the next column shall be 2-1/2 inches wide, headed "Signature of Registered
1391 Voter";

1392 (iv) the next column shall be one inch wide, headed "Birth Date or Age (Optional)";
1393 and

1394 (v) the final column shall be 4-3/8 inches wide, headed "Street Address, City, Zip
1395 Code";

1396 (h) spanning the sheet horizontally beneath each row on which a registered voter may
1397 submit the information described in Subsection (2)(g), contain the following statement printed
1398 or typed in not less than eight-point, single-leaded type: "By signing this petition, you are
1399 stating that you have read and understand the law this petition seeks to overturn."; and

1400 (i) at the bottom of the sheet, contain the following statement: "Birth date or age
1401 information is not required, but it may be used to verify your identity with voter registration
1402 records. If you choose not to provide it, your signature may not be verified as a valid signature
1403 if you change your address before petition signatures are verified or if the information you
1404 provide does not match your voter registration records."

1405 (3) The final page of each referendum packet shall contain the following printed or
1406 typed statement:

1407 "Verification
1408 State of Utah, County of _____
1409 I, _____, of _____, hereby state that:

1410 I am a resident of Utah and am at least 18 years old;

1411 All the names that appear in this referendum packet were signed by [~~persons~~]
1412 individuals who professed to be the [~~persons~~] individuals whose names appear in it, and each
1413 of [~~them signed his~~] the individuals signed the individual's name on it in my presence;

1414 I believe that each individual has printed and signed [~~his~~] the individual's name and
1415 written [~~his~~] the individual's post office address and residence correctly, and that each signer is
1416 registered to vote in Utah or intends to become registered to vote before the certification of the
1417 petition names by the county clerk.

1418 _____"

1419 (4) The forms prescribed in this section are not mandatory, and, if substantially
1420 followed, the referendum petitions are sufficient, notwithstanding clerical and merely technical
1421 errors.

1422 Section 25. Section **20A-7-604** is amended to read:

1423 **20A-7-604. Circulation requirements -- Local clerk to provide sponsors with**
1424 **materials.**

1425 (1) In order to obtain the necessary number of signatures required by this part, the
1426 sponsors shall, after the sponsors receive the documents described in Subsections (2)(a) and
1427 (b), circulate referendum packets that meet the form requirements of this part.

1428 (2) Within five days after the day on which a [~~local clerk receives an application that~~
1429 ~~complies with the requirements of Section 20A-7-602]~~ county, city, town, metro township, or
1430 court determines, in accordance with Section 20A-7-602.7, that a proposed referendum is
1431 legally referable to voters, the local clerk shall furnish to the sponsors:

1432 (a) five copies of the referendum petition; and

1433 (b) five signature sheets.

1434 (3) The sponsors of the petition shall:

1435 (a) arrange and pay for the printing of all additional copies of the petition and signature
1436 sheets; and

1437 (b) ensure that the copies of the petition and signature sheets meet the form
1438 requirements of this section.

1439 (4) (a) The sponsors may prepare the referendum for circulation by creating multiple
1440 referendum packets.

1441 (b) The sponsors shall create those packets by binding a copy of the referendum
1442 petition, a copy of the law that is the subject of the referendum, and no more than 50 signature
1443 sheets together at the top in such a way that the packets may be conveniently opened for
1444 signing.

1445 (c) The sponsors need not attach a uniform number of signature sheets to each
1446 referendum packet.

1447 (5) (a) After the sponsors have prepared sufficient referendum packets, they shall
1448 return them to the local clerk.

1449 (b) The local clerk shall:

1450 (i) number each of the referendum packets and return [~~them~~] the packets to the
1451 sponsors within [~~five working days~~] 10 days after the day on which the sponsors comply with
1452 Subsection (5)(a); and

1453 (ii) keep a record of the numbers assigned to each packet.

1454 Section 26. Section **20A-7-605** is amended to read:

1455 **20A-7-605. Obtaining signatures -- Verification -- Removal of signature.**

1456 (1) Any Utah voter may sign a local referendum petition if the voter is a legal voter and
1457 resides in the local jurisdiction.

1458 (2) (a) The sponsors shall ensure that the [~~person~~] individual in whose presence each
1459 signature sheet was signed:

1460 (i) is at least 18 years old and meets the residency requirements of Section **20A-2-105**;
1461 and

1462 (ii) verifies each signature sheet by completing the verification printed on the last page
1463 of each referendum packet.

1464 (b) [~~A person~~] An individual may not sign the verification printed on the last page of
1465 the referendum packet if the [~~person~~] individual signed a signature sheet in the referendum
1466 packet.

1467 (3) (a) Any voter who has signed a referendum petition may have the voter's signature
1468 removed from the petition by submitting a notarized statement to that effect to the local clerk.

1469 (b) Except as provided in Subsection (3)(c), upon receipt of the statement, the local
1470 clerk shall remove the signature of the [~~person~~] individual submitting the statement from the
1471 referendum petition.

1472 (c) A local clerk may not remove signatures from a referendum petition after the
1473 petition has been submitted to the county clerk to be certified.

1474 Section 27. Section **20A-7-606** is amended to read:

1475 **20A-7-606. Submitting the referendum petition -- Certification of signatures by**
1476 **the county clerks -- Transfer to local clerk.**

1477 (1) (a) The sponsors shall deliver each signed and verified referendum packet to the
1478 county clerk of the county in which the packet was circulated no later than [~~45~~] 30 days after
1479 the day on which the sponsors receive the items described in Subsection **20A-7-604**(2) from
1480 the local clerk.

1481 (b) A sponsor may not submit a referendum packet after the deadline established in this
1482 Subsection (1).

1483 (2) (a) No later than 15 days after the day on which a county clerk receives a
1484 referendum packet under Subsection (1)(a), the county clerk shall:

1485 (i) check the names of all [~~persons~~] individuals completing the verification on the last
1486 page of each referendum packet to determine whether those [~~persons~~] individuals are Utah
1487 residents and are at least 18 years old; and

1488 (ii) submit the name of each of those [~~persons~~] individuals who is not a Utah resident
1489 or who is not at least 18 years old to the attorney general and county attorney.

1490 (b) The county clerk may not certify a signature under Subsection (3) on a referendum
1491 packet that is not verified in accordance with Section [20A-7-605](#).

1492 (3) No later than [~~30~~] 22 days after the day on which a county clerk receives a
1493 referendum packet under Subsection (1)(a), the county clerk shall:

1494 (a) determine whether each signer is a registered voter according to the requirements of
1495 Section [20A-7-606.3](#);

1496 (b) certify on the referendum petition whether each name is that of a registered voter;
1497 and

1498 (c) deliver all of the verified referendum packets to the local clerk.

1499 Section 28. Section [20A-7-606.3](#) is amended to read:

1500 **[20A-7-606.3. Verification of petition signatures.](#)**

1501 (1) (a) For the purposes of this section, "substantially similar name" means:

1502 (i) the given name and surname shown on the petition, or both, contain only minor
1503 spelling differences when compared to the given name and surname shown on the official
1504 register;

1505 (ii) the surname shown on the petition exactly matches the surname shown on the
1506 official register, and the given names differ only because one of the given names shown is a
1507 commonly used abbreviation or variation of the other;

1508 (iii) the surname shown on the petition exactly matches the surname shown on the
1509 official register, and the given names differ only because one of the given names shown is
1510 accompanied by a first or middle initial or a middle name which is not shown on the other
1511 record; or

1512 (iv) the surname shown on the petition exactly matches the surname shown on the
1513 official register, and the given names differ only because one of the given names shown is an
1514 alphabetically corresponding initial that has been provided in the place of a given name shown
1515 on the other record.

1516 (b) For the purposes of this section, "substantially similar name" does not mean a name
1517 having an initial or a middle name shown on the petition that does not match a different initial
1518 or middle name shown on the official register.

1519 (2) The county clerk shall use the following procedures in determining whether or not a
1520 signer is a registered voter:

1521 (a) When a signer's name and address shown on the petition exactly match a name and
1522 address shown on the official register and the signer's signature appears substantially similar to
1523 the signature on the statewide voter registration database, the county clerk shall declare the
1524 signature valid.

1525 (b) When there is no exact match of an address and a name, the county clerk shall
1526 declare the signature valid if:

1527 (i) the address on the petition matches the address of [~~a person~~] an individual on the
1528 official register with a substantially similar name; and

1529 (ii) the signer's signature appears substantially similar to the signature on the statewide
1530 voter registration database of the [~~person~~] individual described in Subsection (2)(b)(i).

1531 (c) When there is no match of an address and a substantially similar name, the county
1532 clerk shall declare the signature valid if:

1533 (i) the birth date or age on the petition matches the birth date or age of [~~a person~~] an
1534 individual on the official register with a substantially similar name; and

1535 (ii) the signer's signature appears substantially similar to the signature on the statewide
1536 voter registration database of the [~~person~~] individual described in Subsection (2)(c)(i).

1537 (d) If a signature is not declared valid under Subsection (2)(a), (b), or (c), the county
1538 clerk shall declare the signature to be invalid.

1539 Section 29. Section **20A-7-607** is amended to read:

1540 **20A-7-607. Evaluation by the local clerk.**

1541 (1) When each referendum packet is received from a county clerk, the local clerk shall
1542 check off from the local clerk's record the number of each referendum packet filed.

1543 (2) Within 15 days after the day on which the local clerk receives each referendum
1544 packet from a county clerk, the local clerk shall:

1545 (a) count the number of the names certified by the county clerks that appear on each
1546 verified signature sheet;

1547 (b) if the total number of certified names from each verified signature sheet equals or
1548 exceeds the number of names required by Section 20A-7-601 and the requirements of this part
1549 are met, mark upon the front of the petition the word "sufficient";

1550 (c) if the total number of certified names from each verified signature sheet does not
1551 equal or exceed the number of names required by Section 20A-7-601 or a requirement of this
1552 part is not met, mark upon the front of the petition the word "insufficient"; and

1553 (d) notify any one of the sponsors of the local clerk's finding.

1554 (3) If the local clerk finds the total number of certified signatures from each verified
1555 signature sheet to be insufficient, any sponsor may file a written demand with the local clerk
1556 for a recount of the signatures appearing on the referendum petition in the presence of any
1557 sponsor.

1558 ~~[(4)(a) If the local clerk refuses to accept and file any referendum petition, any voter
1559 may apply to the Supreme Court for an extraordinary writ to compel the local clerk to do so
1560 within 10 days after the refusal.]~~

1561 ~~[(b) If the Supreme Court determines that the referendum petition is legally sufficient,
1562 the local clerk shall file it, with a verified copy of the judgment attached to it, as of the date on
1563 which it was originally offered for filing in the local clerk's office.]~~

1564 ~~[(c) If the Supreme Court determines that any petition filed is not legally sufficient, the
1565 Supreme Court may enjoin the local clerk and all other officers from:]~~

1566 ~~[(i) certifying or printing the ballot title and numbers of that measure on the official
1567 ballot for the next election; or]~~

1568 ~~[(ii) as it relates to a local tax law that is conducted entirely by absentee ballot,
1569 certifying, printing, or mailing the ballot title and numbers of that measure under Section
1570 20A-7-609.5:]~~

1571 ~~[(5)]~~ (4) A petition determined to be sufficient in accordance with this section is
1572 qualified for the ballot.

1573 Section 30. Section 20A-7-608 is amended to read:

1574 **20A-7-608. Ballot title -- Duties of local clerk and local attorney.**

1575 (1) Whenever a referendum petition is declared sufficient for submission to a vote of
1576 the people, the local clerk shall deliver a copy of the petition and the proposed law to the local
1577 attorney.

1578 (2) The local attorney shall:
1579 (a) entitle each county or municipal referendum that has qualified for the ballot
1580 "Proposition Number ___" and give it a number as assigned under Section 20A-6-107;
1581 (b) prepare a proposed ballot title for the referendum;
1582 (c) file the proposed ballot title and the numbered referendum titles with the local clerk
1583 within 15 days after the date the referendum petition is declared sufficient for submission to a
1584 vote of the people; and
1585 (d) promptly provide notice of the filing of the proposed ballot title to:
1586 (i) the sponsors of the petition; and
1587 (ii) the local legislative body for the jurisdiction where the referendum petition was
1588 circulated.
1589 (3) (a) The ballot title may be distinct from the title of the law that is the subject of the
1590 petition, and shall express, in not exceeding 100 words, the purpose of the measure.
1591 (b) In preparing a ballot title, the local attorney shall, to the best of ~~his~~ the local
1592 attorney's ability, give a true and impartial statement of the purpose of the measure.
1593 (c) The ballot title may not intentionally be an argument, or likely to create prejudice,
1594 for or against the measure.
1595 (4) (a) Within five calendar days after the date the local attorney files a proposed ballot
1596 title under Subsection (2)(c), the local legislative body for the jurisdiction where the
1597 referendum petition was circulated and the sponsors of the petition may file written comments
1598 in response to the proposed ballot title with the local clerk.
1599 (b) Within five calendar days after the last date to submit written comments under
1600 Subsection (4)(a), the local attorney shall:
1601 (i) review any written comments filed in accordance with Subsection (4)(a);
1602 (ii) prepare a final ballot title that meets the requirements of Subsection (3); and
1603 (iii) return the petition and file the ballot title with the local clerk.
1604 (c) Subject to Subsection (6), the ballot title, as determined by the local attorney, shall
1605 be printed on the official ballot.
1606 (5) Immediately after the local attorney files a copy of the ballot title with the local
1607 clerk, the local clerk shall serve a copy of the ballot title by mail upon the sponsors of the
1608 petition and the local legislative body for the jurisdiction where the referendum petition was

1609 circulated.

1610 (6) (a) If the ballot title furnished by the local attorney is unsatisfactory or does not
1611 comply with the requirements of this section, the decision of the local attorney may be
1612 appealed ~~[by a petition]~~ to the district court, or, if the Supreme Court has original jurisdiction,

1613 to the Supreme Court ~~[that is]~~, brought by:

1614 (i) at least three sponsors of the referendum petition; or

1615 (ii) a majority of the local legislative body for the jurisdiction where the referendum
1616 petition was circulated.

1617 (b) The ~~[Supreme Court]~~ court:

1618 (i) shall examine the measures and consider the arguments~~[-, and, in its decision,]; and~~

1619 (ii) may certify to the local clerk a ballot title for the measure that fulfills the intent of
1620 this section.

1621 (c) The local clerk shall print the title certified by the ~~[Supreme Court]~~ court on the
1622 official ballot.

1623 Section 31. Section **20A-7-609.5** is amended to read:

1624 **20A-7-609.5. Election on referendum challenging local tax law conducted entirely**
1625 **by absentee ballot.**

1626 (1) An election officer may administer an election on a referendum challenging a local
1627 tax law entirely by absentee ballot.

1628 (2) For purposes of an election conducted under this section, the election officer shall:

1629 (a) designate as the election day the day that is 30 days after the day on which the
1630 election officer complies with Subsection (2)(b); and

1631 (b) within 30 days after the day on which the referendum described in Subsection (1)
1632 qualifies for the ballot, mail to each registered voter within the voting precincts to which the
1633 local tax law applies:

1634 (i) an absentee ballot;

1635 (ii) a statement that there will be no polling place in the voting precinct for the
1636 election;

1637 (iii) a statement specifying the election day described in Subsection (2)(a);

1638 (iv) a business reply mail envelope;

1639 (v) instructions for returning the ballot that include an express notice about any

1640 relevant deadlines that the voter must meet in order for the voter's vote to be counted; ~~[and]~~

1641 (vi) a warning, on a separate page of colored paper in boldface print, indicating that if
1642 the voter fails to follow the instructions included with the absentee ballot, the voter will be
1643 unable to vote in that election because there will be no polling place in the voting precinct on
1644 the day of the election[-]; and

1645 (vii) a copy of the proposition information pamphlet relating to the referendum if a
1646 proposition information pamphlet relating to the referendum was published under Section
1647 20A-7-401.5.

1648 (3) A voter who votes by absentee ballot under this section is not required to apply for
1649 an absentee ballot as required by this part.

1650 (4) An election officer who administers an election under this section shall:

1651 (a) (i) obtain, in person, the signatures of each voter within that voting precinct before
1652 the election; or

1653 (ii) obtain the signature of each voter within the voting precinct from the county clerk;
1654 and

1655 (b) maintain the signatures on file in the election officer's office.

1656 (5) (a) Upon receiving the returned absentee ballots under this section, the election
1657 officer shall compare the signature on each absentee ballot with the voter's signature that is
1658 maintained on file and verify that the signatures are the same.

1659 (b) If the election officer questions the authenticity of the signature on the absentee
1660 ballot, the election officer shall immediately contact the voter to verify the signature.

1661 (c) If the election officer determines that the signature on the absentee ballot does not
1662 match the voter's signature that is maintained on file, the election officer shall:

1663 (i) unless the absentee ballot application deadline described in Section 20A-3-304 has
1664 passed, immediately send another absentee ballot and other voting materials as required by this
1665 section to the voter; and

1666 (ii) disqualify the initial absentee ballot.

1667 Section 32. Section 20A-7-610 is amended to read:

1668 **20A-7-610. Return and canvass -- Conflicting measures -- Law effective on**
1669 **proclamation.**

1670 (1) The votes on the ~~[law proposed by]~~ proposed law that is the subject of the

1671 referendum petition shall be counted, canvassed, and delivered as provided in Title 20A,
1672 Chapter 4, Part 3, Canvassing Returns.

1673 (2) After the local board of canvassers completes ~~[its]~~ the canvass, the local clerk shall
1674 certify to the local legislative body the vote for and against the ~~[law proposed by]~~ proposed law
1675 that is the subject of the referendum petition.

1676 (3) (a) The local legislative body shall immediately issue a proclamation that:

1677 (i) gives the total number of votes cast in the local jurisdiction for and against each
1678 ~~[law proposed by]~~ proposed law that is the subject of a referendum petition; and

1679 (ii) declares those laws ~~[proposed by]~~ that are the subject of a referendum petition that
1680 were approved by majority vote to be in full force and effect as the law of the local jurisdiction.

1681 (b) When the local legislative body determines that two proposed laws, or that parts of
1682 two proposed laws approved by the people at the same election are entirely in conflict, they
1683 shall proclaim that measure to be law that has received the greatest number of affirmative
1684 votes, regardless of the difference in the majorities which those measures have received.

1685 (4) (a) Within 10 days after the local legislative body's proclamation, any qualified
1686 voter ~~[who signed the referendum petition proposing the]~~ residing in the jurisdiction for a law
1687 that is declared by the local legislative body to be superseded by another measure approved at
1688 the same election may apply to the district court, or, if the Supreme Court has original
1689 jurisdiction, the Supreme Court to review the decision.

1690 (b) The ~~[Supreme Court]~~ court shall:

1691 (i) consider the matter and decide whether ~~[or not]~~ the proposed laws are in conflict;
1692 and

1693 (ii) certify ~~[its]~~ the court's decision to the local legislative body.

1694 (5) Within 10 days after the ~~[Supreme Court certifies its]~~ day on which the court
1695 certifies the decision, the local legislative body shall:

1696 (a) proclaim ~~[all those]~~ as law all measures approved by the people ~~[as law]~~ that the
1697 ~~[Supreme Court has determined]~~ court determines are not in conflict; and

1698 (b) ~~[of all those]~~ for the measures approved by the people as law that the ~~[Supreme~~
1699 ~~Court has determined]~~ court determines to be in conflict, proclaim as law the ~~[one]~~ measure
1700 that received the greatest number of affirmative votes, regardless of the difference in
1701 majorities.

1702 Section 33. Section **20A-7-612** is amended to read:

1703 **20A-7-612. Misconduct of electors and officers -- Penalty.**

1704 (1) It is unlawful for [~~any person~~] an individual to:

1705 (a) sign any name other than [~~his own~~] the individual's own name to any referendum
1706 petition;

1707 (b) knowingly sign [~~his~~] the individual's name more than once for the same measure at
1708 one election;

1709 (c) sign a referendum knowing [~~he~~] that the individual is not a legal voter; or

1710 (d) knowingly and willfully violate any provision of this part.

1711 (2) It is unlawful for [~~any person~~] an individual to sign the verification for a
1712 referendum packet knowing that:

1713 (a) [~~he~~] the individual does not meet the residency requirements of Section [20A-2-105](#);

1714 (b) [~~he~~] the individual has not witnessed the signatures of [~~those persons~~] the
1715 individuals whose names appear in the referendum packet; or

1716 (c) one or more [~~persons~~] individuals whose signatures appear in the referendum
1717 packet is either:

1718 (i) not registered to vote in Utah; or

1719 (ii) does not intend to become registered to vote in Utah.

1720 (3) [~~Any person violating~~] An individual who violates this part is guilty of a class A
1721 misdemeanor.

1722 (4) The county attorney or municipal attorney shall prosecute any violation of this
1723 section.

1724 Section 34. Section **20A-7-613** is amended to read:

1725 **20A-7-613. Property tax referendum petition.**

1726 (1) As used in this section, "certified tax rate" means the same as that term is defined in
1727 Section [59-2-924](#).

1728 (2) Except as provided in this section, the requirements of this part apply to a
1729 referendum petition challenging a taxing entity's legislative body's vote to impose a tax rate that
1730 exceeds the certified tax rate.

1731 (3) Notwithstanding Subsection [20A-7-604\(5\)](#), the local clerk shall number each of the
1732 referendum packets and return them to the sponsors within two working days.

1733 ~~[(4)]~~ Notwithstanding Subsection ~~20A-7-606(1)~~, the sponsors shall deliver each signed
1734 and verified referendum packet to the county clerk of the county in which the packet was
1735 circulated no later than 40 days after the day on which the local clerk complies with Subsection
1736 ~~(3)~~.]

1737 ~~[(5)]~~ (4) Notwithstanding Subsections 20A-7-606(2) and (3), the county clerk shall
1738 take the actions required in Subsections 20A-7-606(2) and (3) within 10 working days after the
1739 day on which the county clerk receives the signed and verified referendum packet as described
1740 in Subsection ~~[(4)]~~ 20A-7-606(1).

1741 ~~[(6)]~~ (5) The local clerk shall take the actions required by Section 20A-7-607 within
1742 two working days after the day on which the local clerk receives the referendum packets from
1743 the county clerk.

1744 ~~[(7)]~~ (6) Notwithstanding Subsection 20A-7-608(2), the local attorney shall prepare the
1745 ballot title within two working days after the day on which the referendum petition is declared
1746 sufficient for submission to a vote of the people.

1747 ~~[(8)]~~ (7) Notwithstanding Subsection 20A-7-609(2)(c), a referendum that qualifies for
1748 the ballot under this section shall appear on the ballot for the earlier of the next regular general
1749 election or the next municipal general election unless a special election is called.

1750 ~~[(9)]~~ (8) Notwithstanding the requirements related to absentee ballots under this title:

1751 (a) the election officer shall prepare absentee ballots for those voters who have
1752 requested an absentee ballot as soon as possible after the ballot title is prepared as described in
1753 Subsection ~~[(7)]~~ (6); and

1754 (b) the election officer shall mail absentee ballots on a referendum under this section
1755 the later of:

1756 (i) the time provided in Section 20A-3-305 or 20A-16-403; or

1757 (ii) the time that absentee ballots are prepared for mailing under this section.

1758 ~~[(10)]~~ (9) Section 20A-7-402 does not apply to a referendum described in this section.

1759 ~~[(11)]~~ (10) (a) If a majority of voters does not vote against imposing the tax at a rate
1760 calculated to generate the increased revenue budgeted, adopted, and approved by the taxing
1761 entity's legislative body:

1762 (i) the certified tax rate for the fiscal year during which the referendum petition is filed
1763 is its most recent certified tax rate; and

1764 (ii) the proposed increased revenues for purposes of establishing the certified tax rate
1765 for the fiscal year after the fiscal year described in Subsection [~~(11)~~] (10)(a)(i) are the proposed
1766 increased revenues budgeted, adopted, and approved by the taxing entity's legislative body
1767 before the filing of the referendum petition.

1768 (b) If a majority of voters votes against imposing a tax at the rate established by the
1769 vote of the taxing entity's legislative body, the certified tax rate for the taxing entity is the
1770 taxing entity's most recent certified tax rate.

1771 (c) If the tax rate is set in accordance with Subsection [~~(11)~~] (10)(a)(ii), a taxing entity
1772 is not required to comply with the notice and public hearing requirements of Section 59-2-919
1773 if the taxing entity complies with those notice and public hearing requirements before the
1774 referendum petition is filed.

1775 [~~(12)~~] (11) The ballot title shall, at a minimum, include in substantially this form the
1776 following: "Shall the [name of the taxing entity] be authorized to levy a tax rate in the amount
1777 sufficient to generate an increased property tax revenue of [amount] for fiscal year [year] as
1778 budgeted, adopted, and approved by the [name of the taxing entity]".

1779 [~~(13)~~] (12) A taxing entity shall pay the county the costs incurred by the county that are
1780 directly related to meeting the requirements of this section and that the county would not have
1781 incurred but for compliance with this section.

1782 [~~(14)~~] (13) (a) An election officer shall include on a ballot a referendum that has not
1783 yet qualified for placement on the ballot, if:

1784 (i) sponsors file an application for a referendum described in this section;

1785 (ii) the ballot will be used for the election for which the sponsors are attempting to
1786 qualify the referendum; and

1787 (iii) the deadline for qualifying the referendum for placement on the ballot occurs after
1788 the day on which the ballot will be printed.

1789 (b) If an election officer includes on a ballot a referendum described in Subsection
1790 [~~(14)~~] (13)(a), the ballot title shall comply with Subsection [~~(12)~~] (11).

1791 (c) If an election officer includes on a ballot a referendum described in Subsection
1792 [~~(14)~~] (13)(a) that does not qualify for placement on the ballot, the election officer shall inform
1793 the voters by any practicable method that the referendum has not qualified for the ballot and
1794 that votes cast in relation to the referendum will not be counted.

1795 Section 35. Section **20A-11-1202** is amended to read:

1796 **20A-11-1202. Definitions.**

1797 As used in this part:

1798 (1) "Applicable election officer" means:

1799 (a) a county clerk, if the email relates only to a local election; or

1800 (b) the lieutenant governor, if the email relates to an election other than a local
1801 election.

1802 (2) "Ballot proposition" means constitutional amendments, initiatives, referenda,
1803 judicial retention questions, opinion questions, bond approvals, or other questions submitted to
1804 the voters for their approval or rejection.

1805 (3) "Campaign contribution" means any of the following when done for a political
1806 purpose or to advocate for or against a ballot proposition:

1807 (a) a gift, subscription, donation, loan, advance, deposit of money, or anything of value
1808 given to a filing entity;

1809 (b) an express, legally enforceable contract, promise, or agreement to make a gift,
1810 subscription, donation, unpaid or partially unpaid loan, advance, deposit of money, or anything
1811 of value to a filing entity;

1812 (c) any transfer of funds from another reporting entity to a filing entity;

1813 (d) compensation paid by any person or reporting entity other than the filing entity for
1814 personal services provided without charge to the filing entity;

1815 (e) remuneration from:

1816 (i) any organization or the organization's directly affiliated organization that has a
1817 registered lobbyist; or

1818 (ii) any agency or subdivision of the state, including a school district; or

1819 (f) an in-kind contribution.

1820 (4) (a) "Commercial interlocal cooperation agency" means an interlocal cooperation
1821 agency that receives its revenues from conduct of its commercial operations.

1822 (b) "Commercial interlocal cooperation agency" does not mean an interlocal
1823 cooperation agency that receives some or all of its revenues from:

1824 (i) government appropriations;

1825 (ii) taxes;

- 1826 (iii) government fees imposed for regulatory or revenue raising purposes; or
- 1827 (iv) interest earned on public funds or other returns on investment of public funds.
- 1828 (5) "Expenditure" means:
- 1829 (a) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money,
- 1830 or anything of value;
- 1831 (b) an express, legally enforceable contract, promise, or agreement to make any
- 1832 purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of
- 1833 value;
- 1834 (c) a transfer of funds between a public entity and a candidate's personal campaign
- 1835 committee;
- 1836 (d) a transfer of funds between a public entity and a political issues committee; or
- 1837 (e) goods or services provided to or for the benefit of a candidate, a candidate's
- 1838 personal campaign committee, or a political issues committee for political purposes at less than
- 1839 fair market value.
- 1840 (6) "Filing entity" means the same as that term is defined in Section [20A-11-101](#).
- 1841 (7) "Governmental interlocal cooperation agency" means an interlocal cooperation
- 1842 agency that receives some or all of its revenues from:
- 1843 (a) government appropriations;
- 1844 (b) taxes;
- 1845 (c) government fees imposed for regulatory or revenue raising purposes; or
- 1846 (d) interest earned on public funds or other returns on investment of public funds.
- 1847 (8) [(a)] "Influence" means to campaign or advocate for or against a ballot proposition.
- 1848 [~~(b) "Influence" does not mean providing a brief statement about a public entity's~~
- 1849 ~~position on a ballot proposition and the reason for that position.]~~
- 1850 (9) "Interlocal cooperation agency" means an entity created by interlocal agreement
- 1851 under the authority of Title 11, Chapter 13, Interlocal Cooperation Act.
- 1852 (10) "Local district" means an entity under Title 17B, Limited Purpose Local
- 1853 Government Entities - Local Districts, and includes a special service district under Title 17D,
- 1854 Chapter 1, Special Service District Act.
- 1855 (11) "Political purposes" means an act done with the intent or in a way to influence or
- 1856 intend to influence, directly or indirectly, any person to refrain from voting or to vote for or

1857 against any:

1858 (a) candidate for public office at any caucus, political convention, primary, or election;

1859 or

1860 (b) judge standing for retention at any election.

1861 (12) "Proposed initiative" means an initiative proposed in an application filed under
1862 Section 20A-7-202 or 20A-7-502.

1863 (13) "Proposed referendum" means a referendum proposed in an application filed
1864 under Section 20A-7-302 or 20A-7-602.

1865 [~~12~~] (14) (a) "Public entity" includes the state, each state agency, each county,
1866 municipality, school district, local district, governmental interlocal cooperation agency, and
1867 each administrative subunit of each of them.

1868 (b) "Public entity" does not include a commercial interlocal cooperation agency.

1869 (c) "Public entity" includes local health departments created under Title 26, Chapter 1,
1870 Department of Health Organization.

1871 [~~13~~] (15) (a) "Public funds" means any money received by a public entity from
1872 appropriations, taxes, fees, interest, or other returns on investment.

1873 (b) "Public funds" does not include money donated to a public entity by a person or
1874 entity.

1875 [~~14~~] (16) (a) "Public official" means an elected or appointed member of government
1876 with authority to make or determine public policy.

1877 (b) "Public official" includes the person or group that:

1878 (i) has supervisory authority over the personnel and affairs of a public entity; and

1879 (ii) approves the expenditure of funds for the public entity.

1880 [~~15~~] (17) "Reporting entity" means the same as that term is defined in Section
1881 20A-11-101.

1882 [~~16~~] (18) (a) "State agency" means each department, commission, board, council,
1883 agency, institution, officer, corporation, fund, division, office, committee, authority, laboratory,
1884 library, unit, bureau, panel, or other administrative unit of the state.

1885 (b) "State agency" includes the legislative branch, the Board of Regents, the
1886 institutional councils of each higher education institution, and each higher education
1887 institution.

1888 Section 36. Section **20A-11-1203** is amended to read:

1889 **20A-11-1203. Public entity prohibited from expending public funds on certain**
1890 **electoral matters.**

1891 (1) Unless specifically required by law, and except as provided in Section
1892 **20A-11-1206**, a public entity may not make an expenditure from public funds for political
1893 purposes ~~[or]~~, to influence a ballot proposition, or to influence a proposed initiative or
1894 proposed referendum.

1895 (2) A violation of this section does not invalidate an otherwise valid election.

1896 Section 37. Section **20A-11-1205** is amended to read:

1897 **20A-11-1205. Use of public email for a political purpose.**

1898 (1) Except as provided in Subsection (5), a person may not send an email using the
1899 email of a public entity:

1900 (a) for a political purpose;

1901 (b) to advocate for or against a ~~[ballot proposition]~~ proposed initiative, initiative,
1902 proposed referendum, or referendum; or

1903 (c) to solicit a campaign contribution.

1904 (2) The applicable election officer shall impose a civil fine against a person who
1905 violates Subsection (1) as follows:

1906 (a) up to \$250 for a first violation; and

1907 (b) except as provided in Subsection (3), for each subsequent violation committed after
1908 any applicable election officer imposes a fine against the person for a first violation, \$1,000
1909 multiplied by the number of violations committed by the person.

1910 (3) The applicable election officer shall consider a violation of this section as a first
1911 violation if the violation is committed more than seven years after the day on which the person
1912 last committed a violation of this section.

1913 (4) For purposes of this section, one violation means one act of sending an email,
1914 regardless of the number of recipients of the email.

1915 (5) A person does not violate this section if:

1916 (a) the lieutenant governor finds that the email described in Subsection (1) was
1917 inadvertently sent by the person ~~[described in Subsection (1)]~~, using the email of a public
1918 entity[-];

1919 (b) the person is directly providing information solely to another person or a group of
1920 people in response to a question asked by the other person or group of people; or

1921 (c) the information is an argument or rebuttal argument prepared under Section
1922 20A-7-401.5 or 20A-7-402, and the email includes each opposing argument and rebuttal
1923 argument that:

1924 (i) relates to the same proposed initiative, initiative, proposed referendum, or
1925 referendum; and

1926 (ii) complies with the requirements of Section 20A-7-401.5 or 20A-7-402.

1927 (6) A violation of this section does not invalidate an otherwise valid election.

1928 Section 38. Section **20A-11-1206** is amended to read:

1929 **20A-11-1206. Exclusions.**

1930 (1) Nothing in this chapter prohibits a public official from speaking, campaigning,
1931 contributing personal money, or otherwise exercising the public official's individual First
1932 Amendment rights for political purposes.

1933 (2) (a) [~~Nothing~~] Subject to Subsection (2)(b), nothing in this chapter prohibits a public
1934 entity from providing factual information about a ballot proposition to the public, so long as the
1935 information grants equal access to both the opponents and proponents of the ballot proposition.

1936 (b) A county or municipality may not provide any information to the public about a
1937 proposed initiative, initiative, proposed referendum, or referendum unless the county or
1938 municipality:

1939 (i) provides the information in a manner required, or expressly permitted, by law; or

1940 (ii) is directly providing information solely to a person or a group of people in response
1941 to a question asked by the person or group of people.

1942 (3) Nothing in this chapter prohibits a public entity from the neutral encouragement of
1943 voters to vote.

1944 (4) Nothing in this chapter prohibits an elected official from campaigning or
1945 advocating for or against a ballot proposition.

1946 (5) Subject to Subsection (6), a county or municipality may expend a reasonable
1947 amount of public funds to:

1948 (a) prepare and publish a written argument or written rebuttal argument in accordance
1949 with Section 20A-7-401.5, 20A-7-402, or 59-1-1604; or

1950 (b) prepare an argument for, and present an argument at, a public meeting under
1951 Section 20A-7-405 or 59-1-1605.

1952 (6) A county or municipality may not:

1953 (a) publish an argument or rebuttal argument prepared under Section 20A-7-401.5 or
1954 20A-7-402, unless, at the same time and in the same manner, the county or municipality
1955 publishes each opposing argument and rebuttal argument that:

1956 (i) relates to the same proposed initiative, initiative, proposed referendum, or
1957 referendum; and

1958 (ii) complies with the requirements of Section 20A-7-401.5 or 20A-7-402;

1959 (b) publish an argument or rebuttal argument for or against a proposed initiative,
1960 initiative, proposed referendum, or referendum that was not prepared and submitted in
1961 accordance with Section 20A-7-401.5 or 20A-7-402; or

1962 (c) present an argument or rebuttal argument for or against a proposed initiative,
1963 initiative, proposed referendum, or referendum at a public meeting, unless the county or
1964 municipality:

1965 (i) provides, with the notice of the public meeting, notice of the county's or
1966 municipality's intent to present the argument or rebuttal argument at the public meeting; and

1967 (ii) provides equal opportunity for persons to present opposing arguments and rebuttal
1968 arguments at the public meeting.

Legislative Review Note
Office of Legislative Research and General Counsel