

Representative Brad M. Daw proposes the following substitute bill:

INITIATIVES, REFERENDA, AND OTHER POLITICAL ACTIVITIES

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Brad M. Daw

Senate Sponsor: _____

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ provides for the publication of a proposition information pamphlet to inform voters of arguments for and against proposed and pending local initiatives and referenda;
- ▶ amends provisions relating to a local voter information pamphlet;
- ▶ enacts provisions for holding a public hearing to discuss and present arguments relating to a proposed or pending local initiative or referendum;
- ▶ modifies requirements relating to local initiatives and referenda, including:
 - petition, circulation, and signature requirements;
 - timelines; and
 - appeals and other challenges;
- ▶ enacts provisions relating to determining whether a proposed initiative or referendum is legally referable to voters;
- ▶ amends provisions regarding the use of email, and the expenditure of public funds,



26 for political purposes relating to proposed and pending initiatives and referenda;

27 ▶ regulates the dissemination of information regarding a proposed or pending

28 initiative or referendum by a county or municipality; and

29 ▶ makes technical and conforming amendments.

30 **Money Appropriated in this Bill:**

31 None

32 **Other Special Clauses:**

33 None

34 **Utah Code Sections Affected:**

35 AMENDS:

36 11-14-301, as last amended by Laws of Utah 2014, Chapter 189

37 20A-7-101, as last amended by Laws of Utah 2017, Chapter 291

38 20A-7-402, as last amended by Laws of Utah 2017, Chapters 91, 147, and 291

39 20A-7-501, as last amended by Laws of Utah 2016, Chapter 176

40 20A-7-502, as last amended by Laws of Utah 2017, Chapter 291

41 20A-7-502.5, as last amended by Laws of Utah 2017, Chapter 291

42 20A-7-504, as last amended by Laws of Utah 2016, Chapter 365

43 20A-7-505, as last amended by Laws of Utah 2012, Chapter 72

44 20A-7-506, as last amended by Laws of Utah 2012, Chapter 72

45 20A-7-506.3, as last amended by Laws of Utah 2011, Chapter 17

46 20A-7-507, as last amended by Laws of Utah 2011, Chapter 17

47 20A-7-508, as last amended by Laws of Utah 2017, Chapter 291

48 20A-7-509, as last amended by Laws of Utah 2009, Chapter 202

49 20A-7-510, as last amended by Laws of Utah 2010, Chapter 367

50 20A-7-512, as last amended by Laws of Utah 2013, Chapter 253

51 20A-7-513, as last amended by Laws of Utah 2017, Chapter 291

52 20A-7-601, as last amended by Laws of Utah 2016, Chapter 365

53 20A-7-602, as last amended by Laws of Utah 2016, Chapter 365

54 20A-7-602.5, as enacted by Laws of Utah 2014, Chapter 364

55 20A-7-603, as last amended by Laws of Utah 2016, Chapter 365

56 20A-7-604, as last amended by Laws of Utah 2016, Chapter 365

- 57 20A-7-605, as last amended by Laws of Utah 2012, Chapter 72
- 58 20A-7-606, as last amended by Laws of Utah 2016, Chapter 365
- 59 20A-7-606.3, as last amended by Laws of Utah 2011, Chapter 17
- 60 20A-7-607, as last amended by Laws of Utah 2014, Chapter 396
- 61 20A-7-608, as last amended by Laws of Utah 2008, Chapter 315
- 62 20A-7-609.5, as enacted by Laws of Utah 2014, Chapter 396
- 63 20A-7-610, as last amended by Laws of Utah 2010, Chapter 367
- 64 20A-7-612, as last amended by Laws of Utah 2001, Chapter 20
- 65 20A-11-1202, as last amended by Laws of Utah 2017, Chapter 68
- 66 20A-11-1203, as last amended by Laws of Utah 2015, Chapter 435
- 67 20A-11-1205, as last amended by Laws of Utah 2017, Chapter 68
- 68 20A-11-1206, as enacted by Laws of Utah 2015, Chapter 435

69 ENACTS:

- 70 20A-7-401.5, Utah Code Annotated 1953
- 71 20A-7-405, Utah Code Annotated 1953
- 72 20A-7-502.7, Utah Code Annotated 1953
- 73 20A-7-602.7, Utah Code Annotated 1953



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

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

77 **11-14-301. Issuance of bonds by governing body -- Computation of indebtedness**
78 **under constitutional and statutory limitations.**

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

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

85 (b) The 10-year period described in Subsection (2)(a) is tolled if, at any time during the
86 10-year period:

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

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

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

92 (A) the legality or validity of the bonds, or the election or proceedings authorizing the
93 bonds;

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

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

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

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

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

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

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

109 (d) For a bond described in this section that was approved by voters on or after May 8,
110 2018, a tolling period described in Subsection (2)(b)(i) ends:

111 (i) if a county, city, town, metro township, or court determines, under Section
112 20A-7-602.7, that the proposed referendum is not legally referable to voters, the later of:

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

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

117 (ii) if a county, city, town, metro township, or court determines, under Section
118 20A-7-602.7, that the proposed referendum is legally referable to voters, the later of:

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

121 or

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

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

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

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

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

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

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

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

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

150 Act.

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

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

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

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

169 **20A-7-101. Definitions.**

170 As used in this chapter:

171 (1) "Budget officer" means:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

199 (a) is registered to vote; or

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

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

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

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

207 [~~(11)~~] (12) "Local attorney" means the county attorney, city attorney, or town attorney
208 in whose jurisdiction a local initiative or referendum petition is circulated.

209 [~~(12)~~] (13) "Local clerk" means the county clerk, city recorder, or town clerk in whose
210 jurisdiction a local initiative or referendum petition is circulated.

211 [~~(13)~~] (14) (a) "Local law" includes:

- 212 (i) an ordinance;
- 213 (ii) a resolution;
- 214 (iii) a master plan;
- 215 (iv) a comprehensive zoning regulation adopted by ordinance or resolution; or
- 216 (v) other legislative action of a local legislative body.
- 217 (b) "Local law" does not include an individual property zoning decision.
- 218 ~~[(14)]~~ (15) "Local legislative body" means the legislative body of a county, city, town,
- 219 or metro township.
- 220 ~~[(15)]~~ (16) "Local obligation law" means a local law passed by the local legislative
- 221 body regarding a bond that was approved by a majority of qualified voters in an election.
- 222 ~~[(16)]~~ (17) "Local tax law" means a law, passed by a political subdivision with an
- 223 annual or biannual calendar fiscal year, that increases a tax or imposes a new tax.
- 224 ~~[(17)]~~ (18) "Measure" means a proposed constitutional amendment, an initiative, or
- 225 referendum.
- 226 ~~[(18)]~~ (19) "Referendum" means a process by which a law passed by the Legislature or
- 227 by a local legislative body is submitted or referred to the voters for their approval or rejection.
- 228 ~~[(19)]~~ (20) "Referendum packet" means a copy of the referendum petition, a copy of
- 229 the law being submitted or referred to the voters for their approval or rejection, and the
- 230 signature sheets, all of which have been bound together as a unit.
- 231 ~~[(20)]~~ (21) (a) "Signature" means a holographic signature.
- 232 (b) "Signature" does not mean an electronic signature.
- 233 ~~[(21)]~~ (22) "Signature sheets" means sheets in the form required by this chapter that are
- 234 used to collect signatures in support of an initiative or referendum.
- 235 (23) "Special local ballot proposition" means a local ballot proposition that is not a
- 236 standard local ballot proposition.
- 237 ~~[(22)]~~ (24) "Sponsors" means the legal voters who support the initiative or referendum
- 238 and who sign the application for petition copies.
- 239 (25) (a) "Standard local ballot proposition" means a local ballot proposition for an
- 240 initiative or a referendum.
- 241 (b) "Standard local ballot proposition" does not include a property tax referendum
- 242 described in Section [20A-7-613](#).

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) (a) Within 15 days after the day on which an eligible voter files an application to
254 circulate an initiative petition under Section [20A-7-502](#) or an application to circulate a
255 referendum petition under Section [20A-7-602](#):

256 (i) 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; and

259 (ii) the county or municipality to which the application relates may submit a written
260 argument in favor of, or against, the proposed initiative or referendum to the county's or
261 municipality's election officer.

262 (b) Within one business day after the day on which an election officer receives an
263 argument under Subsection (1)(a)(i), the election officer shall provide a copy of the argument
264 to the county or municipality described in Subsection (1)(a)(ii).

265 (c) Within one business day after the day on which an election officer receives an
266 argument under Subsection (1)(a)(ii), the election officer shall provide a copy of the argument
267 to the first three sponsors of the proposed initiative or referendum described in Subsection
268 (1)(a)(i).

269 (d) The sponsors of the proposed initiative or referendum may submit a revised version
270 of the written argument described in Subsection (1)(a)(i) to the election officer of the county or
271 municipality to which the petition relates:

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

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

276 (e) A county or municipality to may submit a revised version of the written argument
277 described in Subsection (1)(a)(ii) to the county's or municipality's election officer:

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

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

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

283 (b) Except as provided in Subsection (2)(c), a person may not modify a written
284 argument described in Subsection (1)(d) or (e) after the written argument is submitted to the
285 election officer.

286 (c) The election officer and the person that submits the written argument described in
287 Subsection (1)(d) or (e) may jointly agree to modify the written argument to:

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

289 (ii) reduce the number of words to come into compliance with Subsection (2)(a).

290 (d) An election officer shall refuse to include a written argument in the proposition
291 information pamphlet described in this section if the person who submits the argument:

292 (i) fails to negotiate, in good faith, to modify the argument in accordance with
293 Subsection (2)(c); or

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

295 (e) An election officer shall make a good faith effort to negotiate a modification
296 described in Subsection (2)(c) in an expedited manner.

297 (3) An election officer who receives a written argument described in Subsection (1)
298 shall prepare a proposition information pamphlet for publication that includes:

299 (a) a copy of the application for the proposed initiative or referendum;

300 (b) except as provided in Subsection (2)(d), immediately after the copy described in
301 Subsection (3)(a), the argument prepared by the sponsors of the proposed initiative or
302 referendum, if any; and

303 (c) except as provided in Subsection (2)(d), immediately after the argument described
304 in Subsection (3)(b), the argument prepared by the county or municipality, if any.

305 (4) Before an election officer publishes a proposition information pamphlet under
306 Subsection (5) or (6), the proposition information pamphlet is a draft for purposes of Title 63G,
307 Chapter 2, Government Records Access and Management Act.

308 (5) An election officer for a municipality shall publish the proposition information
309 pamphlet as follows:

310 (a) within the later of 10 days after the day on which the municipality or a court
311 determines that the proposed initiative or referendum is legally referable to voters, or, if the
312 election officer modifies an argument under Subsection (2)(c), three days after the day on
313 which the election officer and the person that submitted the argument agree on the
314 modification:

315 (i) by sending the proposition information pamphlet electronically to each individual in
316 the municipality for whom the municipality has an email address; and

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

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

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

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

330 (b) if the municipality regularly mails a newsletter, utility bill, or other material to the
331 municipality's residents, including an Internet address, where a resident may view the
332 proposition information pamphlet, in the next mailing that falls on or after the later of:

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

335 (ii) if the election officer modifies an argument under Subsection (2)(c), three days

336 after the day on which the election officer and the person that submitted the argument agree on
 337 the modification.

338 (6) An election officer for a county shall, within the later of 10 days after the day on
 339 which the county or a court determines that the proposed initiative or referendum is legally
 340 referable to voters, or, if the election officer modifies an argument under Subsection (2)(c),
 341 three days after the day on which the election officer and the person that submitted the
 342 argument agree on the modification, publish the proposition information pamphlet as follows:

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

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

347 (i) if the sponsors of the proposed initiative or referendum do not timely deliver any
 348 verified initiative packets under Section 20A-7-506 or any verified referendum packets under
 349 Section 20A-7-606, the day after the day of the deadline for delivery of the verified initiative
 350 packets or verified referendum packets;

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

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

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

357 **20A-7-402. Local voter information pamphlet -- Contents -- Limitations --**

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

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

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

363 ~~[(3)]~~ (2) (a) Within the time requirements described in Subsection ~~[(3)]~~ (2)(c)(i), a
 364 municipality that is subject to a special local ballot proposition shall provide a notice that
 365 complies with the requirements of Subsection ~~[(3)]~~ (2)(c)(ii) to the municipality's residents by:

366 (i) if the municipality regularly mails a newsletter, utility bill, or other material to the

367 municipality's residents, including the notice with a newsletter, utility bill, or other material;

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

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

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

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

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

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

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

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

380 (B) the home page of the county's website.

381 (c) A municipality or county that mails, sends, or posts a notice under Subsection [~~(3)~~]
382 (2)(a) or (b) shall:

383 (i) mail, send, or post the notice:

384 (A) not less than 90 days before the date of the election at which a special local ballot
385 proposition will be voted upon; or

386 (B) if the requirements of Subsection [~~(3)~~] (2)(c)(i)(A) cannot be met, as soon as
387 practicable after the special local ballot proposition is approved to be voted upon in an election;
388 and

389 (ii) ensure that the notice contains:

390 (A) the ballot title for the special local ballot proposition;

391 (B) instructions on how to file a request under Subsection [~~(3)~~] (2)(d); and

392 (C) the deadline described in Subsection [~~(3)~~] (2)(d).

393 (d) To prepare [~~an~~] a written argument for or against a special local ballot proposition,
394 an eligible voter shall file a request with the election officer at least 65 days before the election
395 at which the special local ballot proposition is to be voted on.

396 (e) If more than one eligible voter requests the opportunity to prepare [~~an~~] a written
397 argument for or against a special local ballot proposition, the election officer shall make the

398 final designation according to the following criteria:

399 (i) sponsors have priority in preparing an argument regarding a special local ballot
400 proposition; and

401 (ii) members of the local legislative body have priority over others.

402 (f) (i) ~~[Except as provided in Subsection (3)(g), a]~~ A sponsor of a special local ballot
403 proposition may prepare ~~[an]~~ a written argument in favor of the special local ballot proposition.

404 (ii) ~~[Except as provided in Subsection (3)(g), and subject]~~ Subject to Subsection ~~[(3)]~~
405 (2)(e), an eligible voter opposed to the special local ballot proposition who submits a request
406 under Subsection ~~[(3)]~~ (2)(d) may prepare ~~[an]~~ a written argument against the special local
407 ballot proposition.

408 ~~[(g) (i) For a referendum, subject to Subsection (3)(e), an eligible voter who is in favor~~
409 ~~of a law that is referred to the voters and who submits a request under Subsection (3)(d) may~~
410 ~~prepare an argument for adoption of the law.]~~

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

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

415 (i) ensure that the written argument does not exceed 500 words in length;

416 (ii) ensure that the written argument does not list more than five names as sponsors;

417 (iii) submit the written argument to the election officer no later than 60 days before the
418 election day on which the ballot proposition will be submitted to the voters; and

419 (iv) include with the written argument the eligible voter's name, residential address,
420 postal address, email address if available, and phone number.

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

423 ~~[(4)]~~ (3) (a) An election officer who timely receives the written arguments in favor of
424 and against a special local ballot proposition shall, within one business day after the day on
425 which the election office receives both written arguments, send, via mail or email:

426 (i) a copy of the written argument in favor of the special local ballot proposition to the
427 eligible voter who submitted the written argument against the special local ballot proposition;
428 and

429 (ii) a copy of the written argument against the special local ballot proposition to the
430 eligible voter who submitted the written argument in favor of the special local ballot
431 proposition.

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

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

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

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

440 (c) The eligible voter who submitted a timely written argument against the special local
441 ballot proposition:

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

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

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

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

451 [~~(5)~~] (4) (a) Except as provided in Subsection [~~(5)~~] (4)(b), in relation to a special local
452 ballot proposition:

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

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

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

460 modify ~~[an]~~ a written argument or written rebuttal argument in order to:

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

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

464 (c) An election officer shall refuse to accept and publish ~~[an]~~ a written argument or
465 written rebuttal argument in relation to a special local ballot proposition if the eligible voter
466 who submits the written argument or written rebuttal argument fails to negotiate, in good faith,
467 to modify the written argument or written rebuttal argument in accordance with Subsection
468 ~~[(5)]~~ (4)(b).

469 ~~[(6)]~~ (5) ~~[An]~~ In relation to a special local ballot proposition, an election officer may
470 designate another eligible voter to take the place of an eligible voter described in this section if
471 the original eligible voter is, due to injury, illness, death, or another circumstance, unable to
472 continue to fulfill the duties of an eligible voter described in this section.

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

475 (a) may, if a written argument against the standard local ballot proposition is included
476 in the proposition information pamphlet, submit a written rebuttal argument to the election
477 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 standard local ballot proposition will be submitted to the voters.

482 (7) A county or municipality that submitted a written argument against a standard local
483 ballot proposition that is included in a proposition information pamphlet under Section
484 [20A-7-401.5](#):

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

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

490 (c) shall submit the written rebuttal argument no later than 45 days before the election

491 day on which the ballot proposition will be submitted to the voters.

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

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

497 (c) An election officer who receives a written rebuttal argument described in this
498 section may not, before publishing the local voter information pamphlet described in this
499 section, disclose the written rebuttal argument, or any information contained in the written
500 rebuttal argument, to any person who may in any way be involved in preparing an opposing
501 rebuttal argument.

502 (9) (a) Except as provided in Subsection (9)(b), a person may not modify a written
503 rebuttal argument after the written rebuttal argument is submitted to the election officer.

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

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

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

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

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

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

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

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

520 [~~7~~] (11) (a) The local voter information pamphlet shall include a copy of the initial
521 fiscal impact estimate prepared for each initiative under Section [20A-7-502.5](#).

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

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

527 ~~[(8)]~~ (12) (a) In preparing the local voter information pamphlet, the election officer
528 shall:

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

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

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

534 (iii) pay for the printing and binding of the local voter information pamphlet; and

535 (iv) not less than 15 days before, but not more than 45 days before, the election at
536 which the ballot proposition will be voted on, distribute, by mail or carrier, to each registered
537 voter entitled to vote on the ballot proposition:

538 (A) a voter information pamphlet; or

539 (B) the notice described in Subsection ~~[(8)]~~ (12)(c).

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

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

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

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

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

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

553 Section 5. Section 20A-7-405 is enacted to read:

554 **20A-7-405. Public meeting.**

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

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

561 (a) allows equal time, within a reasonable limit, for presentations on both sides of the
562 proposed initiative, initiative, proposed referendum, or referendum;

563 (b) provides each interested party desiring to be heard an opportunity to present oral
564 testimony within reasonable time limits; and

565 (c) holds the public meeting beginning at or after 6 p.m.

566 (3) This section does not prohibit a working group meeting from being held before 6
567 p.m.

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

569 **20A-7-501. Initiatives -- Signature requirements -- Time requirements.**

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

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

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

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

584 ~~[(iv) 20% of all the votes cast in the county, city, town, or metro township for all~~
585 ~~candidates for President of the United States at the last election at which a President of the~~
586 ~~United States was elected if the total number of votes does not exceed 2,500 but is more than~~
587 ~~500;]~~

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

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

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

600 (1) As used in this section:

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

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

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

605 (2)(b).

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

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

610 (a) legal signatures equal to:

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

614 (ii) for a metro township with a population of 65,000 or more but less than 100,000, a

615 city of the second class, or a county of the second class, 12.5% of the number of active voters
616 in the metro township, city, or county;

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

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

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

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

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

632 [~~(2)~~] (3) If the total number of certified names from each verified signature sheet
633 equals or exceeds the number of names required by this section, the clerk or recorder shall
634 deliver the proposed law to the local legislative body at [~~its~~] the local legislative body's next
635 meeting.

636 [~~(3)~~] (4) (a) The local legislative body shall either adopt or reject the proposed law
637 without change or amendment within 30 days [~~of receipt of~~] after the day on which the local
638 legislative body receives the proposed law under Subsection (3).

639 (b) The local legislative body may:

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

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

642 (iii) reject the proposed law.

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

646 (d) (i) If a county legislative body rejects a proposed [~~county ordinance or amendment~~]
647 law, or takes no action on [~~it~~] a proposed law, the county clerk shall submit [~~it~~] the proposed
648 law to the voters of the county at the next regular general election immediately after the
649 petition for the proposed law is filed under Section 20A-7-502.

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

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

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

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

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

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

667 **20A-7-502. Local initiative process -- Application procedures.**

668 (1) (a) As used in this section, "threshold number" means:

669 (i) for a municipality where the mayor is on the council, the number of council
670 members, including the mayor;

671 (ii) for a municipality where the mayor is not on the council, the number of council
672 members, plus the mayor; or

673 (iii) for a county, the number of council members, plus one.

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

676 (2) The application shall contain:

677 (a) the name and residence address of ~~[at least five]~~ a number of sponsors of the
 678 initiative petition that equals or exceeds the threshold number for the local government to
 679 which the initiative petition pertains;

680 (b) a statement indicating that each of the sponsors~~[(i)]~~ is a registered voter; ~~[and]~~
 681 ~~[(ii) (A) if the initiative seeks to enact a county ordinance, has voted in a regular~~
 682 ~~general election in Utah within the last three years; or]~~

683 ~~[(B) if the initiative seeks to enact a municipal ordinance, has voted in a regular~~
 684 ~~municipal election in Utah;]~~

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

686 ~~[(H) within the last five years, if the sponsor's failure to vote within the last three years~~
 687 ~~is due to the sponsor's residing in a municipal district that participates in a municipal election~~
 688 ~~every four years;]~~

689 (c) a statement indicating that each of the sponsors has voted in an election in Utah in
 690 the last three years;

691 ~~[(e)]~~ (d) the signature of each of the sponsors, ~~[attested to]~~ acknowledged by a notary
 692 public;

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

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

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

696 ~~[(e)]~~ (f) if the initiative petition proposes a tax increase, the following statement, "This
 697 initiative petition seeks to increase the current (insert name of tax) rate by (insert the tax
 698 percentage difference) percent, resulting in a(n) (insert the tax percentage increase) percent
 699 increase in the current tax rate."

700 (3) A proposed law submitted under this section may not contain more than one subject
 701 to the same extent a bill may not pass containing more than one subject as provided in Utah
 702 Constitution, Article VI, Section 22.

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

704 **20A-7-502.5. Initial fiscal and legal impact estimate -- Preparation of estimate.**

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

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

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

708 officer.

709 (2) (a) The budget officer, together with legal counsel, shall prepare an unbiased, good
710 faith estimate of the fiscal and legal impact of the law proposed by the initiative that contains:

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

712 (ii) if the proposed law would increase or decrease taxes, a dollar amount representing
713 the total estimated increase or decrease for each type of tax affected under the proposed law
714 and a dollar amount representing the total estimated increase or decrease in taxes under the
715 proposed law;

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

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

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

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

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

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

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

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

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

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

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

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

739 taxes or debt."

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

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

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

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

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

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

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

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

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

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

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

774 ~~[(ii) The Supreme Court may not revise the contents of, or direct the revision of, the~~
775 ~~initial fiscal impact estimate, including the legal impact estimate, unless the plaintiffs rebut the~~
776 ~~presumption by clear and convincing evidence that establishes that the fiscal estimate,~~
777 ~~including the legal impact estimate, taken as a whole, is an inaccurate statement of the~~
778 ~~estimated fiscal or legal impact of the initiative.]~~

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

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

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

786 **20A-7-502.7. Referability to voters.**

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

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

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

793 (i) legally referable to voters; or

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

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

796 (a) the proposed law is patently unconstitutional;

797 (b) the proposed law is nonsensical;

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

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

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

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

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

803 (g) the proposed law is identical or substantially similar to a legally referable proposed
804 law sought by an initiative application submitted to the local clerk, under Section 20A-7-502,
805 within two years before the day on which the application for the current proposed initiative is
806 filed; or

807 (h) the application for the proposed law was not timely filed or does not comply with
808 the requirements of this part.

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

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

812 (b) bring a legal action, other than to appeal a court decision, challenging a proposed
813 initiative on the grounds that the proposed initiative is not legally referable to voters.

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

817 (a) district court; or

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

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

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

823 **20A-7-504. Circulation requirements -- Local clerk to provide sponsors with**
824 **materials.**

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

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

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

833 (b) one signature sheet.

834 (3) The sponsors of the petition shall:

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

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

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

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

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

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

848 (b) The local clerk shall:

849 (i) number each of the initiative packets and return [~~them~~] the packets to the sponsors
850 within [~~five working days~~] 10 days after the day on which the sponsors comply with Subsection
851 (5)(a); and

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

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

854 **20A-7-505. Obtaining signatures -- Verification -- Removal of signature.**

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

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

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

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

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

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

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

869 (b) Upon receipt of the statement, the local clerk shall remove the signature of the
870 [~~person~~] individual submitting the statement from the initiative petition.

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

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

874 **20A-7-506. Submitting the initiative petition -- Certification of signatures by the**
875 **county clerks -- Transfer to local clerk.**

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

878 (i) for county initiatives:

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

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

882 (ii) for municipal initiatives:

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

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

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

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

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

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

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

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

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

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

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

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

902 **20A-7-506.3. Verification of petition signatures.**

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

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

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

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

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

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

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

923 (a) When a signer's name and address shown on the petition exactly match a name and
924 address shown on the official register and the signer's signature appears substantially similar to

925 the signature on the statewide voter registration database, the county clerk shall declare the
926 signature valid.

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

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

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

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

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

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

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

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

942 **20A-7-507. Evaluation by the local clerk.**

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

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

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

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

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

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

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

962 [~~(5) (a) If the local clerk refuses to accept and file any initiative petition, any voter may~~
963 ~~apply to the supreme court for an extraordinary writ to compel him to do so within 10 days~~
964 ~~after the refusal.]~~

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

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

971 [~~(6)~~] (5) A petition determined to be sufficient in accordance with this section is
972 qualified for the ballot.

973 Section 15. Section **20A-7-508** is amended to read:

974 **20A-7-508. Ballot title -- Duties of local clerk and local attorney.**

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

978 (2) The local attorney shall:

979 (a) entitle each county or municipal initiative that has qualified for the ballot

980 "Proposition Number ___" and give it a number as assigned under Section **20A-6-107**;

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

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

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

986 (i) the sponsors of the petition; and

987 (ii) the local legislative body for the jurisdiction where the initiative petition was
988 circulated.

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

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

993 (c) The ballot title may not intentionally be an argument, or likely to create prejudice,
994 for or against the measure.

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

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

1000 (4) (a) Within five calendar days after the date the local attorney files a proposed ballot
1001 title under Subsection (2)(c), the local legislative body for the jurisdiction where the initiative
1002 petition was circulated and the sponsors of the petition may file written comments in response
1003 to the proposed ballot title with the local clerk.

1004 (b) Within five calendar days after the last date to submit written comments under
1005 Subsection (4)(a), the local attorney shall:

1006 (i) review any written comments filed in accordance with Subsection (4)(a);

1007 (ii) prepare a final ballot title that meets the requirements of Subsection (3); and

1008 (iii) return the petition and file the ballot title with the local clerk.

1009 (c) Subject to Subsection (6), the ballot title, as determined by the local attorney, shall
1010 be printed on the official ballot.

1011 (5) Immediately after the local attorney files a copy of the ballot title with the local
1012 clerk, the local clerk shall serve a copy of the ballot title by mail upon the sponsors of the
1013 petition and the local legislative body for the jurisdiction where the initiative petition was
1014 circulated.

1015 (6) (a) If the ballot title furnished by the local attorney is unsatisfactory or does not
1016 comply with the requirements of this section, the decision of the local attorney may be
1017 appealed ~~[by a petition]~~ to the district court, or, if the Supreme Court has original jurisdiction,

1018 to the Supreme Court [~~that is~~],² brought by:

1019 (i) at least three sponsors of the initiative petition; or

1020 (ii) a majority of the local legislative body for the jurisdiction where the initiative
1021 petition was circulated.

1022 (b) The [~~Supreme Court~~] court:

1023 (i) shall examine the measures and consider arguments[~~and, in its decision~~]; and

1024 (ii) may certify to the local clerk a ballot title for the measure that fulfills the intent of
1025 this section.

1026 (c) The local clerk shall print the title certified by the [~~Supreme Court~~] court on the
1027 official ballot.

1028 Section 16. Section **20A-7-509** is amended to read:

1029 **20A-7-509. Form of ballot -- Manner of voting.**

1030 (1) The local clerk shall ensure that the number and ballot title are presented upon the
1031 official ballot with, immediately adjacent to them, the words "For" and "Against," each word
1032 presented with an adjacent square in which the [~~elector~~] voter may indicate [~~his~~] the voter's
1033 vote.

1034 (2) [~~Electors~~] Voters desiring to vote in favor of enacting the law proposed by the
1035 initiative petition shall mark the square adjacent to the word "For," and [~~those~~] voters desiring
1036 to vote against enacting the law proposed by the initiative petition shall mark the square
1037 adjacent to the word "Against."

1038 Section 17. Section **20A-7-510** is amended to read:

1039 **20A-7-510. Return and canvass -- Conflicting measures -- Law effective on**
1040 **proclamation.**

1041 (1) The votes on the law proposed by the initiative petition shall be counted,
1042 canvassed, and delivered as provided in Title 20A, Chapter 4, Part 3, Canvassing Returns.

1043 (2) After the local board of canvassers completes its canvass, the local clerk shall
1044 certify to the local legislative body the vote for and against the law proposed by the initiative
1045 petition.

1046 (3) (a) The local legislative body shall immediately issue a proclamation that:

1047 (i) gives the total number of votes cast in the local jurisdiction for and against each law
1048 proposed by an initiative petition; and

1049 (ii) declares those laws proposed by an initiative petition that were approved by
1050 majority vote to be in full force and effect as the law of the local jurisdiction.

1051 (b) When the local legislative body determines that two proposed laws, or that parts of
1052 two proposed laws approved by the people at the same election are entirely in conflict, they
1053 shall proclaim that measure to be law that has received the greatest number of affirmative
1054 votes, regardless of the difference in the majorities which those measures have received.

1055 (c) (i) Within 10 days after the local legislative body's proclamation, any qualified
1056 voter who signed the initiative petition proposing the law that is declared by the local
1057 legislative body to be superseded by another measure approved at the same election may apply
1058 to the district court, or, if the Supreme Court has original jurisdiction, the Supreme Court to
1059 review the decision.

1060 (ii) The court shall:

1061 (A) consider the matter and decide whether [~~or not~~] the proposed laws are in conflict;
1062 and

1063 (B) certify [~~its~~] the court's decision to the local legislative body.

1064 (4) Within 10 days after the [~~Supreme Court certifies its~~] day on which the court
1065 certifies the decision, the local legislative body shall:

1066 (a) proclaim as law all [~~those~~] measures approved by the people [~~as law~~] that the
1067 [~~Supreme Court has determined~~] court determines are not in conflict; and

1068 (b) [~~of all those~~] for the measures approved by the people as law that the [~~Supreme~~
1069 ~~Court has determined~~] court determines to be in conflict, proclaim as law the [~~one~~] measure
1070 that received the greatest number of affirmative votes, regardless of the difference in
1071 majorities.

1072 Section 18. Section **20A-7-512** is amended to read:

1073 **20A-7-512. Misconduct of electors and officers -- Penalty.**

1074 (1) It is unlawful for any [~~person~~] individual to:

1075 (a) sign any name other than the [~~person's own~~] individual's own name to any initiative
1076 petition;

1077 (b) knowingly sign the [~~person's~~] individual's name more than once for the same
1078 measure at one election;

1079 (c) sign an initiative knowing the [~~person~~] individual is not a legal voter; or

1080 (d) knowingly and willfully violate any provision of this part.

1081 (2) It is unlawful for any ~~[person]~~ individual to sign the verification for an initiative
1082 packet knowing that:

1083 (a) the ~~[person]~~ individual does not meet the residency requirements of Section
1084 [20A-2-105](#);

1085 (b) the ~~[person]~~ individual has not witnessed the signatures of ~~[those persons]~~ the
1086 individuals whose names appear in the initiative packet; or

1087 (c) one or more ~~[persons]~~ individuals whose signatures appear in the initiative packet is
1088 either:

1089 (i) not registered to vote in Utah; or

1090 (ii) does not intend to become registered to vote in Utah.

1091 (3) ~~[Any person violating]~~ An individual who violates this part is guilty of a class A
1092 misdemeanor.

1093 Section 19. Section ~~20A-7-513~~ is amended to read:

1094 **20A-7-513. Fiscal review -- Repeal, amendment, or resubmission.**

1095 (1) No later than 60 days after the date of an election in which the voters approve an
1096 initiative petition, the budget officer shall:

1097 (a) for each initiative approved by the voters, prepare a final fiscal impact statement,
1098 using current financial information and containing the information required by Subsection
1099 [20A-7-502.5\(2\)](#), except for the information required by Subsection [20A-7-502.5\(2\)\(a\)\(vii\)](#); and

1100 (b) deliver a copy of the final fiscal impact statement to:

1101 (i) the local legislative body of the jurisdiction where the initiative was circulated;

1102 (ii) the local clerk; and

1103 (iii) the first ~~[five]~~ three sponsors listed on the initiative application.

1104 (2) If the final fiscal impact statement exceeds the initial fiscal impact estimate by 25%
1105 or more, the local legislative body shall review the final fiscal impact statement and may, by a
1106 majority vote:

1107 (a) repeal the law established by passage of the initiative;

1108 (b) amend the law established by the passage of the initiative; or

1109 (c) pass a resolution informing the voters that they may file an initiative petition to
1110 repeal the law enacted by the passage of the initiative.

1111 Section 20. Section ~~20A-7-601~~ is amended to read:

1112 **20A-7-601. Referenda -- General signature requirements -- Signature**
1113 **requirements for land use laws and jurisdictional laws -- Time requirements.**

1114 ~~[(1) Except as provided in Subsection (2) or (3), a person seeking to have a local law~~
1115 ~~passed by the local legislative body submitted to a vote of the people shall obtain legal~~
1116 ~~signatures equal to:]~~

1117 ~~[(a) 10% of all the votes cast in the county, city, or town for all candidates for president~~
1118 ~~of the United States at the last election at which a president of the United States was elected if~~
1119 ~~the total number of votes exceeds 25,000;]~~

1120 ~~[(b) 12-1/2% of all the votes cast in the county, city, or town for all candidates for~~
1121 ~~president of the United States at the last election at which a president of the United States was~~
1122 ~~elected if the total number of votes does not exceed 25,000 but is more than 10,000;]~~

1123 ~~[(c) 15% of all the votes cast in the county, city, or town for all candidates for president~~
1124 ~~of the United States at the last election at which a president of the United States was elected if~~
1125 ~~the total number of votes does not exceed 10,000 but is more than 2,500;]~~

1126 ~~[(d) 20% of all the votes cast in the county, city, or town for all candidates for president~~
1127 ~~of the United States at the last election at which a president of the United States was elected if~~
1128 ~~the total number of votes does not exceed 2,500 but is more than 500;]~~

1129 ~~[(e) 25% of all the votes cast in the county, city, or town for all candidates for president~~
1130 ~~of the United States at the last election at which a president of the United States was elected if~~
1131 ~~the total number of votes does not exceed 500 but is more than 250; and]~~

1132 ~~[(f) 30% of all the votes cast in the county, city, or town for all candidates for president~~
1133 ~~of the United States at the last election at which a president of the United States was elected if~~
1134 ~~the total number of votes does not exceed 250;]~~

1135 ~~[(2) (a) As used in this Subsection (2), "land use law" includes a land use development~~
1136 ~~code, an annexation ordinance, and comprehensive zoning ordinances;]~~

1137 ~~[(b) Except as provided in Subsection (3), a person seeking to have a land use law or~~
1138 ~~local obligation law passed by the local legislative body submitted to a vote of the people shall~~
1139 ~~obtain legal signatures equal to:]~~

1140 ~~[(i) in a county or in a city of the first or second class, 20% of all votes cast in the~~
1141 ~~county or city for all candidates for president of the United States at the last election at which a~~

1142 ~~president of the United States was elected; and]~~

1143 ~~[(ii) in a city of the third, fourth, or fifth class or a town, 35% of all the votes cast in the~~
1144 ~~city or town for all candidates for president of the United States at the last election at which a~~
1145 ~~president of the United States was elected.]~~

1146 ~~[(3) (a) As used in this Subsection (3):]~~

1147 ~~[(i) "Subjurisdiction" means an area comprised of all precincts and subprecincts in the~~
1148 ~~jurisdiction of a county, city, or town that are subject to a subjurisdictional law.]~~

1149 ~~[(ii) "Subjurisdictional law" means a local law or local obligation law passed by a local~~
1150 ~~legislative body that imposes a tax or other payment obligation on property in an area that does~~
1151 ~~not include all precincts and subprecincts under the jurisdiction of the county, city, or town.]~~

1152 ~~[(b) A person seeking to have a subjurisdictional law passed by the local legislative~~
1153 ~~body submitted to a vote of the people shall obtain legal signatures of the residents in the~~
1154 ~~subjurisdiction equal to:]~~

1155 ~~[(i) 10% of the total votes cast in the subjurisdiction for all candidates for president of~~
1156 ~~the United States at the last election at which a president of the United States was elected if the~~
1157 ~~total number of votes exceeds 25,000;]~~

1158 ~~[(ii) 12-1/2% of all the votes cast in the subjurisdiction for all candidates for president~~
1159 ~~of the United States at the last election at which a president of the United States was elected if~~
1160 ~~the total number of votes does not exceed 25,000 but is more than 10,000;]~~

1161 ~~[(iii) 15% of all the votes cast in the subjurisdiction for all candidates for president of~~
1162 ~~the United States at the last election at which a president of the United States was elected if the~~
1163 ~~total number of votes does not exceed 10,000 but is more than 2,500;]~~

1164 ~~[(iv) 20% of all the votes cast in the subjurisdiction for all candidates for president of~~
1165 ~~the United States at the last election at which a president of the United States was elected if the~~
1166 ~~total number of votes does not exceed 2,500 but is more than 500;]~~

1167 ~~[(v) 25% of all the votes cast in the subjurisdiction for all candidates for president of~~
1168 ~~the United States at the last election at which a president of the United States was elected if the~~
1169 ~~total number of votes does not exceed 500 but is more than 250; and]~~

1170 ~~[(vi) 30% of all the votes cast in the subjurisdiction for all candidates for president of~~
1171 ~~the United States at the last election at which a president of the United States was elected if the~~
1172 ~~total number of votes does not exceed 250;]~~

- 1173 (1) As used in this section:
1174 (a) "Areas with substantially equal population" means districts, precincts, or other areas
1175 that:
1176 (i) have a population deviation of no more than 3.5%; and
1177 (ii) are designated by ordinance to be used for the purpose described in Subsection
1178 (2)(b).
1179 (b) "Land use law" includes a land use development code, an annexation ordinance,
1180 and comprehensive zoning ordinances.
1181 (c) "Number of active voters" means the number of active voters in the county, city, or
1182 town on the immediately preceding January 1.
1183 (d) "Subjurisdiction" means an area comprised of all precincts and subprecincts in the
1184 jurisdiction of a county, city, or town that are subject to a subjurisdictional law.
1185 (e) "Subjurisdictional law" means a local law or local obligation law passed by a local
1186 legislative body that imposes a tax or other payment obligation on property in an area that does
1187 not include all precincts and subprecincts under the jurisdiction of the county, city, or town.
1188 (2) Except as provided in Subsection (3) or (4), an eligible voter seeking to have a local
1189 law passed by the local legislative body submitted to a vote of the people shall obtain:
1190 (a) legal signatures equal to:
1191 (i) for a metro township with a population of 100,000 or more, a city of the first class,
1192 or a county of the first class, 10% of the number of active voters in the metro township, city, or
1193 county;
1194 (ii) for a metro township with a population of 65,000 or more but less than 100,000, a
1195 city of the second class, or a county of the second class, 12.5% of the number of active voters
1196 in the metro township, city, or county;
1197 (iii) for a metro township with a population of 30,000 or more but less than 65,000, a
1198 city of the third class, or a county of the third class, 15% of the number of active voters in the
1199 metro township, city, or county;
1200 (iv) for a metro township with a population of 10,000 or more but less than 30,000, a
1201 city of the fourth class, or a county of the fourth class, 20% of the number of active voters in
1202 the metro township, city, or county;
1203 (v) for a metro township with a population of 1,000 or more but less than 10,000, a city

1204 of the fifth class, or a county of the fifth class, 25% of the number of active voters in the metro
1205 township, city, or county; or

1206 (vi) for a metro township with a population of less than 1,000, a town, or a county of
1207 the sixth class, 30% of the number of active voters in the metro township, town, or county; and

1208 (b) if, before the day on which the eligible voter files the application to circulate the
1209 referendum petition, the metro township, city, county, or town is divided into areas with
1210 substantially equal population, in at least 90% of the areas, legal signatures equal to 2% of the
1211 number of active voters in each area.

1212 (3) Except as provided in Subsection (4), an eligible voter seeking to have a land use
1213 law or local obligation law passed by the local legislative body submitted to a vote of the
1214 people shall obtain legal signatures equal to:

1215 (a) (i) for a metro township with a population of 65,000 or more, a city of the first or
1216 second class, or a county, 20% of the number of active voters in the metro township, city, or
1217 county; or

1218 (ii) for a metro township with a population of less than 65,000, a city of the third,
1219 fourth, or fifth class, or a town, 35% of the number of active voters in the metro township, city,
1220 or town; and

1221 (b) if, before the day on which the individual files the application to circulate the
1222 referendum petition, the metro township, city, county, or town is divided into areas with
1223 substantially equal population, in at least 85% of the areas, legal signatures equal to 10% of the
1224 number of active voters in each area.

1225 (4) An eligible voter seeking to have a subjurisdictional law passed by the local
1226 legislative body submitted to a vote of the people shall obtain legal signatures of the residents
1227 in the subjurisdiction equal to:

1228 (a) (i) for a subjurisdiction with a population of 100,000 or more, 10% of the number
1229 of active voters in the subjurisdiction;

1230 (ii) for a subjurisdiction with a population of 65,000 or more but less than 100,000,
1231 12.5% of the number of active voters in the subjurisdiction;

1232 (iii) for a subjurisdiction with a population of 30,000 or more but less than 65,000,
1233 15% of the number of active voters in the subjurisdiction;

1234 (iv) for a subjurisdiction with a population of 10,000 or more but less than 30,000,

1235 20% of the number of active voters in the subjurisdiction;

1236 (v) for a subjurisdiction with a population of 1,000 or more but less than 10,000, 25%
1237 of the number of active voters in the subjurisdiction; or

1238 (vi) for a subjurisdiction with a population of less than 1,000, 30% of the number of
1239 active voters in the subjurisdiction; and

1240 (b) if, before the day on which the eligible voter files the application to circulate the
1241 referendum petition, the subjurisdiction is divided into areas with substantially equal
1242 population, in at least 85% of the areas, legal signatures equal to 10% of the number of active
1243 voters in each area.

1244 ~~[(4)]~~ (5) (a) Sponsors of any referendum petition challenging, under Subsection ~~[(1)~~,
1245 ~~(2), or (3)]~~ (2), (3), or (4), any local law passed by a local legislative body shall file the
1246 application within ~~[five]~~ seven days after the ~~[passage of]~~ day on which the local law was
1247 passed.

1248 (b) Except as provided in Subsection ~~[(4)]~~ (5)(c), when a referendum petition has been
1249 declared sufficient, the local law that is the subject of the petition does not take effect unless
1250 and until the local law is approved by a vote of the people.

1251 (c) When a referendum petition challenging a subjurisdictional law has been declared
1252 sufficient, the subjurisdictional law that is the subject of the petition does not take effect unless
1253 and until the subjurisdictional law is approved by a vote of the people who reside in the
1254 subjurisdiction.

1255 ~~[(5)]~~ (6) If the referendum passes, the local law that was challenged by the referendum
1256 is repealed as of the date of the election.

1257 ~~[(6)]~~ (7) Nothing in this section authorizes a local legislative body to impose a tax or
1258 other payment obligation on a subjurisdiction in order to benefit an area outside of the
1259 subjurisdiction.

1260 Section 21. Section **20A-7-602** is amended to read:

1261 **20A-7-602. Local referendum process -- Application procedures.**

1262 (1) (a) As used in this section, "threshold number" means:

1263 (i) for a municipality where the mayor is on the council, the number of council
1264 members, including the mayor;

1265 (ii) for a municipality where the mayor is not on the council, the number of council

1266 members, plus the mayor; or

1267 (iii) for a county, the number of council members, plus one.

1268 ~~[(1) Persons]~~ (b) An eligible voter wishing to circulate a referendum petition shall file
1269 an application with the local clerk.

1270 (2) The application shall contain:

1271 (a) the name and residence address of ~~[at least five]~~ a number of sponsors of the
1272 referendum petition that equals or exceeds the threshold number for the local government to
1273 which the referendum petition pertains;

1274 (b) a certification indicating that each of the sponsors~~[(i)]~~ is a resident of Utah; ~~[and]~~
1275 ~~[(ii) (A) if the referendum challenges a county local law, has voted in a regular general~~
1276 ~~election in Utah within the last three years; or]~~

1277 ~~[(B) if the referendum challenges a municipal local law, has voted in a regular~~
1278 ~~municipal election in Utah within the last three years;]~~

1279 (c) a statement indicating that each of the sponsors has voted in an election in Utah in
1280 the last three years;

1281 ~~[(c)]~~ (d) the signature of each of the sponsors, [attested to] acknowledged by a notary
1282 public; and

1283 ~~[(d)]~~ (e) (i) if the referendum challenges an ordinance or resolution, one copy of the
1284 law; or

1285 (ii) if the referendum challenges a local law that is not an ordinance or resolution, a
1286 written description of the local law, including the result of the vote on the local law.

1287 Section 22. Section **20A-7-602.5** is amended to read:

1288 **20A-7-602.5. Initial fiscal and legal impact estimate -- Preparation of estimate.**

1289 (1) Within three working days after the day on which the local clerk receives an
1290 application for a referendum petition, the local clerk shall submit a copy of the application to
1291 the county, city, or town's budget officer.

1292 (2) (a) The budget officer, together with legal counsel, shall prepare an unbiased, good
1293 faith estimate of the fiscal and legal impact of repealing the law the referendum proposes to
1294 repeal that contains:

1295 (i) a dollar amount representing the total estimated fiscal impact of repealing the law;

1296 (ii) if repealing the law would increase or decrease taxes, a dollar amount representing

1297 the total estimated increase or decrease for each type of tax that would be impacted by the law's
1298 repeal and a dollar amount representing the total estimated increase or decrease in taxes that
1299 would result from the law's repeal;

1300 (iii) if repealing the law would result in the issuance or a change in the status of bonds,
1301 notes, or other debt instruments, a dollar amount representing the total estimated increase or
1302 decrease in public debt that would result;

1303 (iv) a listing of all sources of funding for the estimated costs that would be associated
1304 with the law's repeal, showing each source of funding and the percentage of total funding that
1305 would be provided from each source;

1306 (v) a dollar amount representing the estimated costs or savings, if any, to state and
1307 local government entities if the law were repealed;

1308 (vi) the legal impacts that would result from repealing the law, including:

1309 (A) any significant effects on a person's vested property rights;

1310 (B) any significant effects on other laws or ordinances;

1311 (C) any significant legal liability the city, county, or town may incur; and

1312 (D) any other significant legal impact as determined by the budget officer and the legal
1313 counsel; and

1314 (vii) a concise explanation, not exceeding 100 words, of the above information and of
1315 the estimated fiscal impact, if any, if the law were repealed.

1316 (b) (i) If repealing the law would have no fiscal impact, the local budget officer shall
1317 include a summary statement in the initial fiscal impact statement in substantially the following
1318 form:

1319 "The (title of the local budget officer) estimates that repealing the law this referendum
1320 proposes to repeal would have no significant fiscal impact and would not result in either an
1321 increase or decrease in taxes or debt."

1322 (ii) If repealing the law is estimated to have a fiscal impact, the local budget officer
1323 shall include a summary statement describing the fiscal impact.

1324 (iii) If the estimated fiscal impact of repealing the law is highly variable or is otherwise
1325 difficult to reasonably express in a summary statement, the local budget officer may include in
1326 the summary statement a brief explanation that identifies those factors impacting the variability
1327 or difficulty of the estimate.

1328 (3) Within 25 calendar days after the day on which the local clerk submits a copy of the
1329 application under Subsection (1), the budget officer shall:

1330 (a) deliver a copy of the initial fiscal impact estimate, including the legal impact
1331 estimate, to the local clerk's office; and

1332 (b) mail a copy of the initial fiscal impact estimate, including the legal impact estimate,
1333 to the first ~~five~~ three sponsors named in the application.

1334 Section 23. Section **20A-7-602.7** is enacted to read:

1335 **20A-7-602.7. Referability to voters.**

1336 (1) Within 20 days after the day on which an eligible voter files an application to
1337 circulate a referendum petition under Section [20A-7-602](#), the county, city, town, or metro
1338 township to which the initiative pertains shall:

1339 (a) review the application to determine whether the proposed referendum is legally
1340 referable to voters; and

1341 (b) notify the first three sponsors, in writing, whether the proposed referendum is:

1342 (i) legally referable to voters; or

1343 (ii) rejected as not legally referable to voters.

1344 (2) A proposed referendum is legally referable to voters unless:

1345 (a) the proposed referendum challenges an action that is administrative, rather than
1346 legislative, in nature;

1347 (b) the proposed referendum challenges more than one law passed by the local
1348 legislative body; or

1349 (c) the application for the proposed referendum was not timely filed or does not
1350 comply with the requirements of this part.

1351 (3) After the end of the 20-day period described in Subsection (1), a county, city, town,
1352 or metro township may not:

1353 (a) reject a proposed referendum as not legally referable to voters; or

1354 (b) challenge, in a legal action or otherwise, a proposed referendum on the grounds that
1355 the proposed referendum is not legally referable to voters.

1356 (4) If a county, city, town, or metro township rejects a proposed referendum, a sponsor
1357 of the proposed referendum may, within 10 days after the day on which a sponsor is notified
1358 under Subsection (1)(b), appeal the decision to:

- 1359 (a) district court; or
- 1360 (b) the Supreme Court, if the Supreme Court has original jurisdiction over the appeal.
- 1361 (5) If, on appeal, the court determines that the proposed referendum is legally referable
- 1362 to voters, the local clerk shall comply with Subsection [20A-7-604\(2\)](#) within five days after the
- 1363 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);

Each signer says:

I have personally signed this petition;

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

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

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

(2) Each signature sheet shall:

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

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

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

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

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

1390 "It is a class A misdemeanor for an individual to sign a referendum petition with any
1391 other name than the individual's own name, or to knowingly sign the individual's name more
1392 than once for the same measure, or to sign a referendum petition when the individual knows
1393 that the individual is not a registered voter and knows that the individual does not intend to
1394 become registered to vote before the certification of the petition names by the county clerk.";

1395 (f) contain horizontally ruled lines three-eighths inch apart under the "Warning"
1396 statement required by this section;

1397 (g) be vertically divided into columns as follows:

1398 (i) the first column shall appear at the extreme left of the sheet, be five-eighths inch
1399 wide, be headed with "For Office Use Only," and be subdivided with a light vertical line down
1400 the middle;

1401 (ii) the next column shall be 2-1/2 inches wide, headed "Registered Voter's Printed
1402 Name (must be legible to be counted)";

1403 (iii) the next column shall be 2-1/2 inches wide, headed "Signature of Registered
1404 Voter";

1405 (iv) the next column shall be one inch wide, headed "Birth Date or Age (Optional)";
1406 and

1407 (v) the final column shall be 4-3/8 inches wide, headed "Street Address, City, Zip
1408 Code";

1409 (h) spanning the sheet horizontally beneath each row on which a registered voter may
1410 submit the information described in Subsection (2)(g), contain the following statement printed
1411 or typed in not less than eight-point, single-leaded type: "By signing this petition, you are
1412 stating that you have read and understand the law this petition seeks to overturn."; and

1413 (i) at the bottom of the sheet, contain the following statement: "Birth date or age
1414 information is not required, but it may be used to verify your identity with voter registration
1415 records. If you choose not to provide it, your signature may not be verified as a valid signature
1416 if you change your address before petition signatures are verified or if the information you
1417 provide does not match your voter registration records."

1418 (3) The final page of each referendum packet shall contain the following printed or
1419 typed statement:

1420 "Verification

1421 State of Utah, County of _____

1422 I, _____, of _____, hereby state that:

1423 I am a resident of Utah and am at least 18 years old;

1424 All the names that appear in this referendum packet were signed by ~~[persons]~~
1425 individuals who professed to be the ~~[persons]~~ individuals whose names appear in it, and each
1426 of ~~[them signed his]~~ the individuals signed the individual's name on it in my presence;

1427 I believe that each individual has printed and signed ~~[his]~~ the individual's name and
1428 written ~~[his]~~ the individual's post office address and residence correctly, and that each signer is
1429 registered to vote in Utah or intends to become registered to vote before the certification of the
1430 petition names by the county clerk.

1431 _____ "

1432 (4) The forms prescribed in this section are not mandatory, and, if substantially
1433 followed, the referendum petitions are sufficient, notwithstanding clerical and merely technical
1434 errors.

1435 Section 25. Section **20A-7-604** is amended to read:

1436 **20A-7-604. Circulation requirements -- Local clerk to provide sponsors with**
1437 **materials.**

1438 (1) In order to obtain the necessary number of signatures required by this part, the
1439 sponsors shall, after the sponsors receive the documents described in Subsections (2)(a) and
1440 (b), circulate referendum packets that meet the form requirements of this part.

1441 (2) Within five days after the day on which a ~~[local clerk receives an application that~~
1442 ~~complies with the requirements of Section 20A-7-602]~~ county, city, town, metro township, or
1443 court determines, in accordance with Section 20A-7-602.7, that a proposed referendum is
1444 legally referable to voters, the local clerk shall furnish to the sponsors:

1445 (a) five copies of the referendum petition; and

1446 (b) five signature sheets.

1447 (3) The sponsors of the petition shall:

1448 (a) arrange and pay for the printing of all additional copies of the petition and signature
1449 sheets; and

1450 (b) ensure that the copies of the petition and signature sheets meet the form
1451 requirements of this section.

1452 (4) (a) The sponsors may prepare the referendum for circulation by creating multiple
1453 referendum packets.

1454 (b) The sponsors shall create those packets by binding a copy of the referendum
1455 petition, a copy of the law that is the subject of the referendum, and no more than 50 signature
1456 sheets together at the top in such a way that the packets may be conveniently opened for
1457 signing.

1458 (c) The sponsors need not attach a uniform number of signature sheets to each
1459 referendum packet.

1460 (5) (a) After the sponsors have prepared sufficient referendum packets, they shall
1461 return them to the local clerk.

1462 (b) The local clerk shall:

1463 (i) number each of the referendum packets and return ~~[them]~~ the packets to the
1464 sponsors within ~~[five working days]~~ 10 days after the day on which the sponsors comply with
1465 Subsection (5)(a); and

1466 (ii) keep a record of the numbers assigned to each packet.

1467 Section 26. Section **20A-7-605** is amended to read:

1468 **20A-7-605. Obtaining signatures -- Verification -- Removal of signature.**

1469 (1) Any Utah voter may sign a local referendum petition if the voter is a legal voter and
1470 resides in the local jurisdiction.

1471 (2) (a) The sponsors shall ensure that the ~~[person]~~ individual in whose presence each
1472 signature sheet was signed:

1473 (i) is at least 18 years old and meets the residency requirements of Section **20A-2-105**;
1474 and

1475 (ii) verifies each signature sheet by completing the verification printed on the last page
1476 of each referendum packet.

1477 (b) ~~[A person]~~ An individual may not sign the verification printed on the last page of
1478 the referendum packet if the ~~[person]~~ individual signed a signature sheet in the referendum
1479 packet.

1480 (3) (a) Any voter who has signed a referendum petition may have the voter's signature
1481 removed from the petition by submitting a notarized statement to that effect to the local clerk.

1482 (b) Except as provided in Subsection (3)(c), upon receipt of the statement, the local

1483 clerk shall remove the signature of the [person] individual submitting the statement from the
1484 referendum petition.

1485 (c) A local clerk may not remove signatures from a referendum petition after the
1486 petition has been submitted to the county clerk to be certified.

1487 Section 27. Section **20A-7-606** is amended to read:

1488 **20A-7-606. Submitting the referendum petition -- Certification of signatures by**
1489 **the county clerks -- Transfer to local clerk.**

1490 (1) (a) The sponsors shall deliver each signed and verified referendum packet to the
1491 county clerk of the county in which the packet was circulated no later than [~~45~~] 30 days after
1492 the day on which the sponsors receive the items described in Subsection **20A-7-604**(2) from
1493 the local clerk.

1494 (b) A sponsor may not submit a referendum packet after the deadline established in this
1495 Subsection (1).

1496 (2) (a) No later than 15 days after the day on which a county clerk receives a
1497 referendum packet under Subsection (1)(a), the county clerk shall:

1498 (i) check the names of all [~~persons~~] individuals completing the verification on the last
1499 page of each referendum packet to determine whether those [~~persons~~] individuals are Utah
1500 residents and are at least 18 years old; and

1501 (ii) submit the name of each of those [~~persons~~] individuals who is not a Utah resident
1502 or who is not at least 18 years old to the attorney general and county attorney.

1503 (b) The county clerk may not certify a signature under Subsection (3) on a referendum
1504 packet that is not verified in accordance with Section **20A-7-605**.

1505 (3) No later than [~~30~~] 22 days after the day on which a county clerk receives a
1506 referendum packet under Subsection (1)(a), the county clerk shall:

1507 (a) determine whether each signer is a registered voter according to the requirements of
1508 Section **20A-7-606.3**;

1509 (b) certify on the referendum petition whether each name is that of a registered voter;
1510 and

1511 (c) deliver all of the verified referendum packets to the local clerk.

1512 Section 28. Section **20A-7-606.3** is amended to read:

1513 **20A-7-606.3. Verification of petition signatures.**

1514 (1) (a) For the purposes of this section, "substantially similar name" means:

1515 (i) the given name and surname shown on the petition, or both, contain only minor
1516 spelling differences when compared to the given name and surname shown on the official
1517 register;

1518 (ii) the surname shown on the petition exactly matches the surname shown on the
1519 official register, and the given names differ only because one of the given names shown is a
1520 commonly used abbreviation or variation of the other;

1521 (iii) the surname shown on the petition exactly matches the surname shown on the
1522 official register, and the given names differ only because one of the given names shown is
1523 accompanied by a first or middle initial or a middle name which is not shown on the other
1524 record; or

1525 (iv) the surname shown on the petition exactly matches the surname shown on the
1526 official register, and the given names differ only because one of the given names shown is an
1527 alphabetically corresponding initial that has been provided in the place of a given name shown
1528 on the other record.

1529 (b) For the purposes of this section, "substantially similar name" does not mean a name
1530 having an initial or a middle name shown on the petition that does not match a different initial
1531 or middle name shown on the official register.

1532 (2) The county clerk shall use the following procedures in determining whether or not a
1533 signer is a registered voter:

1534 (a) When a signer's name and address shown on the petition exactly match a name and
1535 address shown on the official register and the signer's signature appears substantially similar to
1536 the signature on the statewide voter registration database, the county clerk shall declare the
1537 signature valid.

1538 (b) When there is no exact match of an address and a name, the county clerk shall
1539 declare the signature valid if:

1540 (i) the address on the petition matches the address of [~~a person~~] an individual on the
1541 official register with a substantially similar name; and

1542 (ii) the signer's signature appears substantially similar to the signature on the statewide
1543 voter registration database of the [~~person~~] individual described in Subsection (2)(b)(i).

1544 (c) When there is no match of an address and a substantially similar name, the county

1545 clerk shall declare the signature valid if:

1546 (i) the birth date or age on the petition matches the birth date or age of ~~[a person]~~ an
1547 individual on the official register with a substantially similar name; and

1548 (ii) the signer's signature appears substantially similar to the signature on the statewide
1549 voter registration database of the ~~[person]~~ individual described in Subsection (2)(c)(i).

1550 (d) If a signature is not declared valid under Subsection (2)(a), (b), or (c), the county
1551 clerk shall declare the signature to be invalid.

1552 Section 29. Section **20A-7-607** is amended to read:

1553 **20A-7-607. Evaluation by the local clerk -- Determination of election for vote on**
1554 **referendum.**

1555 (1) When each referendum packet is received from a county clerk, the local clerk shall
1556 check off from the local clerk's record the number of each referendum packet filed.

1557 (2) Within 15 days after the day on which the local clerk receives each referendum
1558 packet from a county clerk, the local clerk shall:

1559 (a) count the number of the names certified by the county clerks that appear on each
1560 verified signature sheet;

1561 (b) if the total number of certified names from each verified signature sheet equals or
1562 exceeds the number of names required by Section **20A-7-601** and the requirements of this part
1563 are met, mark upon the front of the petition the word "sufficient";

1564 (c) if the total number of certified names from each verified signature sheet does not
1565 equal or exceed the number of names required by Section **20A-7-601** or a requirement of this
1566 part is not met, mark upon the front of the petition the word "insufficient"; and

1567 (d) notify any one of the sponsors of the local clerk's finding.

1568 (3) If the local clerk finds the total number of certified signatures from each verified
1569 signature sheet to be insufficient, any sponsor may file a written demand with the local clerk
1570 for a recount of the signatures appearing on the referendum petition in the presence of any
1571 sponsor.

1572 ~~[(4)(a) If the local clerk refuses to accept and file any referendum petition, any voter~~
1573 ~~may apply to the Supreme Court for an extraordinary writ to compel the local clerk to do so~~
1574 ~~within 10 days after the refusal.]~~

1575 ~~[(b) If the Supreme Court determines that the referendum petition is legally sufficient,~~

1576 ~~the local clerk shall file it, with a verified copy of the judgment attached to it, as of the date on~~
1577 ~~which it was originally offered for filing in the local clerk's office.]~~

1578 ~~[(c) If the Supreme Court determines that any petition filed is not legally sufficient, the~~
1579 ~~Supreme Court may enjoin the local clerk and all other officers from:]~~

1580 ~~[(i) certifying or printing the ballot title and numbers of that measure on the official~~
1581 ~~ballot for the next election; or]~~

1582 ~~[(ii) as it relates to a local tax law that is conducted entirely by absentee ballot,~~
1583 ~~certifying, printing, or mailing the ballot title and numbers of that measure under Section~~
1584 ~~20A-7-609.5.]~~

1585 ~~[(5)]~~ (4) A petition determined to be sufficient in accordance with this section is
1586 qualified for the ballot.

1587 (5) If a referendum relates to legislative action taken after April 15, the election officer
1588 may not place the referendum on an election ballot until the following year.

1589 Section 30. Section **20A-7-608** is amended to read:

1590 **20A-7-608. Ballot title -- Duties of local clerk and local attorney.**

1591 (1) Whenever a referendum petition is declared sufficient for submission to a vote of
1592 the people, the local clerk shall deliver a copy of the petition and the proposed law to the local
1593 attorney.

1594 (2) The local attorney shall:

1595 (a) entitle each county or municipal referendum that has qualified for the ballot

1596 "Proposition Number ___" and give it a number as assigned under Section **20A-6-107**;

1597 (b) prepare a proposed ballot title for the referendum;

1598 (c) file the proposed ballot title and the numbered referendum titles with the local clerk
1599 within 15 days after the date the referendum petition is declared sufficient for submission to a
1600 vote of the people; and

1601 (d) promptly provide notice of the filing of the proposed ballot title to:

1602 (i) the sponsors of the petition; and

1603 (ii) the local legislative body for the jurisdiction where the referendum petition was
1604 circulated.

1605 (3) (a) The ballot title may be distinct from the title of the law that is the subject of the
1606 petition, and shall express, in not exceeding 100 words, the purpose of the measure.

1607 (b) In preparing a ballot title, the local attorney shall, to the best of ~~[his]~~ the local
1608 attorney's ability, give a true and impartial statement of the purpose of the measure.

1609 (c) The ballot title may not intentionally be an argument, or likely to create prejudice,
1610 for or against the measure.

1611 (4) (a) Within five calendar days after the date the local attorney files a proposed ballot
1612 title under Subsection (2)(c), the local legislative body for the jurisdiction where the
1613 referendum petition was circulated and the sponsors of the petition may file written comments
1614 in response to the proposed ballot title with the local clerk.

1615 (b) Within five calendar days after the last date to submit written comments under
1616 Subsection (4)(a), the local attorney shall:

1617 (i) review any written comments filed in accordance with Subsection (4)(a);

1618 (ii) prepare a final ballot title that meets the requirements of Subsection (3); and

1619 (iii) return the petition and file the ballot title with the local clerk.

1620 (c) Subject to Subsection (6), the ballot title, as determined by the local attorney, shall
1621 be printed on the official ballot.

1622 (5) Immediately after the local attorney files a copy of the ballot title with the local
1623 clerk, the local clerk shall serve a copy of the ballot title by mail upon the sponsors of the
1624 petition and the local legislative body for the jurisdiction where the referendum petition was
1625 circulated.

1626 (6) (a) If the ballot title furnished by the local attorney is unsatisfactory or does not
1627 comply with the requirements of this section, the decision of the local attorney may be
1628 appealed ~~[by a petition]~~ to the district court, or, if the Supreme Court has original jurisdiction,
1629 to the Supreme Court ~~[that is]~~, brought by:

1630 (i) at least three sponsors of the referendum petition; or

1631 (ii) a majority of the local legislative body for the jurisdiction where the referendum
1632 petition was circulated.

1633 (b) The ~~[Supreme Court]~~ court:

1634 (i) shall examine the measures and consider the arguments~~[, and, in its decision,];~~ and

1635 (ii) may certify to the local clerk a ballot title for the measure that fulfills the intent of
1636 this section.

1637 (c) The local clerk shall print the title certified by the ~~[Supreme Court]~~ court on the

1638 official ballot.

1639 Section 31. Section **20A-7-609.5** is amended to read:

1640 **20A-7-609.5. Election on referendum challenging local tax law conducted entirely**
1641 **by absentee ballot.**

1642 (1) An election officer may administer an election on a referendum challenging a local
1643 tax law entirely by absentee ballot.

1644 (2) For purposes of an election conducted under this section, the election officer shall:

1645 (a) designate as the election day the day that is 30 days after the day on which the
1646 election officer complies with Subsection (2)(b); and

1647 (b) within 30 days after the day on which the referendum described in Subsection (1)
1648 qualifies for the ballot, mail to each registered voter within the voting precincts to which the
1649 local tax law applies:

1650 (i) an absentee ballot;

1651 (ii) a statement that there will be no polling place in the voting precinct for the
1652 election;

1653 (iii) a statement specifying the election day described in Subsection (2)(a);

1654 (iv) a business reply mail envelope;

1655 (v) instructions for returning the ballot that include an express notice about any
1656 relevant deadlines that the voter must meet in order for the voter's vote to be counted; ~~and~~

1657 (vi) a warning, on a separate page of colored paper in boldface print, indicating that if
1658 the voter fails to follow the instructions included with the absentee ballot, the voter will be
1659 unable to vote in that election because there will be no polling place in the voting precinct on
1660 the day of the election[-]; and

1661 (vii) a copy of the proposition information pamphlet relating to the referendum if a
1662 proposition information pamphlet relating to the referendum was published under Section
1663 20A-7-401.5.

1664 (3) A voter who votes by absentee ballot under this section is not required to apply for
1665 an absentee ballot as required by this part.

1666 (4) An election officer who administers an election under this section shall:

1667 (a) (i) obtain, in person, the signatures of each voter within that voting precinct before
1668 the election; or

1669 (ii) obtain the signature of each voter within the voting precinct from the county clerk;
1670 and

1671 (b) maintain the signatures on file in the election officer's office.

1672 (5) (a) Upon receiving the returned absentee ballots under this section, the election
1673 officer shall compare the signature on each absentee ballot with the voter's signature that is
1674 maintained on file and verify that the signatures are the same.

1675 (b) If the election officer questions the authenticity of the signature on the absentee
1676 ballot, the election officer shall immediately contact the voter to verify the signature.

1677 (c) If the election officer determines that the signature on the absentee ballot does not
1678 match the voter's signature that is maintained on file, the election officer shall:

1679 (i) unless the absentee ballot application deadline described in Section 20A-3-304 has
1680 passed, immediately send another absentee ballot and other voting materials as required by this
1681 section to the voter; and

1682 (ii) disqualify the initial absentee ballot.

1683 Section 32. Section 20A-7-610 is amended to read:

1684 **20A-7-610. Return and canvass -- Conflicting measures -- Law effective on**
1685 **proclamation.**

1686 (1) The votes on the [~~law proposed by~~] proposed law that is the subject of the
1687 referendum petition shall be counted, canvassed, and delivered as provided in Title 20A,
1688 Chapter 4, Part 3, Canvassing Returns.

1689 (2) After the local board of canvassers completes [~~its~~] the canvass, the local clerk shall
1690 certify to the local legislative body the vote for and against the [~~law proposed by~~] proposed law
1691 that is the subject of the referendum petition.

1692 (3) (a) The local legislative body shall immediately issue a proclamation that:

1693 (i) gives the total number of votes cast in the local jurisdiction for and against each
1694 [~~law proposed by~~] proposed law that is the subject of a referendum petition; and

1695 (ii) declares those laws [~~proposed by~~] that are the subject of a referendum petition that
1696 were approved by majority vote to be in full force and effect as the law of the local jurisdiction.

1697 (b) When the local legislative body determines that two proposed laws, or that parts of
1698 two proposed laws approved by the people at the same election are entirely in conflict, they
1699 shall proclaim that measure to be law that has received the greatest number of affirmative

1700 votes, regardless of the difference in the majorities which those measures have received.

1701 (4) (a) Within 10 days after the local legislative body's proclamation, any qualified
1702 voter [~~who signed the referendum petition proposing the~~] residing in the jurisdiction for a law
1703 that is declared by the local legislative body to be superseded by another measure approved at
1704 the same election may apply to the district court, or, if the Supreme Court has original
1705 jurisdiction, the Supreme Court to review the decision.

1706 (b) The [~~Supreme Court~~] court shall:

1707 (i) consider the matter and decide whether [~~or not~~] the proposed laws are in conflict;

1708 and

1709 (ii) certify [~~its~~] the court's decision to the local legislative body.

1710 (5) Within 10 days after the [~~Supreme Court certifies its~~] day on which the court
1711 certifies the decision, the local legislative body shall:

1712 (a) proclaim [~~all those~~] as law all measures approved by the people [~~as law~~] that the
1713 [~~Supreme Court has determined~~] court determines are not in conflict; and

1714 (b) [~~of all those~~] for the measures approved by the people as law that the [~~Supreme~~
1715 ~~Court has determined~~] court determines to be in conflict, proclaim as law the [~~one~~] measure
1716 that received the greatest number of affirmative votes, regardless of the difference in
1717 majorities.

1718 Section 33. Section **20A-7-612** is amended to read:

1719 **20A-7-612. Misconduct of electors and officers -- Penalty.**

1720 (1) It is unlawful for [~~any person~~] an individual to:

1721 (a) sign any name other than [~~his own~~] the individual's own name to any referendum
1722 petition;

1723 (b) knowingly sign [~~his~~] the individual's name more than once for the same measure at
1724 one election;

1725 (c) sign a referendum knowing [~~he~~] that the individual is not a legal voter; or

1726 (d) knowingly and willfully violate any provision of this part.

1727 (2) It is unlawful for [~~any person~~] an individual to sign the verification for a
1728 referendum packet knowing that:

1729 (a) [~~he~~] the individual does not meet the residency requirements of Section **20A-2-105**;

1730 (b) [~~he~~] the individual has not witnessed the signatures of [~~those persons~~] the

1731 individuals whose names appear in the referendum packet; or

1732 (c) one or more [~~persons~~] individuals whose signatures appear in the referendum
1733 packet is either:

1734 (i) not registered to vote in Utah; or

1735 (ii) does not intend to become registered to vote in Utah.

1736 (3) [~~Any person violating~~] An individual who violates this part is guilty of a class A
1737 misdemeanor.

1738 (4) The county attorney or municipal attorney shall prosecute any violation of this
1739 section.

1740 Section 34. Section **20A-11-1202** is amended to read:

1741 **20A-11-1202. Definitions.**

1742 As used in this part:

1743 (1) "Applicable election officer" means:

1744 (a) a county clerk, if the email relates only to a local election; or

1745 (b) the lieutenant governor, if the email relates to an election other than a local
1746 election.

1747 (2) "Ballot proposition" means constitutional amendments, initiatives, referenda,
1748 judicial retention questions, opinion questions, bond approvals, or other questions submitted to
1749 the voters for their approval or rejection.

1750 (3) "Campaign contribution" means any of the following when done for a political
1751 purpose or to advocate for or against a ballot proposition:

1752 (a) a gift, subscription, donation, loan, advance, deposit of money, or anything of value
1753 given to a filing entity;

1754 (b) an express, legally enforceable contract, promise, or agreement to make a gift,
1755 subscription, donation, unpaid or partially unpaid loan, advance, deposit of money, or anything
1756 of value to a filing entity;

1757 (c) any transfer of funds from another reporting entity to a filing entity;

1758 (d) compensation paid by any person or reporting entity other than the filing entity for
1759 personal services provided without charge to the filing entity;

1760 (e) remuneration from:

1761 (i) any organization or the organization's directly affiliated organization that has a

- 1762 registered lobbyist; or
- 1763 (ii) any agency or subdivision of the state, including a school district; or
- 1764 (f) an in-kind contribution.
- 1765 (4) (a) "Commercial interlocal cooperation agency" means an interlocal cooperation
- 1766 agency that receives its revenues from conduct of its commercial operations.
- 1767 (b) "Commercial interlocal cooperation agency" does not mean an interlocal
- 1768 cooperation agency that receives some or all of its revenues from:
- 1769 (i) government appropriations;
- 1770 (ii) taxes;
- 1771 (iii) government fees imposed for regulatory or revenue raising purposes; or
- 1772 (iv) interest earned on public funds or other returns on investment of public funds.
- 1773 (5) "Expenditure" means:
- 1774 (a) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money,
- 1775 or anything of value;
- 1776 (b) an express, legally enforceable contract, promise, or agreement to make any
- 1777 purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of
- 1778 value;
- 1779 (c) a transfer of funds between a public entity and a candidate's personal campaign
- 1780 committee;
- 1781 (d) a transfer of funds between a public entity and a political issues committee; or
- 1782 (e) goods or services provided to or for the benefit of a candidate, a candidate's
- 1783 personal campaign committee, or a political issues committee for political purposes at less than
- 1784 fair market value.
- 1785 (6) "Filing entity" means the same as that term is defined in Section [20A-11-101](#).
- 1786 (7) "Governmental interlocal cooperation agency" means an interlocal cooperation
- 1787 agency that receives some or all of its revenues from:
- 1788 (a) government appropriations;
- 1789 (b) taxes;
- 1790 (c) government fees imposed for regulatory or revenue raising purposes; or
- 1791 (d) interest earned on public funds or other returns on investment of public funds.
- 1792 (8) [~~a~~] "Influence" means to campaign or advocate for or against a ballot proposition.

1793 ~~[(b) "Influence" does not mean providing a brief statement about a public entity's~~
1794 ~~position on a ballot proposition and the reason for that position.]~~

1795 (9) "Interlocal cooperation agency" means an entity created by interlocal agreement
1796 under the authority of Title 11, Chapter 13, Interlocal Cooperation Act.

1797 (10) "Local district" means an entity under Title 17B, Limited Purpose Local
1798 Government Entities - Local Districts, and includes a special service district under Title 17D,
1799 Chapter 1, Special Service District Act.

1800 (11) "Political purposes" means an act done with the intent or in a way to influence or
1801 intend to influence, directly or indirectly, any person to refrain from voting or to vote for or
1802 against any:

1803 (a) candidate for public office at any caucus, political convention, primary, or election;
1804 or

1805 (b) judge standing for retention at any election.

1806 (12) "Proposed initiative" means an initiative proposed in an application filed under
1807 Section [20A-7-202](#) or [20A-7-502](#).

1808 (13) "Proposed referendum" means a referendum proposed in an application filed
1809 under Section [20A-7-302](#) or [20A-7-602](#).

1810 ~~[(12)]~~ (14) (a) "Public entity" includes the state, each state agency, each county,
1811 municipality, school district, local district, governmental interlocal cooperation agency, and
1812 each administrative subunit of each of them.

1813 (b) "Public entity" does not include a commercial interlocal cooperation agency.

1814 (c) "Public entity" includes local health departments created under Title 26, Chapter 1,
1815 Department of Health Organization.

1816 ~~[(13)]~~ (15) (a) "Public funds" means any money received by a public entity from
1817 appropriations, taxes, fees, interest, or other returns on investment.

1818 (b) "Public funds" does not include money donated to a public entity by a person or
1819 entity.

1820 ~~[(14)]~~ (16) (a) "Public official" means an elected or appointed member of government
1821 with authority to make or determine public policy.

1822 (b) "Public official" includes the person or group that:

1823 (i) has supervisory authority over the personnel and affairs of a public entity; and

1824 (ii) approves the expenditure of funds for the public entity.

1825 [~~(15)~~] (17) "Reporting entity" means the same as that term is defined in Section

1826 20A-11-101.

1827 [~~(16)~~] (18) (a) "State agency" means each department, commission, board, council,

1828 agency, institution, officer, corporation, fund, division, office, committee, authority, laboratory,

1829 library, unit, bureau, panel, or other administrative unit of the state.

1830 (b) "State agency" includes the legislative branch, the Board of Regents, the

1831 institutional councils of each higher education institution, and each higher education

1832 institution.

1833 Section 35. Section 20A-11-1203 is amended to read:

1834 **20A-11-1203. Public entity prohibited from expending public funds on certain**
1835 **electoral matters.**

1836 (1) Unless specifically required by law, and except as provided in Section

1837 20A-11-1206, a public entity may not make an expenditure from public funds for political

1838 purposes [~~or~~], to influence a ballot proposition, or to influence a proposed initiative or

1839 proposed referendum.

1840 (2) A violation of this section does not invalidate an otherwise valid election.

1841 Section 36. Section 20A-11-1205 is amended to read:

1842 **20A-11-1205. Use of public email for a political purpose.**

1843 (1) Except as provided in Subsection (5), a person may not send an email using the

1844 email of a public entity:

1845 (a) for a political purpose;

1846 (b) to advocate for or against a [~~ballot proposition~~] proposed initiative, initiative,

1847 proposed referendum, or referendum; or

1848 (c) to solicit a campaign contribution.

1849 (2) The applicable election officer shall impose a civil fine against a person who

1850 violates Subsection (1) as follows:

1851 (a) up to \$250 for a first violation; and

1852 (b) except as provided in Subsection (3), for each subsequent violation committed after

1853 any applicable election officer imposes a fine against the person for a first violation, \$1,000

1854 multiplied by the number of violations committed by the person.

1855 (3) The applicable election officer shall consider a violation of this section as a first
1856 violation if the violation is committed more than seven years after the day on which the person
1857 last committed a violation of this section.

1858 (4) For purposes of this section, one violation means one act of sending an email,
1859 regardless of the number of recipients of the email.

1860 (5) A person does not violate this section if:

1861 (a) the lieutenant governor finds that the email described in Subsection (1) was
1862 inadvertently sent by the person [~~described in Subsection (1);~~] using the email of a public
1863 entity[-];

1864 (b) the person is directly providing information solely to another person or a group of
1865 people in response to a question asked by the other person or group of people; or

1866 (c) the information is an argument or rebuttal argument prepared under Section
1867 20A-7-401.5 or 20A-7-402, and the email includes each opposing argument and rebuttal
1868 argument that:

1869 (i) relates to the same proposed initiative, initiative, proposed referendum, or
1870 referendum; and

1871 (ii) complies with the requirements of Section 20A-7-401.5 or 20A-7-402.

1872 (6) A violation of this section does not invalidate an otherwise valid election.

1873 Section 37. Section **20A-11-1206** is amended to read:

1874 **20A-11-1206. Exclusions.**

1875 (1) Nothing in this chapter prohibits a public official from speaking, campaigning,
1876 contributing personal money, or otherwise exercising the public official's individual First
1877 Amendment rights for political purposes.

1878 (2) (a) [~~Nothing~~] Subject to Subsection (2)(b), nothing in this chapter prohibits a public
1879 entity from providing factual information about a ballot proposition to the public, so long as the
1880 information grants equal access to both the opponents and proponents of the ballot proposition.

1881 (b) A county or municipality may not provide any information to the public about a
1882 proposed initiative, initiative, proposed referendum, or referendum unless the county or
1883 municipality:

1884 (i) provides the information in a manner required, or expressly permitted, by law; or

1885 (ii) is directly providing information solely to a person or a group of people in response

1886 to a question asked by the person or group of people.

1887 (3) Nothing in this chapter prohibits a public entity from the neutral encouragement of
1888 voters to vote.

1889 (4) Nothing in this chapter prohibits an elected official from campaigning or
1890 advocating for or against a ballot proposition.

1891 (5) Subject to Subsection (6), a county or municipality may expend a reasonable
1892 amount of public funds to:

1893 (a) prepare and publish a written argument or written rebuttal argument in accordance
1894 with Section 20A-7-401.5, 20A-7-402, or 59-1-1604; or

1895 (b) prepare an argument for, and present an argument at, a public meeting under
1896 Section 20A-7-405 or 59-1-1605.

1897 (6) A county or municipality may not:

1898 (a) publish an argument or rebuttal argument prepared under Section 20A-7-401.5 or
1899 20A-7-402, unless, at the same time and in the same manner, the county or municipality
1900 publishes each opposing argument and rebuttal argument that:

1901 (i) relates to the same proposed initiative, initiative, proposed referendum, or
1902 referendum; and

1903 (ii) complies with the requirements of Section 20A-7-401.5 or 20A-7-402;

1904 (b) publish an argument or rebuttal argument for or against a proposed initiative,
1905 initiative, proposed referendum, or referendum that was not prepared and submitted in
1906 accordance with Section 20A-7-401.5 or 20A-7-402; or

1907 (c) present an argument or rebuttal argument for or against a proposed initiative,
1908 initiative, proposed referendum, or referendum at a public meeting, unless the county or
1909 municipality provides equal opportunity for persons to present opposing arguments and rebuttal
1910 arguments at the public meeting.