

## HB0136S02 compared with HB0136S01

~~deleted text~~ shows text that was in HB0136S01 but was deleted in HB0136S02.

inserted text shows text that was not in HB0136S01 but was inserted into HB0136S02.

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

**Representative Jordan D. Teuscher** proposes the following substitute bill:

### INITIATIVE AND REFERENDA MODIFICATIONS

2021 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Jordan D. Teuscher**

Senate Sponsor: \_\_\_\_\_

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#### LONG TITLE

##### General Description:

This bill amends provisions of the Election Code relating to statewide and local initiatives and referenda.

##### Highlighted Provisions:

This bill:

- ▶ imposes requirements on signature gatherers and provides penalties for violation of those requirements;
- ▶ modifies the form for signature sheets and the verification of signature packets;
- ▶ requires the sponsors of an initiative to:
  - send certain information via email to an individual who signs a petition if the individual provides an email address; and
  - sign a verification that the sponsor complied with the email requirement;

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- ▶ removes the requirement to include a copy of the initiative or referendum in a signature packet and, instead, requires a signature gatherer to, before collecting a signature, present to the individual a printed or digital copy of the initiative or referendum and wait for the individual to read the initiative or referendum;
- ▶ requires the lieutenant governor or a local clerk to post certain information on the lieutenant governor's or clerk's website regarding an initiative or referendum;
- ▶ clarifies requirements for review of an application to determine referability to voters; and
- ▶ makes technical and conforming changes.

### Money Appropriated in this Bill:

None

### Other Special Clauses:

~~{ None }~~ This bill provides a coordination clause.

### Utah Code Sections Affected:

AMENDS:

**20A-1-609**, as last amended by Laws of Utah 2020, Chapter 31

**20A-7-203**, as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 20

**20A-7-204**, as last amended by Laws of Utah 2017, Chapter 291

**20A-7-206**, as last amended by Laws of Utah 2020, Chapters 166 and 349

**20A-7-303**, as last amended by Laws of Utah 2019, Chapter 210

**20A-7-304**, as last amended by Laws of Utah 1995, Chapter 153

**20A-7-306**, as last amended by Laws of Utah 2020, Chapter 166

**20A-7-502.7**, as enacted by Laws of Utah 2019, Chapter 203

**20A-7-503**, as last amended by Laws of Utah 2017, Chapter 291

**20A-7-504**, as last amended by Laws of Utah 2019, Chapter 203

**20A-7-506**, as last amended by Laws of Utah 2019, Chapters 203 and 255

**20A-7-602.7**, as enacted by Laws of Utah 2019, Chapter 203

**20A-7-602.8**, as enacted by Laws of Utah 2019, Chapter 203

**20A-7-603**, as last amended by Laws of Utah 2019, Chapter 203

**20A-7-604**, as last amended by Laws of Utah 2019, Chapter 203

**20A-7-606**, as last amended by Laws of Utah 2019, Chapter 255

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ENACTS:

**20A-7-104**, Utah Code Annotated 1953

**20A-7-202.7**, Utah Code Annotated 1953

**20A-7-304.5**, Utah Code Annotated 1953

**20A-7-502.6**, Utah Code Annotated 1953

**20A-7-604.5**, Utah Code Annotated 1953

### Utah Code Sections Affected by Coordination Clause:

**20A-7-203**, as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 20

**20A-7-204**, as last amended by Laws of Utah 2017, Chapter 291

**20A-7-303**, as last amended by Laws of Utah 2019, Chapter 210

**20A-7-304**, as last amended by Laws of Utah 1995, Chapter 153

**20A-7-503**, as last amended by Laws of Utah 2017, Chapter 291

**20A-7-504**, as last amended by Laws of Utah 2019, Chapter 203

**20A-7-603**, as last amended by Laws of Utah 2019, Chapter 203

**20A-7-604**, as last amended by Laws of Utah 2019, Chapter 203

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

Section 1. Section **20A-1-609** is amended to read:

**20A-1-609. Omnibus penalties.**

(1) (a) Except as provided in Subsection (1)(b), a person who violates any provision of this title is guilty of a class B misdemeanor.

(b) Subsection (1)(a) does not apply to a provision of this title for which another penalty is expressly stated.

(c) An individual is not guilty of a crime for, by signing a petition for an initiative or referendum, falsely making the statement described in Subsection 20A-7-203(2)[~~(e)(ii)~~](d)(xx), 20A-7-303(2)[~~(h)(ii)~~](d)(xx), 20A-7-503(2)[~~(e)~~](d)(xx), or 20A-7-603(2)[~~(h)~~](d)(xx).

(2) Except as provided by Section 20A-2-101.3 or 20A-2-101.5, an individual convicted of any offense under this title may not:

(a) file a declaration of candidacy for any office or appear on the ballot as a candidate for any office during the election cycle in which the violation occurred;

(b) take or hold the office to which the individual was elected; and

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(c) receive the emoluments of the office to which the individual was elected.

(3) (a) Any individual convicted of any offense under this title forfeits the right to vote at any election unless the right to vote is restored as provided in Section 20A-2-101.3 or 20A-2-101.5.

(b) Any person may challenge the right to vote of a person described in Subsection (3)(a) by following the procedures and requirements of Section 20A-3a-803.

Section 2. Section **20A-7-104** is enacted to read:

### **20A-7-104. Signature gatherers -- Payments -- Badges -- Information --**

#### **Requirement to provide initiative or referendum for review.**

(1) A person may not pay a person to gather signatures under this chapter based on a rate per signature, on a rate per verified signature, or on the initiative or referendum qualifying for the ballot.

(2) A person that pays a person to gather signatures under this section shall base the payment solely on an hourly rate.

(3) A person may not accept payment made in violation of this section.

(4) An individual who is paid to gather signatures for a petition described in this chapter shall, while gathering signatures, wear a badge on the front of the individual's torso that complies with the following, ensuring that the information on the badge is clearly visible to the individual from whom a signature is sought:

(a) the badge shall be printed in black ink on white cardstock and laminated; and

(b) the information on the badge shall be in at least 24-point type and include the following information:

(i) an identification number that is unique to the individual gathering signatures, assigned by:

(A) for a statewide initiative or referendum, the lieutenant governor; or

(B) for a local initiative or referendum, the local clerk;

(ii) the title of the initiative or referendum; ~~and~~

(iii) the words "Paid Signature Gatherer~~;~~"; and

(iv) the name of the entity paying the signature gatherer.

(5) Except as provided in Subsection (6)(b), an individual who gathers signatures under this chapter shall provide a paper document to each individual who signs the petition that:

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(a) is printed in black ink on white paper, white cardstock, or a white sticker, in at least 12-point type; and

(b) (i) for an initiative, includes the name of the initiative and the following statement:

"You may view the initiative, its fiscal impact, and information on removing your signature from the petition at [list a uniform resource locator that links directly to the information described in Section 20A-7-202.7 or 20A-7-502.6, as applicable]."; or

(ii) for a referendum, includes the name of the referendum and the following statement:

"You may view the referendum and information on removing your signature from the petition at [list a uniform resource locator that links directly to the information described in Section 20A-7-304.5 or 20A-7-604.5, as applicable]."

(6) An individual who gathers signatures under this chapter:

(a) shall, before collecting a signature from an individual, present to the individual a printed or digital copy of the initiative or referendum and wait for the individual to read the initiative or referendum; and

(b) is not required to provide the document described in Subsection (5) if, after the individual offers to provide the document, the individual who signs the petition declines to accept the document.

(7) A person who violates this section is guilty of a class B misdemeanor.

Section 3. Section **20A-7-202.7** is enacted to read:

### **20A-7-202.7. Posting initiative information.**

(1) Within one business day after the day on which the lieutenant governor receives the initial fiscal impact statement under Subsection 20A-7-202.5(3)(a), the lieutenant governor shall post the following information together in a conspicuous place on the lieutenant governor's website:

(a) the initiative petition;

(b) the initiative;

(c) the fiscal impact statement; and

(d) information describing how an individual may remove the individual's signature from the signature packet.

(2) The lieutenant governor shall:

(a) promptly update the information described in Subsection (1) if the information

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changes; and

(b) maintain the information described in Subsection (1) on the lieutenant governor's website until the initiative fails to qualify for the ballot or is passed or defeated at an election.

Section 4. Section **20A-7-203** is amended to read:

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

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

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

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

Each signer says:

I have personally signed this petition;

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

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

NOTICE TO SIGNERS:

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

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

"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."

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

(2) Each signature sheet shall:

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

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

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(c) ~~[contain]~~ include the title of the initiative printed below the horizontal line, in at least 14-point, bold type;

~~[(d) be vertically divided into columns as follows:]~~

~~[(i) the edge of the first column shall appear .5 inch from the extreme left of the sheet, be .25 inch wide, and be headed, together with the second column, "For Office Use Only";]~~

~~[(ii) the second column shall be .25 inch wide;]~~

~~[(iii) the third column shall be 2.5 inches wide, headed "Registered Voter's Printed Name (must be legible to be counted)";]~~

~~[(iv) the fourth column shall be 2.5 inches wide, headed "Signature of Registered Voter";]~~

~~[(v) the fifth column shall be .75 inch wide, headed "Date Signed";]~~

~~[(vi) the sixth column shall be three inches wide, headed "Street Address, City, Zip Code"; and]~~

~~[(vii) the seventh column shall be .75 inch wide, headed "Birth Date or Age (Optional)";]~~

~~[(e) be horizontally divided into rows as follows:]~~

~~[(i) the top of the first row, for the purpose of entering the information described in Subsection (2)(d), shall be .5 inch high;]~~

~~[(ii) the second row shall be .15 inch high and contain the following statement printed or typed in not less than 12-point type:]~~

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

~~[(iii) the first and second rows shall be repeated, in order, leaving sufficient room at the bottom of the sheet for the information described in Subsection (2)(f); and]~~

(d) include a table immediately below the title of the initiative, and beginning .5 inch from the left side of the paper, as follows:

(i) the first column shall be .5 inch wide and include three rows;

(ii) the first row of the first column shall be .85 inch tall and contain the words "For Office Use Only" in 10-point type;

(iii) the second row of the first column shall be .35 inch tall;

(iv) the third row of the first column shall be .5 inch tall;

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(v) the second column shall be 2.75 inches wide;

(vi) the first row of the second column shall be .35 inch tall and contain the words "Registered Voter's Printed Name (must be legible to be counted)" in 10-point type;

(vii) the second row of the second column shall be .5 inch tall;

(viii) the third row of the second column shall be .35 inch tall and contain the words "Street Address, City, Zip Code" in 10-point type;

(ix) the fourth row of the second column shall be .5 inch tall;

(x) the third column shall be 2.75 inches wide;

(xi) the first row of the third column shall be .35 inch tall and contain the words

"Signature of Registered Voter" in 10-point type;

(xii) the second row of the third column shall be .5 inch tall;

(xiii) the third row of the third column shall be .35 inch tall and contain the words

"Email Address (optional, to receive additional information)" in 10-point type;

(xiv) the fourth row of the third column shall be .5 inch tall;

(xv) the fourth column shall be one inch wide;

(xvi) the first row of the fourth column shall be .35 inch tall and contain the words

"Date Signed" in 10-point type;

(xvii) the second row of the fourth column shall be .5 inch tall;

(xviii) the third row of the fourth column shall be .35 inch tall and contain the words

"Birth Date or Age (optional)" in 10-point type;

(xix) the fourth row of the third column shall be .5 inch tall; and

(xx) the fifth row of the entire table shall be the width of the entire table, .4 inch tall, and contain the following statement, "By signing this petition, you are stating that you have read and understand the law proposed by this petition." in 12-point type;

(e) the table described in Subsection (2)(d) shall be repeated, leaving sufficient room at the bottom of the sheet for the information described in Subsection (2)(f); and

(f) at the bottom of the sheet, [contain] include in the following order:

(i) the words "Fiscal Impact of" followed by the title of the initiative, in at least [14-point] 12-point, bold type;

(ii) except as provided in Subsection (4), the initial fiscal impact estimate's summary statement issued by the Office of the Legislative Fiscal Analyst in accordance with Subsection



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20A-7-202.5(2)(a), including any update in accordance with Subsection 20A-7-204.1(5), in not less than 12-point~~[, bold]~~ type;

(iii) if the initiative petition proposes a tax increase, the following statement in 12-point, bold type:

"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

~~[(iii)]~~ (iv) the word "Warning," in 12-point, bold type, followed by the following statement in not less than eight-point type:

"It is a class A misdemeanor for an individual to sign an initiative petition with a name other than the individual's own name, or to knowingly sign the individual's name more than once for the same measure, or to sign an initiative petition when the individual knows that the individual is not a registered voter and knows that the individual does not intend to become registered to vote before the certification of the petition names by the county clerk.~~["; (iv) the following statement:"]~~

Birth date or age information is not required, but it may be used to verify your identity with voter registration records. If you choose not to provide it, your signature may not be verified as a valid signature if you change your address before petition signatures are verified or if the information you provide does not match your voter registration records."~~["; and]~~

~~[(v) if the initiative petition proposes a tax increase, spanning the bottom of the sheet, horizontally, in not less than 14-point, bold type, 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."]~~

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

["Verification of signature collector

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

I, \_\_\_\_\_, of \_\_\_\_\_, hereby state, under penalty of perjury, that:

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

All the names that appear in this packet were signed by individuals who professed to be

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the individuals whose names appear in it, and each of the individuals signed the individual's name on it in my presence;

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

Each individual who signed the packet wrote the correct date of signature next to the individual's name.

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

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(Name)	(Residence Address)	(Date)[ <sup>u</sup> ]
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(4) If the initial fiscal impact estimate described in Subsection (2)(f), as updated in accordance with Subsection 20A-7-204.1(5), exceeds 200 words, the Office of the Legislative Fiscal Analyst shall prepare a shorter summary statement, for the purpose of inclusion on a signature sheet, that does not exceed 200 words.

(5) If the forms described in this section are substantially followed, the initiative petitions are sufficient, notwithstanding clerical and merely technical errors.

Section 5. Section **20A-7-204** is amended to read:

**20A-7-204. Circulation requirements -- Lieutenant governor to provide sponsors with materials.**

(1) In order to obtain the necessary number of signatures required by this part, the sponsors shall circulate initiative packets that meet the form requirements of this part.

(2) The lieutenant governor shall furnish to the sponsors:

(a) a copy of the initiative petition, with any change submitted under Subsection 20A-7-204.1(5); and

(b) one signature sheet.

(3) The sponsors of the petition shall:

(a) arrange and pay for the printing of all additional copies of the petition and signature sheets; and

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(b) ensure that the copies of the petition and signature sheets meet the form requirements of this section.

(4) (a) The sponsors may prepare the initiative for circulation by creating multiple initiative packets.

(b) The sponsors shall create ~~[those]~~ the packets by binding a copy of the initiative petition~~[, a copy of the proposed law,]~~ and no more than 50 signature sheets together at the top ~~[in such a way]~~ so that the packets may be conveniently opened for signing.

(c) The sponsors need not attach a uniform number of signature sheets to each initiative packet.

~~[(5) (a) After the sponsors have prepared sufficient initiative packets, they shall return them to the lieutenant governor.]~~

(5) (a) The sponsors or an agent of the sponsors shall, before gathering signatures:

(i) contact the lieutenant governor's office to receive a range of numbers that the sponsors may use to number signature packets; and

(ii) number each signature packet, sequentially, within the range of numbers provided by the lieutenant governor's office, starting with the lowest number in the range.

(b) The sponsors or an agent of the sponsors may not:

(i) number a signature packet in a manner not directed by the lieutenant governor's office; or

(ii) circulate or submit a signature packet that is not numbered in the manner directed by the lieutenant governor's office.

~~[(b)]~~ (c) The lieutenant governor shall[:] keep a record of the number range provided under Subsection (5)(a).

~~[(i) number each of the initiative packets and return them to the sponsors within five working days; and]~~

~~[(ii) keep a record of the numbers assigned to each packet.]~~

Section 6. Section **20A-7-206** is amended to read:

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

(1) (a) In order to qualify an initiative petition for placement on the regular general election ballot, the sponsors, or an agent of the sponsors, shall deliver a signed and verified

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initiative packet to the county clerk of the county in which the packet was circulated before 5 p.m. no later than the earlier of:

- (i) 30 days after the day on which the first individual signs the initiative packet;
- (ii) 316 days after the day on which the application for the initiative petition is filed; or
- (iii) the February 15 immediately before the next regular general election immediately

after the application is filed under Section 20A-7-202.

(b) A [~~sponsor~~] person may not submit an initiative packet after the deadline described in Subsection (1)(a).

(c) Before delivering a packet to the county clerk under Subsection (1), the sponsors shall send an email to each individual who provides a legible, valid email address on the form described in Subsection 20A-7-203(2)(d) that includes the following:

(i) the subject of the email shall include the following statement, "Notice Regarding Your Petition Signature":

(ii) the body of the email shall include the following statement in 12-point type:

"You signed a petition for the following initiative:

[insert title of initiative]

~~{You may remove your signature from the petition by submitting a statement to your county clerk. Contact your county clerk at [insert phone number for county clerk] for information on how to remove your signature and the applicable deadline for removing your signature.~~

~~A} **To access a** copy of the initiative petition, the initiative, ~~{and }~~the fiscal impact statement ~~{ are attached for your review.}; and~~~~

~~(iii) a copy of each of the following documents, separately attached in PDF format:~~

~~(A) the initiative petition;~~

~~(B) the initiative; and~~

~~(C) the fiscal impact statement.}, and information on the deadline for removing your signature from the petition, please visit the following link: [insert a uniform resource locator that takes the individual directly to the page on the lieutenant governor's website that includes the information referred to in the email]."~~

(d) When the sponsors submit the final signature packet to the county clerk, the sponsors shall submit to the county clerk the following written verification, completed and

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signed by each of the sponsors:

Verification of initiative sponsor

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

I, \_\_\_\_\_, of \_\_\_\_\_, hereby state, under penalty of perjury, that:

I am a sponsor of the initiative petition entitled \_\_\_\_\_;

I sent, or caused to be sent, to each individual who provided a legible, valid email address on a signature packet submitted to the county clerk in relation to the initiative petition, the email described in [Utah Code Subsection 20A-7-206\(1\)\(c\)](#).

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(Name)

(Residence Address)

(Date)

(e) Signatures gathered for the initiative petition are not valid if the sponsors do not comply with this Subsection (1).

(2) For an initiative packet received by the county clerk before December 1, the county clerk shall, within 30 days after the day on which the county clerk receives the packet:

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

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

(c) post the name and voter identification number of each registered voter certified under Subsection (2)(b) in a conspicuous location on the county's website for at least 90 days; and

(d) deliver the verified initiative packet to the lieutenant governor.

(3) For an initiative packet received by the county clerk on or after December 1, the county clerk shall, within 21 days after the day on which the county clerk receives the packet:

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

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

(c) post the name and voter identification number of each registered voter certified under Subsection (2)(b) in a conspicuous location on the county's website for at least 45 days; and

(d) deliver the verified initiative packet to the lieutenant governor.

(4) Within seven days after timely receipt of a statement described in Subsection

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20A-7-205(3), the county clerk shall:

(a) remove the voter's name and voter identification number from the posting described in Subsection (2)(c) or (3)(c); and

(b) (i) remove the voter's signature from the signature packet totals; and

(ii) inform the lieutenant governor of the removal.

(5) The county clerk may not certify a signature under Subsection (2) or (3):

(a) on an initiative packet that is not verified in accordance with Section 20A-7-205; or

(b) that does not have a date of signature next to the signature.

(6) In order to qualify an initiative petition for submission to the Legislature, the sponsors shall deliver each signed and verified initiative packet to the county clerk of the county in which the packet was circulated before 5 p.m. no later than the November 15 before the next annual general session of the Legislature immediately after the application is filed under Section 20A-7-202.

(7) The county clerk may not certify a signature under Subsection (8) on an initiative packet that is not verified in accordance with Section 20A-7-205.

(8) No later than December 15 before the annual general session of the Legislature, the county clerk shall, for an initiative described in Subsection (6):

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

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

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

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

Section 7. Section **20A-7-303** is amended to read:

### **20A-7-303. Form of referendum petition and signature sheets.**

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

"REFERENDUM PETITION To the Honorable \_\_\_\_\_, Lieutenant Governor:

We, the undersigned citizens of Utah, respectfully order that Senate (or House) Bill No. \_\_\_\_\_, entitled (title of act, and, if the petition is against less than the whole act, set forth here the part or parts on which the referendum is sought), passed by the \_\_\_\_\_ Session of the

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Legislature of the state of Utah, be referred to the people of Utah for their approval or rejection at a regular general election or a statewide special election;

Each signer says:

I have personally signed this petition;

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

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

(b) The sponsors of a referendum shall attach a copy of the law that is the subject of the referendum to each referendum petition.

(2) Each signature sheet shall:

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

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

(c) ~~[contain]~~ include the title of the referendum printed below the horizontal line, in at least 14-point, bold type;

~~[(d) contain the word "Warning" printed or typed at the top of each signature sheet under the title of the referendum;]~~

~~[(e) contain, to the right of the word "Warning," the following statement printed or typed in not less than eight-point, single-leaded type:]~~

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

~~[(f) contain horizontally ruled lines, three-eighths inch apart under the "Warning" statement required by this section; and]~~

~~[(g) be vertically divided into columns as follows:]~~

~~[(i) the edge of the first column shall appear .5 inch from the extreme left of the sheet, be .25 inch wide, and be headed, together with the second column, "For Office Use Only";]~~

~~[(ii) the second column shall be .25 inch wide;]~~

~~[(iii) the third column shall be 2.5 inches wide, headed "Registered Voter's Printed~~

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Name (must be legible to be counted);]

~~[(iv) the fourth column shall be 2.5 inches wide, headed "Signature of Registered Voter";]~~

~~[(v) the fifth column shall be .75 inch wide, headed "Date Signed";]~~

~~[(vi) the sixth column shall be three inches wide, headed "Street Address, City, Zip Code", and]~~

~~[(vii) the seventh column shall be .75 inch wide, headed "Birth Date or Age (Optional)";]~~

~~[(h) be horizontally divided into rows as follows:]~~

~~[(i) the top of the first row, for the purpose of entering the information described in Subsection (2)(g), shall be .5 inch high;]~~

~~[(ii) the second row shall be .15 inch high and contain the following statement printed or typed in not less than 12-point type:]~~

~~["By signing this petition, you are stating that you have read and understand the law this petition seeks to overturn."; and]~~

~~[(iii) the first and second rows shall be repeated, in order, leaving sufficient room at the bottom of the sheet for the information described in Subsection (2)(i); and]~~

~~[(i) at the bottom of the sheet, contain the following statement: "Birth date or age information is not required, but it may be used to verify your identity with voter registration records. If you choose not to provide it, your signature may not be verified as a valid signature if you change your address before petition signatures are verified or if the information you provide does not match your voter registration records."]~~

(d) include a table immediately below the title of the referendum, and beginning .5 inch from the left side of the paper, as follows:

(i) the first column shall be .5 inch wide and include three rows;

(ii) the first row of the first column shall be .85 inch tall and contain the words "For Office Use Only" in 10-point type;

(iii) the second row of the first column shall be .35 inch tall;

(iv) the third row of the first column shall be .5 inch tall;

(v) the second column shall be 2.75 inches wide;

(vi) the first row of the second column shall be .35 inch tall and contain the words



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"Registered Voter's Printed Name (must be legible to be counted)" in 10-point type;

(vii) the second row of the second column shall be .5 inch tall;

(viii) the third row of the second column shall be .35 inch tall and contain the words

"Street Address, City, Zip Code" in 10-point type;

(ix) the fourth row of the second column shall be .5 inch tall;

(x) the third column shall be 2.75 inches wide;

(xi) the first row of the third column shall be .35 inch tall and contain the words

"Signature of Registered Voter" in 10-point type;

(xii) the second row of the third column shall be .5 inch tall;

(xiii) the third row of the third column shall be .35 inch tall and contain the words

"Email Address (optional, to receive additional information)" in 10-point type;

(xiv) the fourth row of the third column shall be .5 inch tall;

(xv) the fourth column shall be one inch wide;

(xvi) the first row of the fourth column shall be .35 inch tall and contain the words

"Date Signed" in 10-point type;

(xvii) the second row of the fourth column shall be .5 inch tall;

(xviii) the third row of the fourth column shall be .35 inch tall and contain the words

"Birth Date or Age (optional)" in 10-point type;

(xix) the fourth row of the third column shall be .5 inch tall; and

(xx) the fifth row of the entire table shall be the width of the entire table, .4 inch tall,

and contain the following words "By signing this petition, you are stating that you have read and understand the law that this petition seeks to overturn." in 12-point type;

(e) the table described in Subsection (2)(d) shall be repeated, leaving sufficient room at the bottom of the sheet for the information described in Subsection (2)(f); and

(f) at the bottom of the sheet, include the word "Warning," in 12-point, bold type, followed by the following statement in not less than eight-point type:

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

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Birth date or age information is not required, but it may be used to verify your identity with voter registration records. If you choose not to provide it, your signature may not be verified as a valid signature if you change your address before petition signatures are verified or if the information you provide does not match your voter registration records."

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

[<sup>u</sup>]Verification of signature collector

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

I, \_\_\_\_\_, of \_\_\_\_\_, hereby state, under penalty of perjury, that:

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

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

I believe that each individual has printed and signed the individual's name and written the individual's post office address and residence correctly, that each signer has read and understands the law that the referendum seeks to overturn, and that each signer is registered to vote in Utah or intends to become registered to vote before the certification of the petition names by the county clerk.

Each individual who signed the packet wrote the correct date of signature next to the individual's name.

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

---

(Name) (Residence Address) (Date)[<sup>u</sup>]

(4) If the forms described in this section are substantially followed, the referendum petitions are sufficient, notwithstanding clerical and merely technical errors.

Section 8. Section **20A-7-304** is amended to read:

**20A-7-304. Circulation requirements -- Lieutenant governor to provide sponsors with materials.**

(1) In order to obtain the necessary number of signatures required by this part, the sponsors shall circulate referendum packets that meet the form requirements of this part.

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(2) The lieutenant governor shall furnish to the sponsors:

- (a) a copy of the referendum petition; and
- (b) a signature sheet.

(3) The sponsors of the petition shall:

(a) arrange and pay for the printing of all additional copies of the petition and signature sheets; and

(b) ensure that the copies of the petition and signature sheets meet the form requirements of this section.

(4) (a) The sponsors may prepare the referendum for circulation by creating multiple referendum packets.

(b) The sponsors shall create [~~those~~] the packets by binding a copy of the referendum petition[, a copy of the law that is the subject of the referendum,] and no more than 50 signature sheets together at the top [~~in such a way~~] so that the packets may be conveniently opened for signing.

(c) The sponsors need not attach a uniform number of signature sheets to each referendum packet.

~~[(5) (a) After the sponsors have prepared sufficient referendum packets, they shall return them to the lieutenant governor.]~~

(5) (a) The sponsors or an agent of the sponsors shall, before gathering signatures:

(i) contact the lieutenant governor's office to receive a range of numbers that the sponsors may use to number signature packets; and

(ii) number each signature packet, sequentially, within the range of numbers provided by the lieutenant governor's office, starting with the lowest number in the range.

(b) The sponsors or an agent of the sponsors may not:

(i) number a signature packet in a manner not directed by the lieutenant governor's office; or

(ii) circulate or submit a signature packet that is not numbered in the manner directed by the lieutenant governor's office.

~~[(b)]~~ (c) The lieutenant governor shall[:] keep a record of the number range provided under Subsection (5)(a).

~~[(i) number each of the referendum packets and return them to the sponsors within five~~

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~~working days; and]~~

~~[(ii) keep a record of the numbers assigned to each packet.]~~

Section 9. Section **20A-7-304.5** is enacted to read:

### **20A-7-304.5. Posting referendum information.**

(1) On the day on which the lieutenant governor complies with Subsection 20A-7-304(2), the lieutenant governor shall post the following information together in a conspicuous place on the lieutenant governor's website:

(a) the referendum petition;

(b) the referendum; and

(c) information describing how an individual may remove the individual's signature from the signature packet.

(2) The lieutenant governor shall:

(a) promptly update the information described in Subsection (1) if the information changes; and

(b) maintain the information described in Subsection (1) on the lieutenant governor's website until the referendum fails to qualify for the ballot or is passed or defeated at an election.

Section 10. Section **20A-7-306** is amended to read:

**20A-7-306. Submitting the referendum petition -- Certification of signatures by the county clerks -- Transfer to lieutenant governor.**

(1) (a) The sponsors, or the agent of the sponsors, shall deliver a signed and verified referendum packet to the county clerk of the county in which the packet was circulated before 5 p.m. no later than the earlier of:

(i) 14 days after the day on which the first individual signs the referendum packet; or

(ii) 40 days after the day on which the legislative session at which the law passed ends.

(b) A [~~sponsor~~] person may not submit a referendum packet after the deadline described in Subsection (1)(a).

(2) (a) No later than 14 days after the day on which the county clerk receives a verified referendum packet, the county clerk shall:

(i) check the name of each individual who completes the verification on the last page of each referendum packet to determine whether the individual is a resident of Utah and is at

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least 18 years old; and

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

(b) The county clerk may not certify a signature under Subsection (3):

(i) on a referendum packet that is not verified in accordance with Section 20A-7-305;

or

(ii) that does not have a date of signature next to the signature.

(3) No later than 14 days after the day on which the county clerk receives a verified referendum packet, the county clerk shall:

(a) determine whether each signer is a registered voter according to the requirements of Section 20A-7-306.3;

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

(c) post the name and voter identification number of each registered voter certified under Subsection (3)(b) in a conspicuous location on the county's website for at least 45 days; and

(d) deliver the verified referendum packet to the lieutenant governor.

(4) The county clerk shall, after timely receipt of a statement requesting signature removal under Subsection 20A-7-305(3), remove the voter's name and voter identification number from the posting described in Subsection (3)(c), and notify the lieutenant governor's office of the removal, the earlier of:

(a) within two business days after the day on which the [the] county clerk timely receives the statement; or

(b) 99 days after the day on which the legislative session at which the law passed ends.

(5) The sponsor or a sponsor's representative may not retrieve a referendum packet from a county clerk after the referendum packet is submitted to the county clerk.

Section 11. Section **20A-7-502.6** is enacted to read:

### **20A-7-502.6. Posting initiative information.**

(1) Within one business day after the day on which the local clerk's office receives the initial fiscal impact estimate under Subsection 20A-7-502.5(4)(a), the local clerk shall post the following information together in a conspicuous place on the local clerk's website:

(a) the initiative petition;

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(b) the initiative;

(c) the fiscal impact estimate; and

(d) information describing how an individual may remove the individual's signature from the signature packet.

(2) The local clerk shall:

(a) promptly update the information described in Subsection (1) if the information changes; and

(b) maintain the information described in Subsection (1) on the local clerk's website until the initiative fails to qualify for the ballot or is passed or defeated at an election.

Section 12. Section 20A-7-502.7 is amended to read:

### **20A-7-502.7. Referability to voters.**

(1) Within 20 days after the day on which an eligible voter files an application to circulate an initiative petition under Section 20A-7-502, counsel for the county, city, town, or metro township to which the initiative pertains shall:

(a) review the proposed law in the initiative application to determine whether the law is legally referable to voters; and

(b) notify the first three sponsors, in writing, whether the proposed law is:

(i) legally referable to voters; or

(ii) rejected as not legally referable to voters.

(2) A proposed law in an initiative application is legally referable to voters unless:

(a) the proposed law is patently unconstitutional;

(b) the proposed law is nonsensical;

(c) the proposed law is administrative, rather than legislative, in nature;

(d) the proposed law could not become law if passed;

(e) the proposed law contains more than one subject as evaluated in accordance with Subsection 20A-7-502(3);

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

(g) the proposed law is identical or substantially similar to a legally referable proposed law sought by an initiative application submitted to the local clerk, under Section 20A-7-502, within two years before the day on which the application for the current proposed initiative is filed; or

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(h) the application for the proposed law was not timely filed or does not comply with the requirements of this part.

(3) After the end of the 20-day period described in Subsection (1), a county, city, town, or metro township may not:

(a) reject a proposed initiative as not legally referable to voters; or

(b) bring a legal action, other than to appeal a court decision, challenging a proposed initiative on the grounds that the proposed initiative is not legally referable to voters.

(4) If a county, city, town, or metro township rejects a proposed initiative, a sponsor of the proposed initiative may, within 10 days after the day on which a sponsor is notified under Subsection (1)(b), appeal the decision to:

(a) district court; or

(b) the Supreme Court, if the Supreme Court has original jurisdiction over the appeal.

(5) If, on appeal, the court determines that the law proposed in the initiative petition is legally referable to voters, the local clerk shall comply with Subsection 20A-7-504(2) within five days after the day on which the determination, and any appeal of the determination, is final.

Section ~~{12}~~13. Section **20A-7-503** is amended to read:

### **20A-7-503. Form of initiative petitions and signature sheets.**

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

"INITIATIVE PETITION To the Honorable \_\_\_\_\_, County Clerk/City Recorder/Town Clerk:

We, the undersigned citizens of Utah, respectfully demand that the following proposed law be submitted to: the legislative body for its approval or rejection at its next meeting; and the legal voters of the county/city/town, if the legislative body rejects the proposed law or takes no action on it.

Each signer says:

I have personally signed this petition;

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

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

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

"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."

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

(2) Each signature sheet shall:

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

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

(c) ~~[contain]~~ include the title of the initiative printed below the horizontal line, in at least 14-point, bold type;

~~[(d) be vertically divided into columns as follows:]~~

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

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

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

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

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

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

~~["By signing this petition, you are stating that you have read and understand the law~~



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~~proposed by this petition."; and]~~

(d) include a table immediately below the title of the initiative, and beginning .5 inch from the left side of the paper, as follows:

(i) the first column shall be .5 inch wide and include three rows;

(ii) the first row of the first column shall be .85 inch tall and contain the words "For Office Use Only" in 10-point type;

(iii) the second row of the first column shall be .35 inch tall;

(iv) the third row of the first column shall be .5 inch tall;

(v) the second column shall be 2.75 inches wide;

(vi) the first row of the second column shall be .35 inch tall and contain the words "Registered Voter's Printed Name (must be legible to be counted)" in 10-point type;

(vii) the second row of the second column shall be .5 inch tall;

(viii) the third row of the second column shall be .35 inch tall and contain the words "Street Address, City, Zip Code" in 10-point type;

(ix) the fourth row of the second column shall be .5 inch tall;

(x) the third column shall be 2.75 inches wide;

(xi) the first row of the third column shall be .35 inch tall and contain the words "Signature of Registered Voter" in 10-point type;

(xii) the second row of the third column shall be .5 inch tall;

(xiii) the third row of the third column shall be .35 inch tall and contain the words "Email Address (optional, to receive additional information)" in 10-point type;

(xiv) the fourth row of the third column shall be .5 inch tall;

(xv) the fourth column shall be one inch wide;

(xvi) the first row of the fourth column shall be .35 inch tall and contain the words "Date Signed" in 10-point type;

(xvii) the second row of the fourth column shall be .5 inch tall;

(xviii) the third row of the fourth column shall be .35 inch tall and contain the words "Birth Date or Age (optional)" in 10-point type;

(xix) the fourth row of the third column shall be .5 inch tall; and

(xx) the fifth row of the entire table shall be the width of the entire table, .4 inch tall, and contain the following words "By signing this petition, you are stating that you have read

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and understand the law proposed by this petition." in 12-point type;

(e) the table described in Subsection (2)(d) shall be repeated, leaving sufficient room at the bottom of the sheet for the information described in Subsection (2)(f); and

(f) at the bottom of the sheet, [~~contain~~] include in the following order:

(i) the words "Fiscal impact of" followed by the title of the initiative, in at least [~~14-point~~] 12-point, bold type;

(ii) the initial fiscal impact estimate's summary statement issued by the budget officer in accordance with Subsection 20A-7-502.5(2)(b) and the cost estimate for printing and distributing information related to the initiative petition in accordance with Subsection 20A-7-502.5(3), in not less than 12-point, bold type;

(iii) if the initiative petition proposes a tax increase, the following statement in 12-point, bold type:

"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

[~~(iii)~~] (iv) the word "Warning," in 12-point, bold type, followed by the following statement in not less than eight-point type:

"It is a class A misdemeanor for an individual to sign an initiative petition with a name other than the individual's own name, or to knowingly sign the individual's name more than once for the same measure, or to sign an initiative petition when the individual knows that the individual is not a registered voter and knows that the individual does not intend to become registered to vote before the certification of the petition names by the county clerk."~~["; (iv) the following statement:"]~~

Birth date or age information is not required, but it may be used to verify your identity with voter registration records. If you choose not to provide it, your signature may not be verified as a valid signature if you change your address before petition signatures are verified or if the information you provide does not match your voter registration records."~~["; and]~~

[~~(v)~~] if the initiative petition proposes a tax increase, spanning the bottom of the sheet, horizontally, in not less than 14-point, bold type, 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)

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percent increase in the current tax rate."]

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

[Verification of signature collector

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

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

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

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

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

[\_\_\_\_\_"]

---

(Name)

(Residence Address)

(Date)

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

Section ~~{13}~~14. Section **20A-7-504** is amended to read:

**20A-7-504. Circulation requirements -- Local clerk to provide sponsors with materials.**

(1) In order to obtain the necessary number of signatures required by this part, the sponsors shall, after the sponsors receive the documents described in Subsections (2)(a) and (b) and Subsection 20A-7-401.5(4)(b), circulate initiative packets that meet the form requirements of this part.

(2) Within five days after the day on which a county, city, town, metro township, or court determines, in accordance with Section 20A-7-502.7, that a law proposed in an initiative petition is legally referable to voters, the local clerk shall furnish to the sponsors:

(a) one copy of the initiative petition; and

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(b) one signature sheet.

(3) The sponsors of the petition shall:

(a) arrange and pay for the printing of all additional copies of the petition and signature sheets; and

(b) ensure that the copies of the petition and signature sheets meet the form requirements of this section.

(4) (a) The sponsors may prepare the initiative for circulation by creating multiple initiative packets.

(b) The sponsors shall create [~~those~~] the packets by binding a copy of the initiative petition[, a copy of the proposed law,] and no more than 50 signature sheets together at the top [~~in such a way~~] so that the packets may be conveniently opened for signing.

(c) The sponsors need not attach a uniform number of signature sheets to each initiative packet.

(d) The sponsors shall include, with each packet, a copy of the proposition information pamphlet provided to the sponsors under Subsection 20A-7-401.5(4)(b).

Section ~~{14}~~ 15. Section **20A-7-506** is amended to read:

**20A-7-506. Submitting the initiative petition -- Certification of signatures by the county clerks -- Transfer to local clerk.**

(1) (a) The sponsors, or an agent of the sponsors, shall deliver each signed and verified initiative packet to the county clerk of the county in which the packet was circulated before 5 p.m. the earlier of:

(i) for county initiatives:

(A) 316 days after the day on which the application is filed; or

(B) the April 15 immediately before the next regular general election immediately after the application is filed under Section 20A-7-502; or

(ii) for municipal initiatives:

(A) 316 days after the day on which the application is filed; or

(B) the April 15 immediately before the next municipal general election immediately after the application is filed under Section 20A-7-502.

(b) A [~~sponsor~~] person may not submit an initiative packet after the deadline established in this Subsection (1).

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(c) Before delivering a packet to the county clerk under Subsection (1), the sponsors shall send an email to each individual who provides a legible, valid email address on the form described in Subsection 20A-7-503(2)(d) that includes the following:

(i) the subject of the email shall include the following statement, "Notice Regarding Your Petition Signature";

(ii) the body of the email shall include the following statement in 12-point type:

"You signed a petition for the following initiative:

[insert title of initiative]

~~{You may remove your signature from the petition by submitting a statement to your county clerk. Contact your county clerk at [insert phone number for county clerk] for information on how to remove your signature and the applicable deadline for removing your signature.~~

~~— A} To access a copy of the initiative petition, the initiative, {and } the fiscal impact statement {are attached for your review."; and~~

~~(iii) a copy of each of the following documents, separately attached in PDF format:~~

~~(A) the initiative petition;~~

~~(B) the initiative; and~~

~~(C) the fiscal impact statement.}, and information on the deadline for removing your signature from the petition, please visit the following link: [insert a uniform resource locator that takes the individual directly to the page on the county clerk's website that includes the information referred to in the email]."~~

(d) When the sponsors submit the final signature packet to the county clerk, the sponsors shall submit to the county clerk the following written verification, completed and signed by each of the sponsors:

Verification of initiative sponsor

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

I, \_\_\_\_\_, of \_\_\_\_\_, hereby state, under penalty of perjury, that:

I am a sponsor of the initiative petition entitled \_\_\_\_\_;

I sent, or caused to be sent, to each individual who provided a legible, valid email address on a signature packet submitted to the county clerk in relation to the initiative petition, the email described in Utah Code Subsection 20A-7-506(1)(c).

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(Name)

(Residence Address)

(Date)

(e) Signatures gathered for the initiative petition are not valid if the sponsors do not comply with this Subsection (1).

(2) The county clerk may not certify a signature under Subsection (3) on an initiative packet that is not verified in accordance with Section 20A-7-505.

(3) No later than May 15, the county clerk shall:

(a) determine whether or not each signer is a voter according to the requirements of Section 20A-7-506.3;

(b) certify on the petition whether or not each name is that of a voter; and

(c) deliver all of the verified packets to the local clerk.

Section 16. Section 20A-7-602.7 is amended to read:

**20A-7-602.7. Referability to voters of local law other than land use law.**

(1) Within 20 days after the day on which an eligible voter files an application to circulate a referendum petition under Section 20A-7-602 for a local law other than a land use law, counsel for the county, city, town, or metro township to which the referendum pertains shall:

(a) review the application to determine whether the proposed referendum is legally referable to voters; and

(b) notify the first three sponsors, in writing, whether the proposed referendum is:

(i) legally referable to voters; or

(ii) rejected as not legally referable to voters.

(2) For a local law other than a land use law, a proposed referendum is legally referable to voters unless:

(a) the proposed referendum challenges an action that is administrative, rather than legislative, in nature;

(b) the proposed referendum challenges more than one law passed by the local legislative body; or

(c) the application for the proposed referendum was not timely filed or does not comply with the requirements of this part.

(3) After the end of the 20-day period described in Subsection (1), a county, city, town,

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or metro township may not, for a local law other than a land use law:

(a) reject a proposed referendum as not legally referable to voters; or

(b) except as provided in Subsection (4), challenge, in a legal action or otherwise, a proposed referendum on the grounds that the proposed referendum is not legally referable to voters.

(4) (a) If, under Subsection (1)(b)(ii), a county, city, town, or metro township rejects a proposed referendum concerning a local law other than a land use law, a sponsor of the proposed referendum may, within 10 days after the day on which a sponsor is notified under Subsection (1)(b), challenge or appeal the decision to:

(i) the Supreme Court, by means of an extraordinary writ, if possible; or

(ii) a district court, if the sponsor is prohibited from pursuing an extraordinary writ under Subsection (4)(a)(i).

(b) Failure of a sponsor to timely challenge or appeal a rejection under Subsection (4)(a) terminates the referendum.

(5) If, on a challenge or appeal, the court determines that the proposed referendum described in Subsection (4) is legally referable to voters, the local clerk shall comply with Subsection 20A-7-604(2) within five days after the day on which the determination, and any challenge or appeal of the determination, is final.

**Section 17. Section 20A-7-602.8 is amended to read:**

### **20A-7-602.8. Referability to voters of local land use law.**

(1) Within 20 days after the day on which an eligible voter files an application to circulate a referendum petition under Section 20A-7-602 for a land use law, counsel for the county, city, town, or metro township to which the referendum pertains shall:

(a) review the application to determine whether the proposed referendum is legally referable to voters; and

(b) notify the first three sponsors, in writing, whether the proposed referendum is:

(i) legally referable to voters; or

(ii) rejected as not legally referable to voters.

(2) For a land use law, a proposed referendum is legally referable to voters unless:

(a) the proposed referendum challenges an action that is administrative, rather than legislative, in nature;

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(b) the proposed referendum challenges a land use decision, rather than a land use regulation, as those terms are defined in Section 10-9a-103 or 17-27a-103;

(c) the proposed referendum challenges more than one law passed by the local legislative body; or

(d) the application for the proposed referendum was not timely filed or does not comply with the requirements of this part.

(3) After the end of the 20-day period described in Subsection (1), a county, city, town, or metro township may not, for a land use law:

(a) reject a proposed referendum as not legally referable to voters; or

(b) except as provided in Subsection (4), challenge, in a legal action or otherwise, a proposed referendum on the grounds that the proposed referendum is not legally referable to voters.

(4) (a) If a county, city, town, or metro township rejects a proposed referendum concerning a land use law, a sponsor of the proposed referendum may, within seven days after the day on which a sponsor is notified under Subsection (1)(b), challenge or appeal the decision to:

(i) the Supreme Court, by means of an extraordinary writ, if possible; or

(ii) a district court, if the sponsor is prohibited from pursuing an extraordinary writ under Subsection (4)(a)(i).

(b) Failure of a sponsor to timely challenge or appeal a rejection under Subsection (4)(a) terminates the referendum.

(5) If, on challenge or appeal, the court determines that the proposed referendum is legally referable to voters, the local clerk shall comply with Subsection 20A-7-604(2) within five days after the day on which the determination, and any challenge or appeal of the determination, is final.

Section ~~15~~18. Section **20A-7-603** is amended to read:

### **20A-7-603. Form of referendum petition and signature sheets.**

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

"REFERENDUM PETITION To the Honorable \_\_\_\_\_, County Clerk/City Recorder/Town Clerk:



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We, the undersigned citizens of Utah, respectfully order that (description of local law or portion of local law being challenged), passed by the \_\_\_\_ be referred to the voters for their approval or rejection at the regular/municipal general election to be held on \_\_\_\_\_(month\day\year);

Each signer says:

I have personally signed this petition;

The date next to my signature correctly reflects the date that I actually signed the petition;

I have personally reviewed the entire statement included with this packet;

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

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

(b) The sponsors of a referendum shall attach a copy of the law that is the subject of the referendum to each referendum petition.

(2) Each signature sheet shall:

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

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

(c) [~~contain~~] include the title of the referendum printed below the horizontal line, in at least 14-point type;

~~[(d) contain the word "Warning" printed or typed at the top of each signature sheet under the title of the referendum;]~~

~~[(e) contain, to the right of the word "Warning," the following statement printed or typed in not less than eight-point, single-leaded type:]~~

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

~~[(f) contain horizontally ruled lines three-eighths inch apart under the "Warning" statement required by this section;]~~

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~~[(g) be vertically divided into columns as follows:]~~

~~[(i) the edge of the first column shall appear .5 inch from the extreme left of the sheet, be .25 inch wide, and be headed, together with the second column, "For Office Use Only";]~~

~~[(ii) the second column shall be .25 inch wide;]~~

~~[(iii) the third column shall be 2.5 inches wide, headed "Registered Voter's Printed Name (must be legible to be counted)";]~~

~~[(iv) the fourth column shall be 2.5 inches wide, headed "Signature of Registered Voter";]~~

~~[(v) the fifth column shall be .75 inch wide, headed "Date Signed";]~~

~~[(vi) the sixth column shall be three inches wide, headed "Street Address, City, Zip Code"; and]~~

~~[(vii) the seventh column shall be .75 inch wide, headed "Birth Date or Age (Optional)";]~~

~~[(h) be horizontally divided into rows as follows:]~~

~~[(i) the top of the first row, for the purpose of entering the information described in Subsection (2)(g), shall be .5 inch high;]~~

~~[(ii) the second row shall be .15 inch high and contain the following statement printed or typed in not less than eight-point, single-leaded type: "By signing this petition, you are stating that you have read and understand the law this petition seeks to overturn."; and]~~

~~[(iii) the first and second rows shall be repeated, in order, leaving sufficient room at the bottom of the sheet for the information described in Subsection (2)(i); and]~~

~~[(i) at the bottom of the sheet, contain the following statement: "Birth date or age information is not required, but it may be used to verify your identity with voter registration records. If you choose not to provide it, your signature may not be verified as a valid signature if you change your address before petition signatures are verified or if the information you provide does not match your voter registration records."]~~

(d) include a table immediately below the title of the referendum, and beginning .5 inch from the left side of the paper, as follows:

(i) the first column shall be .5 inch wide and include three rows;

(ii) the first row of the first column shall be .85 inch tall and contain the words "For Office Use Only" in 10-point type;

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(iii) the second row of the first column shall be .35 inch tall;

(iv) the third row of the first column shall be .5 inch tall;

(v) the second column shall be 2.75 inches wide;

(vi) the first row of the second column shall be .35 inch tall and contain the words "Registered Voter's Printed Name (must be legible to be counted)" in 10-point type;

(vii) the second row of the second column shall be .5 inch tall;

(viii) the third row of the second column shall be .35 inch tall and contain the words "Street Address, City, Zip Code" in 10-point type;

(ix) the fourth row of the second column shall be .5 inch tall;

(x) the third column shall be 2.75 inches wide;

(xi) the first row of the third column shall be .35 inch tall and contain the words

"Signature of Registered Voter" in 10-point type;

(xii) the second row of the third column shall be .5 inch tall;

(xiii) the third row of the third column shall be .35 inch tall and contain the words

"Email Address (optional, to receive additional information)" in 10-point type;

(xiv) the fourth row of the third column shall be .5 inch tall;

(xv) the fourth column shall be one inch wide;

(xvi) the first row of the fourth column shall be .35 inch tall and contain the words

"Date Signed" in 10-point type;

(xvii) the second row of the fourth column shall be .5 inch tall;

(xviii) the third row of the fourth column shall be .35 inch tall and contain the words

"Birth Date or Age (optional)" in 10-point type;

(xix) the fourth row of the third column shall be .5 inch tall; and

(xx) the fifth row of the entire table shall be the width of the entire table, .4 inch tall, and contain the following words, "By signing this petition, you are stating that you have read and understand the law that this petition seeks to overturn." in 12-point type;

(e) the table described in Subsection (2)(d) shall be repeated, leaving sufficient room at the bottom of the sheet or the information described in Subsection (2)(f); and

(f) at the bottom of the sheet, include the word "Warning," in 12-point, bold type, followed by the following statement in not less than eight-point type:

"It is a class A misdemeanor for an individual to sign a referendum petition with a name

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other than the individual's own name, or to knowingly sign the individual's name more than once for the same measure, or to sign a referendum petition when the individual knows that the individual is not a registered voter and knows that the individual does not intend to become registered to vote before the certification of the petition names by the county clerk.

Birth date or age information is not required, but it may be used to verify your identity with voter registration records. If you choose not to provide it, your signature may not be verified as a valid signature if you change your address before petition signatures are verified or if the information you provide does not match your voter registration records."

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

"Verification of signature collector

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

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

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

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

I did not knowingly make a misrepresentation of fact concerning the law this petition seeks to overturn;

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

[\_\_\_\_\_"]

---

(Name)

(Residence Address)

(Date)

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

Section ~~16~~19. Section **20A-7-604** is amended to read:

**20A-7-604. Circulation requirements -- Local clerk to provide sponsors with**

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### materials.

(1) In order to obtain the necessary number of signatures required by this part, the sponsors shall, after the sponsors receive the documents described in Subsection (2) and Subsection 20A-7-401.5(4)(b), circulate referendum packets that meet the form requirements of this part.

(2) Within five days after the day on which a county, city, town, metro township, or court determines, in accordance with Section 20A-7-602.7, that a proposed referendum is legally referable to voters, the local clerk shall furnish to the sponsors a copy of the referendum petition and a signature sheet.

(3) The sponsors of the petition shall:

(a) arrange and pay for the printing of all additional copies of the petition and signature sheets; and

(b) ensure that the copies of the petition and signature sheets meet the form requirements of this section.

(4) (a) The sponsors may prepare the referendum for circulation by creating multiple referendum packets.

(b) The sponsors shall create [~~those~~] the packets by binding a copy of the referendum petition[~~, a copy of the law that is the subject of the referendum,~~] and no more than 50 signature sheets together at the top [~~in such a way~~] so that the packets may be conveniently opened for signing.

(c) The sponsors need not attach a uniform number of signature sheets to each referendum packet.

(d) The sponsors shall include, with each packet, a copy of the proposition information pamphlet provided to the sponsors under Subsection 20A-7-401.5(4)(b).

Section ~~{17}~~20. Section **20A-7-604.5** is enacted to read:

### **20A-7-604.5. Posting referendum information.**

(1) On the day on which the local clerk complies with Subsection 20A-7-604(2), the local clerk shall post the following information together in a conspicuous place on the local clerk's website:

(a) the referendum petition;

(b) the referendum; and

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(c) information describing how an individual may remove the individual's signature from the signature packet.

(2) The local clerk shall:

(a) promptly update the information described in Subsection (1) if the information changes; and

(b) maintain the information described in Subsection (1) on the local clerk's website until the referendum fails to qualify for the ballot or is passed or defeated at an election.

Section ~~18~~21. Section **20A-7-606** is amended to read:

**20A-7-606. Submitting the referendum petition -- Certification of signatures by the county clerks -- Transfer to local clerk.**

(1) (a) The sponsors, or an agent of the sponsors, shall deliver each signed and verified referendum packet to the county clerk of the county in which the packet was circulated before 5 p.m. no later than 45 days after the day on which the sponsors receive the items described in Subsection 20A-7-604(2) from the local clerk.

(b) A [~~sponsor~~] person may not submit a referendum packet after the deadline established in this Subsection (1).

(2) (a) No later than 15 days after the day on which a county clerk receives a referendum packet under Subsection (1)(a), the county clerk shall:

(i) check the names of all persons completing the verification on the last page of each referendum packet to determine whether those persons are Utah residents and are at least 18 years old; and

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

(b) The county clerk may not certify a signature under Subsection (3) on a referendum packet that is not verified in accordance with Section 20A-7-605.

(3) No later than 30 days after the day on which a county clerk receives a referendum packet under Subsection (1)(a), the county clerk shall:

(a) determine whether each signer is a registered voter according to the requirements of Section 20A-7-606.3;

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

## HB0136S02 compared with HB0136S01

(c) deliver all of the verified referendum packets to the local clerk.

### Section 22. Coordinating H.B. 136 with H.B. 211 -- Initiatives and referenda amendments -- substantive and technical amendments.

If this H.B. 136 and H.B. 211, Initiatives and Referenda Amendments, both pass and become law, it is the intent of the Legislature that the Office of Legislative Research and General Counsel prepare the Utah Code database for publication as follows:

(1) the changes to Section 20A-1-609 in H.B. 136 supersede the changes to Subsection 20A-1-609 in H.B. 211;

(2) the changes to Subsection 20A-7-203(2) in H.B. 136 supersede the changes to Subsection 20A-7-203(2) in H.B. 211;

(3) by amending Subsection 20A-7-204(4)(b) to read:

"(b) The sponsors or an agent of the sponsors shall create [those] the initiative packets by binding a copy of the initiative petition[, a copy of the proposed law,] and no more than 50 signature sheets together at the top in [such a way] a manner that the packets may be conveniently opened for signing.";

(4) the changes to Subsection 20A-7-303(2) in H.B. 136 supersede the changes to Subsection 20A-7-303(2) in H.B. 211;

(5) by amending Subsection 20A-7-304(4)(b) to read:

"(b) The sponsors or an agent of the sponsors shall create [those] referendum packets by binding a copy of the referendum [petition, a copy of the law that is the subject of the referendum,] and no more than 50 signature sheets together at the top in [such a way] a manner that the packets may be conveniently opened for signing.";

(6) the changes to Subsection 20A-7-503(2) in H.B. 136 supersede the changes to Subsection 20A-7-503(2) in H.B. 211;

(7) by amending Subsection 20A-7-504(4)(b) to read:

"(b) The sponsors or an agent of the sponsors shall create [those] initiative packets by binding a copy of the initiative petition[, a copy of the proposed law,] and no more than 50 signature sheets together at the top in [such a way] a manner that the packets may be conveniently opened for signing.";

(8) the changes to Subsection 20A-7-603(2) in H.B. 136 supersede the changes to Subsection 20A-7-603(2) in H.B. 211; and

## HB0136S02 compared with HB0136S01

(9) by amending Subsection 20A-7-604(4)(b) to read:

"The sponsors or an agent of the sponsors shall create ~~[those]~~ referendum packets by binding a copy of the referendum petition~~[- a copy of the law that is the subject of the referendum.]~~ and no more than 50 signature sheets together at the top in ~~[such a way]~~ a manner that the packets may be conveniently opened for signing."