

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; and

31 ▶ makes technical and conforming amendments.

32 **Money Appropriated in this Bill:**

33 None

34 **Other Special Clauses:**

35 None

36 **Utah Code Sections Affected:**

37 AMENDS:

38 **11-14-301**, as last amended by Laws of Utah 2014, Chapter 189

39 **20A-7-101**, as last amended by Laws of Utah 2017, Chapter 291

40 **20A-7-402**, as last amended by Laws of Utah 2017, Chapters 91, 147, and 291

41 **20A-7-501**, as last amended by Laws of Utah 2016, Chapter 176

42 **20A-7-502**, as last amended by Laws of Utah 2017, Chapter 291

43 **20A-7-502.5**, as last amended by Laws of Utah 2017, Chapter 291

44 **20A-7-504**, as last amended by Laws of Utah 2016, Chapter 365

45 **20A-7-505**, as last amended by Laws of Utah 2012, Chapter 72

46 **20A-7-506**, as last amended by Laws of Utah 2012, Chapter 72

47 **20A-7-506.3**, as last amended by Laws of Utah 2011, Chapter 17

48 **20A-7-507**, as last amended by Laws of Utah 2011, Chapter 17

49 **20A-7-508**, as last amended by Laws of Utah 2017, Chapter 291

50 **20A-7-509**, as last amended by Laws of Utah 2009, Chapter 202

51 **20A-7-510**, as last amended by Laws of Utah 2010, Chapter 367

52 **20A-7-512**, as last amended by Laws of Utah 2013, Chapter 253

53 **20A-7-513**, as last amended by Laws of Utah 2017, Chapter 291

54 **20A-7-601**, as last amended by Laws of Utah 2016, Chapter 365

55 **20A-7-602**, as last amended by Laws of Utah 2016, Chapter 365

56 **20A-7-602.5**, as enacted by Laws of Utah 2014, Chapter 364

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

71 ENACTS:

- 72 [20A-7-401.5](#), Utah Code Annotated 1953
- 73 [20A-7-405](#), Utah Code Annotated 1953
- 74 [20A-7-406](#), Utah Code Annotated 1953
- 75 [20A-7-502.7](#), Utah Code Annotated 1953
- 76 [20A-7-602.7](#), Utah Code Annotated 1953



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

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

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

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

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

88 (b) The 10-year period described in Subsection (2)(a) is tolled if, at any time during the
89 10-year period:

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

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

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

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

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

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

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

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

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

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

112 (d) For a bond described in this section that was approved by voters on or after May 8,
113 2018, a tolling period described in Subsection (2)(b)(i) ends:

114 (i) if a county, city, town, metro township, or court determines, under Section
115 20A-7-602.7, that the proposed referendum is not legally referable to voters, the later of:

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

118 (B) if a sponsor appeals, under Subsection 20A-7-602.7(4), the day on which a court

119 decision that the proposed referendum is not legally referable to voters becomes final; or

120 (ii) if a county, city, town, metro township, or court determines, under Section

121 20A-7-602.7, that the proposed referendum is legally referable to voters, the later of:

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

124 or

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

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

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

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

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

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

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

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

149 (c) In determining the fair market value of the taxable property in the local political

150 subdivision as provided in this section, the value of all tax equivalent property, as defined in
151 Section 59-3-102, shall be included as a part of the total fair market value of taxable property
152 in the local political subdivision, as provided in Title 59, Chapter 3, Tax Equivalent Property
153 Act.

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

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

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

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

172 **20A-7-101. Definitions.**

173 As used in this chapter:

174 (1) "Budget officer" means:

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

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

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

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

180 (2) "Certified" means that the county clerk has acknowledged a signature as being the

181 signature of a registered voter.

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

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

186 (5) "Final fiscal impact statement" means a financial statement prepared after voters
187 approve an initiative that contains the information required by Subsection [20A-7-202.5\(2\)](#) or
188 [20A-7-502.5\(2\)](#).

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

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

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

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

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

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

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

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

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

202 (a) is registered to vote; or

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

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

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

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

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

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

214 [~~(13)~~] (14) (a) "Local law" includes:

215 (i) an ordinance;

216 (ii) a resolution;

217 (iii) a master plan;

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

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

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

221 [~~(14)~~] (15) "Local legislative body" means the legislative body of a county, city, town,
222 or metro township.

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

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

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

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

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

234 [~~(20)~~] (21) (a) "Signature" means a holographic signature.

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

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

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

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

242 (25) (a) "Standard local ballot proposition" means a local ballot proposition for an

243 initiative or a referendum.

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

246 [~~(23)~~] (26) "Sufficient" means that the signatures submitted in support of an initiative
247 or referendum petition have been certified and verified as required by this chapter.

248 [~~(24)~~] (27) "Tax percentage difference" means the difference between the tax rate
249 proposed by an initiative or an initiative petition and the current tax rate.

250 [~~(25)~~] (28) "Tax percentage increase" means a number calculated by dividing the tax
251 percentage difference by the current tax rate and rounding the result to the nearest thousandth.

252 [~~(26)~~] (29) "Verified" means acknowledged by the person circulating the petition as
253 required in Sections 20A-7-205 and 20A-7-305.

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

255 **20A-7-401.5. Proposition information pamphlet.**

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

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

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

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

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

272 (d) The sponsors of the proposed initiative or referendum may submit a revised version
273 of the written argument described in Subsection (1)(a)(i) to the election officer of the county or

274 municipality to which the petition relates:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

303 (b) except as provided in Subsection (2)(d), immediately after the copy described in
304 Subsection (3)(a), the argument prepared by the sponsors of the proposed initiative or

305 referendum, if any; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

360 **20A-7-402. Local voter information pamphlet -- Contents -- Limitations --**
361 **Preparation -- Statement on front cover.**

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

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

366 ~~[(3)]~~ (2) (a) Within the time requirements described in Subsection ~~[(3)]~~ (2)(c)(i), a

367 municipality that is subject to a special local ballot proposition shall provide a notice that
 368 complies with the requirements of Subsection [~~(3)~~] (2)(c)(ii) to the municipality's residents by:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

392 (ii) ensure that the notice contains:

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

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

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

396 (d) To prepare [~~an~~] a written argument for or against a special local ballot proposition,
 397 an eligible voter shall file a request with the election officer at least 65 days before the election

398 at which the special local ballot proposition is to be voted on.

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

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

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

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

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

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

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

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

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

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

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

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

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

426 ~~[(4)]~~ (3) (a) An election officer who timely receives the written arguments in favor of
427 and against a special local ballot proposition shall, within one business day after the day on
428 which the election office receives both written arguments, send, via mail or email:

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

432 (ii) a copy of the written argument against the special local ballot proposition to the
433 eligible voter who submitted the written argument in favor of the special local ballot
434 proposition.

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

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

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

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

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

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

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

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

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

454 [~~5~~] (4) (a) Except as provided in Subsection [~~5~~] (4)(b), in relation to a special local
455 ballot proposition:

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

459 (ii) a person other than the eligible voter described in Subsection [~~5~~] (4)(a)(i) may not

460 modify ~~[an]~~ a written argument or a written rebuttal argument.

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

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

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

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

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

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

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

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

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

485 (7) A county or municipality that submitted a written argument against a standard local
486 ballot proposition that is included in a proposition information pamphlet under Section
487 [20A-7-401.5](#):

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

522 person's duties.

523 [(7)] (11) (a) The local voter information pamphlet shall include a copy of the initial
524 fiscal impact estimate prepared for each initiative under Section 20A-7-502.5.

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

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

530 [(8)] (12) (a) In preparing the local voter information pamphlet, the election officer
531 shall:

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

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

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

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

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

541 (A) a voter information pamphlet; or

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

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

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

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

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

552 (A) the address of the Statewide Electronic Voter Information Website authorized by

553 Section [20A-7-801](#); and

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

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

557 **20A-7-405. Public meeting.**

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

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

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

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

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

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

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

572 **20A-7-406. Informational materials.**

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

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

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

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

580 **20A-7-501. Initiatives -- Signature requirements -- Time requirements.**

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

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

587 ~~[(ii) 12-1/2% of all the votes cast in the county, city, town, or metro township for all~~
588 ~~candidates for President of the United States at the last election at which a President of the~~
589 ~~United States was elected if the total number of votes does not exceed 25,000 but is more than~~
590 ~~10,000;]~~

591 ~~[(iii) 15% 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 10,000 but is more than~~
594 ~~2,500;]~~

595 ~~[(iv) 20% 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 2,500 but is more than~~
598 ~~500;]~~

599 ~~[(v) 25% 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 500 but is more than~~
602 ~~250; and]~~

603 ~~[(vi) 30% 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 250;]~~

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

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

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

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

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

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

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

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

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

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

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

639 (b) The local legislative body may:

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

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

642 (iii) reject the proposed law.

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

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

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

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

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

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

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

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

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

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

670 (2) The application shall contain:

671 (a) the name and residence address of at least five sponsors of the initiative petition;

672 (b) a statement indicating that each of the sponsors[~~:(t)~~] is a registered voter; [~~and~~]

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

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

677 ~~[(F) except as provided in Subsection (2)(b)(ii)(B)(H), within the last three years; or]~~
 678 ~~[(H) within the last five years, if the sponsor's failure to vote within the last three years~~
 679 ~~is due to the sponsor's residing in a municipal district that participates in a municipal election~~
 680 ~~every four years;]~~

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

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

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

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

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

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

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

695 Section 9. Section **20A-7-502.5** is amended to read:

696 **20A-7-502.5. Initial fiscal and legal impact estimate -- Preparation of estimate.**

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

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

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

704 (ii) if the proposed law would increase or decrease taxes, a dollar amount representing
 705 the total estimated increase or decrease for each type of tax affected under the proposed law
 706 and a dollar amount representing the total estimated increase or decrease in taxes under the
 707 proposed law;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

738 (iii) If the estimated fiscal impact of the proposed law is highly variable or is otherwise

739 difficult to reasonably express in a summary statement, the local budget officer may include in
740 the summary statement a brief explanation that identifies those factors affecting the variability
741 or difficulty of the estimate.

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

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

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

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

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

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

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

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

766 [~~(ii) The Supreme Court may not revise the contents of, or direct the revision of, the~~
767 ~~initial fiscal impact estimate, including the legal impact estimate, unless the plaintiffs rebut the~~
768 ~~presumption by clear and convincing evidence that establishes that the fiscal estimate,~~
769 ~~including the legal impact estimate, taken as a whole, is an inaccurate statement of the~~

770 estimated fiscal or legal impact of the initiative.]

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

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

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

778 **20A-7-502.7. Referability to voters.**

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

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

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

785 (i) legally referable to voters; or

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

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

788 (a) the proposed law is patently unconstitutional;

789 (b) the proposed law is nonsensical;

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

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

792 (e) the proposed law contains more than one subject as evaluated in accordance with
793 Subsection [20A-7-502\(3\)](#);

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

795 (g) the proposed law is identical or substantially similar to a legally referable proposed
796 law sought by an initiative application submitted to the local clerk, under Section [20A-7-502](#),
797 within two years before the day on which the application for the current proposed initiative is
798 filed; or

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

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

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

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

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

809 (a) district court; or

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

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

814 Section 11. Section [20A-7-504](#) is amended to read:

815 **20A-7-504. Circulation requirements -- Local clerk to provide sponsors with**
816 **materials.**

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

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

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

825 (b) one signature sheet.

826 (3) The sponsors of the petition shall:

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

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

831 (4) (a) The sponsors may prepare the initiative for circulation by creating multiple

832 initiative packets.

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

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

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

840 (b) The local clerk shall:

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

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

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

846 **20A-7-505. Obtaining signatures -- Verification -- Removal of signature.**

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

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

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

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

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

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

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

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

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

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

866 **20A-7-506. Submitting the initiative petition -- Certification of signatures by the**
867 **county clerks -- Transfer to local clerk.**

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

870 (i) for county initiatives:

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

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

874 (ii) for municipal initiatives:

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

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

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

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

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

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

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

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

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

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

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

893 Section 14. Section **20A-7-506.3** is amended to read:

894 **20A-7-506.3. Verification of petition signatures.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

934 **20A-7-507. Evaluation by the local clerk.**

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

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

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

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

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

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

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

954 [~~(5) (a) If the local clerk refuses to accept and file any initiative petition, any voter may~~
955 ~~apply to the supreme court for an extraordinary writ to compel him to do so within 10 days~~

956 after the refusal.]

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

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

963 ~~[(6)]~~ (5) A petition determined to be sufficient in accordance with this section is
964 qualified for the ballot.

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

966 **20A-7-508. Ballot title -- Duties of local clerk and local attorney.**

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

970 (2) The local attorney shall:

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

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

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

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

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

978 (i) the sponsors of the petition; and

979 (ii) the local legislative body for the jurisdiction where the initiative petition was
980 circulated.

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

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

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

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

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

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

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

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

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

1000 (iii) return the petition and file the ballot title with the local clerk.

1001 (c) Subject to Subsection (6), the ballot title, as determined by the local attorney, shall
1002 be printed on the official ballot.

1003 (5) Immediately after the local attorney files a copy of the ballot title with the local
1004 clerk, the local clerk shall serve a copy of the ballot title by mail upon the sponsors of the
1005 petition and the local legislative body for the jurisdiction where the initiative petition was
1006 circulated.

1007 (6) (a) If the ballot title furnished by the local attorney is unsatisfactory or does not
1008 comply with the requirements of this section, the decision of the local attorney may be
1009 appealed [by a petition] to the district court, or, if the Supreme Court has original jurisdiction,
1010 to the Supreme Court [that is], brought by:

1011 (i) at least three sponsors of the initiative petition; or

1012 (ii) a majority of the local legislative body for the jurisdiction where the initiative
1013 petition was circulated.

1014 (b) The ~~[Supreme Court]~~ court:

1015 (i) shall examine the measures and consider arguments~~[, and, in its decision,];~~ and

1016 (ii) may certify to the local clerk a ballot title for the measure that fulfills the intent of
1017 this section.

1018 (c) The local clerk shall print the title certified by the [~~Supreme Court~~] court on the
1019 official ballot.

1020 Section 17. Section **20A-7-509** is amended to read:

1021 **20A-7-509. Form of ballot -- Manner of voting.**

1022 (1) The local clerk shall ensure that the number and ballot title are presented upon the
1023 official ballot with, immediately adjacent to them, the words "For" and "Against," each word
1024 presented with an adjacent square in which the [~~elector~~] voter may indicate [~~his~~] the voter's
1025 vote.

1026 (2) [~~Electors~~] Voters desiring to vote in favor of enacting the law proposed by the
1027 initiative petition shall mark the square adjacent to the word "For," and [~~those~~] voters desiring
1028 to vote against enacting the law proposed by the initiative petition shall mark the square
1029 adjacent to the word "Against."

1030 Section 18. Section **20A-7-510** is amended to read:

1031 **20A-7-510. Return and canvass -- Conflicting measures -- Law effective on**
1032 **proclamation.**

1033 (1) The votes on the law proposed by the initiative petition shall be counted,
1034 canvassed, and delivered as provided in Title 20A, Chapter 4, Part 3, Canvassing Returns.

1035 (2) After the local board of canvassers completes its canvass, the local clerk shall
1036 certify to the local legislative body the vote for and against the law proposed by the initiative
1037 petition.

1038 (3) (a) The local legislative body shall immediately issue a proclamation that:

1039 (i) gives the total number of votes cast in the local jurisdiction for and against each law
1040 proposed by an initiative petition; and

1041 (ii) declares those laws proposed by an initiative petition that were approved by
1042 majority vote to be in full force and effect as the law of the local jurisdiction.

1043 (b) When the local legislative body determines that two proposed laws, or that parts of
1044 two proposed laws approved by the people at the same election are entirely in conflict, they
1045 shall proclaim that measure to be law that has received the greatest number of affirmative
1046 votes, regardless of the difference in the majorities which those measures have received.

1047 (c) (i) Within 10 days after the local legislative body's proclamation, any qualified
1048 voter who signed the initiative petition proposing the law that is declared by the local

1049 legislative body to be superseded by another measure approved at the same election may apply
 1050 to the district court, or, if the Supreme Court has original jurisdiction, the Supreme Court to
 1051 review the decision.

1052 (ii) The court shall:

1053 (A) consider the matter and decide whether [~~or not~~] the proposed laws are in conflict;
 1054 and

1055 (B) certify [~~its~~] the court's decision to the local legislative body.

1056 (4) Within 10 days after the [~~Supreme Court certifies its~~] day on which the court
 1057 certifies the decision, the local legislative body shall:

1058 (a) proclaim as law all [~~those~~] measures approved by the people [~~as law~~] that the
 1059 [~~Supreme Court has determined~~] court determines are not in conflict; and

1060 (b) [~~of all those~~] for the measures approved by the people as law that the [~~Supreme~~
 1061 ~~Court has determined~~] court determines to be in conflict, proclaim as law the [~~one~~] measure
 1062 that received the greatest number of affirmative votes, regardless of the difference in
 1063 majorities.

1064 Section 19. Section **20A-7-512** is amended to read:

1065 **20A-7-512. Misconduct of electors and officers -- Penalty.**

1066 (1) It is unlawful for any [~~person~~] individual to:

1067 (a) sign any name other than the [~~person's own~~] individual's own name to any initiative
 1068 petition;

1069 (b) knowingly sign the [~~person's~~] individual's name more than once for the same
 1070 measure at one election;

1071 (c) sign an initiative knowing the [~~person~~] individual is not a legal voter; or

1072 (d) knowingly and willfully violate any provision of this part.

1073 (2) It is unlawful for any [~~person~~] individual to sign the verification for an initiative
 1074 packet knowing that:

1075 (a) the [~~person~~] individual does not meet the residency requirements of Section
 1076 [20A-2-105](#);

1077 (b) the [~~person~~] individual has not witnessed the signatures of [~~those persons~~] the
 1078 individuals whose names appear in the initiative packet; or

1079 (c) one or more [~~persons~~] individuals whose signatures appear in the initiative packet is

1080 either:

1081 (i) not registered to vote in Utah; or

1082 (ii) does not intend to become registered to vote in Utah.

1083 (3) ~~[Any person violating]~~ An individual who violates this part is guilty of a class A
1084 misdemeanor.

1085 Section 20. Section **20A-7-513** is amended to read:

1086 **20A-7-513. Fiscal review -- Repeal, amendment, or resubmission.**

1087 (1) No later than 60 days after the date of an election in which the voters approve an
1088 initiative petition, the budget officer shall:

1089 (a) for each initiative approved by the voters, prepare a final fiscal impact statement,
1090 using current financial information and containing the information required by Subsection
1091 20A-7-502.5(2), except for the information required by Subsection 20A-7-502.5(2)(a)(vii); and

1092 (b) deliver a copy of the final fiscal impact statement to:

1093 (i) the local legislative body of the jurisdiction where the initiative was circulated;

1094 (ii) the local clerk; and

1095 (iii) the first ~~[five]~~ three sponsors listed on the initiative application.

1096 (2) If the final fiscal impact statement exceeds the initial fiscal impact estimate by 25%
1097 or more, the local legislative body shall review the final fiscal impact statement and may, by a
1098 majority vote:

1099 (a) repeal the law established by passage of the initiative;

1100 (b) amend the law established by the passage of the initiative; or

1101 (c) pass a resolution informing the voters that they may file an initiative petition to
1102 repeal the law enacted by the passage of the initiative.

1103 Section 21. Section **20A-7-601** is amended to read:

1104 **20A-7-601. Referenda -- General signature requirements -- Signature**
1105 **requirements for land use laws and subjurisdictional laws -- Time requirements.**

1106 ~~[(1) Except as provided in Subsection (2) or (3), a person seeking to have a local law~~
1107 ~~passed by the local legislative body submitted to a vote of the people shall obtain legal~~
1108 ~~signatures equal to:]~~

1109 ~~[(a) 10% of all the votes cast in the county, city, or town for all candidates for president~~
1110 ~~of the United States at the last election at which a president of the United States was elected if~~

1111 ~~the total number of votes exceeds 25,000;]~~

1112 ~~[(b) 12-1/2% of all the votes cast in the county, city, or town for all candidates for~~
1113 ~~president of the United States at the last election at which a president of the United States was~~
1114 ~~elected if the total number of votes does not exceed 25,000 but is more than 10,000;]~~

1115 ~~[(c) 15% of all the votes cast in the county, city, or town for all candidates for president~~
1116 ~~of the United States at the last election at which a president of the United States was elected if~~
1117 ~~the total number of votes does not exceed 10,000 but is more than 2,500;]~~

1118 ~~[(d) 20% of all the votes cast in the county, city, or town for all candidates for president~~
1119 ~~of the United States at the last election at which a president of the United States was elected if~~
1120 ~~the total number of votes does not exceed 2,500 but is more than 500;]~~

1121 ~~[(e) 25% of all the votes cast in the county, city, or town for all candidates for president~~
1122 ~~of the United States at the last election at which a president of the United States was elected if~~
1123 ~~the total number of votes does not exceed 500 but is more than 250; and]~~

1124 ~~[(f) 30% of all the votes cast in the county, city, or town for all candidates for president~~
1125 ~~of the United States at the last election at which a president of the United States was elected if~~
1126 ~~the total number of votes does not exceed 250;]~~

1127 ~~[(2) (a) As used in this Subsection (2), "land use law" includes a land use development~~
1128 ~~code, an annexation ordinance, and comprehensive zoning ordinances;]~~

1129 ~~[(b) Except as provided in Subsection (3), a person seeking to have a land use law or~~
1130 ~~local obligation law passed by the local legislative body submitted to a vote of the people shall~~
1131 ~~obtain legal signatures equal to:]~~

1132 ~~[(i) in a county or in a city of the first or second class, 20% of all votes cast in the~~
1133 ~~county or city for all candidates for president of the United States at the last election at which a~~
1134 ~~president of the United States was elected; and]~~

1135 ~~[(ii) in a city of the third, fourth, or fifth class or a town, 35% of all the votes cast in the~~
1136 ~~city or town for all candidates for president of the United States at the last election at which a~~
1137 ~~president of the United States was elected;]~~

1138 ~~[(3) (a) As used in this Subsection (3):]~~

1139 ~~[(i) "Subjurisdiction" means an area comprised of all precincts and subprecincts in the~~
1140 ~~jurisdiction of a county, city, or town that are subject to a subjurisdictional law;]~~

1141 ~~[(ii) "Subjurisdictional law" means a local law or local obligation law passed by a local~~

1142 legislative body that imposes a tax or other payment obligation on property in an area that does
1143 not include all precincts and subprecincts under the jurisdiction of the county, city, or town.]

1144 ~~[(b) A person seeking to have a subjurisdictional law passed by the local legislative~~
1145 ~~body submitted to a vote of the people shall obtain legal signatures of the residents in the~~
1146 ~~subjurisdiction equal to:]~~

1147 ~~[(i) 10% of the total votes cast in the subjurisdiction for all candidates for president of~~
1148 ~~the United States at the last election at which a president of the United States was elected if the~~
1149 ~~total number of votes exceeds 25,000;]~~

1150 ~~[(ii) 12-1/2% of all the votes cast in the subjurisdiction for all candidates for president~~
1151 ~~of the United States at the last election at which a president of the United States was elected if~~
1152 ~~the total number of votes does not exceed 25,000 but is more than 10,000;]~~

1153 ~~[(iii) 15% of all the votes cast in the subjurisdiction for all candidates for president of~~
1154 ~~the United States at the last election at which a president of the United States was elected if the~~
1155 ~~total number of votes does not exceed 10,000 but is more than 2,500;]~~

1156 ~~[(iv) 20% of all the votes cast in the subjurisdiction for all candidates for president of~~
1157 ~~the United States at the last election at which a president of the United States was elected if the~~
1158 ~~total number of votes does not exceed 2,500 but is more than 500;]~~

1159 ~~[(v) 25% of all the votes cast in the subjurisdiction for all candidates for president of~~
1160 ~~the United States at the last election at which a president of the United States was elected if the~~
1161 ~~total number of votes does not exceed 500 but is more than 250; and]~~

1162 ~~[(vi) 30% of all the votes cast in the subjurisdiction for all candidates for president of~~
1163 ~~the United States at the last election at which a president of the United States was elected if the~~
1164 ~~total number of votes does not exceed 250;]~~

1165 (1) As used in this section:

1166 (a) "Land use law" includes a land use development code, an annexation ordinance,
1167 and comprehensive zoning ordinances.

1168 (b) "Number of active voters" means the number of active voters in the county, city, or
1169 town on the immediately preceding January 1.

1170 (c) "Subjurisdiction" means an area comprised of all precincts and subprecincts in the
1171 jurisdiction of a county, city, or town that are subject to a subjurisdictional law.

1172 (d) "Subjurisdictional law" means a local law or local obligation law passed by a local

1173 legislative body that imposes a tax or other payment obligation on property in an area that does
1174 not include all precincts and subprecincts under the jurisdiction of the county, city, or town.

1175 (2) Except as provided in Subsection (3) or (4), an eligible voter seeking to have a local
1176 law passed by the local legislative body submitted to a vote of the people shall obtain legal
1177 signatures equal to:

1178 (a) for a metro township with a population of 100,000 or more, a city of the first class,
1179 or a county of the first class, 8.5% of the number of active voters in the metro township, city, or
1180 county;

1181 (b) for a metro township with a population of 65,000 or more but less than 100,000, a
1182 city of the second class, or a county of the second class, 11% of the number of active voters in
1183 the metro township, city, or county;

1184 (c) for a metro township with a population of 30,000 or more but less than 65,000, a
1185 city of the third class, or a county of the third class, 13% of the number of active voters in the
1186 metro township, city, or county;

1187 (d) for a metro township with a population of 10,000 or more but less than 30,000, a
1188 city of the fourth class, or a county of the fourth class, 17.5% of the number of active voters in
1189 the metro township, city, or county;

1190 (e) for a metro township with a population of 1,000 or more but less than 10,000, a city
1191 of the fifth class, or a county of the fifth class, 22% of the number of active voters in the metro
1192 township, city, or county; or

1193 (f) for a metro township with a population of less than 1,000, a town, or a county of the
1194 sixth class, 25.5% of the number of active voters in the metro township, town, or county.

1195 (3) Except as provided in Subsection (4), an eligible voter seeking to have a land use
1196 law or local obligation law passed by the local legislative body submitted to a vote of the
1197 people shall obtain legal signatures equal to:

1198 (a) for a metro township with a population of 65,000 or more, a city of the first or
1199 second class, or a county, 20% of the number of active voters in the metro township, city, or
1200 county; or

1201 (b) for a metro township with a population of less than 65,000, a city of the third,
1202 fourth, or fifth class, or a town, 35% of the number of active voters in the metro township, city,
1203 or town.

1204 (4) An eligible voter seeking to have a subjurisdictional law passed by the local
1205 legislative body submitted to a vote of the people shall obtain legal signatures of the residents
1206 in the subjurisdiction equal to:

1207 (a) for a subjurisdiction with a population of 100,000 or more, 8.5% of the number of
1208 active voters in the subjurisdiction;

1209 (b) for a subjurisdiction with a population of 65,000 or more but less than 100,000,
1210 11% of the number of active voters in the subjurisdiction;

1211 (c) for a subjurisdiction with a population of 30,000 or more but less than 65,000, 13%
1212 of the number of active voters in the subjurisdiction;

1213 (d) for a subjurisdiction with a population of 10,000 or more but less than 30,000,
1214 17.5% of the number of active voters in the subjurisdiction;

1215 (e) for a subjurisdiction with a population of 1,000 or more but less than 10,000, 22%
1216 of the number of active voters in the subjurisdiction; or

1217 (f) for a subjurisdiction with a population of less than 1,000, 25.5% of the number of
1218 active voters in the subjurisdiction.

1219 ~~[(4)]~~ (5) (a) Sponsors of any referendum petition challenging, under Subsection ~~[(1);~~
1220 ~~(2), or (3)]~~ (2), (3), or (4), any local law passed by a local legislative body shall file the
1221 application within ~~[five]~~ seven days after the ~~[passage of]~~ day on which the local law was
1222 passed.

1223 (b) Except as provided in Subsection ~~[(4)]~~ (5)(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)]~~ (6) If the referendum passes, the local law that was challenged by the referendum
1231 is repealed as of the date of the election.

1232 ~~[(6)]~~ (7) Nothing in this section authorizes a local legislative body to impose a tax or
1233 other 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) [~~Persons~~] An eligible voter wishing to circulate a referendum petition shall file an
1238 application with the local clerk.

1239 (2) The application shall contain:

1240 (a) the name and residence address of at least five sponsors of the referendum petition;

1241 (b) a certification indicating that each of the sponsors[~~;(f)~~] is a resident of Utah; [~~and~~]

1242 [~~(ii) (A) if the referendum challenges a county local law, has voted in a regular general~~
1243 ~~election in Utah within the last three years; or]~~

1244 [~~(B) if the referendum challenges a municipal local law, has voted in a regular~~
1245 ~~municipal election in Utah within the last three years;]~~

1246 (c) a statement indicating that each of the sponsors has voted in an election in Utah in
1247 the last three years;

1248 [~~(e)~~] (d) the signature of each of the sponsors, [attested to] acknowledged by a notary
1249 public; and

1250 [~~(f)~~] (e) (i) if the referendum challenges an ordinance or resolution, one copy of the
1251 law; or

1252 (ii) if the referendum challenges a local law that is not an ordinance or resolution, a
1253 written description of the local law, including the result of the vote on the local law.

1254 Section 23. Section **20A-7-602.5** is amended to read:

1255 **20A-7-602.5. Initial fiscal and legal impact estimate -- Preparation of estimate.**

1256 (1) Within three working days after the day on which the local clerk receives an
1257 application for a referendum petition, the local clerk shall submit a copy of the application to
1258 the county, city, or town's budget officer.

1259 (2) (a) The budget officer, together with legal counsel, shall prepare an unbiased, good
1260 faith estimate of the fiscal and legal impact of repealing the law the referendum proposes to
1261 repeal that contains:

1262 (i) a dollar amount representing the total estimated fiscal impact of repealing the law;

1263 (ii) if repealing the law would increase or decrease taxes, a dollar amount representing
1264 the total estimated increase or decrease for each type of tax that would be impacted by the law's
1265 repeal and a dollar amount representing the total estimated increase or decrease in taxes that

1266 would result from the law's repeal;

1267 (iii) if repealing the law would result in the issuance or a change in the status of bonds,
1268 notes, or other debt instruments, a dollar amount representing the total estimated increase or
1269 decrease in public debt that would result;

1270 (iv) a listing of all sources of funding for the estimated costs that would be associated
1271 with the law's repeal, showing each source of funding and the percentage of total funding that
1272 would be provided from each source;

1273 (v) a dollar amount representing the estimated costs or savings, if any, to state and
1274 local government entities if the law were repealed;

1275 (vi) the legal impacts that would result from repealing the law, including:

1276 (A) any significant effects on a person's vested property rights;

1277 (B) any significant effects on other laws or ordinances;

1278 (C) any significant legal liability the city, county, or town may incur; and

1279 (D) any other significant legal impact as determined by the budget officer and the legal
1280 counsel; and

1281 (vii) a concise explanation, not exceeding 100 words, of the above information and of
1282 the estimated fiscal impact, if any, if the law were repealed.

1283 (b) (i) If repealing the law would have no fiscal impact, the local budget officer shall
1284 include a summary statement in the initial fiscal impact statement in substantially the following
1285 form:

1286 "The (title of the local budget officer) estimates that repealing the law this referendum
1287 proposes to repeal would have no significant fiscal impact and would not result in either an
1288 increase or decrease in taxes or debt."

1289 (ii) If repealing the law is estimated to have a fiscal impact, the local budget officer
1290 shall include a summary statement describing the fiscal impact.

1291 (iii) If the estimated fiscal impact of repealing the law is highly variable or is otherwise
1292 difficult to reasonably express in a summary statement, the local budget officer may include in
1293 the summary statement a brief explanation that identifies those factors impacting the variability
1294 or difficulty of the estimate.

1295 (3) Within 25 calendar days after the day on which the local clerk submits a copy of the
1296 application under Subsection (1), the budget officer shall:

1297 (a) deliver a copy of the initial fiscal impact estimate, including the legal impact
1298 estimate, to the local clerk's office; and

1299 (b) mail a copy of the initial fiscal impact estimate, including the legal impact estimate,
1300 to the first [~~five~~] three sponsors named in the application.

1301 Section 24. Section **20A-7-602.7** is enacted to read:

1302 **20A-7-602.7. Referability to voters.**

1303 (1) Within 20 days after the day on which an eligible voter files an application to
1304 circulate a referendum petition under Section 20A-7-602, the county, city, town, or metro
1305 township to which the initiative pertains shall:

1306 (a) review the application to determine whether the proposed referendum is legally
1307 referable to voters; and

1308 (b) notify the first three sponsors, in writing, whether the proposed referendum is:

1309 (i) legally referable to voters; or

1310 (ii) rejected as not legally referable to voters.

1311 (2) A proposed referendum is legally referable to voters unless:

1312 (a) the proposed referendum challenges an action that is administrative, rather than
1313 legislative, in nature;

1314 (b) the proposed referendum challenges more than one law passed by the local
1315 legislative body; or

1316 (c) the application for the proposed referendum was not timely filed or does not
1317 comply with the requirements of this part.

1318 (3) After the end of the 20-day period described in Subsection (1), a county, city, town,
1319 or metro township may not:

1320 (a) reject a proposed referendum as not legally referable to voters; or

1321 (b) challenge, in a legal action or otherwise, a proposed referendum on the grounds that
1322 the proposed referendum is not legally referable to voters.

1323 (4) If a county, city, town, or metro township rejects a proposed referendum, a sponsor
1324 of the proposed referendum may, within 10 days after the day on which a sponsor is notified
1325 under Subsection (1)(b), appeal the decision to:

1326 (a) district court; or

1327 (b) the Supreme Court, if the Supreme Court has original jurisdiction over the appeal.

1328 (5) If, on appeal, the court determines that the proposed referendum is legally referable
1329 to voters, the local clerk shall comply with Subsection 20A-7-604(2) within five days after the
1330 day on which the determination is final.

1331 Section 25. Section **20A-7-603** is amended to read:

1332 **20A-7-603. Form of referendum petition and signature sheets.**

1333 (1) (a) Each proposed referendum petition shall be printed in substantially the
1334 following form:

1335 "REFERENDUM PETITION To the Honorable ____, County Clerk/City
1336 Recorder/Town Clerk:

1337 We, the undersigned citizens of Utah, respectfully order that (description of local law or
1338 portion of local law being challenged), passed by the ____ be referred to the voters for their
1339 approval or rejection at the regular/municipal general election to be held on
1340 _____(month\day\year);

1341 Each signer says:

1342 I have personally signed this petition;

1343 I am registered to vote in Utah or intend to become registered to vote in Utah before the
1344 certification of the petition names by the county clerk; and

1345 My residence and post office address are written correctly after my name."

1346 (b) The sponsors of a referendum shall attach a copy of the law that is the subject of the
1347 referendum to each referendum petition.

1348 (2) Each signature sheet shall:

1349 (a) be printed on sheets of paper 8-1/2 inches long and 11 inches wide;

1350 (b) be ruled with a horizontal line three-fourths inch from the top, with the space above
1351 that line blank for the purpose of binding;

1352 (c) contain the title of the referendum printed below the horizontal line;

1353 (d) contain the word "Warning" printed or typed at the top of each signature sheet
1354 under the title of the referendum;

1355 (e) contain, to the right of the word "Warning," the following statement printed or
1356 typed in not less than eight-point, single-leaded type:

1357 "It is a class A misdemeanor for an individual to sign a referendum petition with any
1358 other name than the individual's own name, or to knowingly sign the individual's name more

1359 than once for the same measure, or to sign a referendum petition when the individual knows
1360 that the individual is not a registered voter and knows that the individual does not intend to
1361 become registered to vote before the certification of the petition names by the county clerk.";

1362 (f) contain horizontally ruled lines three-eighths inch apart under the "Warning"
1363 statement required by this section;

1364 (g) be vertically divided into columns as follows:

1365 (i) the first column shall appear at the extreme left of the sheet, be five-eighths inch
1366 wide, be headed with "For Office Use Only," and be subdivided with a light vertical line down
1367 the middle;

1368 (ii) the next column shall be 2-1/2 inches wide, headed "Registered Voter's Printed
1369 Name (must be legible to be counted)";

1370 (iii) the next column shall be 2-1/2 inches wide, headed "Signature of Registered
1371 Voter";

1372 (iv) the next column shall be one inch wide, headed "Birth Date or Age (Optional)";
1373 and

1374 (v) the final column shall be 4-3/8 inches wide, headed "Street Address, City, Zip
1375 Code";

1376 (h) spanning the sheet horizontally beneath each row on which a registered voter may
1377 submit the information described in Subsection (2)(g), contain the following statement printed
1378 or typed in not less than eight-point, single-leaded type: "By signing this petition, you are
1379 stating that you have read and understand the law this petition seeks to overturn."; and

1380 (i) at the bottom of the sheet, contain the following statement: "Birth date or age
1381 information is not required, but it may be used to verify your identity with voter registration
1382 records. If you choose not to provide it, your signature may not be verified as a valid signature
1383 if you change your address before petition signatures are verified or if the information you
1384 provide does not match your voter registration records."

1385 (3) The final page of each referendum packet shall contain the following printed or
1386 typed statement:

1387 "Verification

1388 State of Utah, County of _____

1389 I, _____, of _____, hereby state that:

1390 I am a resident of Utah and am at least 18 years old;

1391 All the names that appear in this referendum packet were signed by [~~persons~~
1392 individuals] who professed to be the [~~persons~~] individuals whose names appear in it, and each
1393 of [~~them signed his~~] the individuals signed the individual's name on it in my presence;

1394 I believe that each individual has printed and signed [~~his~~] the individual's name and
1395 written [~~his~~] the individual's post office address and residence correctly, and that each signer is
1396 registered to vote in Utah or intends to become registered to vote before the certification of the
1397 petition names by the county clerk.

1398 _____ "

1399 (4) The forms prescribed in this section are not mandatory, and, if substantially
1400 followed, the referendum petitions are sufficient, notwithstanding clerical and merely technical
1401 errors.

1402 Section 26. Section **20A-7-604** is amended to read:

1403 **20A-7-604. Circulation requirements -- Local clerk to provide sponsors with**
1404 **materials.**

1405 (1) In order to obtain the necessary number of signatures required by this part, the
1406 sponsors shall, after the sponsors receive the documents described in Subsections (2)(a) and
1407 (b), circulate referendum packets that meet the form requirements of this part.

1408 (2) Within five days after the day on which a [~~local clerk receives an application that~~
1409 ~~complies with the requirements of Section 20A-7-602~~] county, city, town, metro township, or
1410 court determines, in accordance with Section 20A-7-602.7, that a proposed referendum is
1411 legally referable to voters, the local clerk shall furnish to the sponsors:

1412 (a) five copies of the referendum petition; and

1413 (b) five signature sheets.

1414 (3) The sponsors of the petition shall:

1415 (a) arrange and pay for the printing of all additional copies of the petition and signature
1416 sheets; and

1417 (b) ensure that the copies of the petition and signature sheets meet the form
1418 requirements of this section.

1419 (4) (a) The sponsors may prepare the referendum for circulation by creating multiple
1420 referendum packets.

1421 (b) The sponsors shall create those packets by binding a copy of the referendum
1422 petition, a copy of the law that is the subject of the referendum, and no more than 50 signature
1423 sheets together at the top in such a way that the packets may be conveniently opened for
1424 signing.

1425 (c) The sponsors need not attach a uniform number of signature sheets to each
1426 referendum packet.

1427 (5) (a) After the sponsors have prepared sufficient referendum packets, they shall
1428 return them to the local clerk.

1429 (b) The local clerk shall:

1430 (i) number each of the referendum packets and return ~~[them]~~ the packets to the
1431 sponsors within ~~[five working days]~~ 10 days after the day on which the sponsors comply with
1432 Subsection (5)(a); and

1433 (ii) keep a record of the numbers assigned to each packet.

1434 Section 27. Section **20A-7-605** is amended to read:

1435 **20A-7-605. Obtaining signatures -- Verification -- Removal of signature.**

1436 (1) Any Utah voter may sign a local referendum petition if the voter is a legal voter and
1437 resides in the local jurisdiction.

1438 (2) (a) The sponsors shall ensure that the ~~[person]~~ individual in whose presence each
1439 signature sheet was signed:

1440 (i) is at least 18 years old and meets the residency requirements of Section **20A-2-105**;
1441 and

1442 (ii) verifies each signature sheet by completing the verification printed on the last page
1443 of each referendum packet.

1444 (b) ~~[A person]~~ An individual may not sign the verification printed on the last page of
1445 the referendum packet if the ~~[person]~~ individual signed a signature sheet in the referendum
1446 packet.

1447 (3) (a) Any voter who has signed a referendum petition may have the voter's signature
1448 removed from the petition by submitting a notarized statement to that effect to the local clerk.

1449 (b) Except as provided in Subsection (3)(c), upon receipt of the statement, the local
1450 clerk shall remove the signature of the ~~[person]~~ individual submitting the statement from the
1451 referendum petition.

1452 (c) A local clerk may not remove signatures from a referendum petition after the
1453 petition has been submitted to the county clerk to be certified.

1454 Section 28. Section **20A-7-606** is amended to read:

1455 **20A-7-606. Submitting the referendum petition -- Certification of signatures by**
1456 **the county clerks -- Transfer to local clerk.**

1457 (1) (a) The sponsors shall deliver each signed and verified referendum packet to the
1458 county clerk of the county in which the packet was circulated no later than 45 days after the day
1459 on which the sponsors receive the items described in Subsection **20A-7-604**(2) from the local
1460 clerk.

1461 (b) A sponsor may not submit a referendum packet after the deadline established in this
1462 Subsection (1).

1463 (2) (a) No later than 15 days after the day on which a county clerk receives a
1464 referendum packet under Subsection (1)(a), the county clerk shall:

1465 (i) check the names of all [~~persons~~] individuals completing the verification on the last
1466 page of each referendum packet to determine whether those [~~persons~~] individuals are Utah
1467 residents and are at least 18 years old; and

1468 (ii) submit the name of each of those [~~persons~~] individuals who is not a Utah resident
1469 or who is not at least 18 years old to the attorney general and county attorney.

1470 (b) The county clerk may not certify a signature under Subsection (3) on a referendum
1471 packet that is not verified in accordance with Section **20A-7-605**.

1472 (3) No later than [~~30~~] 22 days after the day on which a county clerk receives a
1473 referendum packet under Subsection (1)(a), the county clerk shall:

1474 (a) determine whether each signer is a registered voter according to the requirements of
1475 Section **20A-7-606.3**;

1476 (b) certify on the referendum petition whether each name is that of a registered voter;
1477 and

1478 (c) deliver all of the verified referendum packets to the local clerk.

1479 Section 29. Section **20A-7-606.3** is amended to read:

1480 **20A-7-606.3. Verification of petition signatures.**

1481 (1) (a) For the purposes of this section, "substantially similar name" means:

1482 (i) the given name and surname shown on the petition, or both, contain only minor

1483 spelling differences when compared to the given name and surname shown on the official
1484 register;

1485 (ii) the surname shown on the petition exactly matches the surname shown on the
1486 official register, and the given names differ only because one of the given names shown is a
1487 commonly used abbreviation or variation of the other;

1488 (iii) the surname shown on the petition exactly matches the surname shown on the
1489 official register, and the given names differ only because one of the given names shown is
1490 accompanied by a first or middle initial or a middle name which is not shown on the other
1491 record; or

1492 (iv) the surname shown on the petition exactly matches the surname shown on the
1493 official register, and the given names differ only because one of the given names shown is an
1494 alphabetically corresponding initial that has been provided in the place of a given name shown
1495 on the other record.

1496 (b) For the purposes of this section, "substantially similar name" does not mean a name
1497 having an initial or a middle name shown on the petition that does not match a different initial
1498 or middle name shown on the official register.

1499 (2) The county clerk shall use the following procedures in determining whether or not a
1500 signer is a registered voter:

1501 (a) When a signer's name and address shown on the petition exactly match a name and
1502 address shown on the official register and the signer's signature appears substantially similar to
1503 the signature on the statewide voter registration database, the county clerk shall declare the
1504 signature valid.

1505 (b) When there is no exact match of an address and a name, the county clerk shall
1506 declare the signature valid if:

1507 (i) the address on the petition matches the address of [~~a person~~] an individual on the
1508 official register with a substantially similar name; and

1509 (ii) the signer's signature appears substantially similar to the signature on the statewide
1510 voter registration database of the [~~person~~] individual described in Subsection (2)(b)(i).

1511 (c) When there is no match of an address and a substantially similar name, the county
1512 clerk shall declare the signature valid if:

1513 (i) the birth date or age on the petition matches the birth date or age of [~~a person~~] an

1514 individual on the official register with a substantially similar name; and

1515 (ii) the signer's signature appears substantially similar to the signature on the statewide
1516 voter registration database of the ~~[person]~~ individual described in Subsection (2)(c)(i).

1517 (d) If a signature is not declared valid under Subsection (2)(a), (b), or (c), the county
1518 clerk shall declare the signature to be invalid.

1519 Section 30. Section **20A-7-607** is amended to read:

1520 **20A-7-607. Evaluation by the local clerk -- Determination of election for vote on**
1521 **referendum.**

1522 (1) When each referendum packet is received from a county clerk, the local clerk shall
1523 check off from the local clerk's record the number of each referendum packet filed.

1524 (2) Within 15 days after the day on which the local clerk receives each referendum
1525 packet from a county clerk, the local clerk shall:

1526 (a) count the number of the names certified by the county clerks that appear on each
1527 verified signature sheet;

1528 (b) if the total number of certified names from each verified signature sheet equals or
1529 exceeds the number of names required by Section **20A-7-601** and the requirements of this part
1530 are met, mark upon the front of the petition the word "sufficient";

1531 (c) if the total number of certified names from each verified signature sheet does not
1532 equal or exceed the number of names required by Section **20A-7-601** or a requirement of this
1533 part is not met, mark upon the front of the petition the word "insufficient"; and

1534 (d) notify any one of the sponsors of the local clerk's finding.

1535 (3) If the local clerk finds the total number of certified signatures from each verified
1536 signature sheet to be insufficient, any sponsor may file a written demand with the local clerk
1537 for a recount of the signatures appearing on the referendum petition in the presence of any
1538 sponsor.

1539 ~~[(4) (a) If the local clerk refuses to accept and file any referendum petition, any voter
1540 may apply to the Supreme Court for an extraordinary writ to compel the local clerk to do so
1541 within 10 days after the refusal.]~~

1542 ~~[(b) If the Supreme Court determines that the referendum petition is legally sufficient,
1543 the local clerk shall file it, with a verified copy of the judgment attached to it, as of the date on
1544 which it was originally offered for filing in the local clerk's office.]~~

1545 ~~[(c) If the Supreme Court determines that any petition filed is not legally sufficient, the~~
1546 ~~Supreme Court may enjoin the local clerk and all other officers from:]~~

1547 ~~[(i) certifying or printing the ballot title and numbers of that measure on the official~~
1548 ~~ballot for the next election; or]~~

1549 ~~[(ii) as it relates to a local tax law that is conducted entirely by absentee ballot,~~
1550 ~~certifying, printing, or mailing the ballot title and numbers of that measure under Section~~
1551 ~~20A-7-609.5.]~~

1552 [(5)] (4) A petition determined to be sufficient in accordance with this section is
1553 qualified for the ballot.

1554 (5) If a referendum relates to legislative action taken after April 15, the election officer
1555 may not place the referendum on an election ballot until the following year.

1556 Section 31. Section **20A-7-608** is amended to read:

1557 **20A-7-608. Ballot title -- Duties of local clerk and local attorney.**

1558 (1) Whenever a referendum petition is declared sufficient for submission to a vote of
1559 the people, the local clerk shall deliver a copy of the petition and the proposed law to the local
1560 attorney.

1561 (2) The local attorney shall:

1562 (a) entitle each county or municipal referendum that has qualified for the ballot

1563 "Proposition Number ___" and give it a number as assigned under Section **20A-6-107**;

1564 (b) prepare a proposed ballot title for the referendum;

1565 (c) file the proposed ballot title and the numbered referendum titles with the local clerk
1566 within 15 days after the date the referendum petition is declared sufficient for submission to a
1567 vote of the people; and

1568 (d) promptly provide notice of the filing of the proposed ballot title to:

1569 (i) the sponsors of the petition; and

1570 (ii) the local legislative body for the jurisdiction where the referendum petition was
1571 circulated.

1572 (3) (a) The ballot title may be distinct from the title of the law that is the subject of the
1573 petition, and shall express, in not exceeding 100 words, the purpose of the measure.

1574 (b) In preparing a ballot title, the local attorney shall, to the best of [his] the local
1575 attorney's ability, give a true and impartial statement of the purpose of the measure.

1576 (c) The ballot title may not intentionally be an argument, or likely to create prejudice,
1577 for or against the measure.

1578 (4) (a) Within five calendar days after the date the local attorney files a proposed ballot
1579 title under Subsection (2)(c), the local legislative body for the jurisdiction where the
1580 referendum petition was circulated and the sponsors of the petition may file written comments
1581 in response to the proposed ballot title with the local clerk.

1582 (b) Within five calendar days after the last date to submit written comments under
1583 Subsection (4)(a), the local attorney shall:

- 1584 (i) review any written comments filed in accordance with Subsection (4)(a);
- 1585 (ii) prepare a final ballot title that meets the requirements of Subsection (3); and
- 1586 (iii) return the petition and file the ballot title with the local clerk.

1587 (c) Subject to Subsection (6), the ballot title, as determined by the local attorney, shall
1588 be printed on the official ballot.

1589 (5) Immediately after the local attorney files a copy of the ballot title with the local
1590 clerk, the local clerk shall serve a copy of the ballot title by mail upon the sponsors of the
1591 petition and the local legislative body for the jurisdiction where the referendum petition was
1592 circulated.

1593 (6) (a) If the ballot title furnished by the local attorney is unsatisfactory or does not
1594 comply with the requirements of this section, the decision of the local attorney may be
1595 appealed [by a petition] to the district court, or, if the Supreme Court has original jurisdiction,
1596 to the Supreme Court [that is], brought by:

- 1597 (i) at least three sponsors of the referendum petition; or
- 1598 (ii) a majority of the local legislative body for the jurisdiction where the referendum
1599 petition was circulated.

1600 (b) The ~~[Supreme Court]~~ court:

- 1601 (i) shall examine the measures and consider the arguments~~[, and, in its decision,];~~ and
- 1602 (ii) may certify to the local clerk a ballot title for the measure that fulfills the intent of
1603 this section.

1604 (c) The local clerk shall print the title certified by the ~~[Supreme Court]~~ court on the
1605 official ballot.

1606 Section 32. Section ~~20A-7-609.5~~ is amended to read:

1607 **20A-7-609.5. Election on referendum challenging local tax law conducted entirely**
1608 **by absentee ballot.**

1609 (1) An election officer may administer an election on a referendum challenging a local
1610 tax law entirely by absentee ballot.

1611 (2) For purposes of an election conducted under this section, the election officer shall:

1612 (a) designate as the election day the day that is 30 days after the day on which the
1613 election officer complies with Subsection (2)(b); and

1614 (b) within 30 days after the day on which the referendum described in Subsection (1)
1615 qualifies for the ballot, mail to each registered voter within the voting precincts to which the
1616 local tax law applies:

1617 (i) an absentee ballot;

1618 (ii) a statement that there will be no polling place in the voting precinct for the
1619 election;

1620 (iii) a statement specifying the election day described in Subsection (2)(a);

1621 (iv) a business reply mail envelope;

1622 (v) instructions for returning the ballot that include an express notice about any
1623 relevant deadlines that the voter must meet in order for the voter's vote to be counted; ~~[and]~~

1624 (vi) a warning, on a separate page of colored paper in boldface print, indicating that if
1625 the voter fails to follow the instructions included with the absentee ballot, the voter will be
1626 unable to vote in that election because there will be no polling place in the voting precinct on
1627 the day of the election[-]; and

1628 (vii) a copy of the proposition information pamphlet relating to the referendum if a
1629 proposition information pamphlet relating to the referendum was published under Section
1630 [20A-7-401.5](#).

1631 (3) A voter who votes by absentee ballot under this section is not required to apply for
1632 an absentee ballot as required by this part.

1633 (4) An election officer who administers an election under this section shall:

1634 (a) (i) obtain, in person, the signatures of each voter within that voting precinct before
1635 the election; or

1636 (ii) obtain the signature of each voter within the voting precinct from the county clerk;

1637 and

1638 (b) maintain the signatures on file in the election officer's office.

1639 (5) (a) Upon receiving the returned absentee ballots under this section, the election
1640 officer shall compare the signature on each absentee ballot with the voter's signature that is
1641 maintained on file and verify that the signatures are the same.

1642 (b) If the election officer questions the authenticity of the signature on the absentee
1643 ballot, the election officer shall immediately contact the voter to verify the signature.

1644 (c) If the election officer determines that the signature on the absentee ballot does not
1645 match the voter's signature that is maintained on file, the election officer shall:

1646 (i) unless the absentee ballot application deadline described in Section [20A-3-304](#) has
1647 passed, immediately send another absentee ballot and other voting materials as required by this
1648 section to the voter; and

1649 (ii) disqualify the initial absentee ballot.

1650 Section 33. Section **20A-7-610** is amended to read:

1651 **20A-7-610. Return and canvass -- Conflicting measures -- Law effective on**
1652 **proclamation.**

1653 (1) The votes on the ~~[law proposed by]~~ proposed law that is the subject of the
1654 referendum petition shall be counted, canvassed, and delivered as provided in Title 20A,
1655 Chapter 4, Part 3, Canvassing Returns.

1656 (2) After the local board of canvassers completes ~~[its]~~ the canvass, the local clerk shall
1657 certify to the local legislative body the vote for and against the ~~[law proposed by]~~ proposed law
1658 that is the subject of the referendum petition.

1659 (3) (a) The local legislative body shall immediately issue a proclamation that:

1660 (i) gives the total number of votes cast in the local jurisdiction for and against each
1661 ~~[law proposed by]~~ proposed law that is the subject of a referendum petition; and

1662 (ii) declares those laws ~~[proposed by]~~ that are the subject of a referendum petition that
1663 were approved by majority vote to be in full force and effect as the law of the local jurisdiction.

1664 (b) When the local legislative body determines that two proposed laws, or that parts of
1665 two proposed laws approved by the people at the same election are entirely in conflict, they
1666 shall proclaim that measure to be law that has received the greatest number of affirmative
1667 votes, regardless of the difference in the majorities which those measures have received.

1668 (4) (a) Within 10 days after the local legislative body's proclamation, any qualified

1669 voter [~~who signed the referendum petition proposing the~~] residing in the jurisdiction for a law
 1670 that is declared by the local legislative body to be superseded by another measure approved at
 1671 the same election may apply to the district court, or, if the Supreme Court has original
 1672 jurisdiction, the Supreme Court to review the decision.

1673 (b) The [~~Supreme Court~~] court shall:

1674 (i) consider the matter and decide whether [~~or not~~] the proposed laws are in conflict;

1675 and

1676 (ii) certify [~~its~~] the court's decision to the local legislative body.

1677 (5) Within 10 days after the [~~Supreme Court certifies its~~] day on which the court
 1678 certifies the decision, the local legislative body shall:

1679 (a) proclaim [~~all those~~] as law all measures approved by the people [~~as law~~] that the
 1680 [~~Supreme Court has determined~~] court determines are not in conflict; and

1681 (b) [~~of all those~~] for the measures approved by the people as law that the [~~Supreme~~
 1682 ~~Court has determined~~] court determines to be in conflict, proclaim as law the [~~one~~] measure
 1683 that received the greatest number of affirmative votes, regardless of the difference in
 1684 majorities.

1685 Section 34. Section **20A-7-612** is amended to read:

1686 **20A-7-612. Misconduct of electors and officers -- Penalty.**

1687 (1) It is unlawful for [~~any person~~] an individual to:

1688 (a) sign any name other than [~~his own~~] the individual's own name to any referendum
 1689 petition;

1690 (b) knowingly sign [~~his~~] the individual's name more than once for the same measure at
 1691 one election;

1692 (c) sign a referendum knowing [~~he~~] that the individual is not a legal voter; or

1693 (d) knowingly and willfully violate any provision of this part.

1694 (2) It is unlawful for [~~any person~~] an individual to sign the verification for a
 1695 referendum packet knowing that:

1696 (a) [~~he~~] the individual does not meet the residency requirements of Section **20A-2-105**;

1697 (b) [~~he~~] the individual has not witnessed the signatures of [~~those persons~~] the
 1698 individuals whose names appear in the referendum packet; or

1699 (c) one or more [~~persons~~] individuals whose signatures appear in the referendum

1700 packet is either:

1701 (i) not registered to vote in Utah; or

1702 (ii) does not intend to become registered to vote in Utah.

1703 (3) ~~[Any person violating]~~ An individual who violates this part is guilty of a class A
1704 misdemeanor.

1705 (4) The county attorney or municipal attorney shall prosecute any violation of this
1706 section.

1707 Section 35. Section **20A-11-1202** is amended to read:

1708 **20A-11-1202. Definitions.**

1709 As used in this part:

1710 (1) "Applicable election officer" means:

1711 (a) a county clerk, if the email relates only to a local election; or

1712 (b) the lieutenant governor, if the email relates to an election other than a local
1713 election.

1714 (2) "Ballot proposition" means constitutional amendments, initiatives, referenda,
1715 judicial retention questions, opinion questions, bond approvals, or other questions submitted to
1716 the voters for their approval or rejection.

1717 (3) "Campaign contribution" means any of the following when done for a political
1718 purpose or to advocate for or against a ballot proposition:

1719 (a) a gift, subscription, donation, loan, advance, deposit of money, or anything of value
1720 given to a filing entity;

1721 (b) an express, legally enforceable contract, promise, or agreement to make a gift,
1722 subscription, donation, unpaid or partially unpaid loan, advance, deposit of money, or anything
1723 of value to a filing entity;

1724 (c) any transfer of funds from another reporting entity to a filing entity;

1725 (d) compensation paid by any person or reporting entity other than the filing entity for
1726 personal services provided without charge to the filing entity;

1727 (e) remuneration from:

1728 (i) any organization or the organization's directly affiliated organization that has a
1729 registered lobbyist; or

1730 (ii) any agency or subdivision of the state, including a school district; or

- 1731 (f) an in-kind contribution.
- 1732 (4) (a) "Commercial interlocal cooperation agency" means an interlocal cooperation
1733 agency that receives its revenues from conduct of its commercial operations.
- 1734 (b) "Commercial interlocal cooperation agency" does not mean an interlocal
1735 cooperation agency that receives some or all of its revenues from:
- 1736 (i) government appropriations;
- 1737 (ii) taxes;
- 1738 (iii) government fees imposed for regulatory or revenue raising purposes; or
- 1739 (iv) interest earned on public funds or other returns on investment of public funds.
- 1740 (5) "Expenditure" means:
- 1741 (a) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money,
1742 or anything of value;
- 1743 (b) an express, legally enforceable contract, promise, or agreement to make any
1744 purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of
1745 value;
- 1746 (c) a transfer of funds between a public entity and a candidate's personal campaign
1747 committee;
- 1748 (d) a transfer of funds between a public entity and a political issues committee; or
- 1749 (e) goods or services provided to or for the benefit of a candidate, a candidate's
1750 personal campaign committee, or a political issues committee for political purposes at less than
1751 fair market value.
- 1752 (6) "Filing entity" means the same as that term is defined in Section [20A-11-101](#).
- 1753 (7) "Governmental interlocal cooperation agency" means an interlocal cooperation
1754 agency that receives some or all of its revenues from:
- 1755 (a) government appropriations;
- 1756 (b) taxes;
- 1757 (c) government fees imposed for regulatory or revenue raising purposes; or
- 1758 (d) interest earned on public funds or other returns on investment of public funds.
- 1759 (8) ~~[(a)]~~ "Influence" means to campaign or advocate for or against a ballot proposition.
1760 ~~[(b)] "Influence" does not mean providing a brief statement about a public entity's
1761 position on a ballot proposition and the reason for that position.]~~

1762 (9) "Interlocal cooperation agency" means an entity created by interlocal agreement
1763 under the authority of Title 11, Chapter 13, Interlocal Cooperation Act.

1764 (10) "Local district" means an entity under Title 17B, Limited Purpose Local
1765 Government Entities - Local Districts, and includes a special service district under Title 17D,
1766 Chapter 1, Special Service District Act.

1767 (11) "Political purposes" means an act done with the intent or in a way to influence or
1768 intend to influence, directly or indirectly, any person to refrain from voting or to vote for or
1769 against any:

1770 (a) candidate for public office at any caucus, political convention, primary, or election;
1771 or

1772 (b) judge standing for retention at any election.

1773 (12) "Proposed initiative" means an initiative proposed in an application filed under
1774 Section 20A-7-202 or 20A-7-502.

1775 (13) "Proposed referendum" means a referendum proposed in an application filed
1776 under Section 20A-7-302 or 20A-7-602.

1777 [~~12~~] (14) (a) "Public entity" includes the state, each state agency, each county,
1778 municipality, school district, local district, governmental interlocal cooperation agency, and
1779 each administrative subunit of each of them.

1780 (b) "Public entity" does not include a commercial interlocal cooperation agency.

1781 (c) "Public entity" includes local health departments created under Title 26, Chapter 1,
1782 Department of Health Organization.

1783 [~~13~~] (15) (a) "Public funds" means any money received by a public entity from
1784 appropriations, taxes, fees, interest, or other returns on investment.

1785 (b) "Public funds" does not include money donated to a public entity by a person or
1786 entity.

1787 [~~14~~] (16) (a) "Public official" means an elected or appointed member of government
1788 with authority to make or determine public policy.

1789 (b) "Public official" includes the person or group that:

1790 (i) has supervisory authority over the personnel and affairs of a public entity; and

1791 (ii) approves the expenditure of funds for the public entity.

1792 [~~15~~] (17) "Reporting entity" means the same as that term is defined in Section

1793 20A-11-101.

1794 ~~[(16)]~~ (18) (a) "State agency" means each department, commission, board, council,
1795 agency, institution, officer, corporation, fund, division, office, committee, authority, laboratory,
1796 library, unit, bureau, panel, or other administrative unit of the state.

1797 (b) "State agency" includes the legislative branch, the Board of Regents, the
1798 institutional councils of each higher education institution, and each higher education
1799 institution.

1800 Section 36. Section 20A-11-1203 is amended to read:

1801 **20A-11-1203. Public entity prohibited from expending public funds on certain**
1802 **electoral matters.**

1803 (1) Unless specifically required by law, and except as provided in Section
1804 20A-11-1206, a public entity may not make an expenditure from public funds for political
1805 purposes ~~[or]~~, to influence a ballot proposition, or to influence a proposed initiative or
1806 proposed referendum.

1807 (2) A violation of this section does not invalidate an otherwise valid election.

1808 Section 37. Section 20A-11-1205 is amended to read:

1809 **20A-11-1205. Use of public email for a political purpose.**

1810 (1) Except as provided in Subsection (5), a person may not send an email using the
1811 email of a public entity:

1812 (a) for a political purpose;

1813 (b) to advocate for or against a ~~[ballot proposition]~~ proposed initiative, initiative,
1814 proposed referendum, or referendum; or

1815 (c) to solicit a campaign contribution.

1816 (2) The applicable election officer shall impose a civil fine against a person who
1817 violates Subsection (1) as follows:

1818 (a) up to \$250 for a first violation; and

1819 (b) except as provided in Subsection (3), for each subsequent violation committed after
1820 any applicable election officer imposes a fine against the person for a first violation, \$1,000
1821 multiplied by the number of violations committed by the person.

1822 (3) The applicable election officer shall consider a violation of this section as a first
1823 violation if the violation is committed more than seven years after the day on which the person

1824 last committed a violation of this section.

1825 (4) For purposes of this section, one violation means one act of sending an email,
1826 regardless of the number of recipients of the email.

1827 (5) A person does not violate this section if:

1828 (a) the lieutenant governor finds that the email described in Subsection (1) was
1829 inadvertently sent by the person [~~described in Subsection (1)~~], using the email of a public
1830 entity[-];

1831 (b) the person is directly providing information solely to another person or a group of
1832 people in response to a question asked by the other person or group of people; or

1833 (c) the information is an argument or rebuttal argument prepared under Section
1834 20A-7-401.5 or 20A-7-402, and the email includes each opposing argument and rebuttal
1835 argument that:

1836 (i) relates to the same proposed initiative, initiative, proposed referendum, or
1837 referendum; and

1838 (ii) complies with the requirements of Section 20A-7-401.5 or 20A-7-402.

1839 (6) A violation of this section does not invalidate an otherwise valid election.

1840 Section 38. Section **20A-11-1206** is amended to read:

1841 **20A-11-1206. Exclusions.**

1842 (1) Nothing in this chapter prohibits a public official from speaking, campaigning,
1843 contributing personal money, or otherwise exercising the public official's individual First
1844 Amendment rights for political purposes.

1845 (2) (a) ~~[Nothing]~~ Subject to Subsection (2)(b), nothing in this chapter prohibits a public
1846 entity from providing factual information about a ballot proposition to the public, so long as the
1847 information grants equal access to both the opponents and proponents of the ballot proposition.

1848 (b) A county or municipality may not provide any information to the public about a
1849 proposed initiative, initiative, proposed referendum, or referendum unless the county or
1850 municipality:

1851 (i) provides the information in a manner required, or expressly permitted, by law; or

1852 (ii) is directly providing information solely to a person or a group of people in response
1853 to a question asked by the person or group of people.

1854 (3) Nothing in this chapter prohibits a public entity from the neutral encouragement of

1855 voters to vote.

1856 (4) Nothing in this chapter prohibits an elected official from campaigning or
1857 advocating for or against a ballot proposition.

1858 (5) Subject to Subsection (6), a county or municipality may expend a reasonable
1859 amount of public funds to:

1860 (a) prepare and publish a written argument or written rebuttal argument in accordance
1861 with Section [20A-7-401.5](#), [20A-7-402](#), or [59-1-1604](#); or

1862 (b) prepare an argument for, and present an argument at, a public meeting under
1863 Section [20A-7-405](#) or [59-1-1605](#).

1864 (6) A county or municipality may not:

1865 (a) publish an argument or rebuttal argument prepared under Section [20A-7-401.5](#) or
1866 [20A-7-402](#), unless, at the same time and in the same manner, the county or municipality
1867 publishes each opposing argument and rebuttal argument that:

1868 (i) relates to the same proposed initiative, initiative, proposed referendum, or
1869 referendum; and

1870 (ii) complies with the requirements of Section [20A-7-401.5](#) or [20A-7-402](#);

1871 (b) publish an argument or rebuttal argument for or against a proposed initiative,
1872 initiative, proposed referendum, or referendum that was not prepared and submitted in
1873 accordance with Section [20A-7-401.5](#) or [20A-7-402](#); or

1874 (c) present an argument or rebuttal argument for or against a proposed initiative,
1875 initiative, proposed referendum, or referendum at a public meeting, unless the county or
1876 municipality provides equal opportunity for persons to present opposing arguments and rebuttal
1877 arguments at the public meeting.