

**Senator Deidre M. Henderson** proposes the following substitute bill:

**INITIATIVE PROCEDURE AMENDMENTS**

2019 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Deidre M. Henderson**

House Sponsor: A. Cory Maloy

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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;
- ▶ provides that the Office of the Legislative Fiscal Analyst shall prepare the fiscal impact statement for an initiative;
- ▶ modifies the fiscal impact statement for an initiative; and
- ▶ makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

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

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

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

37 **20A-7-202. Statewide initiative process -- Application procedures -- Time to**  
38 **gather signatures -- Grounds for rejection.**

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

41 (2) The application shall contain:

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

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

44 (i) is a resident of Utah; and

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

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

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

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

49 [~~and~~]

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

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

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

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

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

61 (4) If the petition fails to qualify for the ballot of the election described in Subsection  
62 20A-7-201(2)(b), the sponsors shall:

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

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

- 68 (a) the law proposed by the initiative is patently unconstitutional;
- 69 (b) the law proposed by the initiative is nonsensical;
- 70 (c) the proposed law could not become law if passed;
- 71 (d) the proposed law contains more than one subject as evaluated in accordance with  
72 Subsection (6);

- 73 (e) the subject of the proposed law is not clearly expressed in the law's title; or
- 74 (f) the law proposed by the initiative is identical or substantially similar to a law  
75 proposed by an initiative that was submitted to the county clerks and lieutenant governor for  
76 certification and evaluation within two years preceding the date on which the application for  
77 this initiative was filed.

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

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

83 **20A-7-202.5. Initial fiscal impact estimate -- Preparation of estimate -- Challenge**  
84 **to estimate.**

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

88 Legislative Fiscal Analyst.

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

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

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

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

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

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

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

107 (vii) a concise explanation, not exceeding 100 words, of the above information and of  
108 the estimated fiscal impact, if any, under the proposed law[-]; and

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

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

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

117 (ii) If the proposed law is estimated to have a fiscal impact, the [~~Governor's Office of~~  
118 ~~Management and Budget~~] Office of the Legislative Fiscal Analyst shall include a summary

119 statement in the initial fiscal impact estimate in substantially the following form:

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

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

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

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

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

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

140 (b) the newspaper, as required by Section [20A-7-702](#).

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

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

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

148 (5) (a) (i) Three or more of the sponsors of the petition may, within 20 calendar days  
149 [~~of~~] after the date of delivery of the initial fiscal impact estimate to the lieutenant governor's

150 office, file a petition with the [~~Supreme Court~~] appropriate court, alleging that the initial fiscal  
151 impact estimate, taken as a whole, is an inaccurate estimate of the fiscal impact of the  
152 initiative.

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

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

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

161 (b) (i) There is a presumption that the initial fiscal impact estimate prepared by the  
162 [~~Governor's Office of Management and Budget~~] Office of the Legislative Fiscal Analyst is  
163 based upon reasonable assumptions, uses reasonable data, and applies accepted analytical  
164 methods to present the estimated fiscal impact of the initiative.

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

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

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

174 Section 3. Section [20A-7-203](#) is amended to read:

175 **20A-7-203. Form of initiative petition and signature sheets.**

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

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

179 We, the undersigned citizens of Utah, respectfully demand that the following proposed  
180 law be submitted to the legal voters/Legislature of Utah for their/its approval or rejection at the

181 regular general election/session to be held/ beginning on \_\_\_\_\_(month\day\year);

182 Each signer says:

183 I have personally signed this petition;

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

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

187 NOTICE TO SIGNERS:

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

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

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

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

198 (2) Each signature sheet shall:

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

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

202 (c) contain the title of the initiative printed below the horizontal line, in at least  
203 14-point, bold type;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

248 "Verification

249 State of Utah, County of \_\_\_\_\_

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

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

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

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

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

261 \_\_\_\_\_  
262 (Name) (Residence Address) (Date)"

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

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

267 **20A-7-204.1. Public hearings to be held before initiative petitions are circulated --**  
268 **Changes to an initiative and initial fiscal impact estimate.**

269 (1) (a) After issuance of the initial fiscal impact estimate by the [~~Governor's Office of~~  
270 ~~Management and Budget~~] Office of the Legislative Fiscal Analyst and before circulating  
271 initiative petitions for signature statewide, sponsors of the initiative petition shall hold at least  
272 seven public hearings throughout Utah as follows:

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

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

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

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

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

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

281 (vii) one in the Wasatch Front region -- Davis, Morgan, Salt Lake, Tooele, or Weber  
282 County.

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

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

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

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

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

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

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

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

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

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

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

303 (3) If the initiative petition proposes a tax increase, the written notice described in  
304 Subsection (2) shall include the following statement, in bold, in the same font and point size as

305 the largest font and point size appearing in the notice:

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

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

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

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

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

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

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

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

323 (5) (a) Within 14 days after [~~conducting~~] the day on which the sponsors conduct the  
324 seventh public hearing [~~required by~~] described in Subsection (1)(a), and before circulating an  
325 initiative petition for signatures, the sponsors of the initiative petition may change the text of  
326 the proposed law if:

327 (i) a change to the text is:

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

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

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

333 (b) (i) Within three working days [~~of receipt of~~] after the day on which the lieutenant  
334 governor receives an application addendum to change the text of the proposed law in an  
335 initiative petition, the lieutenant governor shall submit a copy of the application addendum to

336 the ~~[Governor's Office of Management and Budget]~~ Office of the Legislative Fiscal Analyst.

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

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

341 **20A-7-208. Disposition of initiative petitions by the Legislature.**

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

345 (b) The speaker of the House and the president of the Senate may direct legislative staff  
346 to~~[(+)]~~ make technical corrections authorized by Section 36-12-12~~[; and]~~.

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

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

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

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

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

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

358 **20A-7-209. Ballot title -- Duties of lieutenant governor and Office of Legislative**  
359 **Research and General Counsel.**

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

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

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

366 (ii) prepare an impartial ballot title for each initiative summarizing the contents of the

367 measure; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

404 (i) examine the ballot title;

405 (ii) hear arguments; and

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

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

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

411 **20A-7-210. Form of ballot -- Manner of voting.**

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

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

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

422 **20A-7-214. Fiscal review -- Repeal, amendment, or resubmission.**

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

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

- 429 (b) deliver a copy of the final fiscal impact statement to:
- 430 (i) the president of the Senate;
- 431 (ii) the minority leader of the Senate;
- 432 (iii) the speaker of the House of Representatives;
- 433 (iv) the minority leader of the House of Representatives; and
- 434 (v) the first five sponsors listed on the initiative application.
- 435 (2) If the final fiscal impact statement exceeds the initial fiscal impact estimate by 25%
- 436 or more, the Legislature shall review the final fiscal impact statement and may, in any
- 437 legislative session following the election in which the voters approved the initiative petition:
- 438 (a) repeal the law established by passage of the initiative;
- 439 (b) amend the law established by passage of the initiative; or
- 440 (c) pass a joint or concurrent resolution informing the voters that they may file an
- 441 initiative petition to repeal the law enacted by the passage of the initiative.