

1                                   **INITIATIVE PROCEDURE AMENDMENTS**

2   2019 GENERAL SESSION

3   STATE OF UTAH

4                                   **Chief Sponsor: Deidre M. Henderson**

5   House Sponsor: A. Cory Maloy

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7   **LONG TITLE**

8   **General Description:**

9           This bill amends procedures relating to a statewide initiative.

10   **Highlighted Provisions:**

11           This bill:

- 12           ▶ requires an application for a statewide initiative petition to contain information
- 13 relating to funding sources for the proposed law;
- 14           ▶ modifies public hearing requirements relating to a statewide initiative;
- 15           ▶ modifies ballot requirements and ballot title challenge provisions;
- 16           ▶ provides that the Office of the Legislative Fiscal Analyst shall prepare the fiscal
- 17 impact statement for an initiative;
- 18           ▶ modifies the fiscal impact statement for an initiative; and
- 19           ▶ makes technical and conforming changes.

20   **Money Appropriated in this Bill:**

21           None

22   **Other Special Clauses:**

23           This bill provides a coordination clause.

24   **Utah Code Sections Affected:**

25   AMENDS:

26           **20A-7-202**, as last amended by Laws of Utah 2017, Chapter 291

27           **20A-7-202.5**, as last amended by Laws of Utah 2017, Chapter 291

28           **20A-7-203**, as last amended by Laws of Utah 2017, Chapter 291

- 29            **20A-7-204.1**, as last amended by Laws of Utah 2017, Chapter 291
- 30            **20A-7-208**, as last amended by Laws of Utah 1999, Chapter 115
- 31            **20A-7-209**, as last amended by Laws of Utah 2017, Chapter 291
- 32            **20A-7-210**, as last amended by Laws of Utah 2009, Chapter 202
- 33            **20A-7-214**, as last amended by Laws of Utah 2018, Chapter 281

34 **Utah Code Sections Affected by Coordination Clause:**

- 35            **20A-7-204.1**, as last amended by Laws of Utah 2017, Chapter 291



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

38            Section 1. Section **20A-7-202** is amended to read:

39            **20A-7-202. Statewide initiative process -- Application procedures -- Time to**  
40 **gather signatures -- Grounds for rejection.**

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

43            (2) The application shall contain:

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

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

46            (i) is a resident of Utah; and

47            (ii) has voted in a regular general election in Utah within the last three years;

48            (c) the signature of each of the sponsors, attested to by a notary public;

49            (d) a copy of the proposed law that includes, in the following order:

50            (i) the title of the proposed law, [~~which~~] that clearly expresses the subject of the law;

51 [~~and~~]

52            (ii) a description of all proposed sources of funding for the costs associated with the

53 proposed law, including the proposed percentage of total funding from each source; and

54 [~~(i)~~] (iii) the text of the proposed law;

55            (e) if the initiative petition proposes a tax increase, the following statement, "This

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

59 (f) a statement indicating whether persons gathering signatures for the petition may be  
60 paid for doing so.

61 (3) The application and [~~its~~] the application's contents are public when filed with the  
62 lieutenant governor.

63 (4) If the petition fails to qualify for the ballot of the election described in Subsection  
64 [20A-7-201](#)(2)(b), the sponsors shall:

- 65 (a) submit a new application;
- 66 (b) obtain new signature sheets; and
- 67 (c) collect signatures again.

68 (5) The lieutenant governor shall reject the application or application addendum filed  
69 under Subsection [20A-7-204.1](#)(5) and not issue circulation sheets if:

- 70 (a) the law proposed by the initiative is patently unconstitutional;
- 71 (b) the law proposed by the initiative is nonsensical;
- 72 (c) the proposed law could not become law if passed;
- 73 (d) the proposed law contains more than one subject as evaluated in accordance with  
74 Subsection (6);
- 75 (e) the subject of the proposed law is not clearly expressed in the law's title; or
- 76 (f) the law proposed by the initiative is identical or substantially similar to a law  
77 proposed by an initiative that was submitted to the county clerks and lieutenant governor for  
78 certification and evaluation within two years preceding the date on which the application for  
79 this initiative was filed.

80 (6) To evaluate whether the proposed law contains more than one subject under  
81 Subsection (5)(d), the lieutenant governor shall apply the same standard provided in Utah  
82 Constitution, Article VI, Section 22, which prohibits a bill from passing that contains more

83 than one subject.

84 Section 2. Section **20A-7-202.5** is amended to read:

85 **20A-7-202.5. Initial fiscal impact estimate -- Preparation of estimate -- Challenge**  
86 **to estimate.**

87 (1) Within three working days [~~of receipt of~~] after the day on which the lieutenant  
88 governor receives an application for an initiative petition, the lieutenant governor shall submit  
89 a copy of the application to the [~~Governor's Office of Management and Budget~~] Office of the  
90 Legislative Fiscal Analyst.

91 (2) (a) The [~~Governor's Office of Management and Budget~~] Office of the Legislative  
92 Fiscal Analyst shall prepare an unbiased, good faith estimate of the fiscal impact of the law  
93 proposed by the initiative that contains:

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

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

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

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

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

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

109 (vii) a concise explanation, not exceeding 100 words, of the above information and of

110 the estimated fiscal impact, if any, under the proposed law[-]; and

111 (viii) a concise description and analysis titled "Funding Source," not to exceed 50  
112 words, of the funding source information described in Subsection 20A-7-202(2)(d)(ii).

113 (b) (i) If the proposed law is estimated to have no fiscal impact, the [~~Governor's Office~~  
114 ~~of Management and Budget~~] Office of the Legislative Fiscal Analyst shall include a summary  
115 statement in the initial fiscal impact statement in substantially the following form:

116 "The [~~Governor's Office of Management and Budget~~] Office of the Legislative Fiscal  
117 Analyst estimates that the law proposed by this initiative would have no significant fiscal  
118 impact and would not result in either an increase or decrease in taxes or debt."

119 (ii) If the proposed law is estimated to have a fiscal impact, the [~~Governor's Office of~~  
120 ~~Management and Budget~~] Office of the Legislative Fiscal Analyst shall include a summary  
121 statement in the initial fiscal impact estimate in substantially the following form:

122 "The [~~Governor's Office of Management and Budget~~] Office of the Legislative Fiscal  
123 Analyst estimates that the law proposed by this initiative would result in a total fiscal  
124 expense/savings of \$ \_\_\_\_\_, which includes a (type of tax or taxes) tax increase/decrease of  
125 \$ \_\_\_\_\_ and a \$ \_\_\_\_\_ increase/decrease in state debt."

126 (iii) If the estimated fiscal impact of the proposed law is highly variable or is otherwise  
127 difficult to reasonably express in a summary statement, the [~~Governor's Office of Management~~  
128 ~~and Budget~~] Office of the Legislative Fiscal Analyst may include in the summary statement a  
129 brief explanation that identifies those factors affecting the variability or difficulty of the  
130 estimate.

131 (iv) If the proposed law imposes a tax increase, the [~~Governor's Office of Management~~  
132 ~~and Budget~~] Office of the Legislative Fiscal Analyst shall include a summary statement in the  
133 initial fiscal impact estimate in substantially the following form:

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

137 (3) The [~~Governor's Office of Management and Budget~~] Office of the Legislative  
138 Fiscal Analyst shall prepare an unbiased, good faith estimate of the cost of printing and  
139 distributing information related to the initiative petition in:

140 (a) the voter information pamphlet as required by Title 20A, Chapter 7, Part 7, Voter  
141 Information Pamphlet; or

142 (b) the newspaper, as required by Section 20A-7-702.

143 (4) Within 25 calendar days [~~from the date that~~] after the day on which the lieutenant  
144 governor delivers a copy of the application, the [~~Governor's Office of Management and~~  
145 ~~Budget~~] Office of the Legislative Fiscal Analyst shall:

146 (a) deliver a copy of the initial fiscal impact estimate to the lieutenant governor's  
147 office; and

148 (b) mail a copy of the initial fiscal impact estimate to the first five sponsors named in  
149 the initiative application.

150 (5) (a) (i) Three or more of the sponsors of the petition may, within 20 calendar days  
151 [~~of~~] after the date of delivery of the initial fiscal impact estimate to the lieutenant governor's  
152 office, file a petition with the [~~Supreme Court~~] appropriate court, alleging that the initial fiscal  
153 impact estimate, taken as a whole, is an inaccurate estimate of the fiscal impact of the  
154 initiative.

155 (ii) After receipt of the appeal, the [~~Supreme Court~~] court shall direct the lieutenant  
156 governor to send notice of the petition to:

157 (A) any person or group that has filed an argument with the lieutenant governor's office  
158 for or against the measure that is the subject of the challenge; and

159 (B) any political issues committee established under Section 20A-11-801 that has filed  
160 written or electronic notice with the lieutenant governor that identifies the name, mailing or  
161 email address, and telephone number of the person designated to receive notice about any  
162 issues relating to the initiative.

163 (b) (i) There is a presumption that the initial fiscal impact estimate prepared by the

164 [~~Governor's Office of Management and Budget~~] Office of the Legislative Fiscal Analyst is  
165 based upon reasonable assumptions, uses reasonable data, and applies accepted analytical  
166 methods to present the estimated fiscal impact of the initiative.

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

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

174 (c) The [~~Supreme Court~~] court shall certify to the lieutenant governor a fiscal impact  
175 estimate for the measure that meets the requirements of this section.

176 Section 3. Section **20A-7-203** is amended to read:

177 **20A-7-203. Form of initiative petition and signature sheets.**

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

180 "INITIATIVE PETITION To the Honorable \_\_\_\_\_, Lieutenant Governor:

181 We, the undersigned citizens of Utah, respectfully demand that the following proposed  
182 law be submitted to the legal voters/Legislature of Utah for their/its approval or rejection at the  
183 regular general election/session to be held/ beginning on \_\_\_\_\_(month\day\year);

184 Each signer says:

185 I have personally signed this petition;

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

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

189 NOTICE TO SIGNERS:

190 Public hearings to discuss this petition were held at: (list dates and locations of public

191 hearings.)"

192 (b) If the initiative petition proposes a tax increase, the following statement shall  
193 appear, in at least 14-point, bold type, immediately following the information described in  
194 Subsection (1)(a):

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

198 (c) The sponsors of an initiative shall attach a copy of the proposed law to each  
199 initiative petition.

200 (2) Each signature sheet shall:

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

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

204 (c) contain the title of the initiative printed below the horizontal line, in at least  
205 14-point, bold type;

206 (d) be vertically divided into columns as follows:

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

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

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

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

215 and

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



218 (e) spanning the sheet horizontally beneath each row on which a registered voter may  
219 submit the information described in Subsection (2)(d), contain the following statement printed  
220 or typed in not less than eight-point type:

221 "By signing this petition, you are stating that you have read and understand the law  
222 proposed by this petition."; and

223 (f) at the bottom of the sheet, contain in the following order:

224 (i) the title of the initiative, in at least 14-point, bold type;

225 (ii) the initial fiscal impact estimate's summary statement issued by the [~~Governor's~~  
226 ~~Office of Management and Budget~~] Office of the Legislative Fiscal Analyst in accordance with  
227 Subsection 20A-7-202.5(2)(b), including any update in accordance with Subsection  
228 20A-7-204.1[(4)](5), and the cost estimate for printing and distributing information related to  
229 the initiative petition in accordance with Subsection 20A-7-202.5(3), in not less than 12-point,  
230 bold type;

231 (iii) the word "Warning," followed by the following statement in not less than  
232 eight-point type:

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

238 (iv) the following statement: "Birth date or age information is not required, but it may  
239 be used to verify your identity with voter registration records. If you choose not to provide it,  
240 your signature may not be verified as a valid signature if you change your address before  
241 petition signatures are verified or if the information you provide does not match your voter  
242 registration records."; and

243 (v) if the initiative petition proposes a tax increase, spanning the bottom of the sheet,  
244 horizontally, in not less than 14-point, bold type, the following statement:

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

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

250 "Verification

251 State of Utah, County of \_\_\_\_

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

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

254 All the names that appear in this packet were signed by individuals who professed to be  
255 the individuals whose names appear in it, and each of the individuals signed the individual's  
256 name on it in my presence;

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

261 I have not paid or given anything of value to any person who signed this petition to  
262 encourage that person to sign it.

263 \_\_\_\_\_  
264 (Name) (Residence Address) (Date)"

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

268 Section 4. Section **20A-7-204.1** is amended to read:

269 **20A-7-204.1. Public hearings to be held before initiative petitions are circulated --**  
270 **Changes to an initiative and initial fiscal impact estimate.**

271 (1) (a) After issuance of the initial fiscal impact estimate by the [~~Governor's Office of~~

272 ~~Management and Budget~~ Office of the Legislative Fiscal Analyst and before circulating  
273 initiative petitions for signature statewide, sponsors of the initiative petition shall hold at least  
274 seven public hearings throughout Utah as follows:

- 275 (i) one in the Bear River region -- Box Elder, Cache, or Rich County;  
276 (ii) one in the Southwest region -- Beaver, Garfield, Iron, Kane, or Washington  
277 County;  
278 (iii) one in the Mountain region -- Summit, Utah, or Wasatch County;  
279 (iv) one in the Central region -- Juab, Millard, Piute, Sanpete, Sevier, or Wayne  
280 County;  
281 (v) one in the Southeast region -- Carbon, Emery, Grand, or San Juan County;  
282 (vi) one in the Uintah Basin region -- Daggett, Duchesne, or Uintah County; and  
283 (vii) one in the Wasatch Front region -- Davis, Morgan, Salt Lake, Tooele, or Weber  
284 County.

285 (b) Of the seven ~~[meetings,]~~ public hearings, the sponsors of the initiative shall hold at  
286 least two of the ~~[meetings shall be held]~~ public hearings in a first or second class county, but  
287 not in the same county.

288 (c) The sponsors may not hold a public hearing described in this section until the later  
289 of:

- 290 (i) one day after the day on which a sponsor receives a copy of the initial fiscal impact  
291 estimate under Subsection [20A-7-202.5\(4\)\(b\)](#); or  
292 (ii) if three or more sponsors file a petition challenging the accuracy of the initial fiscal  
293 impact statement under Section [20A-7-202.5](#), the day after the day on which the action is final.

294 (2) At least three calendar days before the date of the public hearing, the sponsors  
295 shall:

- 296 (a) provide written notice of the public hearing to:  
297 (i) the lieutenant governor for posting on the state's website; and  
298 (ii) each state senator, state representative, and county commission or county council

299 member who is elected in whole or in part from the region where the public hearing will be  
300 held; and

301 (b) publish written notice of the public hearing detailing its time, date, and location:

302 (i) in at least one newspaper of general circulation in each county in the region where  
303 the public hearing will be held; and

304 (ii) on the Utah Public Notice Website created in Section 63F-1-701.

305 (3) If the initiative petition proposes a tax increase, the written notice described in  
306 Subsection (2) shall include the following statement, in bold, in the same font and point size as  
307 the largest font and point size appearing in the notice:

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

311 (4) (a) During the public hearing, the sponsors shall either:

312 (i) video tape or audio tape the public hearing and, when the hearing is complete,  
313 deposit the complete audio or video tape of the meeting with the lieutenant governor; or

314 (ii) take comprehensive minutes of the public hearing, detailing the names and titles of  
315 each speaker and summarizing each speaker's comments.

316 (b) The lieutenant governor shall make copies of the tapes or minutes available to the  
317 public.

318 (c) For each public hearing, the sponsors shall:

319 (i) during the entire time that the public hearing is held, post a copy of the initial fiscal  
320 impact statement in a conspicuous location at the entrance to the room where the sponsors hold  
321 the public hearing; and

322 (ii) place at least 50 copies of the initial fiscal impact statement, for distribution to  
323 public hearing attendees, in a conspicuous location at the entrance to the room where the  
324 sponsors hold the public hearing.

325 (5) (a) Within 14 days after ~~conducting~~ the day on which the sponsors conduct the

326 seventh public hearing ~~[required by]~~ described in Subsection (1)(a), and before circulating an  
 327 initiative petition for signatures, the sponsors of the initiative petition may change the text of  
 328 the proposed law if:

329 (i) a change to the text is:

330 (A) germane to the text of the proposed law filed with the lieutenant governor under  
 331 Section 20A-7-202; and

332 (B) consistent with the requirements of Subsection 20A-7-202(5); and

333 (ii) each sponsor signs, attested to by a notary public, an application addendum to  
 334 change the text of the proposed law.

335 (b) (i) Within three working days ~~[of receipt of]~~ after the day on which the lieutenant  
 336 governor receives an application addendum to change the text of the proposed law in an  
 337 initiative petition, the lieutenant governor shall submit a copy of the application addendum to  
 338 the ~~[Governor's Office of Management and Budget]~~ Office of the Legislative Fiscal Analyst.

339 (ii) The ~~[Governor's Office of Management and Budget]~~ Office of the Legislative  
 340 Fiscal Analyst shall update the initial fiscal impact estimate by following the procedures and  
 341 requirements of Section 20A-7-202.5 to reflect a change to the text of the proposed law.

342 Section 5. Section **20A-7-208** is amended to read:

343 **20A-7-208. Disposition of initiative petitions by the Legislature.**

344 (1) (a) Except as provided in Subsection (1)(b), when the lieutenant governor delivers  
 345 an initiative petition to the Legislature, the law proposed by that initiative petition shall be  
 346 either enacted or rejected without change or amendment by the Legislature.

347 (b) The speaker of the House and the president of the Senate may direct legislative staff  
 348 to~~[(i)]~~ make technical corrections authorized by Section 36-12-12~~[, and]~~.

349 ~~[(ii) prepare a legislative review note and a legislative fiscal note on the law proposed~~  
 350 ~~by the initiative petition.]~~

351 (c) If any law proposed by an initiative petition is enacted by the Legislature, ~~[it]~~ the  
 352 law is subject to referendum the same as other laws.

353 (2) If any law proposed by a petition is not enacted by the Legislature, that proposed  
354 law shall be submitted to a vote of the people at the next regular general election if:

355 (a) sufficient additional signatures to the petition are first obtained to bring the total  
356 number of signatures up to the number required by Subsection 20A-7-201(2); and

357 (b) those additional signatures are verified, certified by the county clerks, and declared  
358 sufficient by the lieutenant governor as provided in this part.

359 Section 6. Section 20A-7-209 is amended to read:

360 **20A-7-209. Ballot title -- Duties of lieutenant governor and Office of Legislative**  
361 **Research and General Counsel.**

362 (1) ~~[By]~~ On or before June 5 before the regular general election, the lieutenant  
363 governor shall deliver a copy of all of the proposed laws that have qualified for the ballot to the  
364 Office of Legislative Research and General Counsel.

365 (2) (a) The Office of Legislative Research and General Counsel shall:

366 (i) entitle each state initiative that has qualified for the ballot "Proposition Number \_\_\_"  
367 and give it a number as assigned under Section 20A-6-107;

368 (ii) prepare an impartial ballot title for each initiative summarizing the contents of the  
369 measure; and

370 (iii) return each petition and ballot title to the lieutenant governor by June 26.

371 (b) The ballot title may be distinct from the title of the proposed law attached to the  
372 initiative petition, and shall be not more than 100 words.

373 (c) If the initiative proposes a tax increase, the Office of Legislative Research and  
374 General Counsel shall include the following statement, in bold, in the ballot title:

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

378 (d) For each state initiative, the official ballot shall show, in the following order:

379 (i) the number of the initiative as determined by the Office of Legislative Research and

380 General Counsel;

381 (ii) the initial fiscal impact estimate prepared under Section 20A-7-202.5, as updated  
382 under Section 20A-7-204.1; and

383 ~~[(ii)]~~ (iii) the ballot title as determined by the Office of Legislative Research and  
384 General Counsel~~[-and].~~

385 ~~[(iii) the initial fiscal impact estimate prepared under Section 20A-7-202.5 or updated~~  
386 ~~under Section 20A-7-204.1.]~~

387 (3) [By] On or before June 27, the lieutenant governor shall mail a copy of the ballot  
388 title to any sponsor of the petition.

389 (4) (a) (i) At least three of the sponsors of the petition may, [by] on or before July 6,  
390 challenge the wording of the ballot title prepared by the Office of Legislative Research and  
391 General Counsel to the ~~[Supreme Court]~~ appropriate court.

392 (ii) After receipt of the ~~[appeal, the Supreme Court]~~ challenge, the court shall direct the  
393 lieutenant governor to send notice of the ~~[appeal]~~ challenge to:

394 (A) any person or group that has filed an argument for or against the measure that is the  
395 subject of the challenge; or

396 (B) any political issues committee established under Section 20A-11-801 that has filed  
397 written or electronic notice with the lieutenant governor that identifies the name, mailing or  
398 email address, and telephone number of the person designated to receive notice about any  
399 issues relating to the initiative.

400 (b) (i) There is a presumption that the ballot title prepared by the Office of Legislative  
401 Research and General Counsel is an impartial summary of the contents of the initiative.

402 (ii) The ~~[Supreme Court]~~ court may not revise the wording of the ballot title unless the  
403 plaintiffs rebut the presumption by clearly and convincingly establishing that the ballot title is  
404 patently false or biased.

405 (c) The ~~[Supreme Court]~~ court shall:

406 (i) examine the ballot title;

407 (ii) hear arguments; and  
408 (iii) certify to the lieutenant governor a ballot title for the measure that meets the  
409 requirements of this section.

410 (d) The lieutenant governor shall certify the title verified by the ~~[Supreme Court]~~ court  
411 to the county clerks to be printed on the official ballot.

412 Section 7. Section **20A-7-210** is amended to read:

413 **20A-7-210. Form of ballot -- Manner of voting.**

414 (1) ~~[The county clerks]~~ A county clerk shall ensure that the ~~[number and ballot title~~  
415 ~~verified to them by the lieutenant governor are]~~ information described in Subsection  
416 20A-7-209(2)(d) is presented, in the order required, upon the official ballot with, immediately  
417 adjacent to ~~[them]~~ the information, the words "For" and "Against," each word presented with  
418 an adjacent square in which the ~~[elector]~~ voter may indicate ~~[his]~~ the voter's vote.

419 (2) ~~[Electors]~~ A voter desiring to vote in favor of enacting the law proposed by the  
420 initiative petition shall mark the square adjacent to the word "For," and ~~[those]~~ a voter desiring  
421 to vote against enacting the law proposed by the initiative petition shall mark the square  
422 adjacent to the word "Against."

423 Section 8. Section **20A-7-214** is amended to read:

424 **20A-7-214. Fiscal review -- Repeal, amendment, or resubmission.**

425 (1) No later than 60 days after the date of an election in which the voters approve an  
426 initiative petition, the ~~[Governor's Office of Management and Budget]~~ Office of the Legislative  
427 Fiscal Analyst shall:

428 (a) for each initiative approved by the voters, prepare a final fiscal impact statement,  
429 using current financial information and containing the information required by Subsection  
430 20A-7-202.5(2); and

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

- 432 (i) the president of the Senate;  
433 (ii) the minority leader of the Senate;



- 434 (iii) the speaker of the House of Representatives;  
435 (iv) the minority leader of the House of Representatives; and  
436 (v) the first five sponsors listed on the initiative application.

437 (2) If the final fiscal impact statement exceeds the initial fiscal impact estimate by 25%  
438 or more, the Legislature shall review the final fiscal impact statement and may, in any  
439 legislative session following the election in which the voters approved the initiative petition:

- 440 (a) repeal the law established by passage of the initiative;  
441 (b) amend the law established by passage of the initiative; or  
442 (c) pass a joint or concurrent resolution informing the voters that they may file an  
443 initiative petition to repeal the law enacted by the passage of the initiative.

444 Section 9. **Coordinating S.B. 151 with S.B. 33 -- Substantive and technical**  
445 **amendments.**

446 If this S.B. 151 and S.B. 33, Political Procedures Amendments, both pass and become  
447 law, it is the intent of the Legislature that the Office of Legislative Research and General  
448 Counsel shall prepare the Utah Code database for publication by amending Subsection  
449 20A-7-204.1(5)(a) to read:

450 "(5) (a) [~~Within~~] Before 5 p.m. within 14 days after [~~conducting~~] the day on which the  
451 sponsors conduct the seventh public hearing [~~required by~~] described in Subsection (1)(a), and  
452 before circulating an initiative petition for signatures, the sponsors of the initiative petition may  
453 change the text of the proposed law if:

- 454 (i) a change to the text is:  
455 (A) germane to the text of the proposed law filed with the lieutenant governor under  
456 Section 20A-7-202; and  
457 (B) consistent with the requirements of Subsection 20A-7-202(5); and  
458 (ii) each sponsor signs, attested to by a notary public, an application addendum to  
459 change the text of the proposed law."