

**INITIATIVE PROCEDURE AMENDMENTS**

2019 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Deidre M. Henderson**

House Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill amends procedures relating to a statewide initiative.

**Highlighted Provisions:**

This bill:

- ▶ requires an application for a statewide initiative petition to contain information relating to funding sources for the proposed law;
- ▶ modifies public hearing requirements relating to a statewide initiative;
- ▶ modifies ballot requirements and ballot title challenge provisions; and
- ▶ makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

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

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

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

**20A-7-209**, as last amended by Laws of Utah 2017, Chapter 291

**20A-7-210**, as last amended by Laws of Utah 2009, Chapter 202



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

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

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

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

(2) The application shall contain:

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

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

(i) is a resident of Utah; and

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

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

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

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

(ii) a description of all proposed sources of funding for the costs associated with the proposed law, including the proposed percentage of total funding from each source; and

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

(e) if the initiative petition proposes a tax increase, the following statement, "This initiative petition seeks to increase the current (insert name of tax) rate by (insert the tax percentage difference) percent, resulting in a(n) (insert the tax percentage increase) percent increase in the current tax rate."; and

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

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

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

(a) submit a new application;

(b) obtain new signature sheets; and

59 (c) collect signatures again.

60 (5) The lieutenant governor shall reject the application or application addendum filed  
61 under Subsection 20A-7-204.1(5) and not issue circulation sheets if:

62 (a) the law proposed by the initiative is patently unconstitutional;

63 (b) the law proposed by the initiative is nonsensical;

64 (c) the proposed law could not become law if passed;

65 (d) the proposed law contains more than one subject as evaluated in accordance with  
66 Subsection (6);

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

68 (f) the law proposed by the initiative is identical or substantially similar to a law  
69 proposed by an initiative that was submitted to the county clerks and lieutenant governor for  
70 certification and evaluation within two years preceding the date on which the application for  
71 this initiative was filed.

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

76 Section 2. Section 20A-7-203 is amended to read:

77 **20A-7-203. Form of initiative petition and signature sheets.**

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

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

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

84 Each signer says:

85 I have personally signed this petition;

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

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

89 NOTICE TO SIGNERS:

90 Public hearings to discuss this petition were held at: (list dates and locations of public  
91 hearings.)"

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

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

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

100 (2) Each signature sheet shall:

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

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

104 (c) contain the title of the initiative printed below the horizontal line, in at least  
105 14-point, bold type;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

149 "Verification  
150 State of Utah, County of \_\_\_\_\_

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

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

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

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

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

162 \_\_\_\_\_  
163 (Name) (Residence Address) (Date)"

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

167 Section 3. Section 20A-7-204.1 is amended to read:

168 **20A-7-204.1. Public hearings to be held before initiative petitions are circulated --**  
169 **Changes to an initiative and initial fiscal impact estimate.**

170 (1) (a) After issuance of the initial fiscal impact estimate by the Governor's Office of  
171 Management and Budget and before circulating initiative petitions for signature statewide,  
172 sponsors of the initiative petition shall hold at least seven public hearings throughout Utah as  
173 follows:

174 (i) one in the Bear River region -- Box Elder, Cache, or Rich County;

175 (ii) one in the Southwest region -- Beaver, Garfield, Iron, Kane, or Washington  
176 County;

177 (iii) one in the Mountain region -- Summit, Utah, or Wasatch County;

178 (iv) one in the Central region -- Juab, Millard, Piute, Sanpete, Sevier, or Wayne  
179 County;

180 (v) one in the Southeast region -- Carbon, Emery, Grand, or San Juan County;

181 (vi) one in the Uintah Basin region -- Daggett, Duchesne, or Uintah County; and

182 (vii) one in the Wasatch Front region -- Davis, Morgan, Salt Lake, Tooele, or Weber

183 County.

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

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

189 (i) one day after the day on which a sponsor receives a copy of the initial fiscal impact  
190 estimate under Subsection [20A-7-202.5\(4\)\(b\)](#); or

191 (ii) if three or more sponsors file a petition challenging the accuracy of the initial fiscal  
192 impact statement under Section [20A-7-202.5](#), the day after the day on which the action is final.

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

195 (a) provide written notice of the public hearing to:

196 (i) the lieutenant governor for posting on the state's website; and

197 (ii) each state senator, state representative, and county commission or county council  
198 member who is elected in whole or in part from the region where the public hearing will be  
199 held; and

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

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

203 (ii) on the Utah Public Notice Website created in Section [63F-1-701](#).

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

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

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

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

213 (ii) take comprehensive minutes of the public hearing, detailing the names and titles of

214 each speaker and summarizing each speaker's comments.

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

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

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

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

224 (5) (a) Within 14 days after ~~conducting~~ the day on which the sponsors conduct the  
225 seventh public hearing ~~required by~~ described in Subsection (1)(a)<sub>2</sub> and before circulating an  
226 initiative petition for signatures, the sponsors of the initiative petition may change the text of  
227 the proposed law if:

228 (i) a change to the text is:

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

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

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

234 (b) (i) Within three working days ~~of receipt of~~ after the day on which the lieutenant  
235 governor receives an application addendum to change the text of the proposed law in an  
236 initiative petition, the lieutenant governor shall submit a copy of the application addendum to  
237 the Governor's Office of Management and Budget.

238 (ii) The Governor's Office of Management and Budget shall update the initial fiscal  
239 impact estimate by following the procedures and requirements of Section 20A-7-202.5 to  
240 reflect a change to the text of the proposed law.

241 Section 4. Section 20A-7-209 is amended to read:

242 **20A-7-209. Ballot title -- Duties of lieutenant governor and Office of Legislative**  
243 **Research and General Counsel.**

244 (1) ~~By~~ On or before June 5 before the regular general election, the lieutenant



245 governor shall deliver a copy of all of the proposed laws that have qualified for the ballot to the  
 246 Office of Legislative Research and General Counsel.

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

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

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

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

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

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

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

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

261 (i) the number of the initiative as determined by the Office of Legislative Research and  
 262 General Counsel;

263 (ii) the initial fiscal impact estimate prepared under Section [20A-7-202.5](#), as updated  
 264 under Section [20A-7-204.1](#);

265 (iii) the funding source description described in Subsection [20A-7-202\(2\)\(d\)\(ii\)](#),  
 266 amended, as necessary, to reflect changes made to the initiative under Subsection  
 267 [20A-7-204.1\(5\)](#); and

268 ~~[(ii)]~~ (iv) the ballot title as determined by the Office of Legislative Research and  
 269 General Counsel~~[-and]~~.

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

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

274 (4) (a) (i) At least three of the sponsors of the petition may, ~~[by]~~ on or before July 6,  
 275 challenge the wording of the ballot title prepared by the Office of Legislative Research and

276 General Counsel to the ~~[Supreme Court]~~ appropriate court.

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

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

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

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

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

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

291 (i) examine the ballot title;

292 (ii) hear arguments; and

293 (iii) certify to the lieutenant governor a ballot title for the measure that meets the  
294 requirements of this section.

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

297 Section 5. Section [20A-7-210](#) is amended to read:

298 **[20A-7-210. Form of ballot -- Manner of voting.](#)**

299 (1) ~~[The county clerks]~~ A county clerk shall ensure that the ~~[number and ballot title~~  
300 ~~verified to them by the lieutenant governor are]~~ information described in Subsection  
301 [20A-7-209\(2\)\(d\)](#) is presented, in the order required, upon the official ballot with, immediately  
302 adjacent to ~~[them]~~ the information, the words "For" and "Against," each word presented with  
303 an adjacent square in which the ~~[elector]~~ voter may indicate ~~[his]~~ the voter's vote.

304 (2) ~~[Electors]~~ A voter desiring to vote in favor of enacting the law proposed by the  
305 initiative petition shall mark the square adjacent to the word "For," and ~~[those]~~ a voter desiring  
306 to vote against enacting the law proposed by the initiative petition shall mark the square

307 adjacent to the word "Against."