

HB0225S03 compared with HB0225S02

~~deleted text~~ shows text that was in HB0225S02 but was deleted in HB0225S03.

Inserted text shows text that was not in HB0225S02 but was inserted into HB0225S03.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

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

HB0225S03 compared with HB0225S02

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 referendum is legally referable to voters;
- ▶ amends provisions regarding the use of email, and the expenditure of public funds, for political purposes relating to proposed and pending initiatives and referenda;
- ▶ regulates the dissemination of information regarding a proposed or pending initiative or referendum by a county or municipality;†
→ ~~prohibits a local legislative body from enacting a local law that is substantially similar to a local law that the voters reject until four years after the rejected local law is repealed;‡~~ and
- ▶ makes technical and conforming amendments.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

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

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

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

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

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

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

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

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

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

HB0225S03 compared with HB0225S02

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

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

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

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

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

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

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

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

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

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

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

20A-7-605, as last amended by Laws of Utah 2012, Chapter 72

20A-7-606, as last amended by Laws of Utah 2016, Chapter 365

20A-7-606.3, as last amended by Laws of Utah 2011, Chapter 17

20A-7-607, as last amended by Laws of Utah 2014, Chapter 396

20A-7-608, as last amended by Laws of Utah 2008, Chapter 315

20A-7-609.5, as enacted by Laws of Utah 2014, Chapter 396

20A-7-610, as last amended by Laws of Utah 2010, Chapter 367

~~{ **20A-7-611**, as enacted by Laws of Utah 1994, Chapter 272~~

{ **20A-7-612**, as last amended by Laws of Utah 2001, Chapter 20

20A-11-1202, as last amended by Laws of Utah 2017, Chapter 68

20A-11-1203, as last amended by Laws of Utah 2015, Chapter 435

20A-11-1205, as last amended by Laws of Utah 2017, Chapter 68

20A-11-1206, as enacted by Laws of Utah 2015, Chapter 435

ENACTS:

20A-7-401.5, Utah Code Annotated 1953

20A-7-405, Utah Code Annotated 1953

20A-7-406, Utah Code Annotated 1953

20A-7-502.7, Utah Code Annotated 1953

20A-7-602.7, Utah Code Annotated 1953

HB0225S03 compared with HB0225S02

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(ii) the Supreme Court determines, under Subsection 20A-7-607(4)(c), that the petition

HB0225S03 compared with HB0225S02

for the referendum is not legally sufficient; or

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

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

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

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

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

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

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

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

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

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

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

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

~~[(f)]~~ (g) The tolling provisions described in this Subsection (2) apply to all bonds

HB0225S03 compared with HB0225S02

described in this section that were approved by voters on or after May 8, 2002.

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

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

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

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

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

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

HB0225S03 compared with HB0225S02

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

20A-7-101. Definitions.

As used in this chapter:

(1) "Budget officer" means:

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

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

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

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

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

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

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

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

(6) "Initial fiscal impact estimate" means:

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

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

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

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

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

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

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

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

HB0225S03 compared with HB0225S02

(a) is registered to vote; or

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

(11) "Legally referable to voters" means:

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

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

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

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

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

(i) an ordinance;

(ii) a resolution;

(iii) a master plan;

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

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

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

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

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

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

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

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

~~[(19)]~~ (20) "Referendum packet" means a copy of the referendum petition, a copy of the law being submitted or referred to the voters for their approval or rejection, and the

HB0225S03 compared with HB0225S02

signature sheets, all of which have been bound together as a unit.

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

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

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

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

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

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

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

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

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

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

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

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

20A-7-401.5. Proposition information pamphlet.

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

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

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

HB0225S03 compared with HB0225S02

municipality's election officer.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

HB0225S03 compared with HB0225S02

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

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

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

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

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

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

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

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

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

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

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

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

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

HB0225S03 compared with HB0225S02

packets or verified referendum packets;

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

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

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

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

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

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

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

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

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

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

HB0225S03 compared with HB0225S02

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

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

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

Preparation -- Statement on front cover.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(A) not less than 90 days before the date of the election at which a special local ballot

HB0225S03 compared with HB0225S02

proposition will be voted upon; or

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

(ii) ensure that the notice contains:

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

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

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

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

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

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

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

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

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

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

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

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

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

HB0225S03 compared with HB0225S02

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

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

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

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

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

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

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

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

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

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

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

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

- (iii) shall submit the written rebuttal argument no later than 45 days before the election

HB0225S03 compared with HB0225S02

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

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

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

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

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

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

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

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

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

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

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

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

HB0225S03 compared with HB0225S02

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

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

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

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

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

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

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

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

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

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

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

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

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

HB0225S03 compared with HB0225S02

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(A) a voter information pamphlet; or

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

HB0225S03 compared with HB0225S02

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

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

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

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

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

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

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

20A-7-405. Public meeting.

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

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

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

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

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

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

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

20A-7-406. Informational materials.

The lieutenant governor shall create and publish to the lieutenant governor's website

HB0225S03 compared with HB0225S02

instructions on how a person may:

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

or

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

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

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

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

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

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

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

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

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

~~[(vi) 30% of all the votes cast in the county, city, town, or metro township for all candidates for President of the United States at the last election at which a President of the~~

HB0225S03 compared with HB0225S02

~~United States was elected if the total number of votes does not exceed 250.]~~

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

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

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

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

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

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

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

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

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

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

HB0225S03 compared with HB0225S02

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

(b) The local legislative body may:

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

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

(iii) reject the proposed law.

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

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

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

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

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

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

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

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

HB0225S03 compared with HB0225S02

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

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

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

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

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

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

(2) The application shall contain:

(a) the name and residence address of ~~{(1)}~~ at least five ~~{(1)}~~ ~~a number of~~ sponsors of the initiative petition ~~{ that equals or exceeds the threshold number for the local government to which the initiative petition pertains }~~;

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

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

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

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

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

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

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

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

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

(ii) the text of the proposed law; and

~~[(e)]~~ (f) if the initiative petition proposes a tax increase, the following statement, "This initiative petition seeks to increase the current (insert name of tax) rate by (insert the tax

HB0225S03 compared with HB0225S02

percentage difference) percent, resulting in a(n) (insert the tax percentage increase) percent increase in the current tax rate."

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

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

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

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

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

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

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

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

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

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

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

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

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

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

HB0225S03 compared with HB0225S02

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

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

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

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

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

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

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

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

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

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

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

(4) Within 25 calendar days [~~from the date that the local clerk delivers a copy of the application~~] after the day on which the local clerk submits a copy of the proposed law under

HB0225S03 compared with HB0225S02

Subsection (1), the budget officer shall:

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

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

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

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

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

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

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

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

20A-7-502.7. Referability to voters.

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

(a) review the proposed law in the initiative application to determine whether the law is

HB0225S03 compared with HB0225S02

legally referable to voters; and

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

(i) legally referable to voters; or

(ii) rejected as not legally referable to voters.

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

(a) the proposed law is patently unconstitutional;

(b) the proposed law is nonsensical;

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

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

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

Subsection 20A-7-502(3);

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

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

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

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

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

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

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

(a) district court; or

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

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

HB0225S03 compared with HB0225S02

Section 11. Section **20A-7-504** is amended to read:

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

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

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

(a) one copy of the initiative petition; and

(b) one signature sheet.

(3) The sponsors of the petition shall:

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

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

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

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

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

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

(b) The local clerk shall:

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

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

HB0225S03 compared with HB0225S02

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) for county initiatives:

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

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

(ii) for municipal initiatives:

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

HB0225S03 compared with HB0225S02

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(iv) the surname shown on the petition exactly matches the surname shown on the

HB0225S03 compared with HB0225S02

official register, and the given names differ only because one of the given names shown is an alphabetically corresponding initial that has been provided in the place of a given name shown on the other record.

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) (a) After all of the initiative packets have been received by the local clerk, the local

HB0225S03 compared with HB0225S02

clerk shall count the number of the names certified by the county clerk that appear on each verified signature sheet.

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

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

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

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

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

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

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

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

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

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

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

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

HB0225S03 compared with HB0225S02

attorney.

(2) The local attorney shall:

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

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

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

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

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

(i) the sponsors of the petition; and

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

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

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

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

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

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

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

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

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

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

HB0225S03 compared with HB0225S02

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

HB0225S03 compared with HB0225S02

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

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

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

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

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

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

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

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

(ii) The court shall:

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

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

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

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

(b) [~~of all those~~] for the measures approved by the people as law that the [~~Supreme Court has determined~~] court determines to be in conflict, proclaim as law the [~~one~~] measure

HB0225S03 compared with HB0225S02

that received the greatest number of affirmative votes, regardless of the difference in majorities.

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

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

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

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

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

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

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

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

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

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

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

(i) not registered to vote in Utah; or

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

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

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

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

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

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

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

HB0225S03 compared with HB0225S02

- (i) the local legislative body of the jurisdiction where the initiative was circulated;
- (ii) the local clerk; and
- (iii) the first ~~[five]~~ three sponsors listed on the initiative application.

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

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

repeal the law enacted by the passage of the initiative.

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

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

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

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

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

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

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

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

HB0225S03 compared with HB0225S02

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

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

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

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

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

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

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

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

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

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

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

~~[(iii) 15% of all the votes cast in the subjurisdiction for all candidates for president of the United States at the last election at which a president of the United States was elected if the~~

HB0225S03 compared with HB0225S02

~~total number of votes does not exceed 10,000 but is more than 2,500;~~

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

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

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

(1) As used in this section:

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

(~~f~~a ~~}~~b) "Number of active voters" means the number of active voters in the county, city, or town on the immediately preceding January 1.

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

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

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

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

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

(c) for a metro township with a population of 30,000 or more but less than 65,000, a

HB0225S03 compared with HB0225S02

city of the third class, or a county of the third class, 13% of the number of active voters in the metro township, city, or county;

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

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

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

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

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

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

(~~3~~4) An eligible voter seeking to have a subjurisdictional law passed by the local legislative body submitted to a vote of the people shall obtain legal signatures of the residents in the subjurisdiction equal to:

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

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

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

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

(e) for a subjurisdiction with a population of 1,000 or more but less than 10,000, 22%

HB0225S03 compared with HB0225S02

of the number of active voters in the subjurisdiction; or

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

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

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

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

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

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

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

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

~~{~~ ~~——~~ ~~(1) (a) As used in this section, "threshold number" means:~~

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

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

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

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

(2) The application shall contain:

(a) the name and residence address of ~~{}~~ at least five ~~{ a number of }~~ sponsors of the

HB0225S03 compared with HB0225S02

referendum petition ~~{ that equals or exceeds the threshold number for the local government to which the referendum petition pertains }~~;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

HB0225S03 compared with HB0225S02

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

HB0225S03 compared with HB0225S02

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

20A-7-602.7. Referability to voters.

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

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

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

(i) legally referable to voters; or

(ii) rejected as not legally referable to voters.

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

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

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

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

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

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

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

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

(a) district court; or

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

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

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

HB0225S03 compared with HB0225S02

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

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

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

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

Each signer says:

I have personally signed this petition;

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

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

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

(2) Each signature sheet shall:

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

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

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

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

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

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

(f) contain horizontally ruled lines three-eighths inch apart under the "Warning"

HB0225S03 compared with HB0225S02

statement required by this section;

(g) be vertically divided into columns as follows:

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

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

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

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

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

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

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

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

"Verification

State of Utah, County of _____

I, _____, of _____, hereby state that:

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

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

HB0225S03 compared with HB0225S02

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

"

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

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

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

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

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

(a) five copies of the referendum petition; and

(b) five signature sheets.

(3) The sponsors of the petition shall:

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

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

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

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

HB0225S03 compared with HB0225S02

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

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

(b) The local clerk shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

20A-7-606. Submitting the referendum petition -- Certification of signatures by

HB0225S03 compared with HB0225S02

the county clerks -- Transfer to local clerk.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(ii) the surname shown on the petition exactly matches the surname shown on the official register, and the given names differ only because one of the given names shown is a

HB0225S03 compared with HB0225S02

commonly used abbreviation or variation of the other;

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

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

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

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

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

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

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

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

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

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

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

(d) If a signature is not declared valid under Subsection (2)(a), (b), or (c), the county

HB0225S03 compared with HB0225S02

clerk shall declare the signature to be invalid.

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

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

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

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

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

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

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

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

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

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

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

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

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

HB0225S03 compared with HB0225S02

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

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

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

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

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

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

(2) The local attorney shall:

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

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

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

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

(i) the sponsors of the petition; and

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

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

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

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

(4) (a) Within five calendar days after the date the local attorney files a proposed ballot title under Subsection (2)(c), the local legislative body for the jurisdiction where the

HB0225S03 compared with HB0225S02

referendum petition was circulated and the sponsors of the petition may file written comments in response to the proposed ballot title with the local clerk.

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

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

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

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

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

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

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

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

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

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

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

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

HB0225S03 compared with HB0225S02

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

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

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

(i) an absentee ballot;

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

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

(iv) a business reply mail envelope;

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

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

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

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

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

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

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

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

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

HB0225S03 compared with HB0225S02

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

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

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

(ii) disqualify the initial absentee ballot.

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

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

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

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

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

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

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

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

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

HB0225S03 compared with HB0225S02

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

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

and

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

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

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

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

Section 34. Section ~~{20A-7-611}~~ 20A-7-612 is amended to read:

~~{~~ ~~20A-7-611. Effective date -- Reenacting repealed law prohibited.~~

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

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

~~—— Section 35. Section 20A-7-612 is amended to read:~~

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

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

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

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

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

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

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

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

HB0225S03 compared with HB0225S02

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

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

(i) not registered to vote in Utah; or

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

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

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

Section ~~36~~35. Section **20A-11-1202** is amended to read:

20A-11-1202. Definitions.

As used in this part:

(1) "Applicable election officer" means:

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

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

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

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

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

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

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

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

(e) remuneration from:

HB0225S03 compared with HB0225S02

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

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

(f) an in-kind contribution.

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

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

(i) government appropriations;

(ii) taxes;

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

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

(5) "Expenditure" means:

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

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

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

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

(e) goods or services provided to or for the benefit of a candidate, a candidate's personal campaign committee, or a political issues committee for political purposes at less than fair market value.

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

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

(a) government appropriations;

(b) taxes;

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

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

HB0225S03 compared with HB0225S02

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

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

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

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

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

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

or

(b) judge standing for retention at any election.

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

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

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

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

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

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

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

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

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

HB0225S03 compared with HB0225S02

- (i) has supervisory authority over the personnel and affairs of a public entity; and
- (ii) approves the expenditure of funds for the public entity.

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

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

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

Section ~~{37}~~36. Section **20A-11-1203** is amended to read:

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

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

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

Section ~~{38}~~37. Section **20A-11-1205** is amended to read:

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

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

(a) for a political purpose;

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

(c) to solicit a campaign contribution.

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

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

(b) except as provided in Subsection (3), for each subsequent violation committed after any applicable election officer imposes a fine against the person for a first violation, \$1,000

HB0225S03 compared with HB0225S02

multiplied by the number of violations committed by the person.

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

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

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

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

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

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

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

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

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

Section ~~39~~38. Section **20A-11-1206** is amended to read:

20A-11-1206. Exclusions.

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

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

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

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

HB0225S03 compared with HB0225S02

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

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

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

(5) Subject to Subsection (6), a county or municipality may expend a reasonable amount of public funds to:

(a) prepare and publish a written argument or written rebuttal argument in accordance with Section 20A-7-401.5, 20A-7-402, or 59-1-1604; or

(b) prepare an argument for, and present an argument at, a public meeting under Section 20A-7-405 or 59-1-1605.

(6) A county or municipality may not:

(a) publish an argument or rebuttal argument prepared under Section 20A-7-401.5 or 20A-7-402, unless, at the same time and in the same manner, the county or municipality publishes each opposing argument and rebuttal argument that:

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

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

(b) publish an argument or rebuttal argument for or against a proposed initiative, initiative, proposed referendum, or referendum that was not prepared and submitted in accordance with Section 20A-7-401.5 or 20A-7-402; or

(c) present an argument or rebuttal argument for or against a proposed initiative, initiative, proposed referendum, or referendum at a public meeting, unless the county or municipality provides equal opportunity for persons to present opposing arguments and rebuttal arguments at the public meeting.