

**Representative Stephen G. Handy** proposes the following substitute bill:

**INITIATIVE AND REFERENDUM AMENDMENTS**

2019 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Stephen G. Handy**

Senate Sponsor: Daniel McCay

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**LONG TITLE**

**General Description:**

This bill amends provisions relating to a statewide initiative or referendum.

**Highlighted Provisions:**

This bill:

- ▶ modifies signature thresholds for statewide initiatives and referenda and bases the thresholds on a percentage of active voters rather than the number of voters in a previous presidential election;
- ▶ clarifies that an initiative that is identical or substantially similar to a previous initiative is barred if signatures for the preceding initiative were submitted within the preceding two years;
- ▶ modifies deadlines relating to statewide initiative petitions;
- ▶ requires county clerks to process signature removal requests for initiatives;
- ▶ removes the provision that legal challenges for initiative signatures declared insufficient may only be filed in the Utah Supreme Court;
- ▶ establishes procedures for the lieutenant governor to follow if an argument relating to an initiative or referendum petition mischaracterizes the position of a state agency; and
- ▶ makes technical and conforming changes.



26 **Money Appropriated in this Bill:**

27 None

28 **Other Special Clauses:**

29 None

30 **Utah Code Sections Affected:**

31 AMENDS:

32 **20A-7-201**, as last amended by Laws of Utah 2011, Chapter 17

33 **20A-7-202**, as last amended by Laws of Utah 2017, Chapter 291

34 **20A-7-205**, as last amended by Laws of Utah 2011, Chapter 17

35 **20A-7-206**, as last amended by Laws of Utah 2013, Chapter 231

36 **20A-7-207**, as last amended by Laws of Utah 2011, Chapter 17

37 **20A-7-301**, as last amended by Laws of Utah 2011, Chapter 17

38 **20A-7-704**, as last amended by Laws of Utah 2017, Chapter 147

39 **20A-7-705**, as last amended by Laws of Utah 2017, Chapter 147



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

42 Section 1. Section **20A-7-201** is amended to read:

43 **20A-7-201. Statewide initiatives -- Signature requirements -- Submission to the**  
44 **Legislature or to a vote of the people.**

45 (1) (a) A person seeking to have an initiative submitted to the Legislature for approval  
46 or rejection shall obtain:

47 ~~[(i) legal signatures equal to 5% of the cumulative total of all votes cast by voters of~~  
48 ~~this state for all candidates for President of the United States at the last regular general election~~  
49 ~~at which a President of the United States was elected; and]~~

50 ~~[(ii) from each of at least 26 Utah State Senate districts, legal signatures equal to 5% of~~  
51 ~~the total of all votes cast in that district for all candidates for President of the United States at~~  
52 ~~the last regular general election at which a President of the United States was elected.]~~

53 (i) legal signatures equal to 4% of the number of active voters in the state on January 1  
54 immediately following the last regular general election; and

55 (ii) from at least 26 Utah State Senate districts, legal signatures equal to 4% of the  
56 number of active voters in that district on January 1 immediately following the last regular

57 general election.

58 (b) If, at any time not less than 10 days before the beginning of the next annual general  
59 session of the Legislature, immediately after the application is filed under Section 20A-7-202  
60 and specified on the petition under Section 20A-7-203 the lieutenant governor declares  
61 sufficient any initiative petition that is signed by enough voters to meet the requirements of this  
62 Subsection (1), the lieutenant governor shall deliver a copy of the petition and the cover sheet  
63 required by Subsection (1)(c) to the president of the Senate, the speaker of the House, and the  
64 director of the Office of Legislative Research and General Counsel.

65 (c) In delivering a copy of the petition, the lieutenant governor shall include a cover  
66 sheet that contains:

67 [~~(i) the cumulative total of all votes cast by voters of this state for all candidates for~~  
68 ~~President of the United States at the last regular general election at which a President of the~~  
69 ~~United States was elected;]~~

70 [~~(ii) the total of all votes cast in each Utah State Senate district for all candidates for~~  
71 ~~President of the United States at the last regular general election at which a President of the~~  
72 ~~United States was elected;]~~

73 (i) the number of active voters in the state on January 1 immediately following the last  
74 regular general election;

75 (ii) the number of active voters in each Utah State Senate district on January 1  
76 immediately following the last regular general election;

77 (iii) the total number of certified signatures received for the submitted initiative; and

78 (iv) the total number of certified signatures received from each Utah State Senate  
79 district for the submitted initiative.

80 (2) (a) A person seeking to have an initiative submitted to a vote of the people for  
81 approval or rejection shall obtain:

82 [~~(i) legal signatures equal to 10% of the cumulative total of all votes cast by voters of~~  
83 ~~this state for all candidates for President of the United States at the last regular general election~~  
84 ~~at which a President of the United States was elected; and]~~

85 [~~(ii) from each of at least 26 Utah State Senate districts, legal signatures equal to 10%~~  
86 ~~of the total of all votes cast in that district for all candidates for President of the United States~~  
87 ~~at the last regular general election at which a President of the United States was elected.]]~~

88 (i) legal signatures equal to 8% of the number of active voters in the state on January 1  
89 immediately following the last regular general election; and

90 (ii) from at least 26 Utah State Senate districts, legal signatures equal to 8% of the  
91 number of active voters in that district on January 1 immediately following the last regular  
92 general election.

93 (b) If an initiative petition meets the requirements of this part and the lieutenant  
94 governor declares the initiative petition to be sufficient, the lieutenant governor shall submit  
95 the proposed law to a vote of the people at the next regular general election:

96 (i) immediately after the application is filed under Section 20A-7-202; and

97 (ii) specified on the petition under Section 20A-7-203.

98 ~~[(3) The lieutenant governor shall provide the following information from the official~~  
99 ~~canvass of the last regular general election at which a President of the United States was~~  
100 ~~elected to any interested person:]~~

101 ~~[(a) the cumulative total of all votes cast by voters in this state for all candidates for~~  
102 ~~President of the United States; and]~~

103 ~~[(b) for each Utah State Senate district, the total of all votes cast in that district for all~~  
104 ~~candidates for President of the United States.]~~

105 (3) The lieutenant governor shall provide the following information to any interested  
106 person:

107 (a) the number of active voters in the state on January 1 immediately following the last  
108 regular general election; and

109 (b) for each Utah State Senate district, the number of active voters in that district on  
110 January 1 immediately following the last regular general election.

111 Section 2. Section 20A-7-202 is amended to read:

112 **20A-7-202. Statewide initiative process -- Application procedures -- Time to**  
113 **gather signatures -- Grounds for rejection.**

114 (1) Persons wishing to circulate an initiative petition shall file an application with the  
115 lieutenant governor.

116 (2) The application shall contain:

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

118 (b) a statement indicating that each of the sponsors:

- 119 (i) is a resident of Utah; and  
120 (ii) has voted in a regular general election in Utah within the last three years;  
121 (c) the signature of each of the sponsors, attested to by a notary public;  
122 (d) a copy of the proposed law that includes:  
123 (i) the title of the proposed law, which clearly expresses the subject of the law; and  
124 (ii) the text of the proposed law;  
125 (e) if the initiative petition proposes a tax increase, the following statement, "This  
126 initiative petition seeks to increase the current (insert name of tax) rate by (insert the tax  
127 percentage difference) percent, resulting in a(n) (insert the tax percentage increase) percent  
128 increase in the current tax rate."; and  
129 (f) a statement indicating whether persons gathering signatures for the petition may be  
130 paid for doing so.
- 131 (3) The application and its contents are public when filed with the lieutenant governor.  
132 (4) If the petition fails to qualify for the ballot of the election described in Subsection  
133 [20A-7-201](#)(2)(b), the sponsors shall:  
134 (a) submit a new application;  
135 (b) obtain new signature sheets; and  
136 (c) collect signatures again.
- 137 (5) The lieutenant governor shall reject the application or application addendum filed  
138 under Subsection [20A-7-204.1](#)(5) and not issue circulation sheets if:  
139 (a) the law proposed by the initiative is patently unconstitutional;  
140 (b) the law proposed by the initiative is nonsensical;  
141 (c) the proposed law could not become law if passed;  
142 (d) the proposed law contains more than one subject as evaluated in accordance with  
143 Subsection (6);  
144 (e) the subject of the proposed law is not clearly expressed in the law's title; or  
145 (f) the law proposed by the initiative is identical or substantially similar to a law  
146 proposed by an initiative [~~that was~~] for which signatures were submitted to the county clerks  
147 and lieutenant governor for certification [and evaluation] within two years preceding the date  
148 on which the application for [~~this~~] the new initiative [~~was~~] is filed.
- 149 (6) To evaluate whether the proposed law contains more than one subject under

150 Subsection (5)(d), the lieutenant governor shall apply the same standard provided in Utah  
151 Constitution, Article VI, Section 22, which prohibits a bill from passing that contains more  
152 than one subject.

153 Section 3. Section **20A-7-205** is amended to read:

154 **20A-7-205. Obtaining signatures -- Verification -- Removal of signature.**

155 (1) A Utah voter may sign an initiative petition if the voter is a legal voter.

156 (2) (a) The sponsors shall ensure that the person in whose presence each signature  
157 sheet was signed:

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

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

162 (b) A person may not sign the verification printed on the last page of the initiative  
163 packet if the person signed a signature sheet in the initiative packet.

164 (3) (a) A voter who has signed an initiative petition may have the voter's signature  
165 removed from the petition by submitting to the county clerk a statement requesting that the  
166 voter's signature be removed.

167 (b) The statement shall include:

168 (i) the name of the voter;

169 (ii) the resident address at which the voter is registered to vote;

170 (iii) the last four digits of the voter's [~~Social Security~~] social security number;

171 (iv) the driver license or identification card number; and

172 (v) the signature of the voter.

173 (c) A voter may not submit a statement by email or other electronic means.

174 (d) In order for the signature to be removed, the statement must be received by the  
175 county clerk before May 15.

176 [~~(e) The county clerk shall deliver all statements received under this Subsection (3):~~]

177 [~~(i) with the initiative petition packets delivered to the lieutenant governor, or]~~

178 [~~(ii) in a supplemental delivery to the lieutenant governor for a statement submitted~~  
179 ~~after the county clerk delivered the initiative packets.]~~

180 [(f)] (e) A person may only remove a signature from an initiative petition in accordance

181 with this Subsection (3).

182 Section 4. Section **20A-7-206** is amended to read:

183 **20A-7-206. Submitting the initiative petition -- Certification of signatures by the**  
184 **county clerks -- Transfer to lieutenant governor.**

185 (1) (a) In order to qualify an initiative petition for placement on the regular general  
186 election ballot, the sponsors shall deliver each signed and verified initiative packet to the  
187 county clerk of the county in which the packet was circulated on or before the sooner of:

188 (i) 316 days after the day on which the application for the initiative petition is filed; or

189 (ii) the ~~[April]~~ February 15 immediately before the next regular general election  
190 ~~[immediately]~~ after the application is filed under Section 20A-7-202.

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

193 (2) ~~[(a)]~~ No later than ~~[May 1]~~ March 15 before the regular general election, the county  
194 clerk shall:

195 ~~[(i)]~~ (a) check the names of all persons completing the verification for the initiative  
196 packet to determine whether those persons are residents of Utah and are at least 18 years old;  
197 ~~[and]~~

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

200 ~~[(b)]~~ ~~The county clerk may not certify a signature under Subsection (3) on an initiative~~  
201 ~~packet that is not verified in accordance with Section 20A-7-205;~~

202 ~~[(3)]~~ ~~No later than May 15 before the regular general election, the county clerk shall:]~~

203 (c) remove signatures in accordance with Subsection (4);

204 ~~[(a)]~~ (d) determine whether each signer is a registered voter according to the  
205 requirements of Section 20A-7-206.3;

206 ~~[(b)]~~ (e) certify on the petition whether each name is that of a registered voter; and

207 ~~[(c)]~~ (f) deliver all of the verified initiative packets to the lieutenant governor.

208 (3) The county clerk may not certify a signature under Subsection (2) on an initiative  
209 packet that is not verified in accordance with Section 20A-7-205.

210 (4) Upon receipt of an initiative packet under Subsection ~~[(3)]~~ (1) and any statement  
211 submitted under Subsection 20A-7-205(3), the ~~[lieutenant governor shall]~~ county clerk shall,

212 before complying with Subsections (2)(d) through (f), remove from the initiative petition a  
213 voter's signature if the voter has requested the removal in accordance with Subsection  
214 [20A-7-205\(3\)](#).

215 (5) In order to qualify an initiative petition for submission to the Legislature, the  
216 sponsors shall deliver each signed and verified initiative packet to the county clerk of the  
217 county in which the packet was circulated by the November 15 before the next annual general  
218 session of the Legislature immediately after the application is filed under Section [20A-7-202](#).

219 (6) (a) No later than December 1 before the annual general session of the Legislature,  
220 the county clerk shall, for an initiative described in Subsection (5):

221 (i) check the names of all persons completing the verification for the initiative packet  
222 to determine whether those persons are Utah residents and are at least 18 years old; and

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

225 (b) The county clerk may not certify a signature under Subsection (7) on an initiative  
226 packet that is not verified in accordance with Section [20A-7-205](#).

227 (7) No later than December 15 before the annual general session of the Legislature, the  
228 county clerk shall, for an initiative described in Subsection (5):

229 (a) determine whether each signer is a registered voter according to the requirements of  
230 Section [20A-7-206.3](#);

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

232 (c) deliver all of the verified initiative packets to the lieutenant governor.

233 ~~[(8) The sponsor or their representatives may not retrieve initiative packets from the  
234 county clerks once they have submitted them.]~~

235 (8) The sponsor or a sponsor's representative may not retrieve an initiative packet from  
236 a county clerk after the initiative packet is submitted to the county clerk.

237 Section 5. Section [20A-7-207](#) is amended to read:

238 **[20A-7-207. Evaluation by the lieutenant governor.](#)**

239 (1) When each initiative packet is received from a county clerk, the lieutenant governor  
240 shall check off from the record the number of each initiative packet filed.

241 (2) (a) After all of the initiative packets have been received by the lieutenant governor  
242 and the ~~[lieutenant governor]~~ county clerk has removed the signatures as required by Section



243 20A-7-206, the lieutenant governor shall:

244 (i) count the number of the names certified by the county clerks that remain on each  
245 verified signature sheet; and

246 (ii) declare the petition to be sufficient or insufficient [~~by June 1~~] no later than April 15  
247 before the regular general election described in Subsection 20A-7-201(2)(b).

248 (b) If the total number of names counted under Subsection (2)(a)(i) equals or exceeds  
249 the number of names required by Section 20A-7-201 and the requirements of this part are met,  
250 the lieutenant governor shall mark upon the front of the petition the word "sufficient."

251 (c) If the total number of names counted under Subsection (2)(a)(i) does not equal or  
252 exceed the number of names required by Section 20A-7-201 or a requirement of this part is not  
253 met, the lieutenant governor shall mark upon the front of the petition the word "insufficient."

254 (d) The lieutenant governor shall immediately notify any one of the sponsors of the  
255 lieutenant governor's finding.

256 (3) [~~Once~~] After a petition is declared insufficient, the sponsors may not submit  
257 additional signatures to qualify the petition for the ballot.

258 (4) (a) If the lieutenant governor refuses to accept and file [~~any~~] an initiative petition  
259 that a sponsor believes is legally sufficient, any voter may, [~~by June 15~~] no later than April 30,  
260 apply to the [~~supreme~~] appropriate court for an extraordinary writ to compel the lieutenant  
261 governor to [~~do so~~] accept and file the initiative petition.

262 (b) The [~~supreme~~] court shall:

263 (i) determine whether [~~or not~~] the initiative petition is legally sufficient; and

264 (ii) certify [~~its~~] the court's findings to the lieutenant governor.

265 (c) If the [~~supreme~~] court certifies that the initiative petition is legally sufficient, the  
266 lieutenant governor shall file [~~it~~] the initiative petition, with a verified copy of the judgment  
267 attached to [~~it~~] the initiative petition, as of the date on which [~~it~~] the initiative petition was  
268 originally offered for filing in the lieutenant governor's office.

269 (d) If the [~~supreme~~] court determines that [~~any~~] a petition filed is not legally sufficient,  
270 the [~~supreme~~] court may enjoin the lieutenant governor and all other officers from certifying or  
271 printing the ballot title and numbers of that measure on the official ballot.

272 (5) A petition determined to be sufficient in accordance with this section is qualified  
273 for the ballot.

274 Section 6. Section 20A-7-301 is amended to read:

275 **20A-7-301. Referendum -- Signature requirements -- Submission to voters.**

276 (1) (a) A person seeking to have a law passed by the Legislature submitted to a vote of  
277 the people shall obtain:

278 ~~[(i) legal signatures equal to 10% of the cumulative total of all votes cast by voters of  
279 this state for all candidates for President of the United States at the last regular general election  
280 at which a President of the United States was elected; and]~~

281 ~~[(ii) from each of at least 15 counties, legal signatures equal to 10% of the total of all  
282 votes cast in that county for all candidates for President of the United States at the last regular  
283 general election at which a President of the United States was elected.]~~

284 (i) legal signatures equal to 8% of the number of active voters in the state on January 1  
285 immediately following the last regular general election; and

286 (ii) from at least 15 counties, legal signatures equal to 8% of the number of active  
287 voters in that county on January 1 immediately following the last regular general election.

288 (b) When the lieutenant governor declares a referendum petition sufficient under this  
289 part, the governor shall issue an executive order that:

290 (i) directs that the referendum be submitted to the voters at the next regular general  
291 election; or

292 (ii) calls a special election according to the requirements of Section 20A-1-203 and  
293 directs that the referendum be submitted to the voters at that special election.

294 (2) When a referendum petition has been declared sufficient, the law that is the subject  
295 of the petition does not take effect unless and until it is approved by a vote of the people at a  
296 regular general election or a statewide special election.

297 ~~[(3) The lieutenant governor shall provide to any interested person from the official  
298 canvass of the last regular general election at which a President of the United States was  
299 elected:]~~

300 ~~[(a) the cumulative total of all votes cast by voters of this state for all candidates for  
301 President of the United States; and]~~

302 ~~[(b) for each county, the total of all votes cast in that county for all candidates for  
303 President of the United States.]~~

304 (3) The lieutenant governor shall provide the following information to any interested

305 person:

306 (a) the number of active voters in the state on January 1 immediately following the last  
307 regular general election; and

308 (b) for each county, the number of active voters in that county on January 1  
309 immediately following the last regular general election.

310 Section 7. Section **20A-7-704** is amended to read:

311 **20A-7-704. Initiative measures -- Arguments for and against -- Voters' requests**  
312 **for argument -- Ballot arguments.**

313 (1) (a) (i) (A) By July 10 of the regular general election year, the sponsors of any  
314 initiative petition that has been declared sufficient by the lieutenant governor may deliver to the  
315 lieutenant governor an argument for the adoption of the measure.

316 (B) If two or more sponsors wish to submit arguments for the measure, the lieutenant  
317 governor shall designate one of the sponsors to submit the argument for the sponsor's side of  
318 the measure.

319 (ii) (A) Any member of the Legislature may request permission to submit an argument  
320 against the adoption of the measure.

321 (B) If two or more legislators wish to submit an argument against the measure, the  
322 presiding officers of the Senate and House of Representatives shall jointly designate one of the  
323 legislators to submit the argument to the lieutenant governor.

324 (b) The sponsors and the legislators submitting arguments shall ensure that each  
325 argument:

326 (i) does not exceed 500 words in length; and

327 (ii) is delivered by July 10.

328 (2) (a) If an argument for or against a measure to be submitted to the voters by  
329 initiative petition has not been filed within the time required under Subsection (1):

330 (i) the Office of the Lieutenant Governor shall immediately:

331 (A) send an electronic notice that complies with the requirements of Subsection (2)(b)  
332 to each individual in the state for whom the Office of the Lieutenant Governor has an email  
333 address; or

334 (B) post a notice that complies with the requirements of Subsection (2)(b) on the home  
335 page of the lieutenant governor's website;

336 (ii) any voter may request the lieutenant governor for permission to prepare an  
337 argument for the side on which no argument has been filed; and  
338 (iii) if two or more voters request permission to submit arguments on the same side of  
339 a measure, the lieutenant governor shall designate one of the voters to write the argument.  
340 (b) A notice described in Subsection (2)(a)(i) shall contain:  
341 (i) the ballot title for the measure;  
342 (ii) instructions on how to submit a request under Subsection (2)(a)(ii); and  
343 (iii) the deadline described in Subsection (2)(c).  
344 (c) Any argument prepared under this Subsection (2) shall be submitted to the  
345 lieutenant governor by July 20.  
346 (3) The lieutenant governor may not accept a ballot argument submitted under this  
347 section unless it is accompanied by:  
348 (a) the name and address of the person submitting it, if it is submitted by an individual  
349 voter; or  
350 (b) the name and address of the organization and the names and addresses of at least  
351 two of its principal officers, if it is submitted on behalf of an organization.  
352 (4) (a) Except as provided in Subsection (4)(c) or (d), the authors may not amend or  
353 change the arguments after they are submitted to the lieutenant governor.  
354 (b) Except as provided in Subsection (4)(c) or (d), the lieutenant governor may not  
355 alter the arguments in any way.  
356 (c) The lieutenant governor and the authors of an argument described in this section  
357 may jointly modify ~~[an]~~ the argument after ~~[it]~~ the argument is submitted if:  
358 (i) ~~[they]~~ the lieutenant governor and the authors jointly agree that changes to the  
359 argument must be made to:  
360 (A) correct spelling or grammatical errors; ~~[and]~~ or  
361 (B) properly characterize the position of a state entity, if the argument mischaracterizes  
362 the position of a state entity; and  
363 (ii) the argument has not yet been submitted for typesetting.  
364 (d) If, after the lieutenant governor determines that an argument described in this  
365 section mischaracterizes the position of a state entity, the lieutenant governor and the authors of  
366 the argument cannot jointly agree on a change to the argument, the lieutenant governor:

- 367 (i) shall publish the argument with the mischaracterization; and  
368 (ii) may, immediately following the argument, publish a brief description of the  
369 position of the state entity.

370 Section 8. Section **20A-7-705** is amended to read:

371 **20A-7-705. Measures to be submitted to voters and referendum measures --**  
372 **Preparation of argument of adoption.**

373 (1) (a) Whenever the Legislature submits any measure to the voters or whenever an act  
374 of the Legislature is referred to the voters by referendum petition, the presiding officer of the  
375 house of origin of the measure shall appoint the sponsor of the measure or act and one member  
376 of either house who voted with the majority to pass the act or submit the measure to draft an  
377 argument for the adoption of the measure.

378 (b) (i) The argument may not exceed 500 words in length.

379 (ii) If the sponsor of the measure or act desires separate arguments to be written in  
380 favor by each person appointed, separate arguments may be written but the combined length of  
381 the two arguments may not exceed 500 words.

382 (2) (a) If a measure or act submitted to the voters by the Legislature or by referendum  
383 petition was not adopted unanimously by the Legislature, the presiding officer of each house  
384 shall, at the same time as appointments to an argument in its favor are made, appoint one  
385 member who voted against the measure or act from their house to write an argument against  
386 the measure or act.

387 (b) (i) The argument may not exceed 500 words.

388 (ii) If those members appointed to write an argument against the measure or act desire  
389 separate arguments to be written in opposition to the measure or act by each person appointed,  
390 separate arguments may be written, but the combined length of the two arguments may not  
391 exceed 500 words.

392 (3) (a) The legislators appointed by the presiding officer of the Senate or House of  
393 Representatives to submit arguments shall submit ~~[them]~~ the arguments to the lieutenant  
394 governor not later than the day that falls 150 days before the date of the election.

395 (b) Except as provided in Subsection (3)(d), the authors may not amend or change the  
396 arguments after they are submitted to the lieutenant governor.

397 (c) Except as provided in Subsection (3)(d), the lieutenant governor may not alter the

398 arguments in any way.

399 (d) The lieutenant governor and the authors of an argument may jointly modify an  
400 argument after it is submitted if:

401 (i) they jointly agree that changes to the argument must be made to correct spelling or  
402 grammatical errors; and

403 (ii) the argument has not yet been submitted for typesetting.

404 (4) (a) If an argument for or an argument against a measure submitted to the voters by  
405 the Legislature or by referendum petition has not been filed by a member of the Legislature  
406 within the time required by this section:

407 (i) the [~~Office of the Lieutenant Governor~~] lieutenant governor shall immediately:

408 (A) send an electronic notice that complies with the requirements of Subsection (4)(b)  
409 to each individual in the state for whom the Office of the Lieutenant Governor has an email  
410 address; or

411 (B) post a notice that complies with the requirements of Subsection (4)(b) on the home  
412 page of the lieutenant governor's website; and

413 (ii) any voter may request the presiding officer of the house in which the measure  
414 originated for permission to prepare and file an argument for the side on which no argument  
415 has been filed by a member of the Legislature.

416 (b) A notice described in Subsection (4)(a)(i) shall contain:

417 (i) the ballot title for the measure;

418 (ii) instructions on how to submit a request under Subsection (4)(a)(ii); and

419 (iii) the deadline described in Subsection (4)(d).

420 (c) (i) The presiding officer of the house of origin shall grant permission unless two or  
421 more voters request permission to submit arguments on the same side of a measure.

422 (ii) If two or more voters request permission to submit arguments on the same side of a  
423 measure, the presiding officer shall designate one of the voters to write the argument.

424 (d) Any argument prepared under this Subsection (4) shall be submitted to the  
425 lieutenant governor not later than 135 days before the date of the election.

426 (e) The lieutenant governor may not accept a ballot argument submitted under this  
427 section unless [~~it~~] the ballot argument is accompanied by:

428 (i) the name and address of the [~~person submitting it, if it~~] individual submitting the

429 argument, if the argument is submitted by an individual voter; or

430 (ii) the name and address of the organization and the names and addresses of at least  
431 two of [~~its~~] the organization's principal officers, if [~~it~~] the argument is submitted on behalf of  
432 an organization.

433 (f) Except as provided in Subsection (4)(h), the authors may not amend or change the  
434 arguments after they are submitted to the lieutenant governor.

435 (g) Except as provided in Subsection (4)(h), the lieutenant governor may not alter the  
436 arguments in any way.

437 (h) The lieutenant governor and the authors of an argument may jointly modify an  
438 argument after it is submitted if:

439 (i) they jointly agree that changes to the argument must be made to:

440 (A) correct spelling or grammatical errors; [~~and~~] or

441 (B) properly characterize the position of a state entity, if the argument mischaracterizes  
442 the position of a state entity; and

443 (ii) the argument has not yet been submitted for typesetting.

444 (i) If, after the lieutenant governor determines that an argument described in this  
445 section mischaracterizes the position of a state entity, the lieutenant governor and the authors of  
446 the argument cannot jointly agree on a change to the argument, the lieutenant governor:

447 (i) shall publish the argument with the mischaracterization; and

448 (ii) may, immediately following the argument, publish a brief description of the  
449 position of the state entity.