

**Senator Curtis S. Bramble** proposes the following substitute bill:

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

2018 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Brad M. Daw**

Senate Sponsor: Margaret Dayton

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**LONG TITLE**

**General Description:**

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

**Highlighted Provisions:**

This bill:

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



26 referendum is legally referable to voters;

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

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

31       ▶ amends deadlines related to the certification of signatures on certain petitions;

32       ▶ allows the lieutenant governor to intervene in the signature certification process for  
33 certain petitions if:

34             • the person responsible for certifying the signatures does not comply with certain  
35 deadlines;

36             • requested by the person submitting the petition; or

37             • requested by the person responsible for certifying the signatures; and

38       ▶ makes technical and conforming amendments.

39 **Money Appropriated in this Bill:**

40       None

41 **Other Special Clauses:**

42       This bill provides revisor instructions.

43 **Utah Code Sections Affected:**

44 AMENDS:

45       **11-14-301**, as last amended by Laws of Utah 2014, Chapter 189

46       **20A-7-101**, as last amended by Laws of Utah 2017, Chapter 291

47       **20A-7-402**, as last amended by Laws of Utah 2017, Chapters 91, 147, and 291

48       **20A-7-501**, as last amended by Laws of Utah 2016, Chapter 176

49       **20A-7-502**, as last amended by Laws of Utah 2017, Chapter 291

50       **20A-7-502.5**, as last amended by Laws of Utah 2017, Chapter 291

51       **20A-7-504**, as last amended by Laws of Utah 2016, Chapter 365

52       **20A-7-505**, as last amended by Laws of Utah 2012, Chapter 72

53       **20A-7-506**, as last amended by Laws of Utah 2012, Chapter 72

54       **20A-7-506.3**, as last amended by Laws of Utah 2011, Chapter 17

55       **20A-7-507**, as last amended by Laws of Utah 2011, Chapter 17

56       **20A-7-508**, as last amended by Laws of Utah 2017, Chapter 291

- 57 [20A-7-509](#), as last amended by Laws of Utah 2009, Chapter 202
- 58 [20A-7-510](#), as last amended by Laws of Utah 2010, Chapter 367
- 59 [20A-7-512](#), as last amended by Laws of Utah 2013, Chapter 253
- 60 [20A-7-513](#), as last amended by Laws of Utah 2017, Chapter 291
- 61 [20A-7-601](#), as last amended by Laws of Utah 2016, Chapter 365
- 62 [20A-7-602](#), as last amended by Laws of Utah 2016, Chapter 365
- 63 [20A-7-602.5](#), as enacted by Laws of Utah 2014, Chapter 364
- 64 [20A-7-603](#), as last amended by Laws of Utah 2016, Chapter 365
- 65 [20A-7-604](#), as last amended by Laws of Utah 2016, Chapter 365
- 66 [20A-7-605](#), as last amended by Laws of Utah 2012, Chapter 72
- 67 [20A-7-606](#), as last amended by Laws of Utah 2016, Chapter 365
- 68 [20A-7-606.3](#), as last amended by Laws of Utah 2011, Chapter 17
- 69 [20A-7-607](#), as last amended by Laws of Utah 2014, Chapter 396
- 70 [20A-7-608](#), as last amended by Laws of Utah 2008, Chapter 315
- 71 [20A-7-609.5](#), as enacted by Laws of Utah 2014, Chapter 396
- 72 [20A-7-610](#), as last amended by Laws of Utah 2010, Chapter 367
- 73 [20A-7-612](#), as last amended by Laws of Utah 2001, Chapter 20
- 74 [20A-9-403](#), as last amended by Laws of Utah 2017, Chapter 91
- 75 [20A-9-408](#), as last amended by Laws of Utah 2017, Chapter 91
- 76 [20A-11-1202](#), as last amended by Laws of Utah 2017, Chapter 68
- 77 [20A-11-1203](#), as last amended by Laws of Utah 2015, Chapter 435
- 78 [20A-11-1205](#), as last amended by Laws of Utah 2017, Chapter 68
- 79 [20A-11-1206](#), as enacted by Laws of Utah 2015, Chapter 435
- 80 [63I-2-220](#), as last amended by Laws of Utah 2017, Chapters 32 and 452

81 ENACTS:

- 82 [20A-7-401.5](#), Utah Code Annotated 1953
- 83 [20A-7-405](#), Utah Code Annotated 1953
- 84 [20A-7-406](#), Utah Code Annotated 1953
- 85 [20A-7-407](#), Utah Code Annotated 1953
- 86 [20A-7-502.7](#), Utah Code Annotated 1953
- 87 [20A-7-602.7](#), Utah Code Annotated 1953

88 Utah Code Sections Affected by Revisor Instructions:

89 20A-7-407, Utah Code Annotated 1953



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

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

93 **11-14-301. Issuance of bonds by governing body -- Computation of indebtedness**  
94 **under constitutional and statutory limitations.**

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

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

101 (b) The 10-year period described in Subsection (2)(a) is tolled if, at any time during the  
102 10-year period:

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

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

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

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

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

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

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

118 (i) the local clerk determines that the petition is insufficient, in accordance with

119 Subsection [20A-7-607\(2\)\(c\)](#), unless an application, described in Subsection [20A-7-607\(4\)\(a\)](#), is  
120 made to the Supreme Court;

121 (ii) the Supreme Court determines, under Subsection [20A-7-607\(4\)\(c\)](#), that the petition  
122 for the referendum is not legally sufficient; or

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

125 (d) For a bond described in this section that was approved by voters on or after May 8,  
126 2018, a tolling period described in Subsection (2)(b)(i) ends:

127 (i) if a county, city, town, metro township, or court determines, under Section  
128 [20A-7-602.7](#), that the proposed referendum is not legally referable to voters, the later of:

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

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

133 (ii) if a county, city, town, metro township, or court determines, under Section  
134 [20A-7-602.7](#), that the proposed referendum is legally referable to voters, the later of:

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

137 or

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

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

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

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

148 [~~(e)~~] (f) If the 10-year period described in Subsection (2)(a) is tolled under this  
149 Subsection (2) and, when the tolling ends and after giving effect to the tolling, the period of

150 time remaining to issue the bonds is less than one year, the period of time remaining to issue  
151 the bonds shall be extended to one year.

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

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

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

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

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

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

180 (6) A bond election is not void when the amount of bonds authorized at the election

181 exceeded the limitation applicable to the local political subdivision at the time of holding the  
182 election, but the bonds may be issued from time to time in an amount within the applicable  
183 limitation at the time the bonds are issued.

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

185 **20A-7-101. Definitions.**

186 As used in this chapter:

187 (1) "Budget officer" means:

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

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

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

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

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

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

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

199 (5) "Final fiscal impact statement" means a financial statement prepared after voters  
200 approve an initiative that contains the information required by Subsection [20A-7-202.5\(2\)](#) or  
201 [20A-7-502.5\(2\)](#).

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

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

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

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

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

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

- 212 (a) meet the numerical requirements of this chapter; and  
213 (b) have been certified and verified as provided in this chapter.  
214 (10) "Legal voter" means a person who:  
215 (a) is registered to vote; or  
216 (b) becomes registered to vote before the county clerk certifies the signatures on an  
217 initiative or referendum petition.  
218 (11) "Legally referable to voters" means:  
219 (a) for a proposed local initiative, that the proposed local initiative is legally referable  
220 to voters under Section [20A-7-502.7](#); or  
221 (b) for a proposed local referendum, that the proposed local referendum is legally  
222 referable to voters under Section [20A-7-602.7](#).  
223 [~~(11)~~] (12) "Local attorney" means the county attorney, city attorney, or town attorney  
224 in whose jurisdiction a local initiative or referendum petition is circulated.  
225 [~~(12)~~] (13) "Local clerk" means the county clerk, city recorder, or town clerk in whose  
226 jurisdiction a local initiative or referendum petition is circulated.  
227 [~~(13)~~] (14) (a) "Local law" includes:  
228 (i) an ordinance;  
229 (ii) a resolution;  
230 (iii) a master plan;  
231 (iv) a comprehensive zoning regulation adopted by ordinance or resolution; or  
232 (v) other legislative action of a local legislative body.  
233 (b) "Local law" does not include an individual property zoning decision.  
234 [~~(14)~~] (15) "Local legislative body" means the legislative body of a county, city, town,  
235 or metro township.  
236 [~~(15)~~] (16) "Local obligation law" means a local law passed by the local legislative  
237 body regarding a bond that was approved by a majority of qualified voters in an election.  
238 [~~(16)~~] (17) "Local tax law" means a law, passed by a political subdivision with an  
239 annual or biannual calendar fiscal year, that increases a tax or imposes a new tax.  
240 [~~(17)~~] (18) "Measure" means a proposed constitutional amendment, an initiative, or  
241 referendum.  
242 [~~(18)~~] (19) "Referendum" means a process by which a law passed by the Legislature or



243 by a local legislative body is submitted or referred to the voters for their approval or rejection.

244 ~~[(19)]~~ (20) "Referendum packet" means a copy of the referendum petition, a copy of  
 245 the law being submitted or referred to the voters for their approval or rejection, and the  
 246 signature sheets, all of which have been bound together as a unit.

247 ~~[(20)]~~ (21) (a) "Signature" means a holographic signature.

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

249 ~~[(21)]~~ (22) "Signature sheets" means sheets in the form required by this chapter that are  
 250 used to collect signatures in support of an initiative or referendum.

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

253 ~~[(22)]~~ (24) "Sponsors" means the legal voters who support the initiative or referendum  
 254 and who sign the application for petition copies.

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

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

259 ~~[(23)]~~ (26) "Sufficient" means that the signatures submitted in support of an initiative  
 260 or referendum petition have been certified and verified as required by this chapter.

261 ~~[(24)]~~ (27) "Tax percentage difference" means the difference between the tax rate  
 262 proposed by an initiative or an initiative petition and the current tax rate.

263 ~~[(25)]~~ (28) "Tax percentage increase" means a number calculated by dividing the tax  
 264 percentage difference by the current tax rate and rounding the result to the nearest thousandth.

265 ~~[(26)]~~ (29) "Verified" means acknowledged by the person circulating the petition as  
 266 required in Sections [20A-7-205](#) and [20A-7-305](#).

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

268 **20A-7-401.5. Proposition information pamphlet.**

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

272 (A) the sponsors of the proposed initiative or referendum may submit a written  
 273 argument in favor of the proposed initiative or referendum to the election officer of the county

274 or municipality to which the petition relates; and

275 (B) the county or municipality to which the application relates may submit a written  
276 argument in favor of, or against, the proposed initiative or referendum to the county's or  
277 municipality's election officer.

278 (ii) If a county or municipality submits more than one written argument under  
279 Subsection (1)(a)(i)(B), the election officer shall select one of the written arguments, giving  
280 preference to a written argument submitted by a member of a local legislative body.

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

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

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

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

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

295 (e) The author of a written argument described in Subsection (1)(a)(i)(B) submitted by  
296 a county or municipality may submit a revised version of the written argument to the county's  
297 or municipality's election officer:

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

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

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

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

305 election officer.

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

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

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

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

312 (i) fails to negotiate, in good faith, to modify the argument in accordance with

313 Subsection (2)(c); or

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

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

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

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

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

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

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

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

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

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

336 the municipality for whom the municipality has an email address obtained via voter  
337 registration; and

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

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

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

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

351 (b) if the municipality regularly mails a newsletter, utility bill, or other material to the  
352 municipality's residents, including an Internet address, where a resident may view the  
353 proposition information pamphlet, in the next mailing, for which the municipality has not  
354 begun preparation, that falls on or after the later of:

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

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

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

365 (a) by sending the proposition information pamphlet electronically to each individual  
366 in the county for whom the county has an email address obtained via voter registration; and

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

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

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

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

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

379 **20A-7-402. Local voter information pamphlet -- Contents -- Limitations --**  
380 **Preparation -- Statement on front cover.**

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

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

385 ~~[(3)]~~ (2) (a) Within the time requirements described in Subsection ~~[(3)]~~ (2)(c)(i), a  
386 municipality that is subject to a special local ballot proposition shall provide a notice that  
387 complies with the requirements of Subsection ~~[(3)]~~ (2)(c)(ii) to the municipality's residents by:

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

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

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

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

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

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

397 (i) send an electronic notice that complies with the requirements of Subsection ~~[(3)]~~

398 (2)(c)(ii) to each individual in the county for whom the county has an email address; or  
399 (ii) until after the deadline described in Subsection ~~[(3)]~~ (2)(d) has passed, post a notice  
400 that complies with the requirements of Subsection ~~[(3)]~~ (2)(c)(ii) on:  
401 (A) the Utah Public Notice Website created in Section 63F-1-701; and  
402 (B) the home page of the county's website.  
403 (c) A municipality or county that mails, sends, or posts a notice under Subsection ~~[(3)]~~  
404 (2)(a) or (b) shall:  
405 (i) mail, send, or post the notice:  
406 (A) not less than 90 days before the date of the election at which a special local ballot  
407 proposition will be voted upon; or  
408 (B) if the requirements of Subsection ~~[(3)]~~ (2)(c)(i)(A) cannot be met, as soon as  
409 practicable after the special local ballot proposition is approved to be voted upon in an election;  
410 and  
411 (ii) ensure that the notice contains:  
412 (A) the ballot title for the special local ballot proposition;  
413 (B) instructions on how to file a request under Subsection ~~[(3)]~~ (2)(d); and  
414 (C) the deadline described in Subsection ~~[(3)]~~ (2)(d).  
415 (d) To prepare ~~[an]~~ a written argument for or against a special local ballot proposition,  
416 an eligible voter shall file a request with the election officer at least 65 days before the election  
417 at which the special local ballot proposition is to be voted on.  
418 (e) If more than one eligible voter requests the opportunity to prepare ~~[an]~~ a written  
419 argument for or against a special local ballot proposition, the election officer shall make the  
420 final designation according to the following criteria:  
421 (i) sponsors have priority in preparing an argument regarding a special local ballot  
422 proposition; and  
423 (ii) members of the local legislative body have priority over others.  
424 (f) (i) ~~[Except as provided in Subsection (3)(g), a]~~ A sponsor of a special local ballot  
425 proposition may prepare ~~[an]~~ a written argument in favor of the special local ballot proposition.  
426 (ii) ~~[Except as provided in Subsection (3)(g), and subject]~~ Subject to Subsection ~~[(3)]~~  
427 (2)(e), an eligible voter opposed to the special local ballot proposition who submits a request  
428 under Subsection ~~[(3)]~~ (2)(d) may prepare ~~[an]~~ a written argument against the special local

429 ballot proposition.

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

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

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

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

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

445 ~~[(4)]~~ (3) (a) An election officer who timely receives the written arguments in favor of  
 446 and against a special local ballot proposition shall, within one business day after the day on  
 447 which the election office receives both written arguments, send, via mail or email:

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

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

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

- 456 (i) may submit to the election officer a written rebuttal argument of the written  
 457 argument against the special local ballot proposition;
- 458 (ii) shall ensure that the written rebuttal argument does not exceed 250 words in length;  
 459 and

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

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

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

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

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

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

473 [~~(5)~~] (4) (a) Except as provided in Subsection [~~(5)~~] (4)(b), in relation to a special local  
474 ballot proposition:

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

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

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

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

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

486 (c) An election officer shall refuse to accept and publish [~~an~~] a written argument or  
487 written rebuttal argument in relation to a special local ballot proposition if the eligible voter  
488 who submits the written argument or written rebuttal argument fails to negotiate, in good faith,  
489 to modify the written argument or written rebuttal argument in accordance with Subsection  
490 [~~(5)~~] (4)(b).



491 ~~[(6)]~~ (5) ~~[An]~~ In relation to a special local ballot proposition, an election officer may  
492 designate another eligible voter to take the place of an eligible voter described in this section if  
493 the original eligible voter is, due to injury, illness, death, or another circumstance, unable to  
494 continue to fulfill the duties of an eligible voter described in this section.

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

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

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

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

504 (7) (a) A county or municipality that submitted a written argument against a standard  
505 local ballot proposition that is included in a proposition information pamphlet under Section  
506 [20A-7-401.5](#):

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

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

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

514 (b) If a county or municipality submits more than one written rebuttal argument under  
515 Subsection (7)(a)(i), the election officer shall select one of the written rebuttal arguments,  
516 giving preference to a written rebuttal argument submitted by a member of a local legislative  
517 body.

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

520 (b) Before an election officer publishes a local voter information pamphlet under this  
521 section, a written rebuttal argument is a draft for purposes of Title 63G, Chapter 2, Government

522 Records Access and Management Act.

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

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

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

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

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

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

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

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

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

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

546 [~~7~~] (11) (a) The local voter information pamphlet shall include a copy of the initial  
547 fiscal impact estimate prepared for each initiative under Section [20A-7-502.5](#).

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

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

553            [(8)] (12) (a) In preparing the local voter information pamphlet, the election officer  
554 shall:

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

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

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

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

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

564            (A) a voter information pamphlet; or

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

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

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

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

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

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

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

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

580            **20A-7-405. Public meeting.**

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

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

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

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

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

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

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

595 **20A-7-406. Informational materials.**

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

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

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

602 Section 7. Section **20A-7-407** is enacted to read:

603 **20A-7-407. Applicability of statute to pending processes.**

604 (1) If a local initiative or local referendum process is pending as described in  
605 Subsection (2), that local initiative or local referendum process:

606 (a) is subject to the provisions of law that were in effect on May 7, 2018; and

607 (b) is not subject to the provisions of this bill.

608 (2) A local initiative or local referendum process is pending under Subsection (1) if, on  
609 or before May 7, 2018:

610 (a) (i) sponsors have filed an application to circulate the initiative petition under  
611 Section [20A-7-502](#); or

612 (ii) sponsors have filed an application to circulate the referendum petition under  
613 Section [20A-7-602](#); and

614 (b) the process described in Subsection (2)(a) has not concluded.

615 Section 8. Section 20A-7-501 is amended to read:

616 **20A-7-501. Initiatives -- Signature requirements -- Time requirements.**

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

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

623 ~~[(ii) 12-1/2% of all the votes cast in the county, city, town, or metro township for all~~  
624 ~~candidates for President of the United States at the last election at which a President of the~~  
625 ~~United States was elected if the total number of votes does not exceed 25,000 but is more than~~  
626 ~~10,000;]~~

627 ~~[(iii) 15% of all the votes cast in the county, city, town, or metro township for all~~  
628 ~~candidates for President of the United States at the last election at which a President of the~~  
629 ~~United States was elected if the total number of votes does not exceed 10,000 but is more than~~  
630 ~~2,500;]~~

631 ~~[(iv) 20% of all the votes cast in the county, city, town, or metro township for all~~  
632 ~~candidates for President of the United States at the last election at which a President of the~~  
633 ~~United States was elected if the total number of votes does not exceed 2,500 but is more than~~  
634 ~~500;]~~

635 ~~[(v) 25% of all the votes cast in the county, city, town, or metro township for all~~  
636 ~~candidates for President of the United States at the last election at which a President of the~~  
637 ~~United States was elected if the total number of votes does not exceed 500 but is more than~~  
638 ~~250; and]~~

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

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

646 equal to the percentages established in Subsection (1)(a).]

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

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

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

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

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

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

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

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

668 ~~[(2)]~~ (3) If the total number of certified names from each verified signature sheet  
669 equals or exceeds the number of names required by this section, the clerk or recorder shall  
670 deliver the proposed law to the local legislative body at ~~[its]~~ the local legislative body's next  
671 meeting.

672 ~~[(3)]~~ (4) (a) The local legislative body shall either adopt or reject the proposed law  
673 without change or amendment within 30 days ~~[of receipt of]~~ after the day on which the local  
674 legislative body receives the proposed law under Subsection (3).

675 (b) The local legislative body may:

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

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

678 (iii) reject the proposed law.

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

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

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

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

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

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

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

702 Section 9. Section 20A-7-502 is amended to read:

703 **20A-7-502. Local initiative process -- Application procedures.**

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

706 (2) The application shall contain:

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

708 (b) a statement indicating that each of the sponsors[:(~~f~~)] is a registered voter; [~~and~~]  
709 [(ii) (A) ~~if the initiative seeks to enact a county ordinance, has voted in a regular~~  
710 ~~general election in Utah within the last three years; or]~~  
711 [~~(B) if the initiative seeks to enact a municipal ordinance, has voted in a regular~~  
712 ~~municipal election in Utah;~~]  
713 [~~(f) except as provided in Subsection (2)(b)(ii)(B)(H), within the last three years; or]~~  
714 [~~(H) within the last five years, if the sponsor's failure to vote within the last three years~~  
715 ~~is due to the sponsor's residing in a municipal district that participates in a municipal election~~  
716 ~~every four years;]~~

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

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

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

722 (i) the title of the proposed law, which clearly expresses the subject of the law; and  
723 (ii) the text of the proposed law; and

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

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

731 Section 10. Section **20A-7-502.5** is amended to read:

732 **20A-7-502.5. Initial fiscal and legal impact estimate -- Preparation of estimate.**

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

770 following form:

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

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

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

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

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

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

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

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

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

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

801 ~~estimated fiscal and legal impact of the initiative.]~~

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

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

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

813 Section 11. Section **20A-7-502.7** is enacted to read:

814 **20A-7-502.7. Referability to voters.**

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

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

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

821 (i) legally referable to voters; or

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

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

824 (a) the proposed law is patently unconstitutional;

825 (b) the proposed law is nonsensical;

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

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

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

829 Subsection [20A-7-502\(3\)](#);

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

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

832 law sought by an initiative application submitted to the local clerk, under Section 20A-7-502,  
833 within two years before the day on which the application for the current proposed initiative is  
834 filed; or

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

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

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

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

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

845 (a) district court; or

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

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

851 Section 12. Section 20A-7-504 is amended to read:

852 **20A-7-504. Circulation requirements -- Local clerk to provide sponsors with**  
853 **materials.**

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

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

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

862 (b) one signature sheet.

863 (3) The sponsors of the petition shall:

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

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

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

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

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

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

877 ~~[(b) The local clerk shall:]~~

878 ~~[(i) number each of the initiative packets and return them to the sponsors within five  
879 working days; and]~~

880 ~~[(ii) keep a record of the numbers assigned to each packet.]~~

881 Section 13. Section **20A-7-505** is amended to read:

882 **20A-7-505. Obtaining signatures -- Verification -- Removal of signature.**

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

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

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

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

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

893 (3) (a) (i) Any voter who has signed an initiative petition may have the voter's signature

894 removed from the petition by submitting a notarized statement to that effect to the local clerk.

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

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

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

901 Section 14. Section **20A-7-506** is amended to read:

902 **20A-7-506. Submitting the initiative petition -- Certification of signatures by the**  
903 **county clerks -- Transfer to local clerk.**

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

906 (i) for county initiatives:

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

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

910 (ii) for municipal initiatives:

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

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

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

916 (2) (a) No later than the earlier of 15 days after the day on which the county clerk  
917 receives an initiative packet or May 1, the county clerk shall:

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

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

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

925 (3) No later than the earlier of 30 days after the day on which the county clerk receives  
926 an initiative packet or May 15, the county clerk shall:

927 (a) determine, in accordance with Section 20A-7-506.3, whether [~~or not~~] each signer is  
928 a registered voter [~~according to the requirements of Section 20A-7-506.3~~];

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

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

931 (4) The lieutenant governor may, at the county clerk's expense, intervene to perform a  
932 responsibility described in Subsection (2) or (3) related to an initiative packet if:

933 (a) the county clerk does not timely comply with the deadline described in Subsection  
934 (2) or (3);

935 (b) requested by each of the first five sponsors described in Subsection  
936 20A-7-502(2)(a) of the initiative petition; or

937 (c) requested by the county clerk.

938 Section 15. Section 20A-7-506.3 is amended to read:

939 **20A-7-506.3. Verification of petition signatures.**

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

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

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

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

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

955 (b) For the purposes of this section, "substantially similar name" does not mean a name

956 having an initial or a middle name shown on the petition that does not match a different initial  
957 or middle name shown on the official register.

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

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

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

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

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

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

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

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

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

978 Section 16. Section **20A-7-507** is amended to read:

979 **20A-7-507. Evaluation by the local clerk.**

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

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

985 (b) If the total number of certified names from each verified signature sheet equals or  
986 exceeds the number of names required by Section **20A-7-501** and the requirements of this part



987 are met, the local clerk shall mark upon the front of the petition the word "sufficient."

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

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

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

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

999 ~~[(5) (a) If the local clerk refuses to accept and file any initiative petition, any voter may  
1000 apply to the supreme court for an extraordinary writ to compel him to do so within 10 days  
1001 after the refusal.]~~

1002 ~~[(b) If the supreme court determines that the initiative petition is legally sufficient, the  
1003 local clerk shall file it, with a verified copy of the judgment attached to it, as of the date on  
1004 which it was originally offered for filing in the local clerk's office.]~~

1005 ~~[(c) If the supreme court determines that any petition filed is not legally sufficient, the  
1006 supreme court may enjoin the local clerk and all other officers from certifying or printing the  
1007 ballot title and numbers of that measure on the official ballot.]~~

1008 ~~[(6)]~~ (5) A petition determined to be sufficient in accordance with this section is  
1009 qualified for the ballot.

1010 Section 17. Section 20A-7-508 is amended to read:

1011 **20A-7-508. Ballot title -- Duties of local clerk and local attorney.**

1012 (1) Whenever an initiative petition is declared sufficient for submission to a vote of the  
1013 people, the local clerk shall deliver a copy of the petition and the proposed law to the local  
1014 attorney.

1015 (2) The local attorney shall:

1016 (a) entitle each county or municipal initiative that has qualified for the ballot

1017 "Proposition Number \_\_\_" and give it a number as assigned under Section 20A-6-107;

- 1018 (b) prepare a proposed ballot title for the initiative;
- 1019 (c) file the proposed ballot title and the numbered initiative titles with the local clerk  
1020 within 15 days after the date the initiative petition is declared sufficient for submission to a  
1021 vote of the people; and
- 1022 (d) promptly provide notice of the filing of the proposed ballot title to:
- 1023 (i) the sponsors of the petition; and
- 1024 (ii) the local legislative body for the jurisdiction where the initiative petition was  
1025 circulated.
- 1026 (3) (a) The ballot title may be distinct from the title of the proposed law attached to the  
1027 initiative petition, and shall express, in not exceeding 100 words, the purpose of the measure.
- 1028 (b) In preparing a ballot title, the local attorney shall, to the best of the local attorney's  
1029 ability, give a true and impartial statement of the purpose of the measure.
- 1030 (c) The ballot title may not intentionally be an argument, or likely to create prejudice,  
1031 for or against the measure.
- 1032 (d) If the initiative proposes a tax increase, the local attorney shall include the  
1033 following statement, in bold, in the ballot title:
- 1034 "This initiative seeks to increase the current (insert name of tax) rate by (insert the tax  
1035 percentage difference) percent, resulting in a(n) (insert the tax percentage increase) percent  
1036 increase in the current tax rate."
- 1037 (4) (a) Within five calendar days after the date the local attorney files a proposed ballot  
1038 title under Subsection (2)(c), the local legislative body for the jurisdiction where the initiative  
1039 petition was circulated and the sponsors of the petition may file written comments in response  
1040 to the proposed ballot title with the local clerk.
- 1041 (b) Within five calendar days after the last date to submit written comments under  
1042 Subsection (4)(a), the local attorney shall:
- 1043 (i) review any written comments filed in accordance with Subsection (4)(a);
- 1044 (ii) prepare a final ballot title that meets the requirements of Subsection (3); and
- 1045 (iii) return the petition and file the ballot title with the local clerk.
- 1046 (c) Subject to Subsection (6), the ballot title, as determined by the local attorney, shall  
1047 be printed on the official ballot.
- 1048 (5) Immediately after the local attorney files a copy of the ballot title with the local

1049 clerk, the local clerk shall serve a copy of the ballot title by mail upon the sponsors of the  
 1050 petition and the local legislative body for the jurisdiction where the initiative petition was  
 1051 circulated.

1052 (6) (a) If the ballot title furnished by the local attorney is unsatisfactory or does not  
 1053 comply with the requirements of this section, the decision of the local attorney may be  
 1054 appealed ~~[by a petition]~~ to the district court, or, if the Supreme Court has original jurisdiction,  
 1055 to the Supreme Court ~~[that is]~~<sub>2</sub> brought by:

1056 (i) at least three sponsors of the initiative petition; or

1057 (ii) a majority of the local legislative body for the jurisdiction where the initiative  
 1058 petition was circulated.

1059 (b) The ~~[Supreme Court]~~ court:

1060 (i) shall examine the measures and consider arguments~~[, and, in its decision,];~~ and

1061 (ii) may certify to the local clerk a ballot title for the measure that fulfills the intent of  
 1062 this section.

1063 (c) The local clerk shall print the title certified by the ~~[Supreme Court]~~ court on the  
 1064 official ballot.

1065 Section 18. Section **20A-7-509** is amended to read:

1066 **20A-7-509. Form of ballot -- Manner of voting.**

1067 (1) The local clerk shall ensure that the number and ballot title are presented upon the  
 1068 official ballot with, immediately adjacent to them, the words "For" and "Against," each word  
 1069 presented with an adjacent square in which the ~~[elector]~~ voter may indicate ~~[his]~~ the voter's  
 1070 vote.

1071 (2) ~~[Electors]~~ Voters desiring to vote in favor of enacting the law proposed by the  
 1072 initiative petition shall mark the square adjacent to the word "For," and ~~[those]~~ voters desiring  
 1073 to vote against enacting the law proposed by the initiative petition shall mark the square  
 1074 adjacent to the word "Against."

1075 Section 19. Section **20A-7-510** is amended to read:

1076 **20A-7-510. Return and canvass -- Conflicting measures -- Law effective on**  
 1077 **proclamation.**

1078 (1) The votes on the law proposed by the initiative petition shall be counted,  
 1079 canvassed, and delivered as provided in Title 20A, Chapter 4, Part 3, Canvassing Returns.

1080 (2) After the local board of canvassers completes its canvass, the local clerk shall  
1081 certify to the local legislative body the vote for and against the law proposed by the initiative  
1082 petition.

1083 (3) (a) The local legislative body shall immediately issue a proclamation that:

1084 (i) gives the total number of votes cast in the local jurisdiction for and against each law  
1085 proposed by an initiative petition; and

1086 (ii) declares those laws proposed by an initiative petition that were approved by  
1087 majority vote to be in full force and effect as the law of the local jurisdiction.

1088 (b) When the local legislative body determines that two proposed laws, or that parts of  
1089 two proposed laws approved by the people at the same election are entirely in conflict, they  
1090 shall proclaim that measure to be law that has received the greatest number of affirmative  
1091 votes, regardless of the difference in the majorities which those measures have received.

1092 (c) (i) Within 10 days after the local legislative body's proclamation, any qualified  
1093 voter who signed the initiative petition proposing the law that is declared by the local  
1094 legislative body to be superseded by another measure approved at the same election may apply  
1095 to the district court, or, if the Supreme Court has original jurisdiction, the Supreme Court to  
1096 review the decision.

1097 (ii) The court shall:

1098 (A) consider the matter and decide whether [~~or not~~] the proposed laws are in conflict;  
1099 and

1100 (B) certify [~~its~~] the court's decision to the local legislative body.

1101 (4) Within 10 days after the [~~Supreme Court certifies its~~] day on which the court  
1102 certifies the decision, the local legislative body shall:

1103 (a) proclaim as law all [~~those~~] measures approved by the people [~~as law~~] that the  
1104 [~~Supreme Court has determined~~] court determines are not in conflict; and

1105 (b) [~~of all those~~] for the measures approved by the people as law that the [~~Supreme~~  
1106 ~~Court has determined~~] court determines to be in conflict, proclaim as law the [~~one~~] measure  
1107 that received the greatest number of affirmative votes, regardless of the difference in  
1108 majorities.

1109 Section 20. Section **20A-7-512** is amended to read:

1110 **20A-7-512. Misconduct of electors and officers -- Penalty.**

- 1111 (1) It is unlawful for any ~~[person]~~ individual to:
- 1112 (a) sign any name other than the ~~[person's own]~~ individual's own name to any initiative
- 1113 petition;
- 1114 (b) knowingly sign the ~~[person's]~~ individual's name more than once for the same
- 1115 measure at one election;
- 1116 (c) sign an initiative knowing the ~~[person]~~ individual is not a legal voter; or
- 1117 (d) knowingly and willfully violate any provision of this part.
- 1118 (2) It is unlawful for any ~~[person]~~ individual to sign the verification for an initiative
- 1119 packet knowing that:
- 1120 (a) the ~~[person]~~ individual does not meet the residency requirements of Section
- 1121 [20A-2-105](#);
- 1122 (b) the ~~[person]~~ individual has not witnessed the signatures of ~~[those persons]~~ the
- 1123 individuals whose names appear in the initiative packet; or
- 1124 (c) one or more ~~[persons]~~ individuals whose signatures appear in the initiative packet is
- 1125 either:
- 1126 (i) not registered to vote in Utah; or
- 1127 (ii) does not intend to become registered to vote in Utah.
- 1128 (3) ~~[Any person violating]~~ An individual who violates this part is guilty of a class A
- 1129 misdemeanor.
- 1130 Section 21. Section **20A-7-513** is amended to read:
- 1131 **20A-7-513. Fiscal review -- Repeal, amendment, or resubmission.**
- 1132 (1) No later than 60 days after the date of an election in which the voters approve an
- 1133 initiative petition, the budget officer shall:
- 1134 (a) for each initiative approved by the voters, prepare a final fiscal impact statement,
- 1135 using current financial information and containing the information required by Subsection
- 1136 [20A-7-502.5\(2\)](#), except for the information required by Subsection [20A-7-502.5\(2\)\(a\)\(vii\)](#); and
- 1137 (b) deliver a copy of the final fiscal impact statement to:
- 1138 (i) the local legislative body of the jurisdiction where the initiative was circulated;
- 1139 (ii) the local clerk; and
- 1140 (iii) the first ~~[five]~~ three sponsors listed on the initiative application.
- 1141 (2) If the final fiscal impact statement exceeds the initial fiscal impact estimate by 25%

1142 or more, the local legislative body shall review the final fiscal impact statement and may, by a  
1143 majority vote:

- 1144 (a) repeal the law established by passage of the initiative;
- 1145 (b) amend the law established by the passage of the initiative; or
- 1146 (c) pass a resolution informing the voters that they may file an initiative petition to  
1147 repeal the law enacted by the passage of the initiative.

1148 Section 22. Section **20A-7-601** is amended to read:

1149 **20A-7-601. Referenda -- General signature requirements -- Signature**  
1150 **requirements for land use laws and jurisdictional laws -- Time requirements.**

1151 ~~[(1) Except as provided in Subsection (2) or (3), a person seeking to have a local law~~  
1152 ~~passed by the local legislative body submitted to a vote of the people shall obtain legal~~  
1153 ~~signatures equal to:]~~

1154 ~~[(a) 10% of all the votes cast in the county, city, or town for all candidates for president~~  
1155 ~~of the United States at the last election at which a president of the United States was elected if~~  
1156 ~~the total number of votes exceeds 25,000;]~~

1157 ~~[(b) 12-1/2% of all the votes cast in the county, city, or town for all candidates for~~  
1158 ~~president of the United States at the last election at which a president of the United States was~~  
1159 ~~elected if the total number of votes does not exceed 25,000 but is more than 10,000;]~~

1160 ~~[(c) 15% of all the votes cast in the county, city, or town for all candidates for president~~  
1161 ~~of the United States at the last election at which a president of the United States was elected if~~  
1162 ~~the total number of votes does not exceed 10,000 but is more than 2,500;]~~

1163 ~~[(d) 20% of all the votes cast in the county, city, or town for all candidates for president~~  
1164 ~~of the United States at the last election at which a president of the United States was elected if~~  
1165 ~~the total number of votes does not exceed 2,500 but is more than 500;]~~

1166 ~~[(e) 25% of all the votes cast in the county, city, or town for all candidates for president~~  
1167 ~~of the United States at the last election at which a president of the United States was elected if~~  
1168 ~~the total number of votes does not exceed 500 but is more than 250; and]~~

1169 ~~[(f) 30% of all the votes cast in the county, city, or town for all candidates for president~~  
1170 ~~of the United States at the last election at which a president of the United States was elected if~~  
1171 ~~the total number of votes does not exceed 250;]~~

1172 ~~[(2) (a) As used in this Subsection (2), "land use law" includes a land use development~~

1173 ~~code, an annexation ordinance, and comprehensive zoning ordinances.]~~

1174 ~~[(b) Except as provided in Subsection (3), a person seeking to have a land use law or~~  
1175 ~~local obligation law passed by the local legislative body submitted to a vote of the people shall~~  
1176 ~~obtain legal signatures equal to:]~~

1177 ~~[(i) in a county or in a city of the first or second class, 20% of all votes cast in the~~  
1178 ~~county or city for all candidates for president of the United States at the last election at which a~~  
1179 ~~president of the United States was elected; and]~~

1180 ~~[(ii) in a city of the third, fourth, or fifth class or a town, 35% of all the votes cast in the~~  
1181 ~~city or town for all candidates for president of the United States at the last election at which a~~  
1182 ~~president of the United States was elected.]~~

1183 ~~[(3) (a) As used in this Subsection (3):]~~

1184 ~~[(i) "Subjurisdiction" means an area comprised of all precincts and subprecincts in the~~  
1185 ~~jurisdiction of a county, city, or town that are subject to a subjurisdictional law.]~~

1186 ~~[(ii) "Subjurisdictional law" means a local law or local obligation law passed by a local~~  
1187 ~~legislative body that imposes a tax or other payment obligation on property in an area that does~~  
1188 ~~not include all precincts and subprecincts under the jurisdiction of the county, city, or town.]~~

1189 ~~[(b) A person seeking to have a subjurisdictional law passed by the local legislative~~  
1190 ~~body submitted to a vote of the people shall obtain legal signatures of the residents in the~~  
1191 ~~subjurisdiction equal to:]~~

1192 ~~[(i) 10% of the total votes cast in the subjurisdiction for all candidates for president of~~  
1193 ~~the United States at the last election at which a president of the United States was elected if the~~  
1194 ~~total number of votes exceeds 25,000;]~~

1195 ~~[(ii) 12-1/2% of all the votes cast in the subjurisdiction for all candidates for president~~  
1196 ~~of the United States at the last election at which a president of the United States was elected if~~  
1197 ~~the total number of votes does not exceed 25,000 but is more than 10,000;]~~

1198 ~~[(iii) 15% of all the votes cast in the subjurisdiction for all candidates for president of~~  
1199 ~~the United States at the last election at which a president of the United States was elected if the~~  
1200 ~~total number of votes does not exceed 10,000 but is more than 2,500;]~~

1201 ~~[(iv) 20% of all the votes cast in the subjurisdiction for all candidates for president of~~  
1202 ~~the United States at the last election at which a president of the United States was elected if the~~  
1203 ~~total number of votes does not exceed 2,500 but is more than 500;]~~

1204 ~~[(v) 25% of all the votes cast in the subjurisdiction for all candidates for president of~~  
1205 ~~the United States at the last election at which a president of the United States was elected if the~~  
1206 ~~total number of votes does not exceed 500 but is more than 250; and]~~

1207 ~~[(vi) 30% of all the votes cast in the subjurisdiction for all candidates for president of~~  
1208 ~~the United States at the last election at which a president of the United States was elected if the~~  
1209 ~~total number of votes does not exceed 250;]~~

1210 (1) As used in this section:

1211 (a) "Land use law" includes a land use development code, an annexation ordinance,  
1212 and comprehensive zoning ordinances.

1213 (b) "Number of active voters" means the number of active voters in the county, city, or  
1214 town on the immediately preceding January 1.

1215 (c) "Subjurisdiction" means an area comprised of all precincts and subprecincts in the  
1216 jurisdiction of a county, city, or town that are subject to a subjurisdictional law.

1217 (d) "Subjurisdictional law" means a local law or local obligation law passed by a local  
1218 legislative body that imposes a tax or other payment obligation on property in an area that does  
1219 not include all precincts and subprecincts under the jurisdiction of the county, city, or town.

1220 (2) Except as provided in Subsection (3) or (4), an eligible voter seeking to have a local  
1221 law passed by the local legislative body submitted to a vote of the people shall obtain legal  
1222 signatures equal to:

1223 (a) for a metro township with a population of 100,000 or more, a city of the first class,  
1224 or a county of the first class, 8.5% of the number of active voters in the metro township, city, or  
1225 county;

1226 (b) for a metro township with a population of 65,000 or more but less than 100,000, a  
1227 city of the second class, or a county of the second class, 11% of the number of active voters in  
1228 the metro township, city, or county;

1229 (c) for a metro township with a population of 30,000 or more but less than 65,000, a  
1230 city of the third class, or a county of the third class, 13% of the number of active voters in the  
1231 metro township, city, or county;

1232 (d) for a metro township with a population of 10,000 or more but less than 30,000, a  
1233 city of the fourth class, or a county of the fourth class, 17.5% of the number of active voters in  
1234 the metro township, city, or county;



1235 (e) for a metro township with a population of 1,000 or more but less than 10,000, a city  
1236 of the fifth class, or a county of the fifth class, 22% of the number of active voters in the metro  
1237 township, city, or county; or

1238 (f) for a metro township with a population of less than 1,000, a town, or a county of the  
1239 sixth class, 25.5% of the number of active voters in the metro township, town, or county.

1240 (3) Except as provided in Subsection (4), an eligible voter seeking to have a land use  
1241 law or local obligation law passed by the local legislative body submitted to a vote of the  
1242 people shall obtain legal signatures equal to:

1243 (a) for a metro township with a population of 65,000 or more, a city of the first or  
1244 second class, or a county, 20% of the number of active voters in the metro township, city, or  
1245 county; or

1246 (b) for a metro township with a population of less than 65,000, a city of the third,  
1247 fourth, or fifth class, or a town, 35% of the number of active voters in the metro township, city,  
1248 or town.

1249 (4) An eligible voter seeking to have a subjurisdictional law passed by the local  
1250 legislative body submitted to a vote of the people shall obtain legal signatures of the residents  
1251 in the subjurisdiction equal to:

1252 (a) for a subjurisdiction with a population of 100,000 or more, 8.5% of the number of  
1253 active voters in the subjurisdiction;

1254 (b) for a subjurisdiction with a population of 65,000 or more but less than 100,000,  
1255 11% of the number of active voters in the subjurisdiction;

1256 (c) for a subjurisdiction with a population of 30,000 or more but less than 65,000, 13%  
1257 of the number of active voters in the subjurisdiction;

1258 (d) for a subjurisdiction with a population of 10,000 or more but less than 30,000,  
1259 17.5% of the number of active voters in the subjurisdiction;

1260 (e) for a subjurisdiction with a population of 1,000 or more but less than 10,000, 22%  
1261 of the number of active voters in the subjurisdiction; or

1262 (f) for a subjurisdiction with a population of less than 1,000, 25.5% of the number of  
1263 active voters in the subjurisdiction.

1264 ~~[(4)]~~ (5) (a) Sponsors of any referendum petition challenging, under Subsection [(1+)  
1265 (2), or (3)] (2), (3), or (4), any local law passed by a local legislative body shall file the

1266 application within ~~[five]~~ seven days after the ~~[passage of]~~ day on which the local law was  
1267 passed.

1268 (b) Except as provided in Subsection ~~[(4)]~~ (5)(c), when a referendum petition has been  
1269 declared sufficient, the local law that is the subject of the petition does not take effect unless  
1270 and until the local law is approved by a vote of the people.

1271 (c) When a referendum petition challenging a subjurisdictional law has been declared  
1272 sufficient, the subjurisdictional law that is the subject of the petition does not take effect unless  
1273 and until the subjurisdictional law is approved by a vote of the people who reside in the  
1274 subjurisdiction.

1275 ~~[(5)]~~ (6) If the referendum passes, the local law that was challenged by the referendum  
1276 is repealed as of the date of the election.

1277 ~~[(6)]~~ (7) Nothing in this section authorizes a local legislative body to impose a tax or  
1278 other payment obligation on a subjurisdiction in order to benefit an area outside of the  
1279 subjurisdiction.

1280 Section 23. Section **20A-7-602** is amended to read:

1281 **20A-7-602. Local referendum process -- Application procedures.**

1282 (1) ~~[Persons]~~ An eligible voter wishing to circulate a referendum petition shall file an  
1283 application with the local clerk.

1284 (2) The application shall contain:

1285 (a) the name and residence address of at least five sponsors of the referendum petition;

1286 (b) a certification indicating that each of the sponsors~~[(+)]~~ is a resident of Utah; ~~[and]~~

1287 ~~[(ii) (A) if the referendum challenges a county local law, has voted in a regular general~~  
1288 ~~election in Utah within the last three years; or]~~

1289 ~~[(B) if the referendum challenges a municipal local law, has voted in a regular~~  
1290 ~~municipal election in Utah within the last three years;]~~

1291 (c) a statement indicating that each of the sponsors has voted in an election in Utah in  
1292 the last three years;

1293 ~~[(e)]~~ (d) the signature of each of the sponsors, ~~[attested to]~~ acknowledged by a notary  
1294 public; and

1295 ~~[(d)]~~ (e) (i) if the referendum challenges an ordinance or resolution, one copy of the  
1296 law; or

1297 (ii) if the referendum challenges a local law that is not an ordinance or resolution, a  
1298 written description of the local law, including the result of the vote on the local law.

1299 Section 24. Section **20A-7-602.5** is amended to read:

1300 **20A-7-602.5. Initial fiscal and legal impact estimate -- Preparation of estimate.**

1301 (1) Within three working days after the day on which the local clerk receives an  
1302 application for a referendum petition, the local clerk shall submit a copy of the application to  
1303 the county, city, or town's budget officer.

1304 (2) (a) The budget officer, together with legal counsel, shall prepare an unbiased, good  
1305 faith estimate of the fiscal and legal impact of repealing the law the referendum proposes to  
1306 repeal that contains:

1307 (i) a dollar amount representing the total estimated fiscal impact of repealing the law;

1308 (ii) if repealing the law would increase or decrease taxes, a dollar amount representing  
1309 the total estimated increase or decrease for each type of tax that would be impacted by the law's  
1310 repeal and a dollar amount representing the total estimated increase or decrease in taxes that  
1311 would result from the law's repeal;

1312 (iii) if repealing the law would result in the issuance or a change in the status of bonds,  
1313 notes, or other debt instruments, a dollar amount representing the total estimated increase or  
1314 decrease in public debt that would result;

1315 (iv) a listing of all sources of funding for the estimated costs that would be associated  
1316 with the law's repeal, showing each source of funding and the percentage of total funding that  
1317 would be provided from each source;

1318 (v) a dollar amount representing the estimated costs or savings, if any, to state and  
1319 local government entities if the law were repealed;

1320 (vi) the legal impacts that would result from repealing the law, including:

1321 (A) any significant effects on a person's vested property rights;

1322 (B) any significant effects on other laws or ordinances;

1323 (C) any significant legal liability the city, county, or town may incur; and

1324 (D) any other significant legal impact as determined by the budget officer and the legal  
1325 counsel; and

1326 (vii) a concise explanation, not exceeding 100 words, of the above information and of  
1327 the estimated fiscal impact, if any, if the law were repealed.

1328 (b) (i) If repealing the law would have no fiscal impact, the local budget officer shall  
1329 include a summary statement in the initial fiscal impact statement in substantially the following  
1330 form:

1331 "The (title of the local budget officer) estimates that repealing the law this referendum  
1332 proposes to repeal would have no significant fiscal impact and would not result in either an  
1333 increase or decrease in taxes or debt."

1334 (ii) If repealing the law is estimated to have a fiscal impact, the local budget officer  
1335 shall include a summary statement describing the fiscal impact.

1336 (iii) If the estimated fiscal impact of repealing the law is highly variable or is otherwise  
1337 difficult to reasonably express in a summary statement, the local budget officer may include in  
1338 the summary statement a brief explanation that identifies those factors impacting the variability  
1339 or difficulty of the estimate.

1340 (3) Within 25 calendar days after the day on which the local clerk submits a copy of the  
1341 application under Subsection (1), the budget officer shall:

1342 (a) deliver a copy of the initial fiscal impact estimate, including the legal impact  
1343 estimate, to the local clerk's office; and

1344 (b) mail a copy of the initial fiscal impact estimate, including the legal impact estimate,  
1345 to the first ~~five~~ three sponsors named in the application.

1346 Section 25. Section **20A-7-602.7** is enacted to read:

1347 **20A-7-602.7. Referability to voters.**

1348 (1) Within 20 days after the day on which an eligible voter files an application to  
1349 circulate a referendum petition under Section [20A-7-602](#), the county, city, town, or metro  
1350 township to which the initiative pertains shall:

1351 (a) review the application to determine whether the proposed referendum is legally  
1352 referable to voters; and

1353 (b) notify the first three sponsors, in writing, whether the proposed referendum is:

1354 (i) legally referable to voters; or

1355 (ii) rejected as not legally referable to voters.

1356 (2) A proposed referendum is legally referable to voters unless:

1357 (a) the proposed referendum challenges an action that is administrative, rather than  
1358 legislative, in nature;

1359 (b) the proposed referendum challenges more than one law passed by the local  
1360 legislative body; or

1361 (c) the application for the proposed referendum was not timely filed or does not  
1362 comply with the requirements of this part.

1363 (3) After the end of the 20-day period described in Subsection (1), a county, city, town,  
1364 or metro township may not:

1365 (a) reject a proposed referendum as not legally referable to voters; or

1366 (b) challenge, in a legal action or otherwise, a proposed referendum on the grounds that  
1367 the proposed referendum is not legally referable to voters.

1368 (4) If a county, city, town, or metro township rejects a proposed referendum, a sponsor  
1369 of the proposed referendum may, within 10 days after the day on which a sponsor is notified  
1370 under Subsection (1)(b), appeal the decision to:

1371 (a) district court; or

1372 (b) the Supreme Court, if the Supreme Court has original jurisdiction over the appeal.

1373 (5) If, on appeal, the court determines that the proposed referendum is legally referable  
1374 to voters, the local clerk shall comply with Subsection 20A-7-604(2) within five days after the  
1375 day on which the determination, and any appeal of the determination, is final.

1376 Section 26. Section **20A-7-603** is amended to read:

1377 **20A-7-603. Form of referendum petition and signature sheets.**

1378 (1) (a) Each proposed referendum petition shall be printed in substantially the  
1379 following form:

1380 "REFERENDUM PETITION To the Honorable \_\_\_\_, County Clerk/City  
1381 Recorder/Town Clerk:

1382 We, the undersigned citizens of Utah, respectfully order that (description of local law or  
1383 portion of local law being challenged), passed by the \_\_\_\_ be referred to the voters for their  
1384 approval or rejection at the regular/municipal general election to be held on  
1385 \_\_\_\_\_ (month\day\year);

1386 Each signer says:

1387 I have personally signed this petition;

1388 I am registered to vote in Utah or intend to become registered to vote in Utah before the  
1389 certification of the petition names by the county clerk; and

1390 My residence and post office address are written correctly after my name."  
1391 (b) The sponsors of a referendum shall attach a copy of the law that is the subject of the  
1392 referendum to each referendum petition.  
1393 (2) Each signature sheet shall:  
1394 (a) be printed on sheets of paper 8-1/2 inches long and 11 inches wide;  
1395 (b) be ruled with a horizontal line three-fourths inch from the top, with the space above  
1396 that line blank for the purpose of binding;  
1397 (c) contain the title of the referendum printed below the horizontal line;  
1398 (d) contain the word "Warning" printed or typed at the top of each signature sheet  
1399 under the title of the referendum;  
1400 (e) contain, to the right of the word "Warning," the following statement printed or  
1401 typed in not less than eight-point, single-leaded type:  
1402 "It is a class A misdemeanor for an individual to sign a referendum petition with any  
1403 other name than the individual's own name, or to knowingly sign the individual's name more  
1404 than once for the same measure, or to sign a referendum petition when the individual knows  
1405 that the individual is not a registered voter and knows that the individual does not intend to  
1406 become registered to vote before the certification of the petition names by the county clerk.";  
1407 (f) contain horizontally ruled lines three-eighths inch apart under the "Warning"  
1408 statement required by this section;  
1409 (g) be vertically divided into columns as follows:  
1410 (i) the first column shall appear at the extreme left of the sheet, be five-eighths inch  
1411 wide, be headed with "For Office Use Only," and be subdivided with a light vertical line down  
1412 the middle;  
1413 (ii) the next column shall be 2-1/2 inches wide, headed "Registered Voter's Printed  
1414 Name (must be legible to be counted)";  
1415 (iii) the next column shall be 2-1/2 inches wide, headed "Signature of Registered  
1416 Voter";  
1417 (iv) the next column shall be one inch wide, headed "Birth Date or Age (Optional)";  
1418 and  
1419 (v) the final column shall be 4-3/8 inches wide, headed "Street Address, City, Zip  
1420 Code";

1421 (h) spanning the sheet horizontally beneath each row on which a registered voter may  
1422 submit the information described in Subsection (2)(g), contain the following statement printed  
1423 or typed in not less than eight-point, single-leaded type: "By signing this petition, you are  
1424 stating that you have read and understand the law this petition seeks to overturn."; and

1425 (i) at the bottom of the sheet, contain the following statement: "Birth date or age  
1426 information is not required, but it may be used to verify your identity with voter registration  
1427 records. If you choose not to provide it, your signature may not be verified as a valid signature  
1428 if you change your address before petition signatures are verified or if the information you  
1429 provide does not match your voter registration records."

1430 (3) The final page of each referendum packet shall contain the following printed or  
1431 typed statement:

1432 "Verification

1433 State of Utah, County of \_\_\_\_\_

1434 I, \_\_\_\_\_, of \_\_\_\_\_, hereby state that:

1435 I am a resident of Utah and am at least 18 years old;

1436 All the names that appear in this referendum packet were signed by [~~persons~~]  
1437 individuals who professed to be the [~~persons~~] individuals whose names appear in it, and each  
1438 of [~~them signed his~~] the individuals signed the individual's name on it in my presence;

1439 I believe that each individual has printed and signed [~~his~~] the individual's name and  
1440 written [~~his~~] the individual's post office address and residence correctly, and that each signer is  
1441 registered to vote in Utah or intends to become registered to vote before the certification of the  
1442 petition names by the county clerk.

1443 \_\_\_\_\_"

1444 (4) The forms prescribed in this section are not mandatory, and, if substantially  
1445 followed, the referendum petitions are sufficient, notwithstanding clerical and merely technical  
1446 errors.

1447 Section 27. Section **20A-7-604** is amended to read:

1448 **20A-7-604. Circulation requirements -- Local clerk to provide sponsors with**  
1449 **materials.**

1450 (1) In order to obtain the necessary number of signatures required by this part, the  
1451 sponsors shall, after the sponsors receive the documents described in Subsections (2)(a) and

1452 (b), circulate referendum packets that meet the form requirements of this part.

1453 (2) Within five days after the day on which a [~~local clerk receives an application that~~  
1454 ~~complies with the requirements of Section 20A-7-602~~] county, city, town, metro township, or  
1455 court determines, in accordance with Section 20A-7-602.7, that a proposed referendum is  
1456 legally referable to voters, the local clerk shall furnish to the sponsors:

1457 (a) five copies of the referendum petition; and

1458 (b) five signature sheets.

1459 (3) The sponsors of the petition shall:

1460 (a) arrange and pay for the printing of all additional copies of the petition and signature  
1461 sheets; and

1462 (b) ensure that the copies of the petition and signature sheets meet the form  
1463 requirements of this section.

1464 (4) (a) The sponsors may prepare the referendum for circulation by creating multiple  
1465 referendum packets.

1466 (b) The sponsors shall create those packets by binding a copy of the referendum  
1467 petition, a copy of the law that is the subject of the referendum, and no more than 50 signature  
1468 sheets together at the top in such a way that the packets may be conveniently opened for  
1469 signing.

1470 (c) The sponsors need not attach a uniform number of signature sheets to each  
1471 referendum packet.

1472 (5) (a) After the sponsors have prepared sufficient referendum packets, they shall  
1473 return them to the local clerk.

1474 (b) The local clerk shall:

1475 (i) number each of the referendum packets and return [~~them~~] the packets to the  
1476 sponsors within [~~five working days~~] 10 days after the day on which the sponsors comply with  
1477 Subsection (5)(a); and

1478 (ii) keep a record of the numbers assigned to each packet.

1479 Section 28. Section **20A-7-605** is amended to read:

1480 **20A-7-605. Obtaining signatures -- Verification -- Removal of signature.**

1481 (1) Any Utah voter may sign a local referendum petition if the voter is a legal voter and  
1482 resides in the local jurisdiction.



1483 (2) (a) The sponsors shall ensure that the ~~[person]~~ individual in whose presence each  
1484 signature sheet was signed:

1485 (i) is at least 18 years old and meets the residency requirements of Section [20A-2-105](#);  
1486 and

1487 (ii) verifies each signature sheet by completing the verification printed on the last page  
1488 of each referendum packet.

1489 (b) ~~[A person]~~ An individual may not sign the verification printed on the last page of  
1490 the referendum packet if the ~~[person]~~ individual signed a signature sheet in the referendum  
1491 packet.

1492 (3) (a) Any voter who has signed a referendum petition may have the voter's signature  
1493 removed from the petition by submitting a notarized statement to that effect to the local clerk.

1494 (b) Except as provided in Subsection (3)(c), upon receipt of the statement, the local  
1495 clerk shall remove the signature of the ~~[person]~~ individual submitting the statement from the  
1496 referendum petition.

1497 (c) A local clerk may not remove signatures from a referendum petition after the  
1498 petition has been submitted to the county clerk to be certified.

1499 Section 29. Section [20A-7-606](#) is amended to read:

1500 **20A-7-606. Submitting the referendum petition -- Certification of signatures by**  
1501 **the county clerks -- Transfer to local clerk.**

1502 (1) (a) The sponsors shall deliver each signed and verified referendum packet to the  
1503 county clerk of the county in which the packet was circulated no later than 45 days after the day  
1504 on which the sponsors receive the items described in Subsection [20A-7-604](#)(2) from the local  
1505 clerk.

1506 (b) A sponsor may not submit a referendum packet after the deadline established in this  
1507 Subsection (1).

1508 (2) (a) No later than 15 days after the day on which a county clerk receives a  
1509 referendum packet under Subsection (1)(a), the county clerk shall:

1510 (i) check the names of all persons completing the verification on the last page of each  
1511 referendum packet to determine whether those persons are Utah residents and are at least 18  
1512 years old; and

1513 (ii) submit the name of each of those persons who is not a Utah resident or who is not

1514 at least 18 years old to the attorney general and county attorney.

1515 (b) The county clerk may not certify a signature under Subsection (3) on a referendum  
1516 packet that is not verified in accordance with Section [20A-7-605](#).

1517 (3) No later than 30 days after the day on which a county clerk receives a referendum  
1518 packet under Subsection (1)(a), the county clerk shall:

1519 (a) determine, in accordance with Section [20A-7-606.3](#), whether each signer is a  
1520 registered voter [~~according to the requirements of Section [20A-7-606.3](#)~~];

1521 (b) certify on the referendum petition whether each name is that of a registered voter;  
1522 and

1523 (c) deliver all of the verified referendum packets to the local clerk.

1524 (4) The lieutenant governor may, at the county clerk's expense, intervene to perform a  
1525 responsibility described in Subsection (2) or (3) related to a referendum packet if:

1526 (a) the county clerk does not timely comply with the deadline described in Subsection  
1527 (2) or (3);

1528 (b) requested by each of the first five sponsors described in Subsection  
1529 [20A-7-602](#)(2)(a) of the referendum petition; or

1530 (c) requested by the county clerk.

1531 Section 30. Section [20A-7-606.3](#) is amended to read:

1532 **[20A-7-606.3. Verification of petition signatures.](#)**

1533 (1) (a) For the purposes of this section, "substantially similar name" means:

1534 (i) the given name and surname shown on the petition, or both, contain only minor  
1535 spelling differences when compared to the given name and surname shown on the official  
1536 register;

1537 (ii) the surname shown on the petition exactly matches the surname shown on the  
1538 official register, and the given names differ only because one of the given names shown is a  
1539 commonly used abbreviation or variation of the other;

1540 (iii) the surname shown on the petition exactly matches the surname shown on the  
1541 official register, and the given names differ only because one of the given names shown is  
1542 accompanied by a first or middle initial or a middle name which is not shown on the other  
1543 record; or

1544 (iv) the surname shown on the petition exactly matches the surname shown on the

1545 official register, and the given names differ only because one of the given names shown is an  
1546 alphabetically corresponding initial that has been provided in the place of a given name shown  
1547 on the other record.

1548 (b) For the purposes of this section, "substantially similar name" does not mean a name  
1549 having an initial or a middle name shown on the petition that does not match a different initial  
1550 or middle name shown on the official register.

1551 (2) The county clerk shall use the following procedures in determining whether or not a  
1552 signer is a registered voter:

1553 (a) When a signer's name and address shown on the petition exactly match a name and  
1554 address shown on the official register and the signer's signature appears substantially similar to  
1555 the signature on the statewide voter registration database, the county clerk shall declare the  
1556 signature valid.

1557 (b) When there is no exact match of an address and a name, the county clerk shall  
1558 declare the signature valid if:

1559 (i) the address on the petition matches the address of [~~a person~~] an individual on the  
1560 official register with a substantially similar name; and

1561 (ii) the signer's signature appears substantially similar to the signature on the statewide  
1562 voter registration database of the [~~person~~] individual described in Subsection (2)(b)(i).

1563 (c) When there is no match of an address and a substantially similar name, the county  
1564 clerk shall declare the signature valid if:

1565 (i) the birth date or age on the petition matches the birth date or age of [~~a person~~] an  
1566 individual on the official register with a substantially similar name; and

1567 (ii) the signer's signature appears substantially similar to the signature on the statewide  
1568 voter registration database of the [~~person~~] individual described in Subsection (2)(c)(i).

1569 (d) If a signature is not declared valid under Subsection (2)(a), (b), or (c), the county  
1570 clerk shall declare the signature to be invalid.

1571 Section 31. Section **20A-7-607** is amended to read:

1572 **20A-7-607. Evaluation by the local clerk -- Determination of election for vote on**  
1573 **referendum.**

1574 (1) When each referendum packet is received from a county clerk, the local clerk shall  
1575 check off from the local clerk's record the number of each referendum packet filed.

1576 (2) Within ~~[15]~~ two days after the day on which the local clerk receives each  
1577 referendum packet from a county clerk, the local clerk shall:

1578 (a) count the number of the names certified by the county clerks that appear on each  
1579 verified signature sheet;

1580 (b) if the total number of certified names from each verified signature sheet equals or  
1581 exceeds the number of names required by Section 20A-7-601 and the requirements of this part  
1582 are met, mark upon the front of the petition the word "sufficient";

1583 (c) if the total number of certified names from each verified signature sheet does not  
1584 equal or exceed the number of names required by Section 20A-7-601 or a requirement of this  
1585 part is not met, mark upon the front of the petition the word "insufficient"; and

1586 (d) notify any one of the sponsors of the local clerk's finding.

1587 (3) If the local clerk finds the total number of certified signatures from each verified  
1588 signature sheet to be insufficient, any sponsor may file a written demand with the local clerk  
1589 for a recount of the signatures appearing on the referendum petition in the presence of any  
1590 sponsor.

1591 ~~[(4)(a) If the local clerk refuses to accept and file any referendum petition, any voter  
1592 may apply to the Supreme Court for an extraordinary writ to compel the local clerk to do so  
1593 within 10 days after the refusal.]~~

1594 ~~[(b) If the Supreme Court determines that the referendum petition is legally sufficient,  
1595 the local clerk shall file it, with a verified copy of the judgment attached to it, as of the date on  
1596 which it was originally offered for filing in the local clerk's office.]~~

1597 ~~[(c) If the Supreme Court determines that any petition filed is not legally sufficient, the  
1598 Supreme Court may enjoin the local clerk and all other officers from:]~~

1599 ~~[(i) certifying or printing the ballot title and numbers of that measure on the official  
1600 ballot for the next election; or]~~

1601 ~~[(ii) as it relates to a local tax law that is conducted entirely by absentee ballot,  
1602 certifying, printing, or mailing the ballot title and numbers of that measure under Section  
1603 20A-7-609.5:]~~

1604 ~~[(5)]~~ (4) A petition determined to be sufficient in accordance with this section is  
1605 qualified for the ballot.

1606 (5) If a referendum relates to legislative action taken after April 15, the election officer

1607 may not place the referendum on an election ballot until the following year.

1608 Section 32. Section **20A-7-608** is amended to read:

1609 **20A-7-608. Ballot title -- Duties of local clerk and local attorney.**

1610 (1) Whenever a referendum petition is declared sufficient for submission to a vote of  
1611 the people, the local clerk shall deliver a copy of the petition and the proposed law to the local  
1612 attorney.

1613 (2) The local attorney shall:

1614 (a) entitle each county or municipal referendum that has qualified for the ballot

1615 "Proposition Number \_\_\_" and give it a number as assigned under Section [20A-6-107](#);

1616 (b) prepare a proposed ballot title for the referendum;

1617 (c) file the proposed ballot title and the numbered referendum titles with the local clerk  
1618 within 15 days after the date the referendum petition is declared sufficient for submission to a  
1619 vote of the people; and

1620 (d) promptly provide notice of the filing of the proposed ballot title to:

1621 (i) the sponsors of the petition; and

1622 (ii) the local legislative body for the jurisdiction where the referendum petition was  
1623 circulated.

1624 (3) (a) The ballot title may be distinct from the title of the law that is the subject of the  
1625 petition, and shall express, in not exceeding 100 words, the purpose of the measure.

1626 (b) In preparing a ballot title, the local attorney shall, to the best of ~~his~~ the local  
1627 attorney's ability, give a true and impartial statement of the purpose of the measure.

1628 (c) The ballot title may not intentionally be an argument, or likely to create prejudice,  
1629 for or against the measure.

1630 (4) (a) Within five calendar days after the date the local attorney files a proposed ballot  
1631 title under Subsection (2)(c), the local legislative body for the jurisdiction where the  
1632 referendum petition was circulated and the sponsors of the petition may file written comments  
1633 in response to the proposed ballot title with the local clerk.

1634 (b) Within five calendar days after the last date to submit written comments under  
1635 Subsection (4)(a), the local attorney shall:

1636 (i) review any written comments filed in accordance with Subsection (4)(a);

1637 (ii) prepare a final ballot title that meets the requirements of Subsection (3); and

1638 (iii) return the petition and file the ballot title with the local clerk.

1639 (c) Subject to Subsection (6), the ballot title, as determined by the local attorney, shall  
1640 be printed on the official ballot.

1641 (5) Immediately after the local attorney files a copy of the ballot title with the local  
1642 clerk, the local clerk shall serve a copy of the ballot title by mail upon the sponsors of the  
1643 petition and the local legislative body for the jurisdiction where the referendum petition was  
1644 circulated.

1645 (6) (a) If the ballot title furnished by the local attorney is unsatisfactory or does not  
1646 comply with the requirements of this section, the decision of the local attorney may be  
1647 appealed ~~[by a petition]~~ to the district court, or, if the Supreme Court has original jurisdiction,  
1648 to the Supreme Court [that is], brought by:

1649 (i) at least three sponsors of the referendum petition; or

1650 (ii) a majority of the local legislative body for the jurisdiction where the referendum  
1651 petition was circulated.

1652 (b) The ~~[Supreme Court]~~ court:

1653 (i) shall examine the measures and consider the arguments~~[, and, in its decision,]; and~~

1654 (ii) may certify to the local clerk a ballot title for the measure that fulfills the intent of  
1655 this section.

1656 (c) The local clerk shall print the title certified by the ~~[Supreme Court]~~ court on the  
1657 official ballot.

1658 Section 33. Section **20A-7-609.5** is amended to read:

1659 **20A-7-609.5. Election on referendum challenging local tax law conducted entirely**  
1660 **by absentee ballot.**

1661 (1) An election officer may administer an election on a referendum challenging a local  
1662 tax law entirely by absentee ballot.

1663 (2) For purposes of an election conducted under this section, the election officer shall:

1664 (a) designate as the election day the day that is 30 days after the day on which the  
1665 election officer complies with Subsection (2)(b); and

1666 (b) within 30 days after the day on which the referendum described in Subsection (1)  
1667 qualifies for the ballot, mail to each registered voter within the voting precincts to which the  
1668 local tax law applies:

- 1669 (i) an absentee ballot;
- 1670 (ii) a statement that there will be no polling place in the voting precinct for the  
1671 election;
- 1672 (iii) a statement specifying the election day described in Subsection (2)(a);
- 1673 (iv) a business reply mail envelope;
- 1674 (v) instructions for returning the ballot that include an express notice about any  
1675 relevant deadlines that the voter must meet in order for the voter's vote to be counted; ~~[and]~~
- 1676 (vi) a warning, on a separate page of colored paper in boldface print, indicating that if  
1677 the voter fails to follow the instructions included with the absentee ballot, the voter will be  
1678 unable to vote in that election because there will be no polling place in the voting precinct on  
1679 the day of the election[-]; and
- 1680 (vii) (A) a copy of the proposition information pamphlet relating to the referendum if a  
1681 proposition information pamphlet relating to the referendum was published under Section  
1682 20A-7-401.5; or
- 1683 (B) a website address where an individual may view a copy of the proposition  
1684 information pamphlet described in Subsection (2)(b)(vii)(A).
- 1685 (3) A voter who votes by absentee ballot under this section is not required to apply for  
1686 an absentee ballot as required by this part.
- 1687 (4) An election officer who administers an election under this section shall:
- 1688 (a) (i) obtain, in person, the signatures of each voter within that voting precinct before  
1689 the election; or
- 1690 (ii) obtain the signature of each voter within the voting precinct from the county clerk;  
1691 and
- 1692 (b) maintain the signatures on file in the election officer's office.
- 1693 (5) (a) Upon receiving the returned absentee ballots under this section, the election  
1694 officer shall compare the signature on each absentee ballot with the voter's signature that is  
1695 maintained on file and verify that the signatures are the same.
- 1696 (b) If the election officer questions the authenticity of the signature on the absentee  
1697 ballot, the election officer shall immediately contact the voter to verify the signature.
- 1698 (c) If the election officer determines that the signature on the absentee ballot does not  
1699 match the voter's signature that is maintained on file, the election officer shall:

1700 (i) unless the absentee ballot application deadline described in Section 20A-3-304 has  
1701 passed, immediately send another absentee ballot and other voting materials as required by this  
1702 section to the voter; and

1703 (ii) disqualify the initial absentee ballot.

1704 Section 34. Section 20A-7-610 is amended to read:

1705 **20A-7-610. Return and canvass -- Conflicting measures -- Law effective on**  
1706 **proclamation.**

1707 (1) The votes on the [~~law proposed by~~] proposed law that is the subject of the  
1708 referendum petition shall be counted, canvassed, and delivered as provided in Title 20A,  
1709 Chapter 4, Part 3, Canvassing Returns.

1710 (2) After the local board of canvassers completes [~~its~~] the canvass, the local clerk shall  
1711 certify to the local legislative body the vote for and against the [~~law proposed by~~] proposed law  
1712 that is the subject of the referendum petition.

1713 (3) (a) The local legislative body shall immediately issue a proclamation that:

1714 (i) gives the total number of votes cast in the local jurisdiction for and against each  
1715 [~~law proposed by~~] proposed law that is the subject of a referendum petition; and

1716 (ii) declares those laws [~~proposed by~~] that are the subject of a referendum petition that  
1717 were approved by majority vote to be in full force and effect as the law of the local jurisdiction.

1718 (b) When the local legislative body determines that two proposed laws, or that parts of  
1719 two proposed laws approved by the people at the same election are entirely in conflict, they  
1720 shall proclaim that measure to be law that has received the greatest number of affirmative  
1721 votes, regardless of the difference in the majorities which those measures have received.

1722 (4) (a) Within 10 days after the local legislative body's proclamation, any qualified  
1723 voter [~~who signed the referendum petition proposing the~~] residing in the jurisdiction for a law  
1724 that is declared by the local legislative body to be superseded by another measure approved at  
1725 the same election may apply to the district court, or, if the Supreme Court has original  
1726 jurisdiction, the Supreme Court to review the decision.

1727 (b) The [~~Supreme Court~~] court shall:

1728 (i) consider the matter and decide whether [~~or not~~] the proposed laws are in conflict;  
1729 and

1730 (ii) certify [~~its~~] the court's decision to the local legislative body.



1731 (5) Within 10 days after the [~~Supreme Court certifies its~~] day on which the court  
1732 certifies the decision, the local legislative body shall:

1733 (a) proclaim [~~all those~~] as law all measures approved by the people [~~as law~~] that the  
1734 [~~Supreme Court has determined~~] court determines are not in conflict; and

1735 (b) [~~of all those~~] for the measures approved by the people as law that the [~~Supreme~~  
1736 ~~Court has determined~~] court determines to be in conflict, proclaim as law the [~~one~~] measure  
1737 that received the greatest number of affirmative votes, regardless of the difference in  
1738 majorities.

1739 Section 35. Section **20A-7-612** is amended to read:

1740 **20A-7-612. Misconduct of electors and officers -- Penalty.**

1741 (1) It is unlawful for [~~any person~~] an individual to:

1742 (a) sign any name other than [~~his own~~] the individual's own name to any referendum  
1743 petition;

1744 (b) knowingly sign [~~his~~] the individual's name more than once for the same measure at  
1745 one election;

1746 (c) sign a referendum knowing [~~he~~] that the individual is not a legal voter; or

1747 (d) knowingly and willfully violate any provision of this part.

1748 (2) It is unlawful for [~~any person~~] an individual to sign the verification for a  
1749 referendum packet knowing that:

1750 (a) [~~he~~] the individual does not meet the residency requirements of Section **20A-2-105**;

1751 (b) [~~he~~] the individual has not witnessed the signatures of [~~those persons~~] the  
1752 individuals whose names appear in the referendum packet; or

1753 (c) one or more [~~persons~~] individuals whose signatures appear in the referendum  
1754 packet is either:

1755 (i) not registered to vote in Utah; or

1756 (ii) does not intend to become registered to vote in Utah.

1757 (3) [~~Any person violating~~] An individual who violates this part is guilty of a class A  
1758 misdemeanor.

1759 (4) The county attorney or municipal attorney shall prosecute any violation of this  
1760 section.

1761 Section 36. Section **20A-9-403** is amended to read:

1762 **20A-9-403. Regular primary elections.**

1763 (1) (a) Candidates for elective office that are to be filled at the next regular general  
1764 election shall be nominated in a regular primary election by direct vote of the people in the  
1765 manner prescribed in this section. The fourth Tuesday of June of each even-numbered year is  
1766 designated as regular primary election day. Nothing in this section shall affect a candidate's  
1767 ability to qualify for a regular general election's ballot as an unaffiliated candidate under  
1768 Section 20A-9-501 or to participate in a regular general election as a write-in candidate under  
1769 Section 20A-9-601.

1770 (b) Each registered political party that chooses to have the names of the registered  
1771 political party's candidates for elective office featured with party affiliation on the ballot at a  
1772 regular general election shall comply with the requirements of this section and shall nominate  
1773 the registered political party's candidates for elective office in the manner described in this  
1774 section.

1775 (c) A filing officer may not permit an official ballot at a regular general election to be  
1776 produced or used if the ballot denotes affiliation between a registered political party or any  
1777 other political group and a candidate for elective office who is not nominated in the manner  
1778 prescribed in this section or in Subsection 20A-9-202(4).

1779 (d) Unless noted otherwise, the dates in this section refer to those that occur in each  
1780 even-numbered year in which a regular general election will be held.

1781 (2) (a) Each registered political party, in a statement filed with the lieutenant governor,  
1782 shall:

1783 (i) either declare the registered political party's intent to participate in the next regular  
1784 primary election or declare that the registered political party chooses not to have the names of  
1785 the registered political party's candidates for elective office featured on the ballot at the next  
1786 regular general election; and

1787 (ii) if the registered political party participates in the upcoming regular primary  
1788 election, identify one or more registered political parties whose members may vote for the  
1789 registered political party's candidates and whether individuals identified as unaffiliated with a  
1790 political party may vote for the registered political party's candidates.

1791 (b) (i) A registered political party that is a continuing political party shall file the  
1792 statement described in Subsection (2)(a) with the lieutenant governor no later than 5 p.m. on

1793 November 30 of each odd-numbered year.

1794 (ii) An organization that is seeking to become a registered political party under Section  
1795 20A-8-103 shall file the statement described in Subsection (2)(a) at the time that the registered  
1796 political party files the petition described in Section 20A-8-103.

1797 (3) (a) Except as provided in Subsection (3)(~~e~~)(f), an individual who submits a  
1798 declaration of candidacy under Section 20A-9-202 shall appear as a candidate for elective  
1799 office on the regular primary ballot of the registered political party listed on the declaration of  
1800 candidacy only if the individual is certified by the appropriate filing officer as having submitted  
1801 a set of nomination petitions that was:

1802 (i) circulated and completed in accordance with Section 20A-9-405; and

1803 (ii) signed by at least 2% of the registered political party's members who reside in the  
1804 political division of the office that the individual seeks.

1805 (b) (i) A candidate for elective office shall submit nomination petitions to the  
1806 appropriate filing officer for verification and certification no later than 5 p.m. on the final day  
1807 in March.

1808 (ii) A candidate may supplement the candidate's submissions at any time on or before  
1809 the filing deadline.

1810 (c) (i) The lieutenant governor shall determine for each elective office the total number  
1811 of signatures that must be submitted under Subsection (3)(a)(ii) by counting the aggregate  
1812 number of individuals residing in each elective office's political division who have designated a  
1813 particular registered political party on the individuals' voter registration forms on or before  
1814 November 15 of each odd-numbered year.

1815 (ii) The lieutenant governor shall publish the determination for each elective office no  
1816 later than November 30 of each odd-numbered year.

1817 (d) The filing officer shall:

1818 (i) verify signatures ~~on~~ in a nomination [petitions] petition signature packet:

1819 (A) in a transparent and orderly manner; and

1820 (B) before the earlier of 30 days after the day on which the filing officer receives the  
1821 signature packet or the deadline described in Subsection (3)(d)(ii);

1822 (ii) for all qualifying candidates for elective office who submit nomination petitions to  
1823 the filing officer, issue certifications referenced in Subsection (3)(a) no later than 5 p.m. on the

1824 first Monday after the third Saturday in April;

1825 (iii) consider active and inactive voters eligible to sign nomination petitions;

1826 (iv) consider an individual who signs a nomination petition a member of a registered  
1827 political party for purposes of Subsection (3)(a)(ii) if the individual has designated that  
1828 registered political party as the individual's party membership on the individual's voter  
1829 registration form; and

1830 (v) utilize procedures described in Section 20A-7-206.3 to verify submitted nomination  
1831 petition signatures, or use statistical sampling procedures to verify submitted nomination  
1832 petition signatures in accordance with rules made under Subsection (3)(~~f~~)(g).

1833 (e) The lieutenant governor may, at the filing officer's expense, intervene to perform a  
1834 responsibility described in Subsection (3)(d) related to a candidate nomination signature packet  
1835 if:

1836 (i) the filing officer does not timely comply with the deadline described in Subsection  
1837 (3)(d)(i)(B);

1838 (ii) requested by the candidate to whom the signature packet relates; or

1839 (iii) requested by the filing officer.

1840 ~~(e)~~ (f) Notwithstanding any other provision in this Subsection (3), a candidate for  
1841 lieutenant governor may appear on the regular primary ballot of a registered political party  
1842 without submitting nomination petitions if the candidate files a declaration of candidacy and  
1843 complies with Subsection 20A-9-202(3).

1844 ~~(f)~~ (g) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking  
1845 Act, the director of elections, within the Office of the Lieutenant Governor, shall make rules  
1846 that:

1847 (i) provide for the use of statistical sampling procedures that:

1848 (A) filing officers are required to use to verify signatures under Subsection (3)(d); and

1849 (B) reflect a bona fide effort to determine the validity of a candidate's entire  
1850 submission, using widely recognized statistical sampling techniques; and

1851 (ii) provide for the transparent, orderly, and timely submission, verification, and  
1852 certification of nomination petition signatures.

1853 ~~(g)~~ (h) The county clerk shall:

1854 (i) review the declarations of candidacy filed by candidates for local boards of

1855 education to determine if more than two candidates have filed for the same seat;

1856 (ii) place the names of all candidates who have filed a declaration of candidacy for a  
1857 local board of education seat on the nonpartisan section of the ballot if more than two  
1858 candidates have filed for the same seat; and

1859 (iii) determine the order of the local board of education candidates' names on the ballot  
1860 in accordance with Section 20A-6-305.

1861 (4) (a) By 5 p.m. on the first Wednesday after the third Saturday in April, the lieutenant  
1862 governor shall provide to the county clerks:

1863 (i) a list of the names of all candidates for federal, constitutional, multi-county, single  
1864 county, and county offices who have received certifications under Subsection (3), along with  
1865 instructions on how those names shall appear on the primary election ballot in accordance with  
1866 Section 20A-6-305; and

1867 (ii) a list of unopposed candidates for elective office who have been nominated by a  
1868 registered political party under Subsection (5)(c) and instruct the county clerks to exclude the  
1869 unopposed candidates from the primary election ballot.

1870 (b) A candidate for lieutenant governor and a candidate for governor campaigning as  
1871 joint-ticket running mates shall appear jointly on the primary election ballot.

1872 (c) After the county clerk receives the certified list from the lieutenant governor under  
1873 Subsection (4)(a), the county clerk shall post or publish a primary election notice in  
1874 substantially the following form:

1875 "Notice is given that a primary election will be held Tuesday, June \_\_\_\_,  
1876 \_\_\_\_ (year), to nominate party candidates for the parties and candidates for nonpartisan  
1877 local school board positions listed on the primary ballot. The polling place for voting precinct  
1878 \_\_\_\_ is \_\_\_\_\_. The polls will open at 7 a.m. and continue open until 8 p.m. of the same day.  
1879 Attest: county clerk."

1880 (5) (a) A candidate, other than a presidential candidate, who, at the regular primary  
1881 election, receives the highest number of votes cast for the office sought by the candidate is:

1882 (i) nominated for that office by the candidate's registered political party; or

1883 (ii) for a nonpartisan local school board position, nominated for that office.

1884 (b) If two or more candidates, other than presidential candidates, are to be elected to  
1885 the office at the regular general election, those party candidates equal in number to positions to

1886 be filled who receive the highest number of votes at the regular primary election are the  
1887 nominees of the candidates' party for those positions.

1888 (c) (i) As used in this Subsection (5)(c), a candidate is "unopposed" if:

1889 (A) no individual other than the candidate receives a certification under Subsection (3)  
1890 for the regular primary election ballot of the candidate's registered political party for a  
1891 particular elective office; or

1892 (B) for an office where more than one individual is to be elected or nominated, the  
1893 number of candidates who receive certification under Subsection (3) for the regular primary  
1894 election of the candidate's registered political party does not exceed the total number of  
1895 candidates to be elected or nominated for that office.

1896 (ii) A candidate who is unopposed for an elective office in the regular primary election  
1897 of a registered political party is nominated by the party for that office without appearing on the  
1898 primary election ballot.

1899 (6) (a) When a tie vote occurs in any primary election for any national, state, or other  
1900 office that represents more than one county, the governor, lieutenant governor, and attorney  
1901 general shall, at a public meeting called by the governor and in the presence of the candidates  
1902 involved, select the nominee by lot cast in whatever manner the governor determines.

1903 (b) When a tie vote occurs in any primary election for any county office, the district  
1904 court judges of the district in which the county is located shall, at a public meeting called by  
1905 the judges and in the presence of the candidates involved, select the nominee by lot cast in  
1906 whatever manner the judges determine.

1907 (7) The expense of providing all ballots, blanks, or other supplies to be used at any  
1908 primary election provided for by this section, and all expenses necessarily incurred in the  
1909 preparation for or the conduct of that primary election shall be paid out of the treasury of the  
1910 county or state, in the same manner as for the regular general elections.

1911 (8) An individual may not file a declaration of candidacy for a registered political party  
1912 of which the individual is not a member, except to the extent that the registered political party  
1913 permits otherwise under the registered political party's bylaws.

1914 Section 37. Section **20A-9-408** is amended to read:

1915 **20A-9-408. Signature-gathering process to seek the nomination of a qualified**  
1916 **political party.**

1917 (1) This section describes the requirements for a member of a qualified political party  
1918 who is seeking the nomination of the qualified political party for an elective office through the  
1919 signature-gathering process described in this section.

1920 (2) Notwithstanding Subsection 20A-9-201(4)(a), the form of the declaration of  
1921 candidacy for a member of a qualified political party who is nominated by, or who is seeking  
1922 the nomination of, the qualified political party under this section shall be substantially as  
1923 described in Section 20A-9-408.5.

1924 (3) Notwithstanding Subsection 20A-9-202(1)(a), and except as provided in Subsection  
1925 20A-9-202(4), a member of a qualified political party who, under this section, is seeking the  
1926 nomination of the qualified political party for an elective office that is to be filled at the next  
1927 general election shall:

1928 (a) within the period beginning on January 1 before the next regular general election  
1929 and ending on the third Thursday in March of the same year, and before gathering signatures  
1930 under this section, file with the filing officer on a form approved by the lieutenant governor a  
1931 notice of intent to gather signatures for candidacy that includes:

1932 (i) the name of the member who will attempt to become a candidate for a registered  
1933 political party under this section;

1934 (ii) the name of the registered political party for which the member is seeking  
1935 nomination;

1936 (iii) the office for which the member is seeking to become a candidate;

1937 (iv) the address and telephone number of the member; and

1938 (v) other information required by the lieutenant governor;

1939 (b) file a declaration of candidacy, in person, with the filing officer on or after the  
1940 second Friday in March and before 5 p.m. on the third Thursday in March before the next  
1941 regular general election; and

1942 (c) pay the filing fee.

1943 (4) Notwithstanding Subsection 20A-9-202(2)(a), a member of a qualified political  
1944 party who, under this section, is seeking the nomination of the qualified political party for the  
1945 office of district attorney within a multicounty prosecution district that is to be filled at the next  
1946 general election shall:

1947 (a) on or after January 1 before the next regular general election, and before gathering

1948 signatures under this section, file with the filing officer on a form approved by the lieutenant  
1949 governor a notice of intent to gather signatures for candidacy that includes:

1950 (i) the name of the member who will attempt to become a candidate for a registered  
1951 political party under this section;

1952 (ii) the name of the registered political party for which the member is seeking  
1953 nomination;

1954 (iii) the office for which the member is seeking to become a candidate;

1955 (iv) the address and telephone number of the member; and

1956 (v) other information required by the lieutenant governor;

1957 (b) file a declaration of candidacy, in person, with the filing officer on or after the  
1958 second Friday in March and before 5 p.m. on the third Thursday in March before the next  
1959 regular general election; and

1960 (c) pay the filing fee.

1961 (5) Notwithstanding Subsection [20A-9-202\(3\)\(a\)\(iii\)](#), a lieutenant governor candidate  
1962 who files as the joint-ticket running mate of an individual who is nominated by a qualified  
1963 political party, under this section, for the office of governor shall, on or before 5 p.m. on the  
1964 first Monday after the third Saturday in April, file a declaration of candidacy and submit a letter  
1965 from the candidate for governor that names the lieutenant governor candidate as a joint-ticket  
1966 running mate.

1967 (6) The lieutenant governor shall ensure that the certification described in Subsection  
1968 [20A-9-701\(1\)](#) also includes the name of each candidate nominated by a qualified political party  
1969 under this section.

1970 (7) Notwithstanding Subsection [20A-9-701\(2\)](#), the ballot shall, for each candidate who  
1971 is nominated by a qualified political party under this section, designate the qualified political  
1972 party that nominated the candidate.

1973 (8) A member of a qualified political party may seek the nomination of the qualified  
1974 political party for an elective office by:

1975 (a) complying with the requirements described in this section; and

1976 (b) collecting signatures, on a form approved by the lieutenant governor, during the  
1977 period beginning on January 1 of an even-numbered year and ending 14 days before the day on  
1978 which the qualified political party's convention for the office is held, in the following amounts:



1979 (i) for a statewide race, 28,000 signatures of registered voters in the state who are  
1980 permitted by the qualified political party to vote for the qualified political party's candidates in  
1981 a primary election;

1982 (ii) for a congressional district race, 7,000 signatures of registered voters who are  
1983 residents of the congressional district and are permitted by the qualified political party to vote  
1984 for the qualified political party's candidates in a primary election;

1985 (iii) for a state Senate district race, 2,000 signatures of registered voters who are  
1986 residents of the state Senate district and are permitted by the qualified political party to vote for  
1987 the qualified political party's candidates in a primary election;

1988 (iv) for a state House district race, 1,000 signatures of registered voters who are  
1989 residents of the state House district and are permitted by the qualified political party to vote for  
1990 the qualified political party's candidates in a primary election;

1991 (v) for a State Board of Education race, the lesser of:

1992 (A) 2,000 signatures of registered voters who are residents of the State Board of  
1993 Education district and are permitted by the qualified political party to vote for the qualified  
1994 political party's candidates in a primary election; or

1995 (B) 3% of the registered voters of the qualified political party who are residents of the  
1996 applicable State Board of Education district; and

1997 (vi) for a county office race, signatures of 3% of the registered voters who are residents  
1998 of the area permitted to vote for the county office and are permitted by the qualified political  
1999 party to vote for the qualified political party's candidates in a primary election.

2000 (9) (a) In order for a member of the qualified political party to qualify as a candidate  
2001 for the qualified political party's nomination for an elective office under this section, the  
2002 member shall:

2003 (i) collect the signatures on a form approved by the lieutenant governor, using the same  
2004 circulation and verification requirements described in Sections [20A-7-204](#) and [20A-7-205](#); and

2005 (ii) submit the signatures to the election officer no later than 14 days before the day on  
2006 which the qualified political party holds its convention to select candidates, for the elective  
2007 office, for the qualified political party's nomination.

2008 (b) An individual may not gather signatures under this section until after the individual  
2009 files a notice of intent to gather signatures for candidacy described in this section.

2010 (c) An individual who files a notice of intent to gather signatures for candidacy,  
2011 described in Subsection (3)(a) or (4)(a), is, beginning on the day on which the individual files  
2012 the notice of intent to gather signatures for candidacy:

2013 (i) required to comply with the reporting requirements that a candidate for office is  
2014 required to comply with; and

2015 (ii) subject to the same enforcement provisions, and civil and criminal penalties, that  
2016 apply to a candidate for office in relation to the reporting requirements described in Subsection  
2017 (9)(c)(i).

2018 (d) Upon timely receipt of [~~the signatures~~] a signature packet containing a signature  
2019 described in Subsections (8) and (9)(a), the election officer shall, no later than the earlier of 30  
2020 days after the day on which the election officer receives the signature packet or one day before  
2021 the day on which the qualified political party holds the convention to select a nominee for the  
2022 elective office to which the signature packets relate:

2023 (i) check the name of each individual who completes the verification for a signature  
2024 packet to determine whether each individual is a resident of Utah and is at least 18 years old;

2025 (ii) submit the name of each individual described in Subsection (9)(d)(i) who is not a  
2026 Utah resident or who is not at least 18 years old to the attorney general and the county attorney;

2027 (iii) determine whether each signer is a registered voter who is qualified to sign the  
2028 petition, using the same method, described in Section [20A-7-206.3](#), used to verify a signature  
2029 on a petition;

2030 (iv) certify whether each name is that of a registered voter who is qualified to sign the  
2031 signature packet; and

2032 (v) notify the qualified political party and the lieutenant governor of the name of each  
2033 member of the qualified political party who qualifies as a nominee of the qualified political  
2034 party, under this section, for the elective office to which the convention relates.

2035 (e) The lieutenant governor may, at the election officer's expense, intervene to perform  
2036 a responsibility described in Subsection (9)(d) related to a candidate nomination signature  
2037 packet if:

2038 (i) the election officer does not timely comply with the deadline described in  
2039 Subsection (9)(d);

2040 (ii) requested by the candidate to whom the signature packet relates; or

2041 (iii) requested by the election officer.

2042 [~~e~~] (f) Upon receipt of a notice of intent to gather signatures for candidacy described  
2043 in this section, the lieutenant governor shall post the notice of intent to gather signatures for  
2044 candidacy on the lieutenant governor's website in the same location that the lieutenant governor  
2045 posts a declaration of candidacy.

2046 Section 38. Section **20A-11-1202** is amended to read:

2047 **20A-11-1202. Definitions.**

2048 As used in this part:

2049 (1) "Applicable election officer" means:

2050 (a) a county clerk, if the email relates only to a local election; or

2051 (b) the lieutenant governor, if the email relates to an election other than a local  
2052 election.

2053 (2) "Ballot proposition" means constitutional amendments, initiatives, referenda,  
2054 judicial retention questions, opinion questions, bond approvals, or other questions submitted to  
2055 the voters for their approval or rejection.

2056 (3) "Campaign contribution" means any of the following when done for a political  
2057 purpose or to advocate for or against a ballot proposition:

2058 (a) a gift, subscription, donation, loan, advance, deposit of money, or anything of value  
2059 given to a filing entity;

2060 (b) an express, legally enforceable contract, promise, or agreement to make a gift,  
2061 subscription, donation, unpaid or partially unpaid loan, advance, deposit of money, or anything  
2062 of value to a filing entity;

2063 (c) any transfer of funds from another reporting entity to a filing entity;

2064 (d) compensation paid by any person or reporting entity other than the filing entity for  
2065 personal services provided without charge to the filing entity;

2066 (e) remuneration from:

2067 (i) any organization or the organization's directly affiliated organization that has a  
2068 registered lobbyist; or

2069 (ii) any agency or subdivision of the state, including a school district; or

2070 (f) an in-kind contribution.

2071 (4) (a) "Commercial interlocal cooperation agency" means an interlocal cooperation

2072 agency that receives its revenues from conduct of its commercial operations.

2073 (b) "Commercial interlocal cooperation agency" does not mean an interlocal  
2074 cooperation agency that receives some or all of its revenues from:

2075 (i) government appropriations;

2076 (ii) taxes;

2077 (iii) government fees imposed for regulatory or revenue raising purposes; or

2078 (iv) interest earned on public funds or other returns on investment of public funds.

2079 (5) "Expenditure" means:

2080 (a) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money,  
2081 or anything of value;

2082 (b) an express, legally enforceable contract, promise, or agreement to make any  
2083 purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of  
2084 value;

2085 (c) a transfer of funds between a public entity and a candidate's personal campaign  
2086 committee;

2087 (d) a transfer of funds between a public entity and a political issues committee; or

2088 (e) goods or services provided to or for the benefit of a candidate, a candidate's  
2089 personal campaign committee, or a political issues committee for political purposes at less than  
2090 fair market value.

2091 (6) "Filing entity" means the same as that term is defined in Section [20A-11-101](#).

2092 (7) "Governmental interlocal cooperation agency" means an interlocal cooperation  
2093 agency that receives some or all of its revenues from:

2094 (a) government appropriations;

2095 (b) taxes;

2096 (c) government fees imposed for regulatory or revenue raising purposes; or

2097 (d) interest earned on public funds or other returns on investment of public funds.

2098 (8) ~~[(a)]~~ "Influence" means to campaign or advocate for or against a ballot proposition.

2099 ~~[(b)] "Influence" does not mean providing a brief statement about a public entity's~~  
2100 ~~position on a ballot proposition and the reason for that position.]~~

2101 (9) "Interlocal cooperation agency" means an entity created by interlocal agreement  
2102 under the authority of Title 11, Chapter 13, Interlocal Cooperation Act.

2103 (10) "Local district" means an entity under Title 17B, Limited Purpose Local  
 2104 Government Entities - Local Districts, and includes a special service district under Title 17D,  
 2105 Chapter 1, Special Service District Act.

2106 (11) "Political purposes" means an act done with the intent or in a way to influence or  
 2107 intend to influence, directly or indirectly, any person to refrain from voting or to vote for or  
 2108 against any:

2109 (a) candidate for public office at any caucus, political convention, primary, or election;  
 2110 or

2111 (b) judge standing for retention at any election.

2112 (12) "Proposed initiative" means an initiative proposed in an application filed under  
 2113 Section [20A-7-202](#) or [20A-7-502](#).

2114 (13) "Proposed referendum" means a referendum proposed in an application filed  
 2115 under Section [20A-7-302](#) or [20A-7-602](#).

2116 [~~(12)~~] (14) (a) "Public entity" includes the state, each state agency, each county,  
 2117 municipality, school district, local district, governmental interlocal cooperation agency, and  
 2118 each administrative subunit of each of them.

2119 (b) "Public entity" does not include a commercial interlocal cooperation agency.

2120 (c) "Public entity" includes local health departments created under Title 26, Chapter 1,  
 2121 Department of Health Organization.

2122 [~~(13)~~] (15) (a) "Public funds" means any money received by a public entity from  
 2123 appropriations, taxes, fees, interest, or other returns on investment.

2124 (b) "Public funds" does not include money donated to a public entity by a person or  
 2125 entity.

2126 [~~(14)~~] (16) (a) "Public official" means an elected or appointed member of government  
 2127 with authority to make or determine public policy.

2128 (b) "Public official" includes the person or group that:

2129 (i) has supervisory authority over the personnel and affairs of a public entity; and

2130 (ii) approves the expenditure of funds for the public entity.

2131 [~~(15)~~] (17) "Reporting entity" means the same as that term is defined in Section  
 2132 [20A-11-101](#).

2133 [~~(16)~~] (18) (a) "State agency" means each department, commission, board, council,

2134 agency, institution, officer, corporation, fund, division, office, committee, authority, laboratory,  
2135 library, unit, bureau, panel, or other administrative unit of the state.

2136 (b) "State agency" includes the legislative branch, the Board of Regents, the  
2137 institutional councils of each higher education institution, and each higher education  
2138 institution.

2139 Section 39. Section **20A-11-1203** is amended to read:

2140 **20A-11-1203. Public entity prohibited from expending public funds on certain**  
2141 **electoral matters.**

2142 (1) Unless specifically required by law, and except as provided in Section  
2143 **20A-11-1206**, a public entity may not make an expenditure from public funds for political  
2144 purposes [or], to influence a ballot proposition, or to influence a proposed initiative or  
2145 proposed referendum.

2146 (2) A violation of this section does not invalidate an otherwise valid election.

2147 Section 40. Section **20A-11-1205** is amended to read:

2148 **20A-11-1205. Use of public email for a political purpose.**

2149 (1) Except as provided in Subsection (5), a person may not send an email using the  
2150 email of a public entity:

2151 (a) for a political purpose;

2152 (b) to advocate for or against a [~~ballot proposition~~] proposed initiative, initiative,  
2153 proposed referendum, or referendum; or

2154 (c) to solicit a campaign contribution.

2155 (2) The applicable election officer shall impose a civil fine against a person who  
2156 violates Subsection (1) as follows:

2157 (a) up to \$250 for a first violation; and

2158 (b) except as provided in Subsection (3), for each subsequent violation committed after  
2159 any applicable election officer imposes a fine against the person for a first violation, \$1,000  
2160 multiplied by the number of violations committed by the person.

2161 (3) The applicable election officer shall consider a violation of this section as a first  
2162 violation if the violation is committed more than seven years after the day on which the person  
2163 last committed a violation of this section.

2164 (4) For purposes of this section, one violation means one act of sending an email,

2165 regardless of the number of recipients of the email.

2166 (5) A person does not violate this section if:

2167 (a) the lieutenant governor finds that the email described in Subsection (1) was  
 2168 inadvertently sent by the person [described in Subsection (1)], using the email of a public  
 2169 entity[-];

2170 (b) the person is directly providing information solely to another person or a group of  
 2171 people in response to a question asked by the other person or group of people;

2172 (c) the information the person emails is an argument or rebuttal argument prepared  
 2173 under Section 20A-7-401.5 or 20A-7-402, and the email includes each opposing argument and  
 2174 rebuttal argument that:

2175 (i) relates to the same proposed initiative, initiative, proposed referendum, or  
 2176 referendum; and

2177 (ii) complies with the requirements of Section 20A-7-401.5 or 20A-7-402; or

2178 (d) the person is engaging in internal communication regarding the preparation of:

2179 (i) a written argument described in Section 20A-7-401.5;

2180 (ii) a written rebuttal argument described in Section 20A-7-402; or

2181 (iii) an initial fiscal and legal impact estimate described in Section 20A-7-502.5 or  
 2182 20A-7-602.5.

2183 (6) A violation of this section does not invalidate an otherwise valid election.

2184 Section 41. Section **20A-11-1206** is amended to read:

2185 **20A-11-1206. Exclusions.**

2186 (1) Nothing in this chapter prohibits a public official from speaking, campaigning,  
 2187 contributing personal money, or otherwise exercising the public official's individual First  
 2188 Amendment rights for political purposes.

2189 (2) (a) ~~[Nothing]~~ Subject to Subsection (2)(b), nothing in this chapter prohibits a public  
 2190 entity from providing factual information about a ballot proposition to the public, so long as the  
 2191 information grants equal access to both the opponents and proponents of the ballot proposition.

2192 (b) A county or municipality may not provide any information to the public about a  
 2193 proposed initiative, initiative, proposed referendum, or referendum unless the county or  
 2194 municipality:

2195 (i) provides the information in a manner required, or expressly permitted, by law; or

2196 (ii) is directly providing information solely to a person or a group of people in response  
2197 to a question asked by the person or group of people.

2198 (3) Nothing in this chapter prohibits a public entity from the neutral encouragement of  
2199 voters to vote.

2200 (4) Nothing in this chapter prohibits an elected official from campaigning or  
2201 advocating for or against a ballot proposition.

2202 (5) Subject to Subsection (6), a county or municipality may expend a reasonable  
2203 amount of public funds to:

2204 (a) prepare and publish a written argument or written rebuttal argument in accordance  
2205 with Section 20A-7-401.5, 20A-7-402, or 59-1-1604; or

2206 (b) prepare an argument for, and present an argument at, a public meeting under  
2207 Section 20A-7-405 or 59-1-1605.

2208 (6) A county or municipality may not:

2209 (a) publish an argument or rebuttal argument prepared under Section 20A-7-401.5 or  
2210 20A-7-402, unless, at the same time and in the same manner, the county or municipality  
2211 publishes each opposing argument and rebuttal argument that:

2212 (i) relates to the same proposed initiative, initiative, proposed referendum, or  
2213 referendum; and

2214 (ii) complies with the requirements of Section 20A-7-401.5 or 20A-7-402;

2215 (b) publish an argument or rebuttal argument for or against a proposed initiative,  
2216 initiative, proposed referendum, or referendum that was not prepared and submitted in  
2217 accordance with Section 20A-7-401.5 or 20A-7-402; or

2218 (c) present an argument or rebuttal argument for or against a proposed initiative,  
2219 initiative, proposed referendum, or referendum at a public meeting, unless the county or  
2220 municipality provides equal opportunity for persons to present opposing arguments and rebuttal  
2221 arguments at the public meeting.

2222 Section 42. Section **63I-2-220** is amended to read:

2223 **63I-2-220. Repeal dates, Title 20A.**

2224 (1) Subsection 20A-5-803(8) is repealed July 1, 2023.

2225 (2) Section 20A-5-804 is repealed July 1, 2023.

2226 (3) Section 20A-7-407 is repealed January 1, 2020.



2227            [~~3~~] (4) On July 1, 2018, in Subsection [20A-11-101](#)(21), the language that states "  
2228 [10-2a-302](#)," is repealed.

2229            Section 43. **Revisor instructions.**

2230            The Legislature intends that the Office of Legislative Research and General Counsel, in  
2231 preparing the Utah Code database for publication, replace the reference in Subsection  
2232 [20A-7-407](#)(1)(b) from "this bill" to the bill's designated chapter number in the Laws of Utah.