

HB0066S01 compared with HB0066

~~{deleted text}~~ shows text that was in HB0066 but was deleted in HB0066S01.

Inserted text shows text that was not in HB0066 but was inserted into HB0066S01.

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

~~{YEAR-ROUND DAYLIGHT SAVING TIME}~~ Representative Marsha Judkins proposes the following substitute bill:

NONBINDING STATEWIDE PUBLIC OPINION QUESTIONS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Marsha Judkins

Senate Sponsor: _____

LONG TITLE

General Description:

This bill ~~{provides}~~ establishes procedures for ~~{the state of Utah}~~ submitting a nonbinding opinion question to ~~{remain on mountain daylight time year-round}~~ voters.

Highlighted Provisions:

This bill:

- ▶ ~~{provides for the state of Utah to remain on mountain daylight time year-round once federal congressional legislation authorizes states to opt out of standard time}~~ defines terms:
- ▶ establishes procedures for submitting a nonbinding opinion question to voters;
- ▶ describes the duties of the lieutenant governor and county clerks in submitting an opinion question to voters;
- ▶ establishes procedures for the ballot form, voter information pamphlet, public

HB0066S01 compared with HB0066

notice, manner of voting, and canvass of returns in relation to the nonbinding opinion question; and

▶ provides a repealer.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

20A-6-107, as last amended by Laws of Utah 2018, Chapter 458

63I-2-220, as last amended by Laws of Utah 2018, Chapters 187 and 458

63I-2-236, as last amended by Laws of Utah 2018, Chapters 281 and 458

ENACTS:

~~{63G-1-801}~~36-16c-101, Utah Code Annotated 1953

36-16c-102, Utah Code Annotated 1953

36-16c-103, Utah Code Annotated 1953

36-16c-201, Utah Code Annotated 1953

36-16c-202, Utah Code Annotated 1953

36-16c-203, Utah Code Annotated 1953

36-16c-301, Utah Code Annotated 1953

36-16c-302, Utah Code Annotated 1953

36-16c-303, Utah Code Annotated 1953

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

Section 1. Section 20A-6-107 is amended to read:

20A-6-107. Numbering of ballot propositions, bond propositions, and nonbinding opinion questions -- Duties of election officer and lieutenant governor.

(1) (a) Except as provided in Subsections (1)(b) and (1)(c), each ballot proposition shall be listed on the ballot under the heading "Proposition # ___", with the number of the ballot proposition placed in the blank.

(b) Each proposed amendment to the Utah Constitution shall be listed on the ballot

HB0066S01 compared with HB0066

under the heading "Constitutional Amendment ___", with a letter placed in the blank.

(c) Each bond proposition that has qualified for the ballot shall be listed on the ballot under the title assigned to each bond proposition under Section 11-14-206.

(2) Notwithstanding Subsection (1)(a), each nonbinding opinion question submitted to a vote of the people under Title 36, Chapter 16c, Nonbinding Statewide Public Opinion Questions, shall be listed on the ballot under the heading "Nonbinding Opinion Question # ___." with the number of the nonbinding opinion question placed in the blank.

~~[(2)]~~ (3) (a) When an election officer or other person given authority to prepare or number ballot propositions receives a ballot proposition that is eligible for inclusion on the ballot, they shall ask the lieutenant governor to assign a number to the ballot proposition.

(b) (i) Upon request from an election officer or other person given authority to prepare or number ballot propositions, the lieutenant governor shall assign each ballot proposition a unique number, except as provided under Subsection ~~[(2)]~~ (3)(b)(iii).

(ii) Ballot proposition numbers shall be assigned sequentially, in the order requests for ballot proposition numbers are received.

(iii) The same ballot proposition number may be assigned to multiple ballot propositions if:

(A) the sponsors of each ballot proposition agree, in writing, to share the number; and

(B) the ballot propositions sharing the same number are identical in their terms, purpose, and effect, with jurisdiction being the only significant difference between the ballot propositions.

(4) When the lieutenant governor receives a joint resolution for a nonbinding opinion question under Section 36-16c-201, the lieutenant governor shall:

(a) assign a number to the nonbinding opinion question that is unique to the nonbinding opinion question; and

(b) assign numbers to each nonbinding opinion question sequentially, in the order in which the lieutenant governor receives the joint resolution.

Section ~~{1}~~ 2. Section ~~{63G-1-8}~~ 36-16c-101 is enacted to read:

CHAPTER 16c. NONBINDING STATEWIDE PUBLIC OPINION QUESTIONS

Part 1. General Provisions

~~{63G-1-801. Year-round daylight saving time. (1)}~~ 36-16c-101. Title.

HB0066S01 compared with HB0066

This chapter is known as "Nonbinding Statewide Public Opinion Questions."

Section 3. Section 36-16c-102 is enacted to read:

36-16c-102. Definitions.

As used in this section: (a) "Mountain daylight time" means the period during a year when mountain standard time is advanced one hour according to the provisions of 15 U.S.C. Sec. 260a. (b) "Mountain standard time" means the observed time assigned to the mountain time zone in 15 U.S.C. Sec. 261. (2) The state of Utah exempts all areas} chapter:

(1) (a) "Ballot title" means a short label or heading that:

(i) identifies the subject matter of an opinion question; and

(ii) the Office of Legislative Research and General Counsel drafts in accordance with

Section 36-16c-301.

(b) "Ballot title" does not mean a description, summary, analysis, or other work product characterizing or concerning the subject matter of an opinion question.

(2) "Opinion question" means a nonbinding question that is submitted to legal voters of the state in accordance with this chapter.

(3) "Originating house" means:

(a) the Utah House of Representatives if the resolution is a House joint resolution; or

(b) the Utah State Senate if the resolution is a Senate joint resolution.

(4) "Regular general election" means the same as that term is defined in Section 20A-1-102.

(5) "State board of canvassers" means the board established under Section 20A-4-306.

Section 4. Section 36-16c-103 is enacted to read:

36-16c-103. Exemption.

Title 20A, Chapter 7, Issues Submitted to the Voters, does not apply to an opinion question.

Section 5. Section 36-16c-201 is enacted to read:

Part 2. Submission of Nonbinding Opinion Questions to Voters

36-16c-201. Resolution to submit nonbinding opinion questions to voters.

(1) The Legislature may submit an opinion question to the legal voters of the state by passing a joint resolution in accordance with this section.

(2) The Legislature shall ensure that the joint resolution described in Subsection (1)

HB0066S01 compared with HB0066

includes:

(a) the language of the opinion question as the opinion question will appear on the ballot;

(b) a statement directing that the lieutenant governor submit the language of the opinion question to the legal voters of the state ~~from standard time.~~ ~~(3) The year-round observed time of the entire state of Utah and all of the state's political subdivisions is mountain daylight time.~~ ~~Section 2. Contingent effective date.~~ ~~(1) This bill takes effect on the first Sunday of November following the day on which the United States Congress enacts legislation to amend 15 U.S.C. Sec. 260a to authorize states to observe daylight saving time year-round;~~ for their approval or rejection; and

(c) language designating the date of the regular general election in which the opinion question is submitted to the voters.

(3) After passage by both houses of the Legislature, the originating house shall submit the joint resolution to the lieutenant governor with instructions that the lieutenant governor submit the opinion question specified in the joint resolution to the legal voters on the regular general election date specified in the resolution.

Section 6. Section 36-16c-202 is enacted to read:

36-16c-202. Lieutenant governor's duties.

(1) After receipt of a joint resolution described in Section 36-16c-202, the lieutenant governor shall:

(a) submit the opinion question to the legal voters of Utah as the resolution requires;

(b) comply with Section 36-16c-301; and

(c) except as provided in Section 36-16c-103, comply with all relevant provisions of Title 20A, Election Code, relating to the conduct of elections.

(2) The lieutenant governor ~~shall inform the legislative general counsel in writing of the date this bill takes effect in accordance with this section.~~

It may establish additional requirements for county clerks to facilitate the conduct of the election, including requirements for publishing the opinion question in the voter information pamphlet.

Section 7. Section 36-16c-203 is enacted to read:

36-16c-203. Duties of county clerks.

HB0066S01 compared with HB0066

Each county clerk shall, with respect to an opinion question described in this chapter, comply with:

- (1) the requirements of Title 20A, Election Code, relating to regular general elections;
- (2) the requirements of Section 36-16c-302; and
- (3) any other requirement that the lieutenant governor imposes.

Section 8. Section 36-16c-301 is enacted to read:

Part 3. Voting and Canvassing

36-16c-301. Procedures -- Ballot title -- Publication of nonbinding opinion question.

(1) The lieutenant governor, the Office of Legislative Research and General Counsel, and each county clerk shall comply with the procedures described in this section whenever the Legislature authorizes an opinion question under Section 36-16c-201.

(2) If the Legislature passes a resolution described in Section 36-16c-201, the Office of Legislative Research and General Counsel shall, on or before July 20:

- (a) draft a ballot title that identifies the subject matter of the opinion question; and
- (b) deliver the ballot title to the lieutenant governor.
- (3) The lieutenant governor shall:

(a) on or before August 31, certify to each county clerk:

(i) the number of the opinion question that the lieutenant governor assigned in accordance with Section 20A-6-107;

(ii) the ballot title of the opinion question; and

(iii) the full text of the opinion question as the text appears in the resolution described in Section 36-16c-201; and

(b) no more than 60 days nor less than 14 days before the date of the regular general election, cause the full text of the opinion question as the text appears in the resolution described in Section 36-16c-201 to be published in at least one newspaper in every county of the state where a newspaper is published.

(4) Each county clerk shall cause the elements described in Subsection (3)(a) to be:

- (a) printed on the ballot to be used on election day;
- (b) printed on the sample ballot; and
- (c) otherwise published as required by law.

HB0066S01 compared with HB0066

Section 9. Section 36-16c-302 is enacted to read:

36-16c-302. Ballot form -- Manner of voting.

The lieutenant governor shall ensure that a ballot containing an opinion question includes:

(1) the number of the opinion question and the ballot title;

(2) the full text of the opinion question as the text appears in the resolution described in Section 36-16c-201; and

(3) (a) the words "FOR" and "AGAINST," each word presented with an adjacent square in which the voter may indicate the voter's vote; or

(b) (i) all possible responses to the opinion question, each response presented with an adjacent square in which the voter may indicate the voter's vote; and

(ii) an instruction that the voter may only select one of the possible responses.

Section 10. Section 36-16c-303 is enacted to read:

36-16c-303. Canvass of returns.

(1) The county legislative body shall conduct a public canvass of the returns from the opinion question election no later than 14 days after the day on which the regular general election is held.

(2) Each county clerk shall:

(a) make a certified abstract of the record of the canvassers detailing the votes cast on the opinion question; and

(b) seal the transcript, endorse on the transcript, "Election Returns," and transmit the transcript to the lieutenant governor's office so that the lieutenant governor receives the transcript on or before the fifth day before the day designated for the meeting of the state board of canvassers.

(3) The state board of canvassers established under Section 20A-4-306 shall meet to compute and determine the vote on the opinion question.

(4) The lieutenant governor may, in accordance with the requirements of Title 20A, Election Code, establish additional requirements for county clerks to facilitate the conduct of an election on an opinion question described in this chapter.

Section 11. Section 63I-2-220 is amended to read:

63I-2-220. Repeal dates -- Title 20A.

HB0066S01 compared with HB0066

(1) Subsection 20A-5-803(8) is repealed July 1, 2023.

(2) Section 20A-5-804 is repealed July 1, 2023.

(3) On January 1, [2019] 2021, Subsections 20A-6-107(2) and (4), which address nonbinding opinion questions, are repealed and the remaining subsections, and references to those subsections, are renumbered accordingly.

(4) On July 1, 2018, in Subsection 20A-11-101(21), the language that states "10-2a-302," is repealed.

(5) On January 1, 2026:

(a) In Subsection 20A-1-102(23)(a), the language that states "or Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project" is repealed.

(b) In Subsections 20A-1-303(1)(a) and (b), the language that states "Except as provided in Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project," is repealed.

(c) In Section 20A-1-304, the language that states "Except for a race conducted by instant runoff voting under Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project," is repealed.

(d) In Subsection 20A-3-105(1)(a), the language that states "Except as provided in Subsection (5)," is repealed.

(e) In Subsections 20A-3-105(1)(b), (3)(b), and (4)(b), the language that states "Except as provided in Subsections (5) and (6)," is repealed.

(f) In Subsections 20A-3-105(2)(a)(i), (3)(a), and (4)(a), the language that states "Subject to Subsection (5)," is repealed.

(g) Subsection 20A-3-105(5) is repealed and the remaining subsections in Section 20A-3-105 are renumbered accordingly.

(h) In Subsection 20A-4-101(2)(c), the language that states "Except as provided in Subsection (2)(f)," is repealed.

(i) Subsection 20A-4-101(2)(f) is repealed.

(j) Subsection 20A-4-101(4) is repealed and replaced with the following:

"(4) To resolve questions that arise during the counting of ballots, a counting judge shall apply the standards and requirements of Section 20A-4-105."

(k) In Subsection 20A-4-102(1)(a), the language that states "or a rule made under

HB0066S01 compared with HB0066

Subsection 20A-4-101(2)(f)(i)" is repealed.

(l) Subsection 20A-4-102(1)(b) is repealed and replaced with the following:

"(b) To resolve questions that arise during the counting of ballots, a counting judge shall apply the standards and requirements of Section 20A-4-105."

(m) In Subsection 20A-4-102(6)(a), the language that states ", except as provided in Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, or a rule made under Subsection 20A-4-101(2)(f)(i)" is repealed.

(n) In Subsection 20A-4-105(1)(a), the language that states ", except as otherwise provided in Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project," is repealed.

(o) In Subsection 20A-4-105(2), the language that states "Subsection 20A-3-105(5), or Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project," is repealed.

(p) In Subsections 20A-4-105(3), (5), and (12), the language that states "Except as otherwise provided in Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project," is repealed.

(q) In Subsection 20A-4-106(1)(a)(ii), the language that states "or Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project" is repealed.

(r) In Subsection 20A-4-304(1)(a), the language that states "except as provided in Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project," is repealed.

(s) Subsection 20A-4-304(2)(a)(v) is repealed and replaced with the following:

"(v) from each voting precinct:

(A) the number of votes for each candidate; and

(B) the number of votes for and against each ballot proposition;"

(t) Subsection 20A-4-401(1)(a) is repealed, the remaining subsections in Subsection (1) are renumbered accordingly, and the cross-references to those subsections are renumbered accordingly.

(u) Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, is repealed.

(v) Subsection 20A-5-404(3)(b) is repealed and the remaining subsections in Subsection (3) are renumbered accordingly.

(w) Subsection 20A-5-404(4)(b) is repealed and the remaining subsections in

HB0066S01 compared with HB0066

Subsection (4) are renumbered accordingly.

(x) Section 20A-6-203.5 is repealed.

(y) In Subsections 20A-6-402(1), (2), (3), and (4), the language that states "Except as otherwise required for a race conducted by instant runoff voting under Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project," is repealed.

(z) In Subsection 20A-9-404(1)(a), the language that states "or Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project" is repealed.

(aa) In Subsection 20A-9-404(2), the language that states "Except as otherwise provided in Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project," is repealed.

Section 12. Section 63I-2-236 is amended to read:

63I-2-236. Repeal dates -- Title 36.

Title 36, Chapter [16b] 16c, Nonbinding Statewide Public Opinion Questions, is repealed on January 1, [2019] 2021.

Section 13. **Effective date.**

If approved by two-thirds of all the members elected to each house, this bill takes effect upon approval by the governor, or the day following the constitutional time limit of Utah Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto, the date of veto override.