

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;
- ▶ requires the lieutenant governor to create instructional materials regarding local initiatives and referenda;
- ▶ 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



26 referendum is legally referable to voters;

27 ▶ amends provisions regarding the use of email, and the expenditure of public funds,
28 for political purposes relating to proposed and pending initiatives and referenda;

29 ▶ regulates the dissemination of information regarding a proposed or pending
30 initiative or referendum by a county or municipality;

31 ▶ prohibits a local legislative body from enacting a local law that is substantially
32 similar to a local law that the voters reject until four years after the rejected local
33 law is repealed; and

34 ▶ makes technical and conforming amendments.

35 **Money Appropriated in this Bill:**

36 None

37 **Other Special Clauses:**

38 None

39 **Utah Code Sections Affected:**

40 AMENDS:

41 11-14-301, as last amended by Laws of Utah 2014, Chapter 189

42 20A-7-101, as last amended by Laws of Utah 2017, Chapter 291

43 20A-7-402, as last amended by Laws of Utah 2017, Chapters 91, 147, and 291

44 20A-7-501, as last amended by Laws of Utah 2016, Chapter 176

45 20A-7-502, as last amended by Laws of Utah 2017, Chapter 291

46 20A-7-502.5, as last amended by Laws of Utah 2017, Chapter 291

47 20A-7-504, as last amended by Laws of Utah 2016, Chapter 365

48 20A-7-505, as last amended by Laws of Utah 2012, Chapter 72

49 20A-7-506, as last amended by Laws of Utah 2012, Chapter 72

50 20A-7-506.3, as last amended by Laws of Utah 2011, Chapter 17

51 20A-7-507, as last amended by Laws of Utah 2011, Chapter 17

52 20A-7-508, as last amended by Laws of Utah 2017, Chapter 291

53 20A-7-509, as last amended by Laws of Utah 2009, Chapter 202

54 20A-7-510, as last amended by Laws of Utah 2010, Chapter 367

55 20A-7-512, as last amended by Laws of Utah 2013, Chapter 253

56 20A-7-513, as last amended by Laws of Utah 2017, Chapter 291

- 57 [20A-7-601](#), as last amended by Laws of Utah 2016, Chapter 365
- 58 [20A-7-602](#), as last amended by Laws of Utah 2016, Chapter 365
- 59 [20A-7-602.5](#), as enacted by Laws of Utah 2014, Chapter 364
- 60 [20A-7-603](#), as last amended by Laws of Utah 2016, Chapter 365
- 61 [20A-7-604](#), as last amended by Laws of Utah 2016, Chapter 365
- 62 [20A-7-605](#), as last amended by Laws of Utah 2012, Chapter 72
- 63 [20A-7-606](#), as last amended by Laws of Utah 2016, Chapter 365
- 64 [20A-7-606.3](#), as last amended by Laws of Utah 2011, Chapter 17
- 65 [20A-7-607](#), as last amended by Laws of Utah 2014, Chapter 396
- 66 [20A-7-608](#), as last amended by Laws of Utah 2008, Chapter 315
- 67 [20A-7-609.5](#), as enacted by Laws of Utah 2014, Chapter 396
- 68 [20A-7-610](#), as last amended by Laws of Utah 2010, Chapter 367
- 69 [20A-7-611](#), as enacted by Laws of Utah 1994, Chapter 272
- 70 [20A-7-612](#), as last amended by Laws of Utah 2001, Chapter 20
- 71 [20A-11-1202](#), as last amended by Laws of Utah 2017, Chapter 68
- 72 [20A-11-1203](#), as last amended by Laws of Utah 2015, Chapter 435
- 73 [20A-11-1205](#), as last amended by Laws of Utah 2017, Chapter 68
- 74 [20A-11-1206](#), as enacted by Laws of Utah 2015, Chapter 435

75 ENACTS:

- 76 [20A-7-401.5](#), Utah Code Annotated 1953
- 77 [20A-7-405](#), Utah Code Annotated 1953
- 78 [20A-7-406](#), Utah Code Annotated 1953
- 79 [20A-7-502.7](#), Utah Code Annotated 1953
- 80 [20A-7-602.7](#), Utah Code Annotated 1953



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

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

84 **11-14-301. Issuance of bonds by governing body -- Computation of indebtedness**
85 **under constitutional and statutory limitations.**

86 (1) If the governing body has declared the bond proposition to have carried and no
87 contest has been filed, or if a contest has been filed and favorably terminated, the governing

88 body may proceed to issue the bonds voted at the election.

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

92 (b) The 10-year period described in Subsection (2)(a) is tolled if, at any time during the
93 10-year period:

94 (i) an application for a referendum petition is filed with a local clerk, in accordance
95 with Section 20A-7-602 [~~and Subsection 20A-7-601(3)(a)~~], with respect to the local obligation
96 law relating to the bonds; or

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

99 (A) the legality or validity of the bonds, or the election or proceedings authorizing the
100 bonds;

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

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

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

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

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

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

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

116 (d) For a bond described in this section that was approved by voters on or after May 8,
117 2018, a tolling period described in Subsection (2)(b)(i) ends:

118 (i) if a county, city, town, metro township, or court determines, under Section

119 20A-7-602.7, that the proposed referendum is not legally referable to voters, the later of:

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

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

124 (ii) if a county, city, town, metro township, or court determines, under Section
125 20A-7-602.7, that the proposed referendum is legally referable to voters, the later of:

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

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

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

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

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

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

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

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

148 (b) In computing the amount of indebtedness that may be incurred pursuant to
149 constitutional and statutory limitations, the constitutionally or statutorily permitted percentage,

150 as the case may be, shall be applied to the fair market value, as defined under Section 59-2-102,
151 of the taxable property in the local political subdivision, as computed from the last applicable
152 equalized assessment roll before the incurring of the additional indebtedness.

153 (c) In determining the fair market value of the taxable property in the local political
154 subdivision as provided in this section, the value of all tax equivalent property, as defined in
155 Section 59-3-102, shall be included as a part of the total fair market value of taxable property
156 in the local political subdivision, as provided in Title 59, Chapter 3, Tax Equivalent Property
157 Act.

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

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

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

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

176 **20A-7-101. Definitions.**

177 As used in this chapter:

178 (1) "Budget officer" means:

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

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

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

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

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

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

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

190 (5) "Final fiscal impact statement" means a financial statement prepared after voters
191 approve an initiative that contains the information required by Subsection [20A-7-202.5\(2\)](#) or
192 [20A-7-502.5\(2\)](#).

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

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

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

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

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

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

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

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

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

206 (a) is registered to vote; or

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

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

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

212 (b) for a proposed local referendum, that the proposed local referendum is legally
213 referable to voters under Section 20A-7-602.7.

214 [~~11~~] (12) "Local attorney" means the county attorney, city attorney, or town attorney
215 in whose jurisdiction a local initiative or referendum petition is circulated.

216 [~~12~~] (13) "Local clerk" means the county clerk, city recorder, or town clerk in whose
217 jurisdiction a local initiative or referendum petition is circulated.

218 [~~13~~] (14) (a) "Local law" includes:

219 (i) an ordinance;

220 (ii) a resolution;

221 (iii) a master plan;

222 (iv) a comprehensive zoning regulation adopted by ordinance or resolution; or

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

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

225 [~~14~~] (15) "Local legislative body" means the legislative body of a county, city, town,
226 or metro township.

227 [~~15~~] (16) "Local obligation law" means a local law passed by the local legislative
228 body regarding a bond that was approved by a majority of qualified voters in an election.

229 [~~16~~] (17) "Local tax law" means a law, passed by a political subdivision with an
230 annual or biannual calendar fiscal year, that increases a tax or imposes a new tax.

231 [~~17~~] (18) "Measure" means a proposed constitutional amendment, an initiative, or
232 referendum.

233 [~~18~~] (19) "Referendum" means a process by which a law passed by the Legislature or
234 by a local legislative body is submitted or referred to the voters for their approval or rejection.

235 [~~19~~] (20) "Referendum packet" means a copy of the referendum petition, a copy of
236 the law being submitted or referred to the voters for their approval or rejection, and the
237 signature sheets, all of which have been bound together as a unit.

238 [~~20~~] (21) (a) "Signature" means a holographic signature.

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

240 [~~21~~] (22) "Signature sheets" means sheets in the form required by this chapter that are
241 used to collect signatures in support of an initiative or referendum.

242 (23) "Special local ballot proposition" means a local ballot proposition that is not a

243 standard local ballot proposition.

244 [~~(22)~~] (24) "Sponsors" means the legal voters who support the initiative or referendum
245 and who sign the application for petition copies.

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

248 (b) "Standard local ballot proposition" does not include a property tax referendum
249 described in Section 20A-7-613.

250 [~~(23)~~] (26) "Sufficient" means that the signatures submitted in support of an initiative
251 or referendum petition have been certified and verified as required by this chapter.

252 [~~(24)~~] (27) "Tax percentage difference" means the difference between the tax rate
253 proposed by an initiative or an initiative petition and the current tax rate.

254 [~~(25)~~] (28) "Tax percentage increase" means a number calculated by dividing the tax
255 percentage difference by the current tax rate and rounding the result to the nearest thousandth.

256 [~~(26)~~] (29) "Verified" means acknowledged by the person circulating the petition as
257 required in Sections 20A-7-205 and 20A-7-305.

258 Section 3. Section 20A-7-401.5 is enacted to read:

259 **20A-7-401.5. Proposition information pamphlet.**

260 (1) (a) Within 15 days after the day on which an eligible voter files an application to
261 circulate an initiative petition under Section 20A-7-502 or an application to circulate a
262 referendum petition under Section 20A-7-602:

263 (i) the sponsors of the proposed initiative or referendum may submit a written
264 argument in favor of the proposed initiative or referendum to the election officer of the county
265 or municipality to which the petition relates; and

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

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

272 (c) Within one business day after the day on which an election officer receives an
273 argument under Subsection (1)(a)(ii), the election officer shall provide a copy of the argument

274 to the first three sponsors of the proposed initiative or referendum described in Subsection
275 (1)(a)(i).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

304 (3) An election officer who receives a written argument described in Subsection (1)

305 shall prepare a proposition information pamphlet for publication that includes:

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

307 (b) except as provided in Subsection (2)(d), immediately after the copy described in

308 Subsection (3)(a), the argument prepared by the sponsors of the proposed initiative or

309 referendum, if any; and

310 (c) except as provided in Subsection (2)(d), immediately after the argument described

311 in Subsection (3)(b), the argument prepared by the county or municipality, if any.

312 (4) Before an election officer publishes a proposition information pamphlet under

313 Subsection (5) or (6), the proposition information pamphlet is a draft for purposes of Title 63G,

314 Chapter 2, Government Records Access and Management Act.

315 (5) An election officer for a municipality shall publish the proposition information

316 pamphlet as follows:

317 (a) within the later of 10 days after the day on which the municipality or a court

318 determines that the proposed initiative or referendum is legally referable to voters, or, if the

319 election officer modifies an argument under Subsection (2)(c), three days after the day on

320 which the election officer and the person that submitted the argument agree on the

321 modification:

322 (i) by sending the proposition information pamphlet electronically to each individual in

323 the municipality for whom the municipality has an email address; and

324 (ii) by posting the proposition information pamphlet on the Utah Public Notice

325 Website, created in Section [63F-1-701](#), and the home page of the municipality's website, if the

326 municipality has a website, until:

327 (A) if the sponsors of the proposed initiative or referendum do not timely deliver any

328 verified initiative packets under Section [20A-7-506](#) or any verified referendum packets under

329 Section [20A-7-606](#), the day after the day of the deadline for delivery of the verified initiative

330 packets or verified referendum packets;

331 (B) the local clerk determines, under Section [20A-7-507](#) or [20A-7-607](#), that the

332 number of signatures necessary to qualify the proposed initiative or referendum for placement

333 on the ballot is insufficient and the determination is not timely appealed or is upheld after

334 appeal; or

335 (C) the day after the day of the election at which the proposed initiative or referendum

336 appears on the ballot; and

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

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

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

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

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

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

354 (i) if the sponsors of the proposed initiative or referendum do not timely deliver any
355 verified initiative packets under Section [20A-7-506](#) or any verified referendum packets under
356 Section [20A-7-606](#), the day after the day of the deadline for delivery of the verified initiative
357 packets or verified referendum packets;

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

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

363 Section 4. Section [20A-7-402](#) is amended to read:

364 **20A-7-402. Local voter information pamphlet -- Contents -- Limitations --**
365 **Preparation -- Statement on front cover.**

366 (1) The county or municipality that is subject to a ballot proposition shall prepare a

367 local voter information pamphlet that complies with the requirements of this part.

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

370 ~~[(3)]~~ (2) (a) Within the time requirements described in Subsection ~~[(3)]~~ (2)(c)(i), a
371 municipality that is subject to a special local ballot proposition shall provide a notice that
372 complies with the requirements of Subsection ~~[(3)]~~ (2)(c)(ii) to the municipality's residents by:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

396 (ii) ensure that the notice contains:

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

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

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

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

403 (e) If more than one eligible voter requests the opportunity to prepare ~~[an]~~ a written
404 argument for or against a special local ballot proposition, the election officer shall make the
405 final designation according to the following criteria:

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

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

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

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

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

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

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

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

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

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

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

428 ~~[(i)]~~ (h) An election officer shall refuse to accept and publish an argument that is

429 submitted after the deadline described in Subsection [~~(3)~~(h)] (2)(g)(iii).

430 [~~(4)~~] (3) (a) An election officer who timely receives the written arguments in favor of
431 and against a special local ballot proposition shall, within one business day after the day on
432 which the election office receives both written arguments, send, via mail or email:

433 (i) a copy of the written argument in favor of the special local ballot proposition to the
434 eligible voter who submitted the written argument against the special local ballot proposition;
435 and

436 (ii) a copy of the written argument against the special local ballot proposition to the
437 eligible voter who submitted the written argument in favor of the special local ballot
438 proposition.

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

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

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

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

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

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

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

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

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

458 [~~(5)~~] (4) (a) Except as provided in Subsection [~~(5)~~] (4)(b), in relation to a special local
459 ballot proposition:

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

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

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

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

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

471 (c) An election officer shall refuse to accept and publish [~~an~~] a written argument or
472 written rebuttal argument in relation to a special local ballot proposition if the eligible voter
473 who submits the written argument or written rebuttal argument fails to negotiate, in good faith,
474 to modify the written argument or written rebuttal argument in accordance with Subsection
475 [~~(5)~~] (4)(b).

476 [~~(6)~~] (5) [~~An~~] In relation to a special local ballot proposition, an election officer may
477 designate another eligible voter to take the place of an eligible voter described in this section if
478 the original eligible voter is, due to injury, illness, death, or another circumstance, unable to
479 continue to fulfill the duties of an eligible voter described in this section.

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

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

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

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

489 (7) A county or municipality that submitted a written argument against a standard local
490 ballot proposition that is included in a proposition information pamphlet under Section

491 [20A-7-401.5](#):

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

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

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

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

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

504 (c) An election officer who receives a written rebuttal argument described in this
505 section may not, before publishing the local voter information pamphlet described in this
506 section, disclose the written rebuttal argument, or any information contained in the written
507 rebuttal argument, to any person who may in any way be involved in preparing an opposing
508 rebuttal argument.

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

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

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

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

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

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

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

521 (d) An election officer shall make a good faith effort to negotiate a modification

522 described in Subsection (9)(b) in an expedited manner.

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

527 [(7)] (11) (a) The local voter information pamphlet shall include a copy of the initial
528 fiscal impact estimate prepared for each initiative under Section 20A-7-502.5.

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

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

534 [(8)] (12) (a) In preparing the local voter information pamphlet, the election officer
535 shall:

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

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

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

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

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

545 (A) a voter information pamphlet; or

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

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

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

552 (c) (i) The election officer may distribute a notice printed on a postage prepaid,

553 preaddressed return form that a person may use to request delivery of a voter information
554 pamphlet by mail.

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

556 (A) the address of the Statewide Electronic Voter Information Website authorized by
557 Section 20A-7-801; and

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

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

561 **20A-7-405. Public meeting.**

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

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

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

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

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

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

575 Section 6. Section 20A-7-406 is enacted to read:

576 **20A-7-406. Informational materials.**

577 The lieutenant governor shall create and publish to the lieutenant governor's website
578 instructions on how a person may:

579 (1) qualify a local initiative for the ballot under Part 5, Local Initiatives - Procedures;
580 or

581 (2) qualify a local referendum for the ballot under Part 6, Local Referenda -
582 Procedures.

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

584 **20A-7-501. Initiatives -- Signature requirements -- Time requirements.**

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

588 ~~[(i) 10% 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 exceeds 25,000;]~~

591 ~~[(ii) 12-1/2% of all the votes cast in the county, city, town, or metro township for all~~
592 ~~candidates for President of the United States at the last election at which a President of the~~
593 ~~United States was elected if the total number of votes does not exceed 25,000 but is more than~~
594 ~~10,000;]~~

595 ~~[(iii) 15% of all the votes cast in the county, city, town, or metro township for all~~
596 ~~candidates for President of the United States at the last election at which a President of the~~
597 ~~United States was elected if the total number of votes does not exceed 10,000 but is more than~~
598 ~~2,500;]~~

599 ~~[(iv) 20% of all the votes cast in the county, city, town, or metro township for all~~
600 ~~candidates for President of the United States at the last election at which a President of the~~
601 ~~United States was elected if the total number of votes does not exceed 2,500 but is more than~~
602 ~~500;]~~

603 ~~[(v) 25% of all the votes cast in the county, city, town, or metro township for all~~
604 ~~candidates for President of the United States at the last election at which a President of the~~
605 ~~United States was elected if the total number of votes does not exceed 500 but is more than~~
606 ~~250; and]~~

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

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

615 (1) As used in this section, "number of active voters" means the number of active
616 voters in the county, city, or town on the immediately preceding January 1.

617 (2) An eligible voter seeking to have an initiative submitted to a local legislative body
618 or to a vote of the people for approval or rejection shall obtain legal signatures equal to:

619 (a) for a metro township with a population of 100,000 or more, a city of the first class,
620 or a county of the first class, 8.5% of the number of active voters in the metro township, city, or
621 county;

622 (b) for a metro township with a population of 65,000 or more but less than 100,000, a
623 city of the second class, or a county of the second class, 11% of the number of active voters in
624 the metro township, city, or county;

625 (c) for a metro township with a population of 30,000 or more but less than 65,000, a
626 city of the third class, or a county of the third class, 13% of the number of active voters in the
627 metro township, city, or county;

628 (d) for a metro township with a population of 10,000 or more but less than 30,000, a
629 city of the fourth class, or a county of the fourth class, 17.5% of the number of active voters in
630 the metro township, city, or county;

631 (e) for a metro township with a population of 1,000 or more but less than 10,000, a city
632 of the fifth class, or a county of the fifth class, 22% of the number of active voters in the metro
633 township, city, or county; or

634 (f) for a metro township with a population of less than 1,000, a town, or a county of the
635 sixth class, 25.5% of the number of active voters in the metro township, town, or county.

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

640 ~~[(3)]~~ (4) (a) The local legislative body shall either adopt or reject the proposed law
641 without change or amendment within 30 days ~~[of receipt of]~~ after the day on which the local
642 legislative body receives the proposed law under Subsection (3).

643 (b) The local legislative body may:

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

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

646 (iii) reject the proposed law.

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

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

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

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

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

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

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

670 Section 8. Section **20A-7-502** is amended to read:

671 **20A-7-502. Local initiative process -- Application procedures.**

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

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

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

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

678 ~~[(+)-Persons]~~ (b) An eligible voter wishing to circulate an initiative petition shall file
679 an application with the local clerk.

680 (2) The application shall contain:

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

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

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

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

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

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

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

695 ~~[(+)]~~ (d) the signature of each of the sponsors, [attested to] acknowledged by a notary
696 public;

697 ~~[(+)]~~ (e) a copy of the proposed law that includes:

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

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

700 ~~[(+)]~~ (f) if the initiative petition proposes a tax increase, the following statement, "This
701 initiative petition seeks to increase the current (insert name of tax) rate by (insert the tax
702 percentage difference) percent, resulting in a(n) (insert the tax percentage increase) percent
703 increase in the current tax rate."

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

707 Section 9. Section ~~20A-7-502.5~~ is amended to read:

708 **20A-7-502.5. Initial fiscal and legal impact estimate -- Preparation of estimate.**

709 (1) Within three working days [~~of receipt of an application for an initiative petition~~]
710 after the day on which the local clerk receives an application for an initiative petition, the local
711 clerk shall submit a copy of the [~~application~~] proposed law to the county, city, or town's budget
712 officer.

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

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

716 (ii) if the proposed law would increase or decrease taxes, a dollar amount representing
717 the total estimated increase or decrease for each type of tax affected under the proposed law
718 and a dollar amount representing the total estimated increase or decrease in taxes under the
719 proposed law;

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

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

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

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

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

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

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

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

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

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

738 (b) (i) If the proposed law is estimated to have no fiscal impact, the local budget officer

739 shall include a summary statement in the initial fiscal impact statement in substantially the
740 following form:

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

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

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

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

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

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

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

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

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

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

769 [~~(5) (a) Three or more of the sponsors of the petition may, within 20 calendar days of~~

770 ~~the date of delivery of the initial fiscal impact estimate to the local clerk's office, file a petition~~
771 ~~with the Supreme Court, alleging that the initial fiscal impact estimate, including the legal~~
772 ~~impact estimate, taken as a whole, is an inaccurate estimate of the fiscal or legal impact of the~~
773 ~~initiative.]~~

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

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

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

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

789 Section 10. Section **20A-7-502.7** is enacted to read:

790 **20A-7-502.7. Referability to voters.**

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

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

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

797 (i) legally referable to voters; or

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

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

800 (a) the proposed law is patently unconstitutional;

- 801 (b) the proposed law is nonsensical;
802 (c) the proposed law is administrative, rather than legislative, in nature;
803 (d) the proposed law could not become law if passed;
804 (e) the proposed law contains more than one subject as evaluated in accordance with
805 Subsection [20A-7-502\(3\)](#);
806 (f) the subject of the proposed law is not clearly expressed in the law's title;
807 (g) the proposed law is identical or substantially similar to a legally referable proposed
808 law sought by an initiative application submitted to the local clerk, under Section [20A-7-502](#),
809 within two years before the day on which the application for the current proposed initiative is
810 filed; or
811 (h) the application for the proposed law was not timely filed or does not comply with
812 the requirements of this part.
813 (3) After the end of the 20-day period described in Subsection (1), a county, city, town,
814 or metro township may not:
815 (a) reject a proposed initiative as not legally referable to voters; or
816 (b) bring a legal action, other than to appeal a court decision, challenging a proposed
817 initiative on the grounds that the proposed initiative is not legally referable to voters.
818 (4) If a county, city, town, or metro township rejects a proposed initiative, a sponsor of
819 the proposed initiative may, within 10 days after the day on which a sponsor is notified under
820 Subsection (1)(b), appeal the decision to:
821 (a) district court; or
822 (b) the Supreme Court, if the Supreme Court has original jurisdiction over the appeal.
823 (5) If, on appeal, the court determines that the law proposed in the initiative petition is
824 legally referable to voters, the local clerk shall comply with Subsection [20A-7-504\(2\)](#) within
825 five days after the day on which the determination is final.
826 Section 11. Section **20A-7-504** is amended to read:
827 **20A-7-504. Circulation requirements -- Local clerk to provide sponsors with**
828 **materials.**
829 (1) In order to obtain the necessary number of signatures required by this part, the
830 sponsors shall, after the sponsors receive the documents described in Subsections (2)(a) and
831 (b), circulate initiative packets that meet the form requirements of this part.

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

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

837 (b) one signature sheet.

838 (3) The sponsors of the petition shall:

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

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

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

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

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

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

852 (b) The local clerk shall:

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

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

857 Section 12. Section **20A-7-505** is amended to read:

858 **20A-7-505. Obtaining signatures -- Verification -- Removal of signature.**

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

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

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

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

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

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

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

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

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

877 Section 13. Section 20A-7-506 is amended to read:

878 **20A-7-506. Submitting the initiative petition -- Certification of signatures by the**
879 **county clerks -- Transfer to local clerk.**

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

882 (i) for county initiatives:

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

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

886 (ii) for municipal initiatives:

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

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

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

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

893 (i) check the names of all [~~persons~~] individuals completing the verification on the last

894 page of each initiative packet to determine whether those ~~[persons]~~ individuals are residents of
895 Utah and are at least 18 years old; and

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

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

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

901 (a) determine whether or not each signer is a voter according to the requirements of
902 Section [20A-7-506.3](#);

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

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

905 Section 14. Section [20A-7-506.3](#) is amended to read:

906 **[20A-7-506.3. Verification of petition signatures.](#)**

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

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

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

914 (iii) 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
916 accompanied by a first or middle initial or a middle name which is not shown on the other
917 record; or

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

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

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

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

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

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

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

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

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

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

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

945 Section 15. Section **20A-7-507** is amended to read:

946 **20A-7-507. Evaluation by the local clerk.**

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

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

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

955 (c) If the total number of certified names from each verified signature sheet does not

956 equal or exceed the number of names required by Section 20A-7-501 or a requirement of this
957 part is not met, the local clerk shall mark upon the front of the petition the word "insufficient."

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

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

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

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

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

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

975 ~~[(6)]~~ (5) A petition determined to be sufficient in accordance with this section is
976 qualified for the ballot.

977 Section 16. Section 20A-7-508 is amended to read:

978 **20A-7-508. Ballot title -- Duties of local clerk and local attorney.**

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

982 (2) The local attorney shall:

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

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

986 (c) file the proposed ballot title and the numbered initiative titles with the local clerk

987 within 15 days after the date the initiative petition is declared sufficient for submission to a
988 vote of the people; and

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

990 (i) the sponsors of the petition; and

991 (ii) the local legislative body for the jurisdiction where the initiative petition was
992 circulated.

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

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

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

999 (d) If the initiative proposes a tax increase, the local attorney shall include the
1000 following statement, in bold, in the ballot title:

1001 "This initiative seeks to increase the current (insert name of tax) rate by (insert the tax
1002 percentage difference) percent, resulting in a(n) (insert the tax percentage increase) percent
1003 increase in the current tax rate."

1004 (4) (a) Within five calendar days after the date the local attorney files a proposed ballot
1005 title under Subsection (2)(c), the local legislative body for the jurisdiction where the initiative
1006 petition was circulated and the sponsors of the petition may file written comments in response
1007 to the proposed ballot title with the local clerk.

1008 (b) Within five calendar days after the last date to submit written comments under
1009 Subsection (4)(a), the local attorney shall:

1010 (i) review any written comments filed in accordance with Subsection (4)(a);

1011 (ii) prepare a final ballot title that meets the requirements of Subsection (3); and

1012 (iii) return the petition and file the ballot title with the local clerk.

1013 (c) Subject to Subsection (6), the ballot title, as determined by the local attorney, shall
1014 be printed on the official ballot.

1015 (5) Immediately after the local attorney files a copy of the ballot title with the local
1016 clerk, the local clerk shall serve a copy of the ballot title by mail upon the sponsors of the
1017 petition and the local legislative body for the jurisdiction where the initiative petition was

1018 circulated.

1019 (6) (a) If the ballot title furnished by the local attorney is unsatisfactory or does not
1020 comply with the requirements of this section, the decision of the local attorney may be
1021 appealed ~~[by a petition]~~ to the district court, or, if the Supreme Court has original jurisdiction,
1022 to the Supreme Court ~~[that is]~~, brought by:

1023 (i) at least three sponsors of the initiative petition; or

1024 (ii) a majority of the local legislative body for the jurisdiction where the initiative
1025 petition was circulated.

1026 (b) The ~~[Supreme Court]~~ court:

1027 (i) shall examine the measures and consider arguments~~[, and, in its decision,];~~ and

1028 (ii) may certify to the local clerk a ballot title for the measure that fulfills the intent of
1029 this section.

1030 (c) The local clerk shall print the title certified by the ~~[Supreme Court]~~ court on the
1031 official ballot.

1032 Section 17. Section **20A-7-509** is amended to read:

1033 **20A-7-509. Form of ballot -- Manner of voting.**

1034 (1) The local clerk shall ensure that the number and ballot title are presented upon the
1035 official ballot with, immediately adjacent to them, the words "For" and "Against," each word
1036 presented with an adjacent square in which the ~~[elector]~~ voter may indicate ~~[his]~~ the voter's
1037 vote.

1038 (2) ~~[Electors]~~ Voters desiring to vote in favor of enacting the law proposed by the
1039 initiative petition shall mark the square adjacent to the word "For," and ~~[those]~~ voters desiring
1040 to vote against enacting the law proposed by the initiative petition shall mark the square
1041 adjacent to the word "Against."

1042 Section 18. Section **20A-7-510** is amended to read:

1043 **20A-7-510. Return and canvass -- Conflicting measures -- Law effective on**
1044 **proclamation.**

1045 (1) The votes on the law proposed by the initiative petition shall be counted,
1046 canvassed, and delivered as provided in Title 20A, Chapter 4, Part 3, Canvassing Returns.

1047 (2) After the local board of canvassers completes its canvass, the local clerk shall
1048 certify to the local legislative body the vote for and against the law proposed by the initiative

1049 petition.

1050 (3) (a) The local legislative body shall immediately issue a proclamation that:

1051 (i) gives the total number of votes cast in the local jurisdiction for and against each law
1052 proposed by an initiative petition; and

1053 (ii) declares those laws proposed by an initiative petition that were approved by
1054 majority vote to be in full force and effect as the law of the local jurisdiction.

1055 (b) When the local legislative body determines that two proposed laws, or that parts of
1056 two proposed laws approved by the people at the same election are entirely in conflict, they
1057 shall proclaim that measure to be law that has received the greatest number of affirmative
1058 votes, regardless of the difference in the majorities which those measures have received.

1059 (c) (i) Within 10 days after the local legislative body's proclamation, any qualified
1060 voter who signed the initiative petition proposing the law that is declared by the local
1061 legislative body to be superseded by another measure approved at the same election may apply
1062 to the district court, or, if the Supreme Court has original jurisdiction, the Supreme Court to
1063 review the decision.

1064 (ii) The court shall:

1065 (A) consider the matter and decide whether ~~[or not]~~ the proposed laws are in conflict;
1066 and

1067 (B) certify ~~[its]~~ the court's decision to the local legislative body.

1068 (4) Within 10 days after the ~~[Supreme Court certifies its]~~ day on which the court
1069 certifies the decision, the local legislative body shall:

1070 (a) proclaim as law all ~~[those]~~ measures approved by the people ~~[as law]~~ that the
1071 ~~[Supreme Court has determined]~~ court determines are not in conflict; and

1072 (b) ~~[of all those]~~ for the measures approved by the people as law that the ~~[Supreme~~
1073 ~~Court has determined]~~ court determines to be in conflict, proclaim as law the ~~[one]~~ measure
1074 that received the greatest number of affirmative votes, regardless of the difference in
1075 majorities.

1076 Section 19. Section **20A-7-512** is amended to read:

1077 **20A-7-512. Misconduct of electors and officers -- Penalty.**

1078 (1) It is unlawful for any ~~[person]~~ individual to:

1079 (a) sign any name other than the ~~[person's own]~~ individual's own name to any initiative

1080 petition;

1081 (b) knowingly sign the [~~person's~~] individual's name more than once for the same
1082 measure at one election;

1083 (c) sign an initiative knowing the [~~person~~] individual is not a legal voter; or

1084 (d) knowingly and willfully violate any provision of this part.

1085 (2) It is unlawful for any [~~person~~] individual to sign the verification for an initiative
1086 packet knowing that:

1087 (a) the [~~person~~] individual does not meet the residency requirements of Section
1088 [20A-2-105](#);

1089 (b) the [~~person~~] individual has not witnessed the signatures of [~~those persons~~] the
1090 individuals whose names appear in the initiative packet; or

1091 (c) one or more [~~persons~~] individuals whose signatures appear in the initiative packet is
1092 either:

1093 (i) not registered to vote in Utah; or

1094 (ii) does not intend to become registered to vote in Utah.

1095 (3) [~~Any person violating~~] An individual who violates this part is guilty of a class A
1096 misdemeanor.

1097 Section 20. Section **20A-7-513** is amended to read:

1098 **20A-7-513. Fiscal review -- Repeal, amendment, or resubmission.**

1099 (1) No later than 60 days after the date of an election in which the voters approve an
1100 initiative petition, the budget officer shall:

1101 (a) for each initiative approved by the voters, prepare a final fiscal impact statement,
1102 using current financial information and containing the information required by Subsection

1103 [20A-7-502.5\(2\)](#), except for the information required by Subsection [20A-7-502.5\(2\)\(a\)\(vii\)](#); and

1104 (b) deliver a copy of the final fiscal impact statement to:

1105 (i) the local legislative body of the jurisdiction where the initiative was circulated;

1106 (ii) the local clerk; and

1107 (iii) the first [~~five~~] three sponsors listed on the initiative application.

1108 (2) If the final fiscal impact statement exceeds the initial fiscal impact estimate by 25%
1109 or more, the local legislative body shall review the final fiscal impact statement and may, by a
1110 majority vote:

- 1111 (a) repeal the law established by passage of the initiative;
 1112 (b) amend the law established by the passage of the initiative; or
 1113 (c) pass a resolution informing the voters that they may file an initiative petition to
 1114 repeal the law enacted by the passage of the initiative.

1115 Section 21. Section **20A-7-601** is amended to read:

1116 **20A-7-601. Referenda -- General signature requirements -- Signature**
 1117 **requirements for land use laws and subjurisdictional laws -- Time requirements.**

1118 ~~[(1) Except as provided in Subsection (2) or (3), a person seeking to have a local law~~
 1119 ~~passed by the local legislative body submitted to a vote of the people shall obtain legal~~
 1120 ~~signatures equal to:]~~

1121 ~~[(a) 10% of all the votes cast in the county, city, or town for all candidates for president~~
 1122 ~~of the United States at the last election at which a president of the United States was elected if~~
 1123 ~~the total number of votes exceeds 25,000;]~~

1124 ~~[(b) 12-1/2% of all the votes cast in the county, city, or town for all candidates for~~
 1125 ~~president of the United States at the last election at which a president of the United States was~~
 1126 ~~elected if the total number of votes does not exceed 25,000 but is more than 10,000;]~~

1127 ~~[(c) 15% of all the votes cast in the county, city, or town for all candidates for president~~
 1128 ~~of the United States at the last election at which a president of the United States was elected if~~
 1129 ~~the total number of votes does not exceed 10,000 but is more than 2,500;]~~

1130 ~~[(d) 20% of all the votes cast in the county, city, or town for all candidates for president~~
 1131 ~~of the United States at the last election at which a president of the United States was elected if~~
 1132 ~~the total number of votes does not exceed 2,500 but is more than 500;]~~

1133 ~~[(e) 25% of all the votes cast in the county, city, or town for all candidates for president~~
 1134 ~~of the United States at the last election at which a president of the United States was elected if~~
 1135 ~~the total number of votes does not exceed 500 but is more than 250; and]~~

1136 ~~[(f) 30% of all the votes cast in the county, city, or town for all candidates for president~~
 1137 ~~of the United States at the last election at which a president of the United States was elected if~~
 1138 ~~the total number of votes does not exceed 250;]~~

1139 ~~[(2) (a) As used in this Subsection (2), "land use law" includes a land use development~~
 1140 ~~code, an annexation ordinance, and comprehensive zoning ordinances;]~~

1141 ~~[(b) Except as provided in Subsection (3), a person seeking to have a land use law or~~

1142 local obligation law passed by the local legislative body submitted to a vote of the people shall
1143 obtain legal signatures equal to:]

1144 [(i) in a county or in a city of the first or second class, 20% of all votes cast in the
1145 county or city for all candidates for president of the United States at the last election at which a
1146 president of the United States was elected; and]

1147 [(ii) in a city of the third, fourth, or fifth class or a town, 35% of all the votes cast in the
1148 city or town for all candidates for president of the United States at the last election at which a
1149 president of the United States was elected.]

1150 [(3) (a) As used in this Subsection (3):]

1151 [(i) "Subjurisdiction" means an area comprised of all precincts and subprecincts in the
1152 jurisdiction of a county, city, or town that are subject to a subjurisdictional law.]

1153 [(ii) "Subjurisdictional law" means a local law or local obligation law passed by a local
1154 legislative body that imposes a tax or other payment obligation on property in an area that does
1155 not include all precincts and subprecincts under the jurisdiction of the county, city, or town.]

1156 [(b) A person seeking to have a subjurisdictional law passed by the local legislative
1157 body submitted to a vote of the people shall obtain legal signatures of the residents in the
1158 subjurisdiction equal to:]

1159 [(i) 10% of the total votes cast in the subjurisdiction for all candidates for president of
1160 the United States at the last election at which a president of the United States was elected if the
1161 total number of votes exceeds 25,000;]

1162 [(ii) 12-1/2% of all the votes cast in the subjurisdiction for all candidates for president
1163 of the United States at the last election at which a president of the United States was elected if
1164 the total number of votes does not exceed 25,000 but is more than 10,000;]

1165 [(iii) 15% of all the votes cast in the subjurisdiction for all candidates for president of
1166 the United States at the last election at which a president of the United States was elected if the
1167 total number of votes does not exceed 10,000 but is more than 2,500;]

1168 [(iv) 20% of all the votes cast in the subjurisdiction for all candidates for president of
1169 the United States at the last election at which a president of the United States was elected if the
1170 total number of votes does not exceed 2,500 but is more than 500;]

1171 [(v) 25% of all the votes cast in the subjurisdiction for all candidates for president of
1172 the United States at the last election at which a president of the United States was elected if the

1173 ~~total number of votes does not exceed 500 but is more than 250; and]~~

1174 ~~[(vi) 30% of all the votes cast in the subjurisdiction for all candidates for president of~~
1175 ~~the United States at the last election at which a president of the United States was elected if the~~
1176 ~~total number of votes does not exceed 250;]~~

1177 (1) As used in this section:

1178 (a) "Number of active voters" means the number of active voters in the county, city, or
1179 town on the immediately preceding January 1.

1180 (b) "Subjurisdiction" means an area comprised of all precincts and subprecincts in the
1181 jurisdiction of a county, city, or town that are subject to a subjurisdictional law.

1182 (c) "Subjurisdictional law" means a local law or local obligation law passed by a local
1183 legislative body that imposes a tax or other payment obligation on property in an area that does
1184 not include all precincts and subprecincts under the jurisdiction of the county, city, or town.

1185 (2) Except as provided in Subsection (3) or (4), an eligible voter seeking to have a local
1186 law passed by the local legislative body submitted to a vote of the people shall obtain legal
1187 signatures equal to:

1188 (a) for a metro township with a population of 100,000 or more, a city of the first class,
1189 or a county of the first class, 8.5% of the number of active voters in the metro township, city, or
1190 county;

1191 (b) for a metro township with a population of 65,000 or more but less than 100,000, a
1192 city of the second class, or a county of the second class, 11% of the number of active voters in
1193 the metro township, city, or county;

1194 (c) for a metro township with a population of 30,000 or more but less than 65,000, a
1195 city of the third class, or a county of the third class, 13% of the number of active voters in the
1196 metro township, city, or county;

1197 (d) for a metro township with a population of 10,000 or more but less than 30,000, a
1198 city of the fourth class, or a county of the fourth class, 17.5% of the number of active voters in
1199 the metro township, city, or county;

1200 (e) for a metro township with a population of 1,000 or more but less than 10,000, a city
1201 of the fifth class, or a county of the fifth class, 22% of the number of active voters in the metro
1202 township, city, or county; or

1203 (f) for a metro township with a population of less than 1,000, a town, or a county of the

1204 sixth class, 25.5% of the number of active voters in the metro township, town, or county.

1205 (3) An eligible voter seeking to have a subjurisdictional law passed by the local
1206 legislative body submitted to a vote of the people shall obtain legal signatures of the residents
1207 in the subjurisdiction equal to:

1208 (a) for a subjurisdiction with a population of 100,000 or more, 8.5% of the number of
1209 active voters in the subjurisdiction;

1210 (b) for a subjurisdiction with a population of 65,000 or more but less than 100,000,
1211 11% of the number of active voters in the subjurisdiction;

1212 (c) for a subjurisdiction with a population of 30,000 or more but less than 65,000, 13%
1213 of the number of active voters in the subjurisdiction;

1214 (d) for a subjurisdiction with a population of 10,000 or more but less than 30,000,
1215 17.5% of the number of active voters in the subjurisdiction;

1216 (e) for a subjurisdiction with a population of 1,000 or more but less than 10,000, 22%
1217 of the number of active voters in the subjurisdiction; or

1218 (f) for a subjurisdiction with a population of less than 1,000, 25.5% of the number of
1219 active voters in the subjurisdiction.

1220 (4) (a) Sponsors of any referendum petition challenging, under Subsection [~~(1)~~], (2)[~~;~~]
1221 or (3), any local law passed by a local legislative body shall file the application within [~~five~~]
1222 seven days after the [~~passage of~~] day on which the local law was passed.

1223 (b) Except as provided in Subsection (4)(c), when a referendum petition has been
1224 declared sufficient, the local law that is the subject of the petition does not take effect unless
1225 and until the local law is approved by a vote of the people.

1226 (c) When a referendum petition challenging a subjurisdictional law has been declared
1227 sufficient, the subjurisdictional law that is the subject of the petition does not take effect unless
1228 and until the subjurisdictional law is approved by a vote of the people who reside in the
1229 subjurisdiction.

1230 (5) If the referendum passes, the local law that was challenged by the referendum is
1231 repealed as of the date of the election.

1232 (6) Nothing in this section authorizes a local legislative body to impose a tax or other
1233 payment obligation on a subjurisdiction in order to benefit an area outside of the
1234 subjurisdiction.

1235 Section 22. Section **20A-7-602** is amended to read:

1236 **20A-7-602. Local referendum process -- Application procedures.**

1237 (1) (a) As used in this section, "threshold number" means:

1238 (i) for a municipality where the mayor is on the council, the number of council

1239 members, including the mayor;

1240 (ii) for a municipality where the mayor is not on the council, the number of council

1241 members, plus the mayor; or

1242 (iii) for a county, the number of council members, plus one.

1243 ~~[(+) Persons]~~ (b) An eligible voter wishing to circulate a referendum petition shall file
1244 an application with the local clerk.

1245 (2) The application shall contain:

1246 (a) the name and residence address of ~~[at least five]~~ a number of sponsors of the
1247 referendum petition that equals or exceeds the threshold number for the local government to
1248 which the referendum petition pertains;

1249 (b) a certification indicating that each of the sponsors~~[(+)]~~ is a resident of Utah; ~~[and]~~

1250 ~~[(ii) (A) if the referendum challenges a county local law, has voted in a regular general~~
1251 ~~election in Utah within the last three years; or]~~

1252 ~~[(B) if the referendum challenges a municipal local law, has voted in a regular~~
1253 ~~municipal election in Utah within the last three years;]~~

1254 (c) a statement indicating that each of the sponsors has voted in an election in Utah in
1255 the last three years;

1256 ~~[(+)]~~ (d) the signature of each of the sponsors, [attested to] acknowledged by a notary
1257 public; and

1258 ~~[(+)]~~ (e) (i) if the referendum challenges an ordinance or resolution, one copy of the
1259 law; or

1260 (ii) if the referendum challenges a local law that is not an ordinance or resolution, a
1261 written description of the local law, including the result of the vote on the local law.

1262 Section 23. Section **20A-7-602.5** is amended to read:

1263 **20A-7-602.5. Initial fiscal and legal impact estimate -- Preparation of estimate.**

1264 (1) Within three working days after the day on which the local clerk receives an
1265 application for a referendum petition, the local clerk shall submit a copy of the application to

1266 the county, city, or town's budget officer.

1267 (2) (a) The budget officer, together with legal counsel, shall prepare an unbiased, good
1268 faith estimate of the fiscal and legal impact of repealing the law the referendum proposes to
1269 repeal that contains:

1270 (i) a dollar amount representing the total estimated fiscal impact of repealing the law;

1271 (ii) if repealing the law would increase or decrease taxes, a dollar amount representing
1272 the total estimated increase or decrease for each type of tax that would be impacted by the law's
1273 repeal and a dollar amount representing the total estimated increase or decrease in taxes that
1274 would result from the law's repeal;

1275 (iii) if repealing the law would result in the issuance or a change in the status of bonds,
1276 notes, or other debt instruments, a dollar amount representing the total estimated increase or
1277 decrease in public debt that would result;

1278 (iv) a listing of all sources of funding for the estimated costs that would be associated
1279 with the law's repeal, showing each source of funding and the percentage of total funding that
1280 would be provided from each source;

1281 (v) a dollar amount representing the estimated costs or savings, if any, to state and
1282 local government entities if the law were repealed;

1283 (vi) the legal impacts that would result from repealing the law, including:

1284 (A) any significant effects on a person's vested property rights;

1285 (B) any significant effects on other laws or ordinances;

1286 (C) any significant legal liability the city, county, or town may incur; and

1287 (D) any other significant legal impact as determined by the budget officer and the legal
1288 counsel; and

1289 (vii) a concise explanation, not exceeding 100 words, of the above information and of
1290 the estimated fiscal impact, if any, if the law were repealed.

1291 (b) (i) If repealing the law would have no fiscal impact, the local budget officer shall
1292 include a summary statement in the initial fiscal impact statement in substantially the following
1293 form:

1294 "The (title of the local budget officer) estimates that repealing the law this referendum
1295 proposes to repeal would have no significant fiscal impact and would not result in either an
1296 increase or decrease in taxes or debt."

1297 (ii) If repealing the law is estimated to have a fiscal impact, the local budget officer
1298 shall include a summary statement describing the fiscal impact.

1299 (iii) If the estimated fiscal impact of repealing the law is highly variable or is otherwise
1300 difficult to reasonably express in a summary statement, the local budget officer may include in
1301 the summary statement a brief explanation that identifies those factors impacting the variability
1302 or difficulty of the estimate.

1303 (3) Within 25 calendar days after the day on which the local clerk submits a copy of the
1304 application under Subsection (1), the budget officer shall:

1305 (a) deliver a copy of the initial fiscal impact estimate, including the legal impact
1306 estimate, to the local clerk's office; and

1307 (b) mail a copy of the initial fiscal impact estimate, including the legal impact estimate,
1308 to the first ~~five~~ three sponsors named in the application.

1309 Section 24. Section **20A-7-602.7** is enacted to read:

1310 **20A-7-602.7. Referability to voters.**

1311 (1) Within 20 days after the day on which an eligible voter files an application to
1312 circulate a referendum petition under Section [20A-7-602](#), the county, city, town, or metro
1313 township to which the initiative pertains shall:

1314 (a) review the application to determine whether the proposed referendum is legally
1315 referable to voters; and

1316 (b) notify the first three sponsors, in writing, whether the proposed referendum is:

1317 (i) legally referable to voters; or

1318 (ii) rejected as not legally referable to voters.

1319 (2) A proposed referendum is legally referable to voters unless:

1320 (a) the proposed referendum challenges an action that is administrative, rather than
1321 legislative, in nature;

1322 (b) the proposed referendum challenges more than one law passed by the local
1323 legislative body; or

1324 (c) the application for the proposed referendum was not timely filed or does not
1325 comply with the requirements of this part.

1326 (3) After the end of the 20-day period described in Subsection (1), a county, city, town,
1327 or metro township may not:

1328 (a) reject a proposed referendum as not legally referable to voters; or
1329 (b) challenge, in a legal action or otherwise, a proposed referendum on the grounds that
1330 the proposed referendum is not legally referable to voters.

1331 (4) If a county, city, town, or metro township rejects a proposed referendum, a sponsor
1332 of the proposed referendum may, within 10 days after the day on which a sponsor is notified
1333 under Subsection (1)(b), appeal the decision to:

1334 (a) district court; or
1335 (b) the Supreme Court, if the Supreme Court has original jurisdiction over the appeal.
1336 (5) If, on appeal, the court determines that the proposed referendum is legally referable
1337 to voters, the local clerk shall comply with Subsection 20A-7-604(2) within five days after the
1338 day on which the determination is final.

1339 Section 25. Section **20A-7-603** is amended to read:

1340 **20A-7-603. Form of referendum petition and signature sheets.**

1341 (1) (a) Each proposed referendum petition shall be printed in substantially the
1342 following form:

1343 "REFERENDUM PETITION To the Honorable ____, County Clerk/City
1344 Recorder/Town Clerk:

1345 We, the undersigned citizens of Utah, respectfully order that (description of local law or
1346 portion of local law being challenged), passed by the ____ be referred to the voters for their
1347 approval or rejection at the regular/municipal general election to be held on
1348 _____(month\day\year);

1349 Each signer says:

1350 I have personally signed this petition;

1351 I am registered to vote in Utah or intend to become registered to vote in Utah before the
1352 certification of the petition names by the county clerk; and

1353 My residence and post office address are written correctly after my name."

1354 (b) The sponsors of a referendum shall attach a copy of the law that is the subject of the
1355 referendum to each referendum petition.

1356 (2) Each signature sheet shall:

1357 (a) be printed on sheets of paper 8-1/2 inches long and 11 inches wide;

1358 (b) be ruled with a horizontal line three-fourths inch from the top, with the space above

1359 that line blank for the purpose of binding;

1360 (c) contain the title of the referendum printed below the horizontal line;

1361 (d) contain the word "Warning" printed or typed at the top of each signature sheet
1362 under the title of the referendum;

1363 (e) contain, to the right of the word "Warning," the following statement printed or
1364 typed in not less than eight-point, single-leaded type:

1365 "It is a class A misdemeanor for an individual to sign a referendum petition with any
1366 other name than the individual's own name, or to knowingly sign the individual's name more
1367 than once for the same measure, or to sign a referendum petition when the individual knows
1368 that the individual is not a registered voter and knows that the individual does not intend to
1369 become registered to vote before the certification of the petition names by the county clerk.";

1370 (f) contain horizontally ruled lines three-eighths inch apart under the "Warning"
1371 statement required by this section;

1372 (g) be vertically divided into columns as follows:

1373 (i) the first column shall appear at the extreme left of the sheet, be five-eighths inch
1374 wide, be headed with "For Office Use Only," and be subdivided with a light vertical line down
1375 the middle;

1376 (ii) the next column shall be 2-1/2 inches wide, headed "Registered Voter's Printed
1377 Name (must be legible to be counted)";

1378 (iii) the next column shall be 2-1/2 inches wide, headed "Signature of Registered
1379 Voter";

1380 (iv) the next column shall be one inch wide, headed "Birth Date or Age (Optional)";
1381 and

1382 (v) the final column shall be 4-3/8 inches wide, headed "Street Address, City, Zip
1383 Code";

1384 (h) spanning the sheet horizontally beneath each row on which a registered voter may
1385 submit the information described in Subsection (2)(g), contain the following statement printed
1386 or typed in not less than eight-point, single-leaded type: "By signing this petition, you are
1387 stating that you have read and understand the law this petition seeks to overturn."; and

1388 (i) at the bottom of the sheet, contain the following statement: "Birth date or age
1389 information is not required, but it may be used to verify your identity with voter registration

1390 records. If you choose not to provide it, your signature may not be verified as a valid signature
 1391 if you change your address before petition signatures are verified or if the information you
 1392 provide does not match your voter registration records."

1393 (3) The final page of each referendum packet shall contain the following printed or
 1394 typed statement:

1395 "Verification

1396 State of Utah, County of _____

1397 I, _____, of _____, hereby state that:

1398 I am a resident of Utah and am at least 18 years old;

1399 All the names that appear in this referendum packet were signed by [~~persons~~]
 1400 individuals who professed to be the [~~persons~~] individuals whose names appear in it, and each
 1401 of [~~them signed his~~] the individuals signed the individual's name on it in my presence;

1402 I believe that each individual has printed and signed [~~his~~] the individual's name and
 1403 written [~~his~~] the individual's post office address and residence correctly, and that each signer is
 1404 registered to vote in Utah or intends to become registered to vote before the certification of the
 1405 petition names by the county clerk.

1406 _____"

1407 (4) The forms prescribed in this section are not mandatory, and, if substantially
 1408 followed, the referendum petitions are sufficient, notwithstanding clerical and merely technical
 1409 errors.

1410 Section 26. Section **20A-7-604** is amended to read:

1411 **20A-7-604. Circulation requirements -- Local clerk to provide sponsors with**
 1412 **materials.**

1413 (1) In order to obtain the necessary number of signatures required by this part, the
 1414 sponsors shall, after the sponsors receive the documents described in Subsections (2)(a) and
 1415 (b), circulate referendum packets that meet the form requirements of this part.

1416 (2) Within five days after the day on which a [~~local clerk receives an application that~~
 1417 ~~complies with the requirements of Section 20A-7-602~~] county, city, town, metro township, or
 1418 court determines, in accordance with Section 20A-7-602.7, that a proposed referendum is
 1419 legally referable to voters, the local clerk shall furnish to the sponsors:

1420 (a) five copies of the referendum petition; and

- 1421 (b) five signature sheets.
- 1422 (3) The sponsors of the petition shall:
- 1423 (a) arrange and pay for the printing of all additional copies of the petition and signature
1424 sheets; and
- 1425 (b) ensure that the copies of the petition and signature sheets meet the form
1426 requirements of this section.
- 1427 (4) (a) The sponsors may prepare the referendum for circulation by creating multiple
1428 referendum packets.
- 1429 (b) The sponsors shall create those packets by binding a copy of the referendum
1430 petition, a copy of the law that is the subject of the referendum, and no more than 50 signature
1431 sheets together at the top in such a way that the packets may be conveniently opened for
1432 signing.
- 1433 (c) The sponsors need not attach a uniform number of signature sheets to each
1434 referendum packet.
- 1435 (5) (a) After the sponsors have prepared sufficient referendum packets, they shall
1436 return them to the local clerk.
- 1437 (b) The local clerk shall:
- 1438 (i) number each of the referendum packets and return ~~[them]~~ the packets to the
1439 sponsors within ~~[five working days]~~ 10 days after the day on which the sponsors comply with
1440 Subsection (5)(a); and
- 1441 (ii) keep a record of the numbers assigned to each packet.
- 1442 Section 27. Section **20A-7-605** is amended to read:
- 1443 **20A-7-605. Obtaining signatures -- Verification -- Removal of signature.**
- 1444 (1) Any Utah voter may sign a local referendum petition if the voter is a legal voter and
1445 resides in the local jurisdiction.
- 1446 (2) (a) The sponsors shall ensure that the ~~[person]~~ individual in whose presence each
1447 signature sheet was signed:
- 1448 (i) is at least 18 years old and meets the residency requirements of Section **20A-2-105**;
1449 and
- 1450 (ii) verifies each signature sheet by completing the verification printed on the last page
1451 of each referendum packet.

1452 (b) [~~A person~~] An individual may not sign the verification printed on the last page of
1453 the referendum packet if the [~~person~~] individual signed a signature sheet in the referendum
1454 packet.

1455 (3) (a) Any voter who has signed a referendum petition may have the voter's signature
1456 removed from the petition by submitting a notarized statement to that effect to the local clerk.

1457 (b) Except as provided in Subsection (3)(c), upon receipt of the statement, the local
1458 clerk shall remove the signature of the [~~person~~] individual submitting the statement from the
1459 referendum petition.

1460 (c) A local clerk may not remove signatures from a referendum petition after the
1461 petition has been submitted to the county clerk to be certified.

1462 Section 28. Section **20A-7-606** is amended to read:

1463 **20A-7-606. Submitting the referendum petition -- Certification of signatures by**
1464 **the county clerks -- Transfer to local clerk.**

1465 (1) (a) The sponsors shall deliver each signed and verified referendum packet to the
1466 county clerk of the county in which the packet was circulated no later than 45 days after the day
1467 on which the sponsors receive the items described in Subsection **20A-7-604**(2) from the local
1468 clerk.

1469 (b) A sponsor may not submit a referendum packet after the deadline established in this
1470 Subsection (1).

1471 (2) (a) No later than 15 days after the day on which a county clerk receives a
1472 referendum packet under Subsection (1)(a), the county clerk shall:

1473 (i) check the names of all [~~persons~~] individuals completing the verification on the last
1474 page of each referendum packet to determine whether those [~~persons~~] individuals are Utah
1475 residents and are at least 18 years old; and

1476 (ii) submit the name of each of those [~~persons~~] individuals who is not a Utah resident
1477 or who is not at least 18 years old to the attorney general and county attorney.

1478 (b) The county clerk may not certify a signature under Subsection (3) on a referendum
1479 packet that is not verified in accordance with Section **20A-7-605**.

1480 (3) No later than [~~30~~] 22 days after the day on which a county clerk receives a
1481 referendum packet under Subsection (1)(a), the county clerk shall:

1482 (a) determine whether each signer is a registered voter according to the requirements of

1483 Section 20A-7-606.3;

1484 (b) certify on the referendum petition whether each name is that of a registered voter;

1485 and

1486 (c) deliver all of the verified referendum packets to the local clerk.

1487 Section 29. Section 20A-7-606.3 is amended to read:

1488 **20A-7-606.3. Verification of petition signatures.**

1489 (1) (a) For the purposes of this section, "substantially similar name" means:

1490 (i) the given name and surname shown on the petition, or both, contain only minor
1491 spelling differences when compared to the given name and surname shown on the official
1492 register;

1493 (ii) the surname shown on the petition exactly matches the surname shown on the
1494 official register, and the given names differ only because one of the given names shown is a
1495 commonly used abbreviation or variation of the other;

1496 (iii) the surname shown on the petition exactly matches the surname shown on the
1497 official register, and the given names differ only because one of the given names shown is
1498 accompanied by a first or middle initial or a middle name which is not shown on the other
1499 record; or

1500 (iv) the surname shown on the petition exactly matches the surname shown on the
1501 official register, and the given names differ only because one of the given names shown is an
1502 alphabetically corresponding initial that has been provided in the place of a given name shown
1503 on the other record.

1504 (b) For the purposes of this section, "substantially similar name" does not mean a name
1505 having an initial or a middle name shown on the petition that does not match a different initial
1506 or middle name shown on the official register.

1507 (2) The county clerk shall use the following procedures in determining whether or not a
1508 signer is a registered voter:

1509 (a) When a signer's name and address shown on the petition exactly match a name and
1510 address shown on the official register and the signer's signature appears substantially similar to
1511 the signature on the statewide voter registration database, the county clerk shall declare the
1512 signature valid.

1513 (b) When there is no exact match of an address and a name, the county clerk shall

1514 declare the signature valid if:

1515 (i) the address on the petition matches the address of [~~a person~~] an individual on the
1516 official register with a substantially similar name; and

1517 (ii) the signer's signature appears substantially similar to the signature on the statewide
1518 voter registration database of the [~~person~~] individual described in Subsection (2)(b)(i).

1519 (c) When there is no match of an address and a substantially similar name, the county
1520 clerk shall declare the signature valid if:

1521 (i) the birth date or age on the petition matches the birth date or age of [~~a person~~] an
1522 individual on the official register with a substantially similar name; and

1523 (ii) the signer's signature appears substantially similar to the signature on the statewide
1524 voter registration database of the [~~person~~] individual described in Subsection (2)(c)(i).

1525 (d) If a signature is not declared valid under Subsection (2)(a), (b), or (c), the county
1526 clerk shall declare the signature to be invalid.

1527 Section 30. Section **20A-7-607** is amended to read:

1528 **20A-7-607. Evaluation by the local clerk -- Determination of election for vote on**
1529 **referendum.**

1530 (1) When each referendum packet is received from a county clerk, the local clerk shall
1531 check off from the local clerk's record the number of each referendum packet filed.

1532 (2) Within 15 days after the day on which the local clerk receives each referendum
1533 packet from a county clerk, the local clerk shall:

1534 (a) count the number of the names certified by the county clerks that appear on each
1535 verified signature sheet;

1536 (b) if the total number of certified names from each verified signature sheet equals or
1537 exceeds the number of names required by Section **20A-7-601** and the requirements of this part
1538 are met, mark upon the front of the petition the word "sufficient";

1539 (c) if the total number of certified names from each verified signature sheet does not
1540 equal or exceed the number of names required by Section **20A-7-601** or a requirement of this
1541 part is not met, mark upon the front of the petition the word "insufficient"; and

1542 (d) notify any one of the sponsors of the local clerk's finding.

1543 (3) If the local clerk finds the total number of certified signatures from each verified
1544 signature sheet to be insufficient, any sponsor may file a written demand with the local clerk

1545 for a recount of the signatures appearing on the referendum petition in the presence of any
1546 sponsor.

1547 ~~[(4) (a) If the local clerk refuses to accept and file any referendum petition, any voter~~
1548 ~~may apply to the Supreme Court for an extraordinary writ to compel the local clerk to do so~~
1549 ~~within 10 days after the refusal.]~~

1550 ~~[(b) If the Supreme Court determines that the referendum petition is legally sufficient,~~
1551 ~~the local clerk shall file it, with a verified copy of the judgment attached to it, as of the date on~~
1552 ~~which it was originally offered for filing in the local clerk's office.]~~

1553 ~~[(c) If the Supreme Court determines that any petition filed is not legally sufficient, the~~
1554 ~~Supreme Court may enjoin the local clerk and all other officers from:]~~

1555 ~~[(i) certifying or printing the ballot title and numbers of that measure on the official~~
1556 ~~ballot for the next election; or]~~

1557 ~~[(ii) as it relates to a local tax law that is conducted entirely by absentee ballot,~~
1558 ~~certifying, printing, or mailing the ballot title and numbers of that measure under Section~~
1559 ~~20A-7-609.5:]~~

1560 ~~[(5)] (4) A petition determined to be sufficient in accordance with this section is~~
1561 ~~qualified for the ballot.~~

1562 (5) If a referendum relates to legislative action taken after April 15, the election officer
1563 may not place the referendum on an election ballot until the following year.

1564 Section 31. Section **20A-7-608** is amended to read:

1565 **20A-7-608. Ballot title -- Duties of local clerk and local attorney.**

1566 (1) Whenever a referendum petition is declared sufficient for submission to a vote of
1567 the people, the local clerk shall deliver a copy of the petition and the proposed law to the local
1568 attorney.

1569 (2) The local attorney shall:

1570 (a) entitle each county or municipal referendum that has qualified for the ballot

1571 "Proposition Number ___" and give it a number as assigned under Section [20A-6-107](#);

1572 (b) prepare a proposed ballot title for the referendum;

1573 (c) file the proposed ballot title and the numbered referendum titles with the local clerk
1574 within 15 days after the date the referendum petition is declared sufficient for submission to a
1575 vote of the people; and

- 1576 (d) promptly provide notice of the filing of the proposed ballot title to:
- 1577 (i) the sponsors of the petition; and
- 1578 (ii) the local legislative body for the jurisdiction where the referendum petition was
- 1579 circulated.
- 1580 (3) (a) The ballot title may be distinct from the title of the law that is the subject of the
- 1581 petition, and shall express, in not exceeding 100 words, the purpose of the measure.
- 1582 (b) In preparing a ballot title, the local attorney shall, to the best of ~~[his]~~ the local
- 1583 attorney's ability, give a true and impartial statement of the purpose of the measure.
- 1584 (c) The ballot title may not intentionally be an argument, or likely to create prejudice,
- 1585 for or against the measure.
- 1586 (4) (a) Within five calendar days after the date the local attorney files a proposed ballot
- 1587 title under Subsection (2)(c), the local legislative body for the jurisdiction where the
- 1588 referendum petition was circulated and the sponsors of the petition may file written comments
- 1589 in response to the proposed ballot title with the local clerk.
- 1590 (b) Within five calendar days after the last date to submit written comments under
- 1591 Subsection (4)(a), the local attorney shall:
- 1592 (i) review any written comments filed in accordance with Subsection (4)(a);
- 1593 (ii) prepare a final ballot title that meets the requirements of Subsection (3); and
- 1594 (iii) return the petition and file the ballot title with the local clerk.
- 1595 (c) Subject to Subsection (6), the ballot title, as determined by the local attorney, shall
- 1596 be printed on the official ballot.
- 1597 (5) Immediately after the local attorney files a copy of the ballot title with the local
- 1598 clerk, the local clerk shall serve a copy of the ballot title by mail upon the sponsors of the
- 1599 petition and the local legislative body for the jurisdiction where the referendum petition was
- 1600 circulated.
- 1601 (6) (a) If the ballot title furnished by the local attorney is unsatisfactory or does not
- 1602 comply with the requirements of this section, the decision of the local attorney may be
- 1603 appealed ~~[by a petition]~~ to the district court, or, if the Supreme Court has original jurisdiction,
- 1604 to the Supreme Court [that is], brought by:
- 1605 (i) at least three sponsors of the referendum petition; or
- 1606 (ii) a majority of the local legislative body for the jurisdiction where the referendum

1607 petition was circulated.

1608 (b) The [~~Supreme Court~~] court:

1609 (i) shall examine the measures and consider the arguments[~~, and, in its decision,~~]; and

1610 (ii) may certify to the local clerk a ballot title for the measure that fulfills the intent of
1611 this section.

1612 (c) The local clerk shall print the title certified by the [~~Supreme Court~~] court on the
1613 official ballot.

1614 Section 32. Section ~~20A-7-609.5~~ is amended to read:

1615 **20A-7-609.5. Election on referendum challenging local tax law conducted entirely**
1616 **by absentee ballot.**

1617 (1) An election officer may administer an election on a referendum challenging a local
1618 tax law entirely by absentee ballot.

1619 (2) For purposes of an election conducted under this section, the election officer shall:

1620 (a) designate as the election day the day that is 30 days after the day on which the
1621 election officer complies with Subsection (2)(b); and

1622 (b) within 30 days after the day on which the referendum described in Subsection (1)
1623 qualifies for the ballot, mail to each registered voter within the voting precincts to which the
1624 local tax law applies:

1625 (i) an absentee ballot;

1626 (ii) a statement that there will be no polling place in the voting precinct for the
1627 election;

1628 (iii) a statement specifying the election day described in Subsection (2)(a);

1629 (iv) a business reply mail envelope;

1630 (v) instructions for returning the ballot that include an express notice about any
1631 relevant deadlines that the voter must meet in order for the voter's vote to be counted; [~~and~~]

1632 (vi) a warning, on a separate page of colored paper in boldface print, indicating that if
1633 the voter fails to follow the instructions included with the absentee ballot, the voter will be
1634 unable to vote in that election because there will be no polling place in the voting precinct on
1635 the day of the election[~~-~~]; and

1636 (vii) a copy of the proposition information pamphlet relating to the referendum if a
1637 proposition information pamphlet relating to the referendum was published under Section

1638 [20A-7-401.5.](#)

1639 (3) A voter who votes by absentee ballot under this section is not required to apply for
1640 an absentee ballot as required by this part.

1641 (4) An election officer who administers an election under this section shall:

1642 (a) (i) obtain, in person, the signatures of each voter within that voting precinct before
1643 the election; or

1644 (ii) obtain the signature of each voter within the voting precinct from the county clerk;
1645 and

1646 (b) maintain the signatures on file in the election officer's office.

1647 (5) (a) Upon receiving the returned absentee ballots under this section, the election
1648 officer shall compare the signature on each absentee ballot with the voter's signature that is
1649 maintained on file and verify that the signatures are the same.

1650 (b) If the election officer questions the authenticity of the signature on the absentee
1651 ballot, the election officer shall immediately contact the voter to verify the signature.

1652 (c) If the election officer determines that the signature on the absentee ballot does not
1653 match the voter's signature that is maintained on file, the election officer shall:

1654 (i) unless the absentee ballot application deadline described in Section [20A-3-304](#) has
1655 passed, immediately send another absentee ballot and other voting materials as required by this
1656 section to the voter; and

1657 (ii) disqualify the initial absentee ballot.

1658 Section 33. Section **20A-7-610** is amended to read:

1659 **20A-7-610. Return and canvass -- Conflicting measures -- Law effective on**
1660 **proclamation.**

1661 (1) The votes on the ~~[law proposed by]~~ proposed law that is the subject of the
1662 referendum petition shall be counted, canvassed, and delivered as provided in Title 20A,
1663 Chapter 4, Part 3, Canvassing Returns.

1664 (2) After the local board of canvassers completes ~~[its]~~ the canvass, the local clerk shall
1665 certify to the local legislative body the vote for and against the ~~[law proposed by]~~ proposed law
1666 that is the subject of the referendum petition.

1667 (3) (a) The local legislative body shall immediately issue a proclamation that:

1668 (i) gives the total number of votes cast in the local jurisdiction for and against each

1669 [~~law proposed by~~] proposed law that is the subject of a referendum petition; and

1670 (ii) declares those laws [~~proposed by~~] that are the subject of a referendum petition that
1671 were approved by majority vote to be in full force and effect as the law of the local jurisdiction.

1672 (b) When the local legislative body determines that two proposed laws, or that parts of
1673 two proposed laws approved by the people at the same election are entirely in conflict, they
1674 shall proclaim that measure to be law that has received the greatest number of affirmative
1675 votes, regardless of the difference in the majorities which those measures have received.

1676 (4) (a) Within 10 days after the local legislative body's proclamation, any qualified
1677 voter [~~who signed the referendum petition proposing the~~] residing in the jurisdiction for a law
1678 that is declared by the local legislative body to be superseded by another measure approved at
1679 the same election may apply to the district court, or, if the Supreme Court has original
1680 jurisdiction, the Supreme Court to review the decision.

1681 (b) The [~~Supreme Court~~] court shall:

1682 (i) consider the matter and decide whether [~~or not~~] the proposed laws are in conflict;
1683 and

1684 (ii) certify [~~its~~] the court's decision to the local legislative body.

1685 (5) Within 10 days after the [~~Supreme Court certifies its~~] day on which the court
1686 certifies the decision, the local legislative body shall:

1687 (a) proclaim [~~all those~~] as law all measures approved by the people [~~as law~~] that the
1688 [~~Supreme Court has determined~~] court determines are not in conflict; and

1689 (b) [~~of all those~~] for the measures approved by the people as law that the [~~Supreme~~
1690 ~~Court has determined~~] court determines to be in conflict, proclaim as law the [~~one~~] measure
1691 that received the greatest number of affirmative votes, regardless of the difference in
1692 majorities.

1693 Section 34. Section **20A-7-611** is amended to read:

1694 **20A-7-611. Effective date -- Reenacting repealed law prohibited.**

1695 (1) [~~Any~~] A proposed law submitted to the people by referendum petition that is
1696 rejected by the voters at [~~any~~] an election is repealed [~~as of~~] on the date of the election.

1697 (2) A local legislative body of a political subdivision may not enact a local law that is
1698 substantially similar to a local law that the voters of the political subdivision reject at an
1699 election under this part until four years after the day on which the rejected local law is repealed.

1700 Section 35. Section **20A-7-612** is amended to read:

1701 **20A-7-612. Misconduct of electors and officers -- Penalty.**

1702 (1) It is unlawful for [~~any person~~] an individual to:

1703 (a) sign any name other than [~~his own~~] the individual's own name to any referendum
1704 petition;

1705 (b) knowingly sign [~~his~~] the individual's name more than once for the same measure at
1706 one election;

1707 (c) sign a referendum knowing [~~he~~] that the individual is not a legal voter; or

1708 (d) knowingly and willfully violate any provision of this part.

1709 (2) It is unlawful for [~~any person~~] an individual to sign the verification for a
1710 referendum packet knowing that:

1711 (a) [~~he~~] the individual does not meet the residency requirements of Section **20A-2-105**;

1712 (b) [~~he~~] the individual has not witnessed the signatures of [~~those persons~~] the
1713 individuals whose names appear in the referendum packet; or

1714 (c) one or more [~~persons~~] individuals whose signatures appear in the referendum
1715 packet is either:

1716 (i) not registered to vote in Utah; or

1717 (ii) does not intend to become registered to vote in Utah.

1718 (3) [~~Any person violating~~] An individual who violates this part is guilty of a class A
1719 misdemeanor.

1720 (4) The county attorney or municipal attorney shall prosecute any violation of this
1721 section.

1722 Section 36. Section **20A-11-1202** is amended to read:

1723 **20A-11-1202. Definitions.**

1724 As used in this part:

1725 (1) "Applicable election officer" means:

1726 (a) a county clerk, if the email relates only to a local election; or

1727 (b) the lieutenant governor, if the email relates to an election other than a local
1728 election.

1729 (2) "Ballot proposition" means constitutional amendments, initiatives, referenda,
1730 judicial retention questions, opinion questions, bond approvals, or other questions submitted to

1731 the voters for their approval or rejection.

1732 (3) "Campaign contribution" means any of the following when done for a political
1733 purpose or to advocate for or against a ballot proposition:

1734 (a) a gift, subscription, donation, loan, advance, deposit of money, or anything of value
1735 given to a filing entity;

1736 (b) an express, legally enforceable contract, promise, or agreement to make a gift,
1737 subscription, donation, unpaid or partially unpaid loan, advance, deposit of money, or anything
1738 of value to a filing entity;

1739 (c) any transfer of funds from another reporting entity to a filing entity;

1740 (d) compensation paid by any person or reporting entity other than the filing entity for
1741 personal services provided without charge to the filing entity;

1742 (e) remuneration from:

1743 (i) any organization or the organization's directly affiliated organization that has a
1744 registered lobbyist; or

1745 (ii) any agency or subdivision of the state, including a school district; or

1746 (f) an in-kind contribution.

1747 (4) (a) "Commercial interlocal cooperation agency" means an interlocal cooperation
1748 agency that receives its revenues from conduct of its commercial operations.

1749 (b) "Commercial interlocal cooperation agency" does not mean an interlocal
1750 cooperation agency that receives some or all of its revenues from:

1751 (i) government appropriations;

1752 (ii) taxes;

1753 (iii) government fees imposed for regulatory or revenue raising purposes; or

1754 (iv) interest earned on public funds or other returns on investment of public funds.

1755 (5) "Expenditure" means:

1756 (a) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money,
1757 or anything of value;

1758 (b) an express, legally enforceable contract, promise, or agreement to make any
1759 purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of
1760 value;

1761 (c) a transfer of funds between a public entity and a candidate's personal campaign

1762 committee;

1763 (d) a transfer of funds between a public entity and a political issues committee; or

1764 (e) goods or services provided to or for the benefit of a candidate, a candidate's

1765 personal campaign committee, or a political issues committee for political purposes at less than
1766 fair market value.

1767 (6) "Filing entity" means the same as that term is defined in Section [20A-11-101](#).

1768 (7) "Governmental interlocal cooperation agency" means an interlocal cooperation
1769 agency that receives some or all of its revenues from:

1770 (a) government appropriations;

1771 (b) taxes;

1772 (c) government fees imposed for regulatory or revenue raising purposes; or

1773 (d) interest earned on public funds or other returns on investment of public funds.

1774 (8) ~~[(a)]~~ "Influence" means to campaign or advocate for or against a ballot proposition.

1775 ~~[(b)] "Influence" does not mean providing a brief statement about a public entity's
1776 position on a ballot proposition and the reason for that position.]~~

1777 (9) "Interlocal cooperation agency" means an entity created by interlocal agreement
1778 under the authority of Title 11, Chapter 13, Interlocal Cooperation Act.

1779 (10) "Local district" means an entity under Title 17B, Limited Purpose Local
1780 Government Entities - Local Districts, and includes a special service district under Title 17D,
1781 Chapter 1, Special Service District Act.

1782 (11) "Political purposes" means an act done with the intent or in a way to influence or
1783 intend to influence, directly or indirectly, any person to refrain from voting or to vote for or
1784 against any:

1785 (a) candidate for public office at any caucus, political convention, primary, or election;
1786 or

1787 (b) judge standing for retention at any election.

1788 (12) "Proposed initiative" means an initiative proposed in an application filed under
1789 Section [20A-7-202](#) or [20A-7-502](#).

1790 (13) "Proposed referendum" means a referendum proposed in an application filed
1791 under Section [20A-7-302](#) or [20A-7-602](#).

1792 ~~[(12)]~~ (14) (a) "Public entity" includes the state, each state agency, each county,

1793 municipality, school district, local district, governmental interlocal cooperation agency, and
 1794 each administrative subunit of each of them.

1795 (b) "Public entity" does not include a commercial interlocal cooperation agency.

1796 (c) "Public entity" includes local health departments created under Title 26, Chapter 1,
 1797 Department of Health Organization.

1798 ~~[(13)]~~ (15) (a) "Public funds" means any money received by a public entity from
 1799 appropriations, taxes, fees, interest, or other returns on investment.

1800 (b) "Public funds" does not include money donated to a public entity by a person or
 1801 entity.

1802 ~~[(14)]~~ (16) (a) "Public official" means an elected or appointed member of government
 1803 with authority to make or determine public policy.

1804 (b) "Public official" includes the person or group that:

1805 (i) has supervisory authority over the personnel and affairs of a public entity; and

1806 (ii) approves the expenditure of funds for the public entity.

1807 ~~[(15)]~~ (17) "Reporting entity" means the same as that term is defined in Section
 1808 [20A-11-101](#).

1809 ~~[(16)]~~ (18) (a) "State agency" means each department, commission, board, council,
 1810 agency, institution, officer, corporation, fund, division, office, committee, authority, laboratory,
 1811 library, unit, bureau, panel, or other administrative unit of the state.

1812 (b) "State agency" includes the legislative branch, the Board of Regents, the
 1813 institutional councils of each higher education institution, and each higher education
 1814 institution.

1815 Section 37. Section **20A-11-1203** is amended to read:

1816 **20A-11-1203. Public entity prohibited from expending public funds on certain**
 1817 **electoral matters.**

1818 (1) Unless specifically required by law, and except as provided in Section
 1819 [20A-11-1206](#), a public entity may not make an expenditure from public funds for political
 1820 purposes ~~[or]~~₂ to influence a ballot proposition, or to influence a proposed initiative or
 1821 proposed referendum.

1822 (2) A violation of this section does not invalidate an otherwise valid election.

1823 Section 38. Section **20A-11-1205** is amended to read:

1824 **20A-11-1205. Use of public email for a political purpose.**

1825 (1) Except as provided in Subsection (5), a person may not send an email using the
1826 email of a public entity:

1827 (a) for a political purpose;

1828 (b) to advocate for or against a [~~ballot proposition~~] proposed initiative, initiative,
1829 proposed referendum, or referendum; or

1830 (c) to solicit a campaign contribution.

1831 (2) The applicable election officer shall impose a civil fine against a person who
1832 violates Subsection (1) as follows:

1833 (a) up to \$250 for a first violation; and

1834 (b) except as provided in Subsection (3), for each subsequent violation committed after
1835 any applicable election officer imposes a fine against the person for a first violation, \$1,000
1836 multiplied by the number of violations committed by the person.

1837 (3) The applicable election officer shall consider a violation of this section as a first
1838 violation if the violation is committed more than seven years after the day on which the person
1839 last committed a violation of this section.

1840 (4) For purposes of this section, one violation means one act of sending an email,
1841 regardless of the number of recipients of the email.

1842 (5) A person does not violate this section if:

1843 (a) the lieutenant governor finds that the email described in Subsection (1) was
1844 inadvertently sent by the person [~~described in Subsection (1)~~]; using the email of a public
1845 entity[-];

1846 (b) the person is directly providing information solely to another person or a group of
1847 people in response to a question asked by the other person or group of people; or

1848 (c) the information is an argument or rebuttal argument prepared under Section
1849 20A-7-401.5 or 20A-7-402, and the email includes each opposing argument and rebuttal
1850 argument that:

1851 (i) relates to the same proposed initiative, initiative, proposed referendum, or
1852 referendum; and

1853 (ii) complies with the requirements of Section 20A-7-401.5 or 20A-7-402.

1854 (6) A violation of this section does not invalidate an otherwise valid election.

1855 Section 39. Section **20A-11-1206** is amended to read:

1856 **20A-11-1206. Exclusions.**

1857 (1) Nothing in this chapter prohibits a public official from speaking, campaigning,
1858 contributing personal money, or otherwise exercising the public official's individual First
1859 Amendment rights for political purposes.

1860 (2) ~~(a) [Nothing]~~ Subject to Subsection (2)(b), nothing in this chapter prohibits a public
1861 entity from providing factual information about a ballot proposition to the public, so long as the
1862 information grants equal access to both the opponents and proponents of the ballot proposition.

1863 (b) A county or municipality may not provide any information to the public about a
1864 proposed initiative, initiative, proposed referendum, or referendum unless the county or
1865 municipality:

1866 (i) provides the information in a manner required, or expressly permitted, by law; or

1867 (ii) is directly providing information solely to a person or a group of people in response
1868 to a question asked by the person or group of people.

1869 (3) Nothing in this chapter prohibits a public entity from the neutral encouragement of
1870 voters to vote.

1871 (4) Nothing in this chapter prohibits an elected official from campaigning or
1872 advocating for or against a ballot proposition.

1873 (5) Subject to Subsection (6), a county or municipality may expend a reasonable
1874 amount of public funds to:

1875 (a) prepare and publish a written argument or written rebuttal argument in accordance
1876 with Section [20A-7-401.5](#), [20A-7-402](#), or [59-1-1604](#); or

1877 (b) prepare an argument for, and present an argument at, a public meeting under
1878 Section [20A-7-405](#) or [59-1-1605](#).

1879 (6) A county or municipality may not:

1880 (a) publish an argument or rebuttal argument prepared under Section [20A-7-401.5](#) or
1881 [20A-7-402](#), unless, at the same time and in the same manner, the county or municipality
1882 publishes each opposing argument and rebuttal argument that:

1883 (i) relates to the same proposed initiative, initiative, proposed referendum, or
1884 referendum; and

1885 (ii) complies with the requirements of Section [20A-7-401.5](#) or [20A-7-402](#);

1886 (b) publish an argument or rebuttal argument for or against a proposed initiative,
1887 initiative, proposed referendum, or referendum that was not prepared and submitted in
1888 accordance with Section [20A-7-401.5](#) or [20A-7-402](#); or

1889 (c) present an argument or rebuttal argument for or against a proposed initiative,
1890 initiative, proposed referendum, or referendum at a public meeting, unless the county or
1891 municipality provides equal opportunity for persons to present opposing arguments and rebuttal
1892 arguments at the public meeting.