

INITIATIVES AND REFERENDA AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Norman K. Thurston

Senate Sponsor: John D. Johnson

LONG TITLE

General Description:

This bill amends provisions relating to statewide and local initiatives and referenda.

Highlighted Provisions:

This bill:

- ▶ modifies petition filing requirements for an initiative or referendum;
- ▶ provides more standardization to forms, requirements, and procedures for state and local initiatives and referenda, including procedures for posting and removing signatures for a petition;
- ▶ clarifies actions that may be taken by a petition sponsor or an agent of a petition sponsor;
- ▶ modifies signature packet preparation requirements;
- ▶ modifies timelines and deadlines for initiatives and referenda;
- ▶ modifies provisions for challenging an action, relating to initiatives or referenda, in a court proceeding;
- ▶ addresses the verification of signatures;
- ▶ addresses a temporary stay of a law challenged by referendum and the effective date of the law; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None



28 **Other Special Clauses:**

29 None

30 **Utah Code Sections Affected:**

31 AMENDS:

32 **10-9a-103**, as last amended by Laws of Utah 2020, Chapter 434

33 **10-9a-509**, as last amended by Laws of Utah 2020, Chapter 434

34 **11-14-301**, as last amended by Laws of Utah 2019, Chapter 203

35 **17-27a-103**, as last amended by Laws of Utah 2020, Chapter 434

36 **17-27a-508**, as last amended by Laws of Utah 2019, Chapter 384 and last amended by
37 Coordination Clause, Laws of Utah 2019, Chapter 384

38 **20A-1-609**, as last amended by Laws of Utah 2020, Chapter 31

39 **20A-7-202**, as last amended by Laws of Utah 2019, Chapters 217 and 275

40 **20A-7-203**, as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 20

41 **20A-7-204**, as last amended by Laws of Utah 2017, Chapter 291

42 **20A-7-205**, as last amended by Laws of Utah 2019, Chapters 210, 217, 255 and last
43 amended by Coordination Clause, Laws of Utah 2019, Chapters 210, and 217

44 **20A-7-206**, as last amended by Laws of Utah 2020, Chapters 166 and 349

45 **20A-7-207**, as last amended by Laws of Utah 2019, Chapters 210, 217 and last
46 amended by Coordination Clause, Laws of Utah 2019, Chapter 210

47 **20A-7-209**, as last amended by Laws of Utah 2019, Chapter 275

48 **20A-7-302**, as last amended by Laws of Utah 2020, Chapter 166

49 **20A-7-303**, as last amended by Laws of Utah 2019, Chapter 210

50 **20A-7-304**, as last amended by Laws of Utah 1995, Chapter 153

51 **20A-7-305**, as last amended by Laws of Utah 2020, Chapter 166

52 **20A-7-306**, as last amended by Laws of Utah 2020, Chapter 166

53 **20A-7-306.3**, as last amended by Laws of Utah 2011, Chapter 17

54 **20A-7-307**, as last amended by Laws of Utah 2020, Chapter 166

55 **20A-7-308**, as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 4

56 **20A-7-309**, as last amended by Laws of Utah 2010, Chapter 294

57 **20A-7-311**, as last amended by Laws of Utah 2020, Chapter 166

58 **20A-7-401.5**, as enacted by Laws of Utah 2019, Chapter 203

- 59 [20A-7-502](#), as last amended by Laws of Utah 2019, Chapter 203
- 60 [20A-7-503](#), as last amended by Laws of Utah 2017, Chapter 291
- 61 [20A-7-504](#), as last amended by Laws of Utah 2019, Chapter 203
- 62 [20A-7-505](#), as last amended by Laws of Utah 2019, Chapter 203
- 63 [20A-7-506](#), as last amended by Laws of Utah 2019, Chapters 203 and 255
- 64 [20A-7-506.3](#), as last amended by Laws of Utah 2019, Chapter 203
- 65 [20A-7-507](#), as last amended by Laws of Utah 2019, Chapter 203
- 66 [20A-7-508](#), as last amended by Laws of Utah 2019, Chapter 203
- 67 [20A-7-510](#), as last amended by Laws of Utah 2019, Chapter 203
- 68 [20A-7-601](#), as last amended by Laws of Utah 2019, Chapters 203 and 255
- 69 [20A-7-602](#), as last amended by Laws of Utah 2019, Chapter 203
- 70 [20A-7-603](#), as last amended by Laws of Utah 2019, Chapter 203
- 71 [20A-7-604](#), as last amended by Laws of Utah 2019, Chapter 203
- 72 [20A-7-605](#), as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 4
- 73 [20A-7-606](#), as last amended by Laws of Utah 2019, Chapter 255
- 74 [20A-7-606.3](#), as last amended by Laws of Utah 2019, Chapter 203
- 75 [20A-7-607](#), as last amended by Laws of Utah 2020, Chapter 31
- 76 [20A-7-608](#), as last amended by Laws of Utah 2019, Chapter 203
- 77 [20A-7-610](#), as last amended by Laws of Utah 2019, Chapter 203
- 78 [20A-7-611](#), as enacted by Laws of Utah 1994, Chapter 272
- 79 [20A-7-613](#), as last amended by Laws of Utah 2020, Chapter 31

80 ENACTS:

81 [20A-7-206.1](#), Utah Code Annotated 1953

82 REPEALS:

83 [20A-7-205.5](#), as last amended by Laws of Utah 2008, Chapter 237



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

86 Section 1. Section **10-9a-103** is amended to read:

87 **10-9a-103. Definitions.**

88 As used in this chapter:

89 (1) "Accessory dwelling unit" means a habitable living unit added to, created within, or

90 detached from a primary single-family dwelling and contained on one lot.

91 (2) "Adversely affected party" means a person other than a land use applicant who:

92 (a) owns real property adjoining the property that is the subject of a land use
93 application or land use decision; or

94 (b) will suffer a damage different in kind than, or an injury distinct from, that of the
95 general community as a result of the land use decision.

96 (3) "Affected entity" means a county, municipality, local district, special service
97 district under Title 17D, Chapter 1, Special Service District Act, school district, interlocal
98 cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act, specified
99 public utility, property owner, property owners association, or the Utah Department of
100 Transportation, if:

101 (a) the entity's services or facilities are likely to require expansion or significant
102 modification because of an intended use of land;

103 (b) the entity has filed with the municipality a copy of the entity's general or long-range
104 plan; or

105 (c) the entity has filed with the municipality a request for notice during the same
106 calendar year and before the municipality provides notice to an affected entity in compliance
107 with a requirement imposed under this chapter.

108 (4) "Affected owner" means the owner of real property that is:

109 (a) a single project;

110 (b) the subject of a land use approval that sponsors of a referendum timely challenged
111 in accordance with Subsection [20A-7-601\(5\)\(a\)](#); and

112 (c) determined to be legally referable under Section [20A-7-602.8](#).

113 (5) "Appeal authority" means the person, board, commission, agency, or other body
114 designated by ordinance to decide an appeal of a decision of a land use application or a
115 variance.

116 (6) "Billboard" means a freestanding ground sign located on industrial, commercial, or
117 residential property if the sign is designed or intended to direct attention to a business, product,
118 or service that is not sold, offered, or existing on the property where the sign is located.

119 (7) (a) "Charter school" means:

120 (i) an operating charter school;

121 (ii) a charter school applicant that has its application approved by a charter school
122 authorizer in accordance with Title 53G, Chapter 5, Part 3, Charter School Authorization; or

123 (iii) an entity that is working on behalf of a charter school or approved charter
124 applicant to develop or construct a charter school building.

125 (b) "Charter school" does not include a therapeutic school.

126 (8) "Conditional use" means a land use that, because of its unique characteristics or
127 potential impact on the municipality, surrounding neighbors, or adjacent land uses, may not be
128 compatible in some areas or may be compatible only if certain conditions are required that
129 mitigate or eliminate the detrimental impacts.

130 (9) "Constitutional taking" means a governmental action that results in a taking of
131 private property so that compensation to the owner of the property is required by the:

132 (a) Fifth or Fourteenth Amendment of the Constitution of the United States; or

133 (b) Utah Constitution Article I, Section 22.

134 (10) "Culinary water authority" means the department, agency, or public entity with
135 responsibility to review and approve the feasibility of the culinary water system and sources for
136 the subject property.

137 (11) "Development activity" means:

138 (a) any construction or expansion of a building, structure, or use that creates additional
139 demand and need for public facilities;

140 (b) any change in use of a building or structure that creates additional demand and need
141 for public facilities; or

142 (c) any change in the use of land that creates additional demand and need for public
143 facilities.

144 (12) (a) "Disability" means a physical or mental impairment that substantially limits
145 one or more of a person's major life activities, including a person having a record of such an
146 impairment or being regarded as having such an impairment.

147 (b) "Disability" does not include current illegal use of, or addiction to, any federally
148 controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C.
149 802.

150 (13) "Educational facility":

151 (a) means:

152 (i) a school district's building at which pupils assemble to receive instruction in a
153 program for any combination of grades from preschool through grade 12, including
154 kindergarten and a program for children with disabilities;

155 (ii) a structure or facility:

156 (A) located on the same property as a building described in Subsection (13)(a)(i); and

157 (B) used in support of the use of that building; and

158 (iii) a building to provide office and related space to a school district's administrative
159 personnel; and

160 (b) does not include:

161 (i) land or a structure, including land or a structure for inventory storage, equipment
162 storage, food processing or preparing, vehicle storage or maintenance, or similar use that is:

163 (A) not located on the same property as a building described in Subsection (13)(a)(i);

164 and

165 (B) used in support of the purposes of a building described in Subsection (13)(a)(i); or

166 (ii) a therapeutic school.

167 (14) "Fire authority" means the department, agency, or public entity with responsibility
168 to review and approve the feasibility of fire protection and suppression services for the subject
169 property.

170 (15) "Flood plain" means land that:

171 (a) is within the 100-year flood plain designated by the Federal Emergency
172 Management Agency; or

173 (b) has not been studied or designated by the Federal Emergency Management Agency
174 but presents a likelihood of experiencing chronic flooding or a catastrophic flood event because
175 the land has characteristics that are similar to those of a 100-year flood plain designated by the
176 Federal Emergency Management Agency.

177 (16) "General plan" means a document that a municipality adopts that sets forth general
178 guidelines for proposed future development of the land within the municipality.

179 (17) "Geologic hazard" means:

180 (a) a surface fault rupture;

181 (b) shallow groundwater;

182 (c) liquefaction;

- 183 (d) a landslide;
- 184 (e) a debris flow;
- 185 (f) unstable soil;
- 186 (g) a rock fall; or
- 187 (h) any other geologic condition that presents a risk:
- 188 (i) to life;
- 189 (ii) of substantial loss of real property; or
- 190 (iii) of substantial damage to real property.
- 191 (18) "Historic preservation authority" means a person, board, commission, or other
- 192 body designated by a legislative body to:
 - 193 (a) recommend land use regulations to preserve local historic districts or areas; and
 - 194 (b) administer local historic preservation land use regulations within a local historic
 - 195 district or area.
- 196 (19) "Hookup fee" means a fee for the installation and inspection of any pipe, line,
- 197 meter, or appurtenance that connects to a municipal water, sewer, storm water, power, or other
- 198 utility system.
- 199 (20) "Identical plans" means building plans submitted to a municipality that:
 - 200 (a) are clearly marked as "identical plans";
 - 201 (b) are substantially identical to building plans that were previously submitted to and
 - 202 reviewed and approved by the municipality; and
 - 203 (c) describe a building that:
 - 204 (i) is located on land zoned the same as the land on which the building described in the
 - 205 previously approved plans is located;
 - 206 (ii) is subject to the same geological and meteorological conditions and the same law
 - 207 as the building described in the previously approved plans;
 - 208 (iii) has a floor plan identical to the building plan previously submitted to and reviewed
 - 209 and approved by the municipality; and
 - 210 (iv) does not require any additional engineering or analysis.
- 211 (21) "Impact fee" means a payment of money imposed under Title 11, Chapter 36a,
- 212 Impact Fees Act.
- 213 (22) "Improvement completion assurance" means a surety bond, letter of credit,

214 financial institution bond, cash, assignment of rights, lien, or other equivalent security required
215 by a municipality to guaranty the proper completion of landscaping or an infrastructure
216 improvement required as a condition precedent to:

- 217 (a) recording a subdivision plat; or
- 218 (b) development of a commercial, industrial, mixed use, or multifamily project.

219 (23) "Improvement warranty" means an applicant's unconditional warranty that the
220 applicant's installed and accepted landscaping or infrastructure improvement:

- 221 (a) complies with the municipality's written standards for design, materials, and
222 workmanship; and

223 (b) will not fail in any material respect, as a result of poor workmanship or materials,
224 within the improvement warranty period.

225 (24) "Improvement warranty period" means a period:

- 226 (a) no later than one year after a municipality's acceptance of required landscaping; or
- 227 (b) no later than one year after a municipality's acceptance of required infrastructure,

228 unless the municipality:

- 229 (i) determines for good cause that a one-year period would be inadequate to protect the
230 public health, safety, and welfare; and

231 (ii) has substantial evidence, on record:

- 232 (A) of prior poor performance by the applicant; or
- 233 (B) that the area upon which the infrastructure will be constructed contains suspect soil
234 and the municipality has not otherwise required the applicant to mitigate the suspect soil.

235 (25) "Infrastructure improvement" means permanent infrastructure that is essential for
236 the public health and safety or that:

- 237 (a) is required for human occupation; and

238 (b) an applicant must install:

- 239 (i) in accordance with published installation and inspection specifications for public
240 improvements; and

241 (ii) whether the improvement is public or private, as a condition of:

- 242 (A) recording a subdivision plat;
- 243 (B) obtaining a building permit; or
- 244 (C) development of a commercial, industrial, mixed use, condominium, or multifamily

245 project.

246 (26) "Internal lot restriction" means a platted note, platted demarcation, or platted
247 designation that:

248 (a) runs with the land; and

249 (b) (i) creates a restriction that is enclosed within the perimeter of a lot described on
250 the plat; or

251 (ii) designates a development condition that is enclosed within the perimeter of a lot
252 described on the plat.

253 (27) "Land use applicant" means a property owner, or the property owner's designee,
254 who submits a land use application regarding the property owner's land.

255 (28) "Land use application":

256 (a) means an application that is:

257 (i) required by a municipality; and

258 (ii) submitted by a land use applicant to obtain a land use decision; and

259 (b) does not mean an application to enact, amend, or repeal a land use regulation.

260 (29) "Land use authority" means:

261 (a) a person, board, commission, agency, or body, including the local legislative body,
262 designated by the local legislative body to act upon a land use application; or

263 (b) if the local legislative body has not designated a person, board, commission,
264 agency, or body, the local legislative body.

265 (30) "Land use decision" means an administrative decision of a land use authority or
266 appeal authority regarding:

267 (a) a land use permit;

268 (b) a land use application; or

269 (c) the enforcement of a land use regulation, land use permit, or development
270 agreement.

271 (31) "Land use permit" means a permit issued by a land use authority.

272 (32) "Land use regulation":

273 (a) means a legislative decision enacted by ordinance, law, code, map, resolution,
274 specification, fee, or rule that governs the use or development of land;

275 (b) includes the adoption or amendment of a zoning map or the text of the zoning code;

276 and

277 (c) does not include:

278 (i) a land use decision of the legislative body acting as the land use authority, even if
279 the decision is expressed in a resolution or ordinance; or

280 (ii) a temporary revision to an engineering specification that does not materially:

281 (A) increase a land use applicant's cost of development compared to the existing
282 specification; or

283 (B) impact a land use applicant's use of land.

284 (33) "Legislative body" means the municipal council.

285 (34) "Local district" means an entity under Title 17B, Limited Purpose Local
286 Government Entities - Local Districts, and any other governmental or quasi-governmental
287 entity that is not a county, municipality, school district, or the state.

288 (35) "Local historic district or area" means a geographically definable area that:

289 (a) contains any combination of buildings, structures, sites, objects, landscape features,
290 archeological sites, or works of art that contribute to the historic preservation goals of a
291 legislative body; and

292 (b) is subject to land use regulations to preserve the historic significance of the local
293 historic district or area.

294 (36) "Lot" means a tract of land, regardless of any label, that is created by and shown
295 on a subdivision plat that has been recorded in the office of the county recorder.

296 (37) (a) "Lot line adjustment" means a relocation of a lot line boundary between
297 adjoining lots or parcels, whether or not the lots are located in the same subdivision, in
298 accordance with Section [10-9a-608](#), with the consent of the owners of record.

299 (b) "Lot line adjustment" does not mean a new boundary line that:

300 (i) creates an additional lot; or

301 (ii) constitutes a subdivision.

302 (38) "Major transit investment corridor" means public transit service that uses or
303 occupies:

304 (a) public transit rail right-of-way;

305 (b) dedicated road right-of-way for the use of public transit, such as bus rapid transit;

306 or

307 (c) fixed-route bus corridors subject to an interlocal agreement or contract between a
308 municipality or county and:

309 (i) a public transit district as defined in Section 17B-2a-802; or

310 (ii) an eligible political subdivision as defined in Section 59-12-2219.

311 (39) "Moderate income housing" means housing occupied or reserved for occupancy
312 by households with a gross household income equal to or less than 80% of the median gross
313 income for households of the same size in the county in which the city is located.

314 (40) "Municipal utility easement" means an easement that:

315 (a) is created or depicted on a plat recorded in a county recorder's office and is
316 described as a municipal utility easement granted for public use;

317 (b) is not a protected utility easement or a public utility easement as defined in Section
318 54-3-27;

319 (c) the municipality or the municipality's affiliated governmental entity uses and
320 occupies to provide a utility service, including sanitary sewer, culinary water, electrical, storm
321 water, or communications or data lines;

322 (d) is used or occupied with the consent of the municipality in accordance with an
323 authorized franchise or other agreement;

324 (e) (i) is used or occupied by a specified public utility in accordance with an authorized
325 franchise or other agreement; and

326 (ii) is located in a utility easement granted for public use; or

327 (f) is described in Section 10-9a-529 and is used by a specified public utility.

328 (41) "Nominal fee" means a fee that reasonably reimburses a municipality only for time
329 spent and expenses incurred in:

330 (a) verifying that building plans are identical plans; and

331 (b) reviewing and approving those minor aspects of identical plans that differ from the
332 previously reviewed and approved building plans.

333 (42) "Noncomplying structure" means a structure that:

334 (a) legally existed before its current land use designation; and

335 (b) because of one or more subsequent land use ordinance changes, does not conform
336 to the setback, height restrictions, or other regulations, excluding those regulations, which
337 govern the use of land.

338 (43) "Nonconforming use" means a use of land that:
339 (a) legally existed before its current land use designation;
340 (b) has been maintained continuously since the time the land use ordinance governing
341 the land changed; and
342 (c) because of one or more subsequent land use ordinance changes, does not conform
343 to the regulations that now govern the use of the land.

344 (44) "Official map" means a map drawn by municipal authorities and recorded in a
345 county recorder's office that:

346 (a) shows actual and proposed rights-of-way, centerline alignments, and setbacks for
347 highways and other transportation facilities;
348 (b) provides a basis for restricting development in designated rights-of-way or between
349 designated setbacks to allow the government authorities time to purchase or otherwise reserve
350 the land; and
351 (c) has been adopted as an element of the municipality's general plan.

352 (45) "Parcel" means any real property that is not a lot created by and shown on a
353 subdivision plat recorded in the office of the county recorder.

354 (46) (a) "Parcel boundary adjustment" means a recorded agreement between owners of
355 adjoining parcels adjusting the mutual boundary, either by deed or by a boundary line
356 agreement in accordance with Section 57-1-45, if no additional parcel is created and:

357 (i) none of the property identified in the agreement is subdivided land; or
358 (ii) the adjustment is to the boundaries of a single person's parcels.

359 (b) "Parcel boundary adjustment" does not mean an adjustment of a parcel boundary
360 line that:

361 (i) creates an additional parcel; or
362 (ii) constitutes a subdivision.

363 (47) "Person" means an individual, corporation, partnership, organization, association,
364 trust, governmental agency, or any other legal entity.

365 (48) "Plan for moderate income housing" means a written document adopted by a
366 municipality's legislative body that includes:

367 (a) an estimate of the existing supply of moderate income housing located within the
368 municipality;

369 (b) an estimate of the need for moderate income housing in the municipality for the
370 next five years;

371 (c) a survey of total residential land use;

372 (d) an evaluation of how existing land uses and zones affect opportunities for moderate
373 income housing; and

374 (e) a description of the municipality's program to encourage an adequate supply of
375 moderate income housing.

376 (49) "Plat" means a map or other graphical representation of lands that a licensed
377 professional land surveyor makes and prepares in accordance with Section [10-9a-603](#) or
378 [57-8-13](#).

379 (50) "Potential geologic hazard area" means an area that:

380 (a) is designated by a Utah Geological Survey map, county geologist map, or other
381 relevant map or report as needing further study to determine the area's potential for geologic
382 hazard; or

383 (b) has not been studied by the Utah Geological Survey or a county geologist but
384 presents the potential of geologic hazard because the area has characteristics similar to those of
385 a designated geologic hazard area.

386 (51) "Public agency" means:

387 (a) the federal government;

388 (b) the state;

389 (c) a county, municipality, school district, local district, special service district, or other
390 political subdivision of the state; or

391 (d) a charter school.

392 (52) "Public hearing" means a hearing at which members of the public are provided a
393 reasonable opportunity to comment on the subject of the hearing.

394 (53) "Public meeting" means a meeting that is required to be open to the public under
395 Title 52, Chapter 4, Open and Public Meetings Act.

396 (54) "Public street" means a public right-of-way, including a public highway, public
397 avenue, public boulevard, public parkway, public road, public lane, public alley, public
398 viaduct, public subway, public tunnel, public bridge, public byway, other public transportation
399 easement, or other public way.

400 (55) "Receiving zone" means an area of a municipality that the municipality
401 designates, by ordinance, as an area in which an owner of land may receive a transferable
402 development right.

403 (56) "Record of survey map" means a map of a survey of land prepared in accordance
404 with Section [10-9a-603](#), [17-23-17](#), [17-27a-603](#), or [57-8-13](#).

405 (57) "Residential facility for persons with a disability" means a residence:

406 (a) in which more than one person with a disability resides; and

407 (b) (i) which is licensed or certified by the Department of Human Services under Title
408 62A, Chapter 2, Licensure of Programs and Facilities; or

409 (ii) which is licensed or certified by the Department of Health under Title 26, Chapter
410 21, Health Care Facility Licensing and Inspection Act.

411 (58) "Rules of order and procedure" means a set of rules that govern and prescribe in a
412 public meeting:

413 (a) parliamentary order and procedure;

414 (b) ethical behavior; and

415 (c) civil discourse.

416 (59) "Sanitary sewer authority" means the department, agency, or public entity with
417 responsibility to review and approve the feasibility of sanitary sewer services or onsite
418 wastewater systems.

419 (60) "Sending zone" means an area of a municipality that the municipality designates,
420 by ordinance, as an area from which an owner of land may transfer a transferable development
421 right.

422 (61) "Specified public agency" means:

423 (a) the state;

424 (b) a school district; or

425 (c) a charter school.

426 (62) "Specified public utility" means an electrical corporation, gas corporation, or
427 telephone corporation, as those terms are defined in Section [54-2-1](#).

428 (63) "State" includes any department, division, or agency of the state.

429 (64) "Subdivided land" means the land, tract, or lot described in a recorded subdivision
430 plat.

431 (65) (a) "Subdivision" means any land that is divided, resubdivided, or proposed to be
432 divided into two or more lots or other division of land for the purpose, whether immediate or
433 future, for offer, sale, lease, or development either on the installment plan or upon any and all
434 other plans, terms, and conditions.

435 (b) "Subdivision" includes:

436 (i) the division or development of land whether by deed, metes and bounds description,
437 devise and testacy, map, plat, or other recorded instrument, regardless of whether the division
438 includes all or a portion of a parcel or lot; and

439 (ii) except as provided in Subsection (65)(c), divisions of land for residential and
440 nonresidential uses, including land used or to be used for commercial, agricultural, and
441 industrial purposes.

442 (c) "Subdivision" does not include:

443 (i) a bona fide division or partition of agricultural land for the purpose of joining one of
444 the resulting separate parcels to a contiguous parcel of unsubdivided agricultural land, if
445 neither the resulting combined parcel nor the parcel remaining from the division or partition
446 violates an applicable land use ordinance;

447 (ii) an agreement recorded with the county recorder's office between owners of
448 adjoining unsubdivided properties adjusting the mutual boundary by a boundary line agreement
449 in accordance with Section 57-1-45 if:

450 (A) no new lot is created; and

451 (B) the adjustment does not violate applicable land use ordinances;

452 (iii) a recorded document, executed by the owner of record:

453 (A) revising the legal description of more than one contiguous parcel of property that is
454 not subdivided land into one legal description encompassing all such parcels of property; or

455 (B) joining a subdivided parcel of property to another parcel of property that has not
456 been subdivided, if the joinder does not violate applicable land use ordinances;

457 (iv) an agreement between owners of adjoining subdivided properties adjusting the
458 mutual lot line boundary in accordance with Section 10-9a-603 if:

459 (A) no new dwelling lot or housing unit will result from the adjustment; and

460 (B) the adjustment will not violate any applicable land use ordinance;

461 (v) a bona fide division or partition of land by deed or other instrument where the land

462 use authority expressly approves in writing the division in anticipation of further land use
463 approvals on the parcel or parcels;

464 (vi) a parcel boundary adjustment;

465 (vii) a lot line adjustment;

466 (viii) a road, street, or highway dedication plat; or

467 (ix) a deed or easement for a road, street, or highway purpose.

468 (d) The joining of a subdivided parcel of property to another parcel of property that has
469 not been subdivided does not constitute a subdivision under this Subsection (65) as to the
470 unsubdivided parcel of property or subject the unsubdivided parcel to the municipality's
471 subdivision ordinance.

472 (66) "Subdivision amendment" means an amendment to a recorded subdivision in
473 accordance with Section 10-9a-608 that:

474 (a) vacates all or a portion of the subdivision;

475 (b) alters the outside boundary of the subdivision;

476 (c) changes the number of lots within the subdivision;

477 (d) alters a public right-of-way, a public easement, or public infrastructure within the
478 subdivision; or

479 (e) alters a common area or other common amenity within the subdivision.

480 (67) "Suspect soil" means soil that has:

481 (a) a high susceptibility for volumetric change, typically clay rich, having more than a
482 3% swell potential;

483 (b) bedrock units with high shrink or swell susceptibility; or

484 (c) gypsiferous silt and clay, gypsum, or bedrock units containing abundant gypsum
485 commonly associated with dissolution and collapse features.

486 (68) "Therapeutic school" means a residential group living facility:

487 (a) for four or more individuals who are not related to:

488 (i) the owner of the facility; or

489 (ii) the primary service provider of the facility;

490 (b) that serves students who have a history of failing to function:

491 (i) at home;

492 (ii) in a public school; or

493 (iii) in a nonresidential private school; and

494 (c) that offers:

495 (i) room and board; and

496 (ii) an academic education integrated with:

497 (A) specialized structure and supervision; or

498 (B) services or treatment related to a disability, an emotional development, a

499 behavioral development, a familial development, or a social development.

500 (69) "Transferable development right" means a right to develop and use land that
501 originates by an ordinance that authorizes a land owner in a designated sending zone to transfer
502 land use rights from a designated sending zone to a designated receiving zone.

503 (70) "Unincorporated" means the area outside of the incorporated area of a city or
504 town.

505 (71) "Water interest" means any right to the beneficial use of water, including:

506 (a) each of the rights listed in Section 73-1-11; and

507 (b) an ownership interest in the right to the beneficial use of water represented by:

508 (i) a contract; or

509 (ii) a share in a water company, as defined in Section 73-3-3.5.

510 (72) "Zoning map" means a map, adopted as part of a land use ordinance, that depicts
511 land use zones, overlays, or districts.

512 Section 2. Section 10-9a-509 is amended to read:

513 **10-9a-509. Applicant's entitlement to land use application approval --**
514 **Municipality's requirements and limitations -- Vesting upon submission of development**
515 **plan and schedule.**

516 (1) (a) (i) An applicant who has submitted a complete land use application as described
517 in Subsection (1)(c), including the payment of all application fees, is entitled to substantive
518 review of the application under the land use regulations:

519 (A) in effect on the date that the application is complete; and

520 (B) applicable to the application or to the information shown on the application.

521 (ii) An applicant is entitled to approval of a land use application if the application
522 conforms to the requirements of the applicable land use regulations, land use decisions, and
523 development standards in effect when the applicant submits a complete application and pays

524 application fees, unless:

525 (A) the land use authority, on the record, formally finds that a compelling,
526 countervailing public interest would be jeopardized by approving the application and specifies
527 the compelling, countervailing public interest in writing; or

528 (B) in the manner provided by local ordinance and before the applicant submits the
529 application, the municipality formally initiates proceedings to amend the municipality's land
530 use regulations in a manner that would prohibit approval of the application as submitted.

531 (b) The municipality shall process an application without regard to proceedings the
532 municipality initiated to amend the municipality's ordinances as described in Subsection
533 (1)(a)(ii)(B) if:

534 (i) 180 days have passed since the municipality initiated the proceedings; and

535 (ii) the proceedings have not resulted in an enactment that prohibits approval of the
536 application as submitted.

537 (c) A land use application is considered submitted and complete when the applicant
538 provides the application in a form that complies with the requirements of applicable ordinances
539 and pays all applicable fees.

540 (d) A subsequent incorporation of a municipality or a petition that proposes the
541 incorporation of a municipality does not affect a land use application approved by a county in
542 accordance with Section [17-27a-508](#).

543 (e) The continuing validity of an approval of a land use application is conditioned upon
544 the applicant proceeding after approval to implement the approval with reasonable diligence.

545 (f) A municipality may not impose on an applicant who has submitted a complete
546 application a requirement that is not expressed in:

547 (i) this chapter;

548 (ii) a municipal ordinance; or

549 (iii) a municipal specification for public improvements applicable to a subdivision or
550 development that is in effect on the date that the applicant submits an application.

551 (g) A municipality may not impose on a holder of an issued land use permit or a final,
552 unexpired subdivision plat a requirement that is not expressed:

553 (i) in a land use permit;

554 (ii) on the subdivision plat;

555 (iii) in a document on which the land use permit or subdivision plat is based;
556 (iv) in the written record evidencing approval of the land use permit or subdivision
557 plat;

558 (v) in this chapter; or
559 (vi) in a municipal ordinance.

560 (h) Except as provided in Subsection (1)(i), a municipality may not withhold issuance
561 of a certificate of occupancy or acceptance of subdivision improvements because of an
562 applicant's failure to comply with a requirement that is not expressed:

563 (i) in the building permit or subdivision plat, documents on which the building permit
564 or subdivision plat is based, or the written record evidencing approval of the land use permit or
565 subdivision plat; or

566 (ii) in this chapter or the municipality's ordinances.

567 (i) A municipality may not unreasonably withhold issuance of a certificate of
568 occupancy where an applicant has met all requirements essential for the public health, public
569 safety, and general welfare of the occupants, in accordance with this chapter, unless:

570 (i) the applicant and the municipality have agreed in a written document to the
571 withholding of a certificate of occupancy; or

572 (ii) the applicant has not provided a financial assurance for required and uncompleted
573 landscaping or infrastructure improvements in accordance with an applicable ordinance that the
574 legislative body adopts under this chapter.

575 (2) A municipality is bound by the terms and standards of applicable land use
576 regulations and shall comply with mandatory provisions of those regulations.

577 (3) A municipality may not, as a condition of land use application approval, require a
578 person filing a land use application to obtain documentation regarding a school district's
579 willingness, capacity, or ability to serve the development proposed in the land use application.

580 (4) Upon a specified public agency's submission of a development plan and schedule as
581 required in Subsection 10-9a-305(8) that complies with the requirements of that subsection, the
582 specified public agency vests in the municipality's applicable land use maps, zoning map,
583 hookup fees, impact fees, other applicable development fees, and land use regulations in effect
584 on the date of submission.

585 (5) (a) If sponsors of a referendum timely challenge a project in accordance with

586 Subsection 20A-7-601(5)(~~a~~), the project's affected owner may rescind the project's land use
587 approval by delivering a written notice:

- 588 (i) to the local clerk as defined in Section 20A-7-101; and
- 589 (ii) no later than seven days after the day on which a petition for a referendum is
590 determined sufficient under ~~[Section]~~Subsection 20A-7-607(~~5~~)(4).

591 (b) Upon delivery of a written notice described in Subsection (5)(a) the following are
592 rescinded and are of no further force or effect:

- 593 (i) the relevant land use approval; and
- 594 (ii) any land use regulation enacted specifically in relation to the land use approval.

595 Section 3. Section 11-14-301 is amended to read:

596 **11-14-301. Issuance of bonds by governing body -- Computation of indebtedness**
597 **under constitutional and statutory limitations.**

598 (1) If the governing body has declared the bond proposition to have carried and no
599 contest has been filed, or if a contest has been filed and favorably terminated, the governing
600 body may proceed to issue the bonds voted at the election.

601 (2) (a) It is not necessary that all of the bonds be issued at one time, but, except as
602 otherwise provided in this Subsection (2), bonds approved by the voters may not be issued
603 more than 10 years after the day on which the election is held.

604 (b) The 10-year period described in Subsection (2)(a) is tolled if, at any time during the
605 10-year period:

606 (i) an application for a referendum petition is filed with a local clerk, in accordance
607 with Section 20A-7-602, with respect to the local obligation law relating to the bonds; or

608 (ii) the bonds are challenged in a court of law or an administrative proceeding in
609 relation to:

610 (A) the legality or validity of the bonds, or the election or proceedings authorizing the
611 bonds;

612 (B) the authority of the local political subdivision to issue the bonds;

613 (C) the provisions made for the security or payment of the bonds; or

614 (D) any other issue that materially and adversely affects the marketability of the bonds,
615 as determined by the individual or body that holds the executive powers of the local political
616 subdivision.

617 (c) For a bond described in this section that is approved by voters on or after May 8,
618 2002, but before May 14, 2019, a tolling period described in Subsection (2)(b)(i) ends on the
619 later of the day on which:

620 (i) the local clerk determines that the petition is insufficient, in accordance with
621 Subsection [20A-7-607\(2\)\(~~e~~\)\(e\)](#), unless an application, described in Subsection
622 [20A-7-607\(~~4~~\)\(3\)](#)(a), is made to a court;

623 (ii) a court determines, under Subsection [20A-7-607\(~~4~~\)\(3\)](#)(c), that the petition for the
624 referendum is not legally sufficient; or

625 (iii) for a referendum petition that is sufficient, the governing body declares, as
626 provided by law, the results of the referendum election on the local obligation law.

627 (d) For a bond described in this section that was approved by voters on or after May
628 14, 2019, a tolling period described in Subsection (2)(b)(i) ends:

629 (i) if a county, city, town, metro township, or court determines, under Section
630 [20A-7-602.7](#), that the proposed referendum is not legally referable to voters, the later of:

631 (A) the day on which the county, city, town, or metro township provides the notice
632 described in Subsection [20A-7-602.7\(1\)\(b\)\(ii\)](#); or

633 (B) if a sponsor appeals, under Subsection [20A-7-602.7\(4\)](#), the day on which a court
634 decision that the proposed referendum is not legally referable to voters becomes final; or

635 (ii) if a county, city, town, metro township, or court determines, under Section
636 [20A-7-602.7](#), that the proposed referendum is legally referable to voters, the later of:

637 (A) the day on which the local clerk determines, under Section [20A-7-607](#), that the
638 number of certified names is insufficient for the proposed referendum to appear on the ballot;

639 or

640 (B) if the local clerk determines, under Section [20A-7-607](#), that the number of certified
641 names is sufficient for the proposed referendum to appear on the ballot, the day on which the
642 governing body declares, as provided by law, the results of the referendum election on the local
643 obligation law.

644 (e) A tolling period described in Subsection (2)(b)(ii) ends after:

645 (i) there is a final settlement, a final adjudication, or another type of final resolution of
646 all challenges described in Subsection (2)(b)(ii); and

647 (ii) the individual or body that holds the executive powers of the local political

648 subdivision issues a document indicating that all challenges described in Subsection (2)(b)(ii)
649 are resolved and final.

650 (f) If the 10-year period described in Subsection (2)(a) is tolled under this Subsection
651 (2) and, when the tolling ends and after giving effect to the tolling, the period of time
652 remaining to issue the bonds is less than one year, the period of time remaining to issue the
653 bonds shall be extended to one year.

654 (g) The tolling provisions described in this Subsection (2) apply to all bonds described
655 in this section that were approved by voters on or after May 8, 2002.

656 (3) (a) Bonds approved by the voters may not be issued to an amount that will cause
657 the indebtedness of the local political subdivision to exceed that permitted by the Utah
658 Constitution or statutes.

659 (b) In computing the amount of indebtedness that may be incurred pursuant to
660 constitutional and statutory limitations, the constitutionally or statutorily permitted percentage,
661 as the case may be, shall be applied to the fair market value, as defined under Section 59-2-102,
662 of the taxable property in the local political subdivision, as computed from the last applicable
663 equalized assessment roll before the incurring of the additional indebtedness.

664 (c) In determining the fair market value of the taxable property in the local political
665 subdivision as provided in this section, the value of all tax equivalent property, as defined in
666 Section 59-3-102, shall be included as a part of the total fair market value of taxable property
667 in the local political subdivision, as provided in Title 59, Chapter 3, Tax Equivalent Property
668 Act.

669 (4) Bonds of improvement districts issued in a manner that they are payable solely
670 from the revenues to be derived from the operation of the facilities of the district may not be
671 included as bonded indebtedness for the purposes of the computation.

672 (5) Where bonds are issued by a city, town, or county payable solely from revenues
673 derived from the operation of revenue-producing facilities of the city, town, or county, or
674 payable solely from a special fund into which are deposited excise taxes levied and collected by
675 the city, town, or county, or excise taxes levied by the state and rebated pursuant to law to the
676 city, town, or county, or any combination of those excise taxes, the bonds shall be included as
677 bonded indebtedness of the city, town, or county only to the extent required by the Utah
678 Constitution, and any bonds not so required to be included as bonded indebtedness of the city,

679 town, or county need not be authorized at an election, except as otherwise provided by the Utah
680 Constitution, the bonds being hereby expressly excluded from the election requirement of
681 Section 11-14-201.

682 (6) A bond election is not void when the amount of bonds authorized at the election
683 exceeded the limitation applicable to the local political subdivision at the time of holding the
684 election, but the bonds may be issued from time to time in an amount within the applicable
685 limitation at the time the bonds are issued.

686 (7) (a) A local political subdivision may not receive, from the issuance of bonds
687 approved by the voters at an election, an aggregate amount that exceeds by more than 2% the
688 maximum principal amount stated in the bond proposition.

689 (b) The provision in Subsection (7)(a) applies to bonds issued pursuant to an election
690 held after January 1, 2019.

691 Section 4. Section 17-27a-103 is amended to read:

692 **17-27a-103. Definitions.**

693 As used in this chapter:

694 (1) "Accessory dwelling unit" means a habitable living unit added to, created within, or
695 detached from a primary single-family dwelling and contained on one lot.

696 (2) "Adversely affected party" means a person other than a land use applicant who:

697 (a) owns real property adjoining the property that is the subject of a land use
698 application or land use decision; or

699 (b) will suffer a damage different in kind than, or an injury distinct from, that of the
700 general community as a result of the land use decision.

701 (3) "Affected entity" means a county, municipality, local district, special service
702 district under Title 17D, Chapter 1, Special Service District Act, school district, interlocal
703 cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act, specified
704 property owner, property owners association, public utility, or the Utah Department of
705 Transportation, if:

706 (a) the entity's services or facilities are likely to require expansion or significant
707 modification because of an intended use of land;

708 (b) the entity has filed with the county a copy of the entity's general or long-range plan;

709 or

710 (c) the entity has filed with the county a request for notice during the same calendar
711 year and before the county provides notice to an affected entity in compliance with a
712 requirement imposed under this chapter.

713 (4) "Affected owner" means the owner of real property that is:

714 (a) a single project;

715 (b) the subject of a land use approval that sponsors of a referendum timely challenged
716 in accordance with Subsection 20A-7-601(5)~~(a)~~; and

717 (c) determined to be legally referable under Section 20A-7-602.8.

718 (5) "Appeal authority" means the person, board, commission, agency, or other body
719 designated by ordinance to decide an appeal of a decision of a land use application or a
720 variance.

721 (6) "Billboard" means a freestanding ground sign located on industrial, commercial, or
722 residential property if the sign is designed or intended to direct attention to a business, product,
723 or service that is not sold, offered, or existing on the property where the sign is located.

724 (7) (a) "Charter school" means:

725 (i) an operating charter school;

726 (ii) a charter school applicant that has its application approved by a charter school
727 authorizer in accordance with Title 53G, Chapter 5, Part 3, Charter School Authorization; or

728 (iii) an entity that is working on behalf of a charter school or approved charter
729 applicant to develop or construct a charter school building.

730 (b) "Charter school" does not include a therapeutic school.

731 (8) "Chief executive officer" means the person or body that exercises the executive
732 powers of the county.

733 (9) "Conditional use" means a land use that, because of its unique characteristics or
734 potential impact on the county, surrounding neighbors, or adjacent land uses, may not be
735 compatible in some areas or may be compatible only if certain conditions are required that
736 mitigate or eliminate the detrimental impacts.

737 (10) "Constitutional taking" means a governmental action that results in a taking of
738 private property so that compensation to the owner of the property is required by the:

739 (a) Fifth or Fourteenth Amendment of the Constitution of the United States; or

740 (b) Utah Constitution, Article I, Section 22.

- 741 (11) "County utility easement" means an easement that:
- 742 (a) a plat recorded in a county recorder's office described as a county utility easement
- 743 or otherwise as a utility easement;
- 744 (b) is not a protected utility easement or a public utility easement as defined in Section
- 745 [54-3-27](#);
- 746 (c) the county or the county's affiliated governmental entity owns or creates; and
- 747 (d) (i) either:
- 748 (A) no person uses or occupies; or
- 749 (B) the county or the county's affiliated governmental entity uses and occupies to
- 750 provide a utility service, including sanitary sewer, culinary water, electrical, storm water, or
- 751 communications or data lines; or
- 752 (ii) a person uses or occupies with or without an authorized franchise or other
- 753 agreement with the county.
- 754 (12) "Culinary water authority" means the department, agency, or public entity with
- 755 responsibility to review and approve the feasibility of the culinary water system and sources for
- 756 the subject property.
- 757 (13) "Development activity" means:
- 758 (a) any construction or expansion of a building, structure, or use that creates additional
- 759 demand and need for public facilities;
- 760 (b) any change in use of a building or structure that creates additional demand and need
- 761 for public facilities; or
- 762 (c) any change in the use of land that creates additional demand and need for public
- 763 facilities.
- 764 (14) (a) "Disability" means a physical or mental impairment that substantially limits
- 765 one or more of a person's major life activities, including a person having a record of such an
- 766 impairment or being regarded as having such an impairment.
- 767 (b) "Disability" does not include current illegal use of, or addiction to, any federally
- 768 controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C.
- 769 Sec. 802.
- 770 (15) "Educational facility":
- 771 (a) means:

772 (i) a school district's building at which pupils assemble to receive instruction in a
773 program for any combination of grades from preschool through grade 12, including
774 kindergarten and a program for children with disabilities;

775 (ii) a structure or facility:

776 (A) located on the same property as a building described in Subsection (15)(a)(i); and

777 (B) used in support of the use of that building; and

778 (iii) a building to provide office and related space to a school district's administrative
779 personnel; and

780 (b) does not include:

781 (i) land or a structure, including land or a structure for inventory storage, equipment
782 storage, food processing or preparing, vehicle storage or maintenance, or similar use that is:

783 (A) not located on the same property as a building described in Subsection (15)(a)(i);

784 and

785 (B) used in support of the purposes of a building described in Subsection (15)(a)(i); or

786 (ii) a therapeutic school.

787 (16) "Fire authority" means the department, agency, or public entity with responsibility
788 to review and approve the feasibility of fire protection and suppression services for the subject
789 property.

790 (17) "Flood plain" means land that:

791 (a) is within the 100-year flood plain designated by the Federal Emergency
792 Management Agency; or

793 (b) has not been studied or designated by the Federal Emergency Management Agency
794 but presents a likelihood of experiencing chronic flooding or a catastrophic flood event because
795 the land has characteristics that are similar to those of a 100-year flood plain designated by the
796 Federal Emergency Management Agency.

797 (18) "Gas corporation" has the same meaning as defined in Section [54-2-1](#).

798 (19) "General plan" means a document that a county adopts that sets forth general
799 guidelines for proposed future development of:

800 (a) the unincorporated land within the county; or

801 (b) for a mountainous planning district, the land within the mountainous planning
802 district.

803 (20) "Geologic hazard" means:

804 (a) a surface fault rupture;

805 (b) shallow groundwater;

806 (c) liquefaction;

807 (d) a landslide;

808 (e) a debris flow;

809 (f) unstable soil;

810 (g) a rock fall; or

811 (h) any other geologic condition that presents a risk:

812 (i) to life;

813 (ii) of substantial loss of real property; or

814 (iii) of substantial damage to real property.

815 (21) "Hookup fee" means a fee for the installation and inspection of any pipe, line,
816 meter, or appurtenance to connect to a county water, sewer, storm water, power, or other utility
817 system.

818 (22) "Identical plans" means building plans submitted to a county that:

819 (a) are clearly marked as "identical plans";

820 (b) are substantially identical building plans that were previously submitted to and
821 reviewed and approved by the county; and

822 (c) describe a building that:

823 (i) is located on land zoned the same as the land on which the building described in the
824 previously approved plans is located;

825 (ii) is subject to the same geological and meteorological conditions and the same law
826 as the building described in the previously approved plans;

827 (iii) has a floor plan identical to the building plan previously submitted to and reviewed
828 and approved by the county; and

829 (iv) does not require any additional engineering or analysis.

830 (23) "Impact fee" means a payment of money imposed under Title 11, Chapter 36a,
831 Impact Fees Act.

832 (24) "Improvement completion assurance" means a surety bond, letter of credit,
833 financial institution bond, cash, assignment of rights, lien, or other equivalent security required

834 by a county to guaranty the proper completion of landscaping or an infrastructure improvement
835 required as a condition precedent to:

- 836 (a) recording a subdivision plat; or
- 837 (b) development of a commercial, industrial, mixed use, or multifamily project.

838 (25) "Improvement warranty" means an applicant's unconditional warranty that the
839 applicant's installed and accepted landscaping or infrastructure improvement:

- 840 (a) complies with the county's written standards for design, materials, and
841 workmanship; and
- 842 (b) will not fail in any material respect, as a result of poor workmanship or materials,
843 within the improvement warranty period.

844 (26) "Improvement warranty period" means a period:

- 845 (a) no later than one year after a county's acceptance of required landscaping; or
- 846 (b) no later than one year after a county's acceptance of required infrastructure, unless
847 the county:

- 848 (i) determines for good cause that a one-year period would be inadequate to protect the
849 public health, safety, and welfare; and

- 850 (ii) has substantial evidence, on record:

- 851 (A) of prior poor performance by the applicant; or
- 852 (B) that the area upon which the infrastructure will be constructed contains suspect soil
853 and the county has not otherwise required the applicant to mitigate the suspect soil.

854 (27) "Infrastructure improvement" means permanent infrastructure that is essential for
855 the public health and safety or that:

- 856 (a) is required for human consumption; and
- 857 (b) an applicant must install:
 - 858 (i) in accordance with published installation and inspection specifications for public
859 improvements; and

- 860 (ii) as a condition of:

- 861 (A) recording a subdivision plat;
- 862 (B) obtaining a building permit; or
- 863 (C) developing a commercial, industrial, mixed use, condominium, or multifamily
864 project.

865 (28) "Internal lot restriction" means a platted note, platted demarcation, or platted
866 designation that:

867 (a) runs with the land; and

868 (b) (i) creates a restriction that is enclosed within the perimeter of a lot described on
869 the plat; or

870 (ii) designates a development condition that is enclosed within the perimeter of a lot
871 described on the plat.

872 (29) "Interstate pipeline company" means a person or entity engaged in natural gas
873 transportation subject to the jurisdiction of the Federal Energy Regulatory Commission under
874 the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.

875 (30) "Intrastate pipeline company" means a person or entity engaged in natural gas
876 transportation that is not subject to the jurisdiction of the Federal Energy Regulatory
877 Commission under the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.

878 (31) "Land use applicant" means a property owner, or the property owner's designee,
879 who submits a land use application regarding the property owner's land.

880 (32) "Land use application":

881 (a) means an application that is:

882 (i) required by a county; and

883 (ii) submitted by a land use applicant to obtain a land use decision; and

884 (b) does not mean an application to enact, amend, or repeal a land use regulation.

885 (33) "Land use authority" means:

886 (a) a person, board, commission, agency, or body, including the local legislative body,
887 designated by the local legislative body to act upon a land use application; or

888 (b) if the local legislative body has not designated a person, board, commission,
889 agency, or body, the local legislative body.

890 (34) "Land use decision" means an administrative decision of a land use authority or
891 appeal authority regarding:

892 (a) a land use permit;

893 (b) a land use application; or

894 (c) the enforcement of a land use regulation, land use permit, or development
895 agreement.

- 896 (35) "Land use permit" means a permit issued by a land use authority.
- 897 (36) "Land use regulation":
- 898 (a) means a legislative decision enacted by ordinance, law, code, map, resolution,
899 specification, fee, or rule that governs the use or development of land;
- 900 (b) includes the adoption or amendment of a zoning map or the text of the zoning code;
901 and
- 902 (c) does not include:
- 903 (i) a land use decision of the legislative body acting as the land use authority, even if
904 the decision is expressed in a resolution or ordinance; or
- 905 (ii) a temporary revision to an engineering specification that does not materially:
906 (A) increase a land use applicant's cost of development compared to the existing
907 specification; or
- 908 (B) impact a land use applicant's use of land.
- 909 (37) "Legislative body" means the county legislative body, or for a county that has
910 adopted an alternative form of government, the body exercising legislative powers.
- 911 (38) "Local district" means any entity under Title 17B, Limited Purpose Local
912 Government Entities - Local Districts, and any other governmental or quasi-governmental
913 entity that is not a county, municipality, school district, or the state.
- 914 (39) "Lot" means a tract of land, regardless of any label, that is created by and shown
915 on a subdivision plat that has been recorded in the office of the county recorder.
- 916 (40) (a) "Lot line adjustment" means a relocation of a lot line boundary between
917 adjoining lots or parcels, whether or not the lots are located in the same subdivision, in
918 accordance with Section [17-27a-608](#), with the consent of the owners of record.
- 919 (b) "Lot line adjustment" does not mean a new boundary line that:
- 920 (i) creates an additional lot; or
- 921 (ii) constitutes a subdivision.
- 922 (41) "Major transit investment corridor" means public transit service that uses or
923 occupies:
- 924 (a) public transit rail right-of-way;
- 925 (b) dedicated road right-of-way for the use of public transit, such as bus rapid transit;
926 or

927 (c) fixed-route bus corridors subject to an interlocal agreement or contract between a
928 municipality or county and:

929 (i) a public transit district as defined in Section 17B-2a-802; or

930 (ii) an eligible political subdivision as defined in Section 59-12-2219.

931 (42) "Moderate income housing" means housing occupied or reserved for occupancy
932 by households with a gross household income equal to or less than 80% of the median gross
933 income for households of the same size in the county in which the housing is located.

934 (43) "Mountainous planning district" means an area:

935 (a) designated by a county legislative body in accordance with Section 17-27a-901; and

936 (b) that is not otherwise exempt under Section 10-9a-304.

937 (44) "Nominal fee" means a fee that reasonably reimburses a county only for time spent
938 and expenses incurred in:

939 (a) verifying that building plans are identical plans; and

940 (b) reviewing and approving those minor aspects of identical plans that differ from the
941 previously reviewed and approved building plans.

942 (45) "Noncomplying structure" means a structure that:

943 (a) legally existed before its current land use designation; and

944 (b) because of one or more subsequent land use ordinance changes, does not conform
945 to the setback, height restrictions, or other regulations, excluding those regulations that govern
946 the use of land.

947 (46) "Nonconforming use" means a use of land that:

948 (a) legally existed before its current land use designation;

949 (b) has been maintained continuously since the time the land use ordinance regulation
950 governing the land changed; and

951 (c) because of one or more subsequent land use ordinance changes, does not conform
952 to the regulations that now govern the use of the land.

953 (47) "Official map" means a map drawn by county authorities and recorded in the
954 county recorder's office that:

955 (a) shows actual and proposed rights-of-way, centerline alignments, and setbacks for
956 highways and other transportation facilities;

957 (b) provides a basis for restricting development in designated rights-of-way or between

958 designated setbacks to allow the government authorities time to purchase or otherwise reserve
959 the land; and

960 (c) has been adopted as an element of the county's general plan.

961 (48) "Parcel" means any real property that is not a lot created by and shown on a
962 subdivision plat recorded in the office of the county recorder.

963 (49) (a) "Parcel boundary adjustment" means a recorded agreement between owners of
964 adjoining parcels adjusting the mutual boundary, either by deed or by a boundary line
965 agreement in accordance with Section 57-1-45, if no additional parcel is created and:

966 (i) none of the property identified in the agreement is subdivided land; or

967 (ii) the adjustment is to the boundaries of a single person's parcels.

968 (b) "Parcel boundary adjustment" does not mean an adjustment of a parcel boundary
969 line that:

970 (i) creates an additional parcel; or

971 (ii) constitutes a subdivision.

972 (50) "Person" means an individual, corporation, partnership, organization, association,
973 trust, governmental agency, or any other legal entity.

974 (51) "Plan for moderate income housing" means a written document adopted by a
975 county legislative body that includes:

976 (a) an estimate of the existing supply of moderate income housing located within the
977 county;

978 (b) an estimate of the need for moderate income housing in the county for the next five
979 years;

980 (c) a survey of total residential land use;

981 (d) an evaluation of how existing land uses and zones affect opportunities for moderate
982 income housing; and

983 (e) a description of the county's program to encourage an adequate supply of moderate
984 income housing.

985 (52) "Planning advisory area" means a contiguous, geographically defined portion of
986 the unincorporated area of a county established under this part with planning and zoning
987 functions as exercised through the planning advisory area planning commission, as provided in
988 this chapter, but with no legal or political identity separate from the county and no taxing

989 authority.

990 (53) "Plat" means a map or other graphical representation of lands that a licensed
991 professional land surveyor makes and prepares in accordance with Section [17-27a-603](#) or
992 [57-8-13](#).

993 (54) "Potential geologic hazard area" means an area that:

994 (a) is designated by a Utah Geological Survey map, county geologist map, or other
995 relevant map or report as needing further study to determine the area's potential for geologic
996 hazard; or

997 (b) has not been studied by the Utah Geological Survey or a county geologist but
998 presents the potential of geologic hazard because the area has characteristics similar to those of
999 a designated geologic hazard area.

1000 (55) "Public agency" means:

1001 (a) the federal government;

1002 (b) the state;

1003 (c) a county, municipality, school district, local district, special service district, or other
1004 political subdivision of the state; or

1005 (d) a charter school.

1006 (56) "Public hearing" means a hearing at which members of the public are provided a
1007 reasonable opportunity to comment on the subject of the hearing.

1008 (57) "Public meeting" means a meeting that is required to be open to the public under
1009 Title 52, Chapter 4, Open and Public Meetings Act.

1010 (58) "Public street" means a public right-of-way, including a public highway, public
1011 avenue, public boulevard, public parkway, public road, public lane, public alley, public
1012 viaduct, public subway, public tunnel, public bridge, public byway, other public transportation
1013 easement, or other public way.

1014 (59) "Receiving zone" means an unincorporated area of a county that the county
1015 designates, by ordinance, as an area in which an owner of land may receive a transferable
1016 development right.

1017 (60) "Record of survey map" means a map of a survey of land prepared in accordance
1018 with Section [10-9a-603](#), [17-23-17](#), [17-27a-603](#), or [57-8-13](#).

1019 (61) "Residential facility for persons with a disability" means a residence:

- 1020 (a) in which more than one person with a disability resides; and
- 1021 (b) (i) which is licensed or certified by the Department of Human Services under Title
- 1022 62A, Chapter 2, Licensure of Programs and Facilities; or
- 1023 (ii) which is licensed or certified by the Department of Health under Title 26, Chapter
- 1024 21, Health Care Facility Licensing and Inspection Act.
- 1025 (62) "Rules of order and procedure" means a set of rules that govern and prescribe in a
- 1026 public meeting:
- 1027 (a) parliamentary order and procedure;
- 1028 (b) ethical behavior; and
- 1029 (c) civil discourse.
- 1030 (63) "Sanitary sewer authority" means the department, agency, or public entity with
- 1031 responsibility to review and approve the feasibility of sanitary sewer services or onsite
- 1032 wastewater systems.
- 1033 (64) "Sending zone" means an unincorporated area of a county that the county
- 1034 designates, by ordinance, as an area from which an owner of land may transfer a transferable
- 1035 development right.
- 1036 (65) "Site plan" means a document or map that may be required by a county during a
- 1037 preliminary review preceding the issuance of a building permit to demonstrate that an owner's
- 1038 or developer's proposed development activity meets a land use requirement.
- 1039 (66) "Specified public agency" means:
- 1040 (a) the state;
- 1041 (b) a school district; or
- 1042 (c) a charter school.
- 1043 (67) "Specified public utility" means an electrical corporation, gas corporation, or
- 1044 telephone corporation, as those terms are defined in Section [54-2-1](#).
- 1045 (68) "State" includes any department, division, or agency of the state.
- 1046 (69) "Subdivided land" means the land, tract, or lot described in a recorded subdivision
- 1047 plat.
- 1048 (70) (a) "Subdivision" means any land that is divided, resubdivided, or proposed to be
- 1049 divided into two or more lots or other division of land for the purpose, whether immediate or
- 1050 future, for offer, sale, lease, or development either on the installment plan or upon any and all

1051 other plans, terms, and conditions.

1052 (b) "Subdivision" includes:

1053 (i) the division or development of land whether by deed, metes and bounds description,
1054 devise and testacy, map, plat, or other recorded instrument, regardless of whether the division
1055 includes all or a portion of a parcel or lot; and

1056 (ii) except as provided in Subsection (70)(c), divisions of land for residential and
1057 nonresidential uses, including land used or to be used for commercial, agricultural, and
1058 industrial purposes.

1059 (c) "Subdivision" does not include:

1060 (i) a bona fide division or partition of agricultural land for agricultural purposes;

1061 (ii) an agreement recorded with the county recorder's office between owners of
1062 adjoining properties adjusting the mutual boundary by a boundary line agreement in accordance
1063 with Section 57-1-45 if:

1064 (A) no new lot is created; and

1065 (B) the adjustment does not violate applicable land use ordinances;

1066 (iii) a recorded document, executed by the owner of record:

1067 (A) revising the legal description of more than one contiguous parcel of property that is
1068 not subdivided land into one legal description encompassing all such parcels of property; or

1069 (B) joining a subdivided parcel of property to another parcel of property that has not
1070 been subdivided, if the joinder does not violate applicable land use ordinances;

1071 (iv) a bona fide division or partition of land in a county other than a first class county
1072 for the purpose of siting, on one or more of the resulting separate parcels:

1073 (A) an electrical transmission line or a substation;

1074 (B) a natural gas pipeline or a regulation station; or

1075 (C) an unmanned telecommunications, microwave, fiber optic, electrical, or other
1076 utility service regeneration, transformation, retransmission, or amplification facility;

1077 (v) an agreement between owners of adjoining subdivided properties adjusting the
1078 mutual lot line boundary in accordance with Section 10-9a-603 if:

1079 (A) no new dwelling lot or housing unit will result from the adjustment; and

1080 (B) the adjustment will not violate any applicable land use ordinance;

1081 (vi) a bona fide division or partition of land by deed or other instrument where the land

1082 use authority expressly approves in writing the division in anticipation of further land use
1083 approvals on the parcel or parcels;

1084 (vii) a parcel boundary adjustment;

1085 (viii) a lot line adjustment;

1086 (ix) a road, street, or highway dedication plat; or

1087 (x) a deed or easement for a road, street, or highway purpose.

1088 (d) The joining of a subdivided parcel of property to another parcel of property that has
1089 not been subdivided does not constitute a subdivision under this Subsection (70) as to the
1090 unsubdivided parcel of property or subject the unsubdivided parcel to the county's subdivision
1091 ordinance.

1092 (71) "Subdivision amendment" means an amendment to a recorded subdivision in
1093 accordance with Section [17-27a-608](#) that:

1094 (a) vacates all or a portion of the subdivision;

1095 (b) alters the outside boundary of the subdivision;

1096 (c) changes the number of lots within the subdivision;

1097 (d) alters a public right-of-way, a public easement, or public infrastructure within the
1098 subdivision; or

1099 (e) alters a common area or other common amenity within the subdivision.

1100 (72) "Suspect soil" means soil that has:

1101 (a) a high susceptibility for volumetric change, typically clay rich, having more than a
1102 3% swell potential;

1103 (b) bedrock units with high shrink or swell susceptibility; or

1104 (c) gypsiferous silt and clay, gypsum, or bedrock units containing abundant gypsum
1105 commonly associated with dissolution and collapse features.

1106 (73) "Therapeutic school" means a residential group living facility:

1107 (a) for four or more individuals who are not related to:

1108 (i) the owner of the facility; or

1109 (ii) the primary service provider of the facility;

1110 (b) that serves students who have a history of failing to function:

1111 (i) at home;

1112 (ii) in a public school; or

1113 (iii) in a nonresidential private school; and

1114 (c) that offers:

1115 (i) room and board; and

1116 (ii) an academic education integrated with:

1117 (A) specialized structure and supervision; or

1118 (B) services or treatment related to a disability, an emotional development, a
1119 behavioral development, a familial development, or a social development.

1120 (74) "Transferable development right" means a right to develop and use land that
1121 originates by an ordinance that authorizes a land owner in a designated sending zone to transfer
1122 land use rights from a designated sending zone to a designated receiving zone.

1123 (75) "Unincorporated" means the area outside of the incorporated area of a
1124 municipality.

1125 (76) "Water interest" means any right to the beneficial use of water, including:

1126 (a) each of the rights listed in Section 73-1-11; and

1127 (b) an ownership interest in the right to the beneficial use of water represented by:

1128 (i) a contract; or

1129 (ii) a share in a water company, as defined in Section 73-3-3.5.

1130 (77) "Zoning map" means a map, adopted as part of a land use ordinance, that depicts
1131 land use zones, overlays, or districts.

1132 Section 5. Section 17-27a-508 is amended to read:

1133 **17-27a-508. Applicant's entitlement to land use application approval --**
1134 **Application relating to land in a high priority transportation corridor -- County's**
1135 **requirements and limitations -- Vesting upon submission of development plan and**
1136 **schedule.**

1137 (1) (a) (i) An applicant who has submitted a complete land use application, including
1138 the payment of all application fees, is entitled to substantive review of the application under the
1139 land use regulations:

1140 (A) in effect on the date that the application is complete; and

1141 (B) applicable to the application or to the information shown on the submitted
1142 application.

1143 (ii) An applicant is entitled to approval of a land use application if the application

1144 conforms to the requirements of the applicable land use regulations, land use decisions, and
1145 development standards in effect when the applicant submits a complete application and pays all
1146 application fees, unless:

1147 (A) the land use authority, on the record, formally finds that a compelling,
1148 countervailing public interest would be jeopardized by approving the application and specifies
1149 the compelling, countervailing public interest in writing; or

1150 (B) in the manner provided by local ordinance and before the applicant submits the
1151 application, the county formally initiates proceedings to amend the county's land use
1152 regulations in a manner that would prohibit approval of the application as submitted.

1153 (b) The county shall process an application without regard to proceedings the county
1154 initiated to amend the county's ordinances as described in Subsection (1)(a)(ii)(B) if:

1155 (i) 180 days have passed since the county initiated the proceedings; and

1156 (ii) the proceedings have not resulted in an enactment that prohibits approval of the
1157 application as submitted.

1158 (c) A land use application is considered submitted and complete when the applicant
1159 provides the application in a form that complies with the requirements of applicable ordinances
1160 and pays all applicable fees.

1161 (d) The continuing validity of an approval of a land use application is conditioned upon
1162 the applicant proceeding after approval to implement the approval with reasonable diligence.

1163 (e) A county may not impose on an applicant who has submitted a complete
1164 application a requirement that is not expressed:

1165 (i) in this chapter;

1166 (ii) in a county ordinance; or

1167 (iii) in a county specification for public improvements applicable to a subdivision or
1168 development that is in effect on the date that the applicant submits an application.

1169 (f) A county may not impose on a holder of an issued land use permit or a final,
1170 unexpired subdivision plat a requirement that is not expressed:

1171 (i) in a land use permit;

1172 (ii) on the subdivision plat;

1173 (iii) in a document on which the land use permit or subdivision plat is based;

1174 (iv) in the written record evidencing approval of the land use permit or subdivision

1175 plat;

1176 (v) in this chapter; or

1177 (vi) in a county ordinance.

1178 (g) Except as provided in Subsection (1)(h), a county may not withhold issuance of a
1179 certificate of occupancy or acceptance of subdivision improvements because of an applicant's
1180 failure to comply with a requirement that is not expressed:

1181 (i) in the building permit or subdivision plat, documents on which the building permit
1182 or subdivision plat is based, or the written record evidencing approval of the building permit or
1183 subdivision plat; or

1184 (ii) in this chapter or the county's ordinances.

1185 (h) A county may not unreasonably withhold issuance of a certificate of occupancy
1186 where an applicant has met all requirements essential for the public health, public safety, and
1187 general welfare of the occupants, in accordance with this chapter, unless:

1188 (i) the applicant and the county have agreed in a written document to the withholding
1189 of a certificate of occupancy; or

1190 (ii) the applicant has not provided a financial assurance for required and uncompleted
1191 landscaping or infrastructure improvements in accordance with an applicable ordinance that the
1192 legislative body adopts under this chapter.

1193 (2) A county is bound by the terms and standards of applicable land use regulations and
1194 shall comply with mandatory provisions of those regulations.

1195 (3) A county may not, as a condition of land use application approval, require a person
1196 filing a land use application to obtain documentation regarding a school district's willingness,
1197 capacity, or ability to serve the development proposed in the land use application.

1198 (4) Upon a specified public agency's submission of a development plan and schedule as
1199 required in Subsection 17-27a-305(8) that complies with the requirements of that subsection,
1200 the specified public agency vests in the county's applicable land use maps, zoning map, hookup
1201 fees, impact fees, other applicable development fees, and land use regulations in effect on the
1202 date of submission.

1203 (5) (a) If sponsors of a referendum timely challenge a project in accordance with
1204 Subsection 20A-7-601(5)[(a)], the project's affected owner may rescind the project's land use
1205 approval by delivering a written notice:

1206 (i) to the local clerk as defined in Section 20A-7-101; and
1207 (ii) no later than seven days after the day on which a petition for a referendum is
1208 determined sufficient under [Section] Subsection 20A-7-607[(5)](4).

1209 (b) Upon delivery of a written notice described in Subsection (5)(a) the following are
1210 rescinded and are of no further force or effect:

- 1211 (i) the relevant land use approval; and
- 1212 (ii) any land use regulation enacted specifically in relation to the land use approval.

1213 Section 6. Section 20A-1-609 is amended to read:

1214 **20A-1-609. Omnibus penalties.**

1215 (1) (a) Except as provided in Subsection (1)(b), a person who violates any provision of
1216 this title is guilty of a class B misdemeanor.

1217 (b) Subsection (1)(a) does not apply to a provision of this title for which another
1218 penalty is expressly stated.

1219 (c) An individual is not guilty of a crime for, by signing a petition for an initiative or
1220 referendum, falsely making the statement described in Subsection 20A-7-203(2)[(e)](h)(ii),
1221 20A-7-303(2)(h)(ii), 20A-7-503(2)[(e)](h)(ii), or 20A-7-603(2)(h).

1222 (2) Except as provided by Section 20A-2-101.3 or 20A-2-101.5, an individual
1223 convicted of any offense under this title may not:

1224 (a) file a declaration of candidacy for any office or appear on the ballot as a candidate
1225 for any office during the election cycle in which the violation occurred;

1226 (b) take or hold the office to which the individual was elected; and

1227 (c) receive the emoluments of the office to which the individual was elected.

1228 (3) (a) Any individual convicted of any offense under this title forfeits the right to vote
1229 at any election unless the right to vote is restored as provided in Section 20A-2-101.3 or
1230 20A-2-101.5.

1231 (b) Any person may challenge the right to vote of a person described in Subsection
1232 (3)(a) by following the procedures and requirements of Section 20A-3a-803.

1233 Section 7. Section 20A-7-202 is amended to read:

1234 **20A-7-202. Statewide initiative process -- Application procedures -- Time to**
1235 **gather signatures -- Grounds for rejection.**

1236 (1) [Persons] Individuals wishing to circulate an initiative petition shall file an

1237 application with the lieutenant governor.

1238 (2) The application shall contain:

1239 (a) the name and residence address of at least five sponsors of the initiative petition;

1240 (b) a statement indicating that each of the sponsors[~~:(i)~~] is a resident of Utah; [~~and~~]

1241 [~~(ii) has voted in a regular general election in Utah within the last three years;~~]

1242 (c) the signature of each of the sponsors, attested to by a notary public;

1243 (d) a copy of the proposed law that includes, in the following order:

1244 (i) the title of the proposed law, that clearly expresses the subject of the law;

1245 (ii) a description of all proposed sources of funding for the costs associated with the
1246 proposed law, including the proposed percentage of total funding from each source; and

1247 (iii) the text of the proposed law;

1248 (e) if the initiative petition proposes a tax increase, the following statement, "This
1249 initiative petition seeks to increase the current (insert name of tax) rate by (insert the tax
1250 percentage difference) percent, resulting in a(n) (insert the tax percentage increase) percent
1251 increase in the current tax rate."; and

1252 (f) a statement indicating whether persons gathering signatures for the petition may be
1253 paid for [~~doing so~~] gathering signatures.

1254 (3) (a) An individual's status as a resident, under Subsection (2), is determined in
1255 accordance with Section 20A-2-105.

1256 (b) The application and the application's contents are public when filed with the
1257 lieutenant governor.

1258 (4) If the petition fails to qualify for the ballot of the election described in Subsection
1259 20A-7-201(2)(b), the sponsors shall:

1260 (a) submit a new application;

1261 (b) obtain new signature sheets; and

1262 (c) collect signatures again.

1263 (5) The lieutenant governor shall reject the application or application addendum filed
1264 under Subsection 20A-7-204.1(5) and not issue circulation sheets if:

1265 (a) the law proposed by the initiative is patently unconstitutional;

1266 (b) the law proposed by the initiative is nonsensical;

1267 (c) the proposed law could not become law if passed;

1268 (d) the proposed law contains more than one subject as evaluated in accordance with
1269 Subsection (6);

1270 (e) the subject of the proposed law is not clearly expressed in the law's title; or

1271 (f) the law proposed by the initiative is identical or substantially similar to a law
1272 proposed by an initiative for which signatures were submitted to the county clerks and
1273 lieutenant governor for certification within two years preceding the date on which the
1274 application for the new initiative is filed.

1275 (6) To evaluate whether the proposed law contains more than one subject under
1276 Subsection (5)(d), the lieutenant governor shall apply the same standard provided in Utah
1277 Constitution, Article VI, Section 22, which prohibits a bill from passing that contains more
1278 than one subject.

1279 Section 8. Section **20A-7-203** is amended to read:

1280 **20A-7-203. Form of initiative petition and signature sheets.**

1281 (1) (a) Each proposed initiative petition shall be printed in substantially the following
1282 form:

1283 "INITIATIVE PETITION To the Honorable ____, Lieutenant Governor:

1284 We, the undersigned citizens of Utah, respectfully demand that the following proposed
1285 law be submitted to the legal voters/Legislature of Utah for their/its approval or rejection at the
1286 regular general election/session to be held/ beginning on _____(month\day\year);

1287 Each signer says:

1288 I have personally signed this petition;

1289 The date next to my signature correctly reflects the date that I actually signed the
1290 petition;

1291 I have personally reviewed the entire statement included with this packet;

1292 I am registered to vote in Utah or intend to become registered to vote in Utah before the
1293 certification of the petition names by the county clerk; and

1294 My residence and post office address are written correctly after my name.

1295 NOTICE TO SIGNERS:

1296 Public hearings to discuss this petition were held at: (list dates and locations of public
1297 hearings.)"

1298 (b) If the initiative petition proposes a tax increase, the following statement shall

1299 appear, in at least 14-point, bold type, immediately following the information described in
1300 Subsection (1)(a):

1301 "This initiative petition seeks to increase the current (insert name of tax) rate by (insert
1302 the tax percentage difference) percent, resulting in a(n) (insert the tax percentage increase)
1303 percent increase in the current tax rate.".

1304 (c) The sponsors of an initiative or an agent of the sponsors shall attach a copy of the
1305 proposed law to each initiative petition.

1306 (2) Each signature sheet shall:

1307 (a) be printed on sheets of paper 8-1/2 inches long and 11 inches wide;

1308 (b) be ruled with a horizontal line three-fourths inch from the top, with the space above
1309 that line blank for the purpose of binding;

1310 (c) contain the title of the initiative printed below the horizontal line, in at least
1311 14-point, bold type;

1312 (d) contain the word "Warning" printed or typed at the top of each signature sheet
1313 under the title of the initiative;

1314 (e) contain, to the right of the word "Warning," the following statement printed or
1315 typed in not less than eight-point type:

1316 "It is a class A misdemeanor for an individual to sign an initiative petition with a name
1317 other than the individual's own name, or to knowingly sign the individual's name more than
1318 once for the same measure, or to sign an initiative petition when the individual knows that the
1319 individual is not a registered voter and knows that the individual does not intend to become
1320 registered to vote before the certification of the petition names by the county clerk.";

1321 (f) contain horizontally ruled lines, three-eighths inch apart, under the warning
1322 statement described in Subsection (2)(e); and

1323 [~~(d)~~] (g) be vertically divided into columns as follows:

1324 (i) the edge of the first column shall appear .5 inch from the extreme left of the sheet,
1325 be .25 inch wide, and be headed, together with the second column, "For Office Use Only";

1326 (ii) the second column shall be .25 inch wide;

1327 (iii) the third column shall be 2.5 inches wide, headed "Registered Voter's Printed
1328 Name (must be legible to be counted)";

1329 (iv) the fourth column shall be 2.5 inches wide, headed "Signature of Registered

1330 Voter";

1331 (v) the fifth column shall be .75 inch wide, headed "Date Signed";

1332 (vi) the sixth column shall be three inches wide, headed "Street Address, City, Zip

1333 Code"; and

1334 (vii) the seventh column shall be .75 inch wide, headed "Birth Date or Age (Optional)";

1335 ~~[(e)]~~ (h) be horizontally divided into rows as follows:

1336 (i) the top of the first row, for the purpose of entering the information described in

1337 Subsection (2)~~[(d)]~~(g), shall be .5 inch high;

1338 (ii) the second row shall be .15 inch high and contain the following statement printed

1339 or typed in not less than 12-point type:

1340 "By signing this petition, you are stating that you have read and understand the law

1341 proposed by this petition."; and

1342 (iii) the first and second rows shall be repeated, in order, leaving sufficient room at the

1343 bottom of the sheet for the information described in Subsection (2)~~[(f)]~~(i); and

1344 ~~[(f)]~~ (i) at the bottom of the sheet, contain in the following order:

1345 ~~[(i) the title of the initiative, in at least 14-point, bold type;]~~

1346 ~~[(ii)]~~ (i) except as provided in Subsection (4), the initial fiscal impact estimate's

1347 summary statement issued by the Office of the Legislative Fiscal Analyst in accordance with

1348 Subsection [20A-7-202.5](#)(2)(a), including any update in accordance with Subsection

1349 [20A-7-204.1](#)(5), in not less than 12-point, bold type;

1350 ~~[(iii) the word "Warning," followed by the following statement in not less than~~

1351 ~~eight-point type:]~~

1352 ~~["It is a class A misdemeanor for an individual to sign an initiative petition with a name~~

1353 ~~other than the individual's own name, or to knowingly sign the individual's name more than~~

1354 ~~once for the same measure, or to sign an initiative petition when the individual knows that the~~

1355 ~~individual is not a registered voter and knows that the individual does not intend to become~~

1356 ~~registered to vote before the certification of the petition names by the county clerk.";]~~

1357 ~~[(iv)]~~ (ii) the following statement: "Birth date or age information is not required, but it

1358 may be used to verify your identity with voter registration records. If you choose not to provide

1359 it, your signature may not be verified as a valid signature if you change your address before

1360 petition signatures are verified or if the information you provide does not match your voter

1361 registration records."; and

1362 [~~(v)~~] (iii) if the initiative petition proposes a tax increase, spanning the bottom of the
1363 sheet, horizontally, in not less than 14-point, bold type, the following statement:

1364 "This initiative petition seeks to increase the current (insert name of tax) rate by (insert
1365 the tax percentage difference) percent, resulting in a(n) (insert the tax percentage increase)
1366 percent increase in the current tax rate.";

1367 (3) The final page of each initiative packet shall contain the following printed or typed
1368 statement:

1369 "Verification
1370 State of Utah, County of _____

1371 I, _____, of _____, hereby state, under penalty of perjury, that:

1372 I am a resident of Utah and am at least 18 years old;

1373 All the names that appear in this packet were signed by individuals who professed to be
1374 the individuals whose names appear in it, and each of the individuals signed the individual's
1375 name on it in my presence;

1376 I did not knowingly make a misrepresentation of fact concerning the law proposed by
1377 the initiative;

1378 I believe that each individual has printed and signed the individual's name and written
1379 the individual's post office address and residence correctly, that each signer has read and
1380 understands the law proposed by the initiative, and that each signer is registered to vote in Utah
1381 or intends to become registered to vote before the certification of the petition names by the
1382 county clerk.

1383 Each individual who signed the packet wrote the correct date of signature next to the
1384 individual's name.

1385 I have not paid or given anything of value to any individual who signed this petition to
1386 encourage that individual to sign it.

1387 _____
1388 (Name) (Residence Address) (Date)";

1389 (4) If the initial fiscal impact estimate described in Subsection (2)[~~(f)~~](i), as updated in
1390 accordance with Subsection 20A-7-204.1(5), exceeds 200 words, the Office of the Legislative
1391 Fiscal Analyst shall prepare a shorter summary statement, for the purpose of inclusion on a

1392 signature sheet, that does not exceed 200 words.

1393 (5) If the forms described in this section are substantially followed, the initiative
1394 petitions are sufficient, notwithstanding clerical and merely technical errors.

1395 (6) An individual's status as a resident, under Subsection (3), is determined in
1396 accordance with Section 20A-2-105.

1397 Section 9. Section 20A-7-204 is amended to read:

1398 **20A-7-204. Circulation requirements -- Lieutenant governor to provide sponsors**
1399 **with materials.**

1400 (1) In order to obtain the necessary number of signatures required by this part, the
1401 sponsors or an agent of the sponsors shall, after the sponsors receive the documents described
1402 in Subsection (2), circulate initiative packets that meet the form requirements of this part.

1403 (2) The lieutenant governor shall furnish to the sponsors:

1404 (a) a copy of the initiative petition, with any change submitted under Subsection
1405 20A-7-204.1(5); and

1406 (b) ~~[one]~~ a signature sheet.

1407 (3) The sponsors of the petition shall:

1408 (a) arrange and pay for the printing of all additional copies of the petition and signature
1409 sheets; and

1410 (b) ensure that the copies of the petition and signature sheets meet the form
1411 requirements of this section.

1412 (4) (a) The sponsors or an agent of the sponsors may prepare the initiative for
1413 circulation by creating multiple initiative packets.

1414 (b) The sponsors or an agent of the sponsors shall create ~~[those]~~ the initiative packets
1415 by binding a copy of the initiative petition, a copy of the proposed law, and no more than 50
1416 signature sheets together at the top in ~~[such a way]~~ a manner that the packets may be
1417 conveniently opened for signing.

1418 (c) ~~[The sponsors need not attach]~~ An initiative packet is not required to have a
1419 uniform number of signature sheets [to each initiative packet].

1420 ~~[(5)(a) After the sponsors have prepared sufficient initiative packets, they shall return~~
1421 ~~them to the lieutenant governor.]~~

1422 (5) (a) The sponsors or an agent of the sponsors shall, before gathering signatures:

1423 (i) contact the lieutenant governor's office to receive a range of numbers that the
1424 sponsors may use to number signature packets; and

1425 (ii) number each signature packet, sequentially, within the range of numbers provided
1426 by the lieutenant governor's office, starting with the lowest number in the range.

1427 (b) The sponsors or an agent of the sponsors may not:

1428 (i) number a signature packet in a manner not directed by the lieutenant governor's
1429 office; or

1430 (ii) circulate or submit a signature packet that is not numbered in the manner directed
1431 by the lieutenant governor's office.

1432 ~~[(b)]~~ (c) The lieutenant governor shall[:] keep a record of the number range provided
1433 under Subsection (5)(a).

1434 ~~[(i) number each of the initiative packets and return them to the sponsors within five~~
1435 ~~working days; and]~~

1436 ~~[(ii) keep a record of the numbers assigned to each packet.]~~

1437 Section 10. Section **20A-7-205** is amended to read:

1438 **20A-7-205. Obtaining signatures -- Verification -- Removal of signature.**

1439 (1) A Utah voter may sign an initiative petition if the voter is a legal voter.

1440 (2) (a) The sponsors shall ensure that the individual in whose presence each signature
1441 sheet was signed:

1442 (i) is at least 18 years old and meets the residency requirements of Section **20A-2-105**;

1443 (ii) verifies each signature sheet by completing the verification printed on the last page
1444 of each initiative packet; and

1445 (iii) is informed that each signer is required to read and understand the law proposed by
1446 the initiative.

1447 (b) ~~[A person]~~ An individual may not sign the verification printed on the last page of
1448 the initiative packet if the person signed a signature sheet in the initiative packet.

1449 (3) (a) A voter who has signed an initiative petition may have the voter's signature
1450 removed from the petition by submitting to the county clerk a statement requesting that the
1451 voter's signature be removed before 5 p.m. no later than the earlier of:

1452 (i) for an initiative packet received by the county clerk before December 1:

1453 (A) 30 days after the day on which the voter signs the signature removal statement; or

- 1454 (B) 90 days after the day on which the [~~county clerk~~] lieutenant governor posts the
 1455 voter's name under Subsection [~~20A-7-206(2)(c)~~] 20A-7-207(2)(a); or
- 1456 (ii) for an initiative packet received by the county clerk on or after December 1:
- 1457 (A) 30 days after the day on which the voter signs the signature removal statement; or
- 1458 (B) 45 days after the day on which the [~~county clerk~~] lieutenant governor posts the
 1459 voter's name under Subsection [~~20A-7-206(3)(c)~~]; 20A-7-207(2)(a).
- 1460 (b) (i) The statement shall include:
- 1461 (A) the name of the voter;
- 1462 (B) the resident address at which the voter is registered to vote;
- 1463 (C) the signature of the voter; and
- 1464 (D) the date of the signature described in Subsection (3)(b)(i)(C).
- 1465 (ii) To increase the likelihood of the voter's signature being identified and removed, the
 1466 statement may include the voter's birth date or age.
- 1467 (c) A voter may not submit a statement by email or other electronic means.
- 1468 (d) In order for the signature to be removed, the county clerk must receive the
 1469 statement before 5 p.m. no later than the applicable deadline described in Subsection (3)(a).
- 1470 [~~(d)~~] (e) A person may only remove a signature from an initiative petition in
 1471 accordance with this Subsection (3).
- 1472 [~~(e)~~] (f) A county clerk shall analyze a signature, for purposes of removing a signature
 1473 from an initiative petition, in accordance with Section 20A-7-206.3.
- 1474 Section 11. Section **20A-7-206** is amended to read:
- 1475 **20A-7-206. Submitting the initiative petition -- Certification of signatures by the**
 1476 **county clerks -- Transfer to lieutenant governor.**
- 1477 (1) (a) [~~In order to qualify an initiative petition for placement on the regular general~~
 1478 ~~election ballot, the] The sponsors or an agent of the sponsors shall [deliver] submit a signed
 1479 and verified initiative packet to the county clerk of the county in which the packet was
 1480 circulated before 5 p.m. no later than the earlier of:~~
- 1481 (i) 30 days after the day on which the first individual signs the initiative packet;
- 1482 (ii) 316 days after the day on which the application for the initiative petition is filed; or
- 1483 (iii) the February 15 immediately before the next regular general election immediately
 1484 after the application is filed under Section 20A-7-202.

1485 (b) A ~~[sponsor]~~ person may not submit an initiative packet after the deadline described
1486 in Subsection (1)(a).

1487 (2) ~~[For an initiative packet received by the county clerk before December 1, the]~~ The
1488 county clerk shall, within ~~[30]~~ 21 days after the day on which the county clerk receives the
1489 packet:

1490 (a) determine whether each signer is a registered voter according to the requirements of
1491 Section 20A-7-206.3;

1492 (b) certify on the petition whether each name is that of a registered voter;

1493 (c) except as provided in Subsection (3), post the name and voter identification number
1494 of each registered voter certified under Subsection (2)(b) [in a conspicuous location on the
1495 county's website for at least 90 days] on the lieutenant governor's website, in a conspicuous
1496 location designated by the lieutenant governor; and

1497 (d) deliver the verified initiative packet to the lieutenant governor.

1498 ~~[(3) For an initiative packet received by the county clerk on or after December 1, the~~
1499 ~~county clerk shall, within 21 days after the day on which the county clerk receives the packet:]~~

1500 ~~[(a) determine whether each signer is a registered voter according to the requirements~~
1501 ~~of Section 20A-7-206.3;~~

1502 ~~[(b) certify on the petition whether each name is that of a registered voter;]~~

1503 ~~[(c) post the name and voter identification number of each registered voter certified~~
1504 ~~under Subsection (2)(b) in a conspicuous location on the county's website for at least 45 days;~~
1505 ~~and]~~

1506 ~~[(d) deliver the verified initiative packet to the lieutenant governor.]~~

1507 ~~[(4) Within seven days after timely receipt of a statement described in Subsection~~
1508 ~~20A-7-205(3), the county clerk shall:]~~

1509 ~~[(a) remove the voter's name and voter identification number from the posting~~
1510 ~~described in Subsection (2)(c) or (3)(c); and]~~

1511 ~~[(b) (i) remove the voter's signature from the signature packet totals; and]~~

1512 ~~[(ii) inform the lieutenant governor of the removal.]~~

1513 (3) (a) If the county clerk timely receives a statement requesting signature removal
1514 under Subsection 20A-7-205(3), the county clerk shall:

1515 (i) ensure that the voter's name and voter identification number are not included in the

1516 posting described in Subsection (2)(c); and

1517 (ii) remove the voter's signature from the signature packets and signature packet totals.

1518 (b) The county clerk shall comply with Subsection (3)(a) before the later of:

1519 (i) the deadline described in Subsection (2); or

1520 (ii) two business days after the day on which the county clerk receives a statement

1521 requesting signature removal under Subsection 20A-7-205(3).

1522 [~~(5)~~] (4) The county clerk may not certify a signature under Subsection (2) [or (3)]:

1523 (a) on an initiative packet that is not verified in accordance with Section 20A-7-205; or

1524 (b) that does not have a date of signature next to the signature.

1525 [~~(6) In order to qualify an initiative petition for submission to the Legislature, the~~

1526 ~~sponsors shall deliver each signed and verified initiative packet to the county clerk of the~~

1527 ~~county in which the packet was circulated before 5 p.m. no later than the November 15 before~~

1528 ~~the next annual general session of the Legislature immediately after the application is filed~~

1529 ~~under Section 20A-7-202.]~~

1530 [~~(7) The county clerk may not certify a signature under Subsection (8) on an initiative~~

1531 ~~packet that is not verified in accordance with Section 20A-7-205.]~~

1532 [~~(8) No later than December 15 before the annual general session of the Legislature,~~

1533 ~~the county clerk shall, for an initiative described in Subsection (6):]~~

1534 [~~(a) determine whether each signer is a registered voter according to the requirements~~

1535 ~~of Section 20A-7-206.3;]~~

1536 [~~(b) certify on the petition whether each name is that of a registered voter; and]~~

1537 [~~(c) deliver all of the verified initiative packets to the lieutenant governor.]~~

1538 [~~(9) The sponsor or a sponsor's representative may not retrieve an initiative packet~~

1539 ~~from a county clerk after the initiative packet is submitted to the county clerk.]~~

1540 (5) A person may not retrieve an initiative packet from a county clerk, or make any

1541 alterations or corrections to an initiative packet, after the initiative packet is submitted to the

1542 county clerk.

1543 Section 12. Section 20A-7-206.1 is enacted to read:

1544 **20A-7-206.1. Provisions relating only to process for submitting an initiative to the**
 1545 **Legislature for approval or rejection.**

1546 (1) This section relates only to the process, described in Subsection 20A-7-201(1), for

1547 submitting an initiative to the Legislature for approval or rejection.

1548 (2) Notwithstanding Section 20A-7-205, in order to qualify an initiative petition for
1549 submission to the Legislature, the sponsors, or an agent of the sponsors, shall deliver each
1550 signed and verified initiative packet to the county clerk of the county in which the packet was
1551 circulated before 5 p.m. no later than November 15 before the next annual general session of
1552 the Legislature immediately after the application is filed under Section 20A-7-202.

1553 (3) Notwithstanding Section 20A-7-205, no later than December 15 before the annual
1554 general session of the Legislature, the county clerk shall, for an initiative for submission to the
1555 Legislature:

1556 (a) determine whether each signer is a registered voter according to the requirements of
1557 Section 20A-7-206.3;

1558 (b) certify on the petition whether each name is that of a registered voter; and

1559 (c) deliver the verified packets to the lieutenant governor.

1560 (4) The county clerk may not certify a signature under Subsection (3) on an initiative
1561 packet that is not verified in accordance with Section 20A-7-205.

1562 (5) A person may not retrieve an initiative packet from a county clerk, or make any
1563 alterations or corrections to an initiative packet, after the initiative packet is submitted to the
1564 county clerk.

1565 Section 13. Section **20A-7-207** is amended to read:

1566 **20A-7-207. Evaluation by the lieutenant governor.**

1567 (1) When the lieutenant governor receives an initiative packet [~~is received~~] from a
1568 county clerk, the lieutenant governor shall [~~check off from the~~] record the number of the
1569 initiative packet received.

1570 [~~(2) (a) The lieutenant governor shall, within 14 days after the day on which the~~
1571 ~~lieutenant governor receives an initiative packet from a county clerk:]~~

1572 (2) (a) The county clerk shall:

1573 (i) post the names and voter identification numbers described in Subsection
1574 20A-7-206(2)(c) on the lieutenant governor's website, in a conspicuous location designated by
1575 the lieutenant governor:

1576 (A) for an initiative packet received by the county clerk before December 1, for at least
1577 90 days; or

1578 (B) for an initiative packet received by the county clerk on or after December 1, for at
1579 least 45 days; and

1580 ~~[(i) count the number of the names certified by the county clerks on each verified~~
1581 ~~signature sheet; and]~~

1582 (ii) update on the lieutenant governor's website the number of signatures certified as of
1583 the date of the update.

1584 (b) The lieutenant governor:

1585 (i) shall, except as provided in Subsection (2)(b)(ii), declare the petition to be sufficient
1586 or insufficient on ~~[or before]~~ April 30 before the regular general election described in
1587 Subsection 20A-7-201(2)(b)~~[-]; or~~

1588 (ii) may declare the petition to be insufficient before the day described in Subsection
1589 (2)(b)(i) if:

1590 (A) the total of all valid signatures on timely and lawfully submitted signature packets
1591 that have been certified by the county clerks, plus the number of signatures on timely and
1592 lawfully submitted signature packets that have not yet been evaluated for certification, is less
1593 than the number of names required under Section 20A-7-201; or

1594 (B) a requirement of this part has not been met.

1595 (c) If the total number of names certified under this Subsection (2) equals or exceeds
1596 the number of names required under Section 20A-7-201, and the requirements of this part are
1597 met, the lieutenant governor shall mark upon the front of the petition the word "sufficient."

1598 (d) If the total number of names certified under this Subsection (2) does not equal or
1599 exceed the number of names required under Section 20A-7-201 or a requirement of this part is
1600 not met, the lieutenant governor shall mark upon the front of the petition the word
1601 "insufficient."

1602 (e) The lieutenant governor shall immediately notify any one of the sponsors of the
1603 lieutenant governor's finding.

1604 (3) After a petition is declared insufficient, ~~[the sponsors]~~ a person may not submit
1605 additional signatures to qualify the petition for the ballot.

1606 (4) (a) If the lieutenant governor refuses to accept and file an initiative petition that a
1607 ~~[sponsor]~~ voter believes is legally sufficient, ~~[any]~~ the voter may, ~~[not]~~ no later than May 15,
1608 apply to the appropriate court for an extraordinary writ to compel the lieutenant governor to

1609 accept and file the initiative petition.

1610 (b) If the court [~~certifies~~] determines that the initiative petition is legally sufficient, the
1611 lieutenant governor shall file the [~~initiative~~] petition, with a verified copy of the judgment
1612 attached to the [~~initiative~~] petition, as of the date on which the [~~initiative~~] petition was
1613 originally offered for filing in the lieutenant governor's office.

1614 (c) If the court determines that a petition filed is not legally sufficient, the court may
1615 enjoin the lieutenant governor and all other officers from certifying or printing the ballot title
1616 and numbers of that measure on the official ballot.

1617 (5) A petition determined to be sufficient in accordance with this section is qualified
1618 for the ballot.

1619 Section 14. Section **20A-7-209** is amended to read:

1620 **20A-7-209. Ballot title -- Duties of lieutenant governor and Office of Legislative**
1621 **Research and General Counsel.**

1622 (1) On or before June 5 before the regular general election, the lieutenant governor
1623 shall deliver a copy of all of the proposed laws that have qualified for the ballot to the Office of
1624 Legislative Research and General Counsel.

1625 (2) (a) The Office of Legislative Research and General Counsel shall:

1626 (i) entitle each state initiative that has qualified for the ballot "Proposition Number ___"
1627 and give it a number as assigned under Section [20A-6-107](#);

1628 (ii) prepare an impartial ballot title for each initiative summarizing the contents of the
1629 measure; and

1630 (iii) return each petition and ballot title to the lieutenant governor [~~by~~] on or before
1631 June 26.

1632 (b) The ballot title may be distinct from the title of the proposed law attached to the
1633 initiative petition, and [~~shall be not more than~~] may not exceed 100 words.

1634 (c) If the initiative proposes a tax increase, the Office of Legislative Research and
1635 General Counsel shall include the following statement, in bold, in the ballot title:

1636 "This initiative seeks to increase the current (insert name of tax) rate by (insert the tax
1637 percentage difference) percent, resulting in a(n) (insert the tax percentage increase) percent
1638 increase in the current tax rate.";

1639 (d) For each state initiative, the official ballot shall show, in the following order:

1640 (i) the number of the initiative [~~as determined by the Office of Legislative Research~~
1641 ~~and General Counsel~~], determined in accordance with Section 20A-6-107;

1642 (ii) the initial fiscal impact estimate prepared under Section 20A-7-202.5, as updated
1643 under Section 20A-7-204.1; and

1644 (iii) the ballot title [~~as determined by the Office of Legislative Research and General~~
1645 ~~Counsel~~] described in this section.

1646 (3) On or before June 27, the lieutenant governor shall mail a copy of the ballot title to
1647 any sponsor of the petition.

1648 (4) (a) (i) At least three of the sponsors of the petition may, on or before July 6,
1649 challenge the wording of the ballot title prepared by the Office of Legislative Research and
1650 General Counsel to the appropriate court.

1651 (ii) After receipt of the challenge, the court shall direct the lieutenant governor to send
1652 notice of the challenge to:

1653 (A) any person or group that has filed an argument for or against the measure that is the
1654 subject of the challenge; or

1655 (B) any political issues committee established under Section 20A-11-801 that has filed
1656 written or electronic notice with the lieutenant governor that identifies the name, mailing or
1657 email address, and telephone number of the [~~person~~] individual designated to receive notice
1658 about any issues relating to the initiative.

1659 (b) (i) There is a presumption that the ballot title prepared by the Office of Legislative
1660 Research and General Counsel is an impartial summary of the contents of the initiative.

1661 (ii) The court may not revise the wording of the ballot title unless the plaintiffs rebut
1662 the presumption by clearly and convincingly establishing that the ballot title is patently false or
1663 biased.

1664 (c) The court shall:

1665 (i) examine the ballot title;

1666 (ii) hear arguments; and

1667 (iii) certify to the lieutenant governor a ballot title for the measure that meets the
1668 requirements of this section.

1669 (d) The lieutenant governor shall certify the title verified by the court to the county
1670 clerks to be printed on the official ballot.

1671 Section 15. Section **20A-7-302** is amended to read:

1672 **20A-7-302. Referendum process -- Application procedures.**

1673 (1) [~~Persons~~] Individuals wishing to circulate a referendum petition shall file an
1674 application with the lieutenant governor before 5 p.m. within five calendar days after the day
1675 on which the legislative session at which the law passed ends.

1676 (2) The application shall contain:

1677 (a) the name and residence address of at least five sponsors of the referendum petition;

1678 (b) a [~~certification~~] statement indicating that each of the sponsors[?] is registered to
1679 vote in Utah;

1680 [~~(i) is a voter; and~~]

1681 [~~(ii) has voted in a regular general election in Utah within the last three years;~~]

1682 (c) a statement indicating whether persons gathering signatures for the petition may be
1683 paid for gathering signatures;

1684 [~~(e)~~] (d) the signature of each of the sponsors, attested to by a notary public; and

1685 [~~(f)~~] (e) a copy of the law.

1686 Section 16. Section **20A-7-303** is amended to read:

1687 **20A-7-303. Form of referendum petition and signature sheets.**

1688 (1) (a) Each proposed referendum petition shall be printed in substantially the
1689 following form:

1690 "REFERENDUM PETITION To the Honorable ____, Lieutenant Governor:

1691 We, the undersigned citizens of Utah, respectfully order that Senate (or House) Bill No.

1692 ____, entitled (title of act, and, if the petition is against less than the whole act, set forth here

1693 the part or parts on which the referendum is sought), passed by [~~the ____ Session of~~] the

1694 Legislature of the state of Utah during the ____ Session, be referred to the people of Utah for

1695 their approval or rejection at a regular general election or a statewide special election;

1696 Each signer says:

1697 I have personally signed this petition;

1698 The date next to my signature correctly reflects the date that I actually signed the

1699 petition;

1700 I have personally reviewed the entire statement included with this packet;

1701 I am registered to vote in Utah or intend to become registered to vote in Utah before the

1702 certification of the petition names by the county clerk; and

1703 My residence and post office address are written correctly after my name.";

1704 (b) The sponsors of a referendum or an agent of the sponsors shall attach a copy of the
1705 law that is the subject of the referendum to each referendum petition.

1706 (2) Each signature sheet shall:

1707 (a) be printed on sheets of paper 8-1/2 inches long and 11 inches wide;

1708 (b) be ruled with a horizontal line three-fourths inch from the top, with the space above
1709 that line blank for the purpose of binding;

1710 (c) contain the title of the referendum printed below the horizontal line, in at least
1711 14-point, bold type;

1712 (d) contain the word "Warning" printed or typed at the top of each signature sheet
1713 under the title of the referendum;

1714 (e) contain, to the right of the word "Warning," the following statement printed or
1715 typed in not less than eight-point[~~single-leaded~~] type:

1716 "It is a class A misdemeanor for an individual to sign a referendum petition with any
1717 other name than the individual's own name, or knowingly to sign the individual's name more
1718 than once for the same measure, or to sign a referendum petition when the individual knows
1719 that the individual is not a registered voter and knows that the individual does not intend to
1720 become registered to vote before the certification of the petition names by the county clerk.";

1721 (f) contain horizontally ruled lines, three-eighths inch apart under the ["Warning"]
1722 warning statement [required by this section] described in Subsection (2)(e); and

1723 (g) be vertically divided into columns as follows:

1724 (i) the edge of the first column shall appear .5 inch from the extreme left of the sheet,
1725 be .25 inch wide, and be headed, together with the second column, "For Office Use Only";

1726 (ii) the second column shall be .25 inch wide;

1727 (iii) the third column shall be 2.5 inches wide, headed "Registered Voter's Printed
1728 Name (must be legible to be counted)";

1729 (iv) the fourth column shall be 2.5 inches wide, headed "Signature of Registered
1730 Voter";

1731 (v) the fifth column shall be .75 inch wide, headed "Date Signed";

1732 (vi) the sixth column shall be three inches wide, headed "Street Address, City, Zip

1733 Code"; and

1734 (vii) the seventh column shall be .75 inch wide, headed "Birth Date or Age (Optional)";

1735 (h) be horizontally divided into rows as follows:

1736 (i) the top of the first row, for the purpose of entering the information described in

1737 Subsection (2)(g), shall be .5 inch high;

1738 (ii) the second row shall be .15 inch high and contain the following statement printed

1739 or typed in not less than 12-point type:

1740 "By signing this petition, you are stating that you have read and understand the law this

1741 petition seeks to overturn."; and

1742 (iii) the first and second rows shall be repeated, in order, leaving sufficient room at the

1743 bottom of the sheet for the information described in Subsection (2)(i); and

1744 (i) at the bottom of the sheet, contain the following statement: "Birth date or age

1745 information is not required, but it may be used to verify your identity with voter registration

1746 records. If you choose not to provide it, your signature may not be verified as a valid signature

1747 if you change your address before petition signatures are verified or if the information you

1748 provide does not match your voter registration records.";

1749 (3) The final page of each referendum packet shall contain the following printed or
1750 typed statement:

1751 "Verification

1752 State of Utah, County of _____

1753 I, _____, of _____, hereby state, under penalty of perjury, that:

1754 I am a Utah resident and am at least 18 years old;

1755 All the names that appear in this packet were signed by individuals who professed to be

1756 the individuals whose names appear in it, and each of the individuals signed the individual's

1757 name on it in my presence;

1758 I did not knowingly make a misrepresentation of fact concerning the law this petition

1759 seeks to overturn;

1760 I believe that each individual has printed and signed the individual's name and written

1761 the individual's post office address and residence correctly, that each signer has read and

1762 understands the law that the referendum seeks to overturn, and that each signer is registered to

1763 vote in Utah or intends to become registered to vote before the certification of the petition

1764 names by the county clerk.

1765 Each individual who signed the packet wrote the correct date of signature next to the
1766 individual's name.

1767 I have not paid or given anything of value to any individual who signed this petition to
1768 encourage that individual to sign it.

1769 _____
1770 (Name) (Residence Address) (Date)"_

1771 (4) If the forms described in this section are substantially followed, the referendum
1772 petitions are sufficient, notwithstanding clerical and merely technical errors.

1773 (5) An individual's status as a resident, under Subsection (3), is determined in
1774 accordance with Section 20A-2-105.

1775 Section 17. Section 20A-7-304 is amended to read:

1776 **20A-7-304. Circulation requirements -- Lieutenant governor to provide sponsors**
1777 **with materials.**

1778 (1) In order to obtain the necessary number of signatures required by this part, the
1779 sponsors [~~shall~~] or an agent of the sponsors shall, after the sponsors receive the documents
1780 described in Subsection (2), circulate referendum packets that meet the form requirements of
1781 this part.

1782 (2) The lieutenant governor shall furnish to the sponsors:

1783 (a) a copy of the referendum petition; and

1784 (b) a signature sheet.

1785 (3) The sponsors of the petition shall:

1786 (a) arrange and pay for the printing of all additional copies of the petition and signature
1787 sheets; and

1788 (b) ensure that the copies of the petition and signature sheets meet the form
1789 requirements of this section.

1790 (4) (a) The sponsors or an agent of the sponsors may prepare the referendum for
1791 circulation by creating multiple referendum packets.

1792 (b) The sponsors or an agent of the sponsors shall create [~~those~~] referendum packets by
1793 binding a copy of the referendum petition, a copy of the law that is the subject of the
1794 referendum, and no more than 50 signature sheets together at the top in [~~such a way~~] a manner

1795 that the packets may be conveniently opened for signing.

1796 (c) ~~[The sponsors need not attach]~~ A referendum packet is not required to have a
 1797 uniform number of signature sheets [to each referendum packet].

1798 ~~[(5) (a) After the sponsors have prepared sufficient referendum packets, they shall~~
 1799 ~~return them to the lieutenant governor.]~~

1800 (5) (a) The sponsors or an agent of the sponsors shall, before gathering signatures:

1801 (i) contact the lieutenant governor's office to receive a range of numbers that the
 1802 sponsors may use to number signature packets; and

1803 (ii) number each signature packet, sequentially, within the range of numbers provided
 1804 by the lieutenant governor's office, starting with the lowest number in the range.

1805 (b) The sponsors or an agent of the sponsors may not:

1806 (i) number a signature packet in a manner not directed by the lieutenant governor's
 1807 office; or

1808 (ii) circulate or submit a signature packet that is not numbered in the manner directed
 1809 by the lieutenant governor's office.

1810 ~~[(b)]~~ (c) The lieutenant governor shall[:] keep a record of the number range provided
 1811 under Subsection (5)(a).

1812 ~~[(i) number each of the referendum packets and return them to the sponsors within five~~
 1813 ~~working days; and]~~

1814 ~~[(ii) keep a record of the numbers assigned to each packet.]~~

1815 Section 18. Section ~~20A-7-305~~ is amended to read:

1816 **20A-7-305. Obtaining signatures -- Verification -- Removal of signature.**

1817 (1) A Utah voter may sign a referendum petition if the voter is a legal voter.

1818 (2) (a) The sponsors shall ensure that the individual in whose presence each signature
 1819 sheet was signed:

1820 (i) is at least 18 years old and meets the residency requirements of Section ~~20A-2-105~~;

1821 (ii) verifies each signature sheet by completing the verification printed on the last page
 1822 of each referendum packet; and

1823 (iii) is informed that each signer is required to read and understand the law that the
 1824 referendum seeks to overturn.

1825 (b) ~~[A person]~~ An individual may not sign the verification printed on the last page of

1826 the referendum packet if the person signed a signature sheet in the referendum packet.

1827 (3) (a) A voter who has signed a referendum petition may have the voter's signature
1828 removed from the petition by submitting to the county clerk a statement requesting that the
1829 voter's signature be removed before 5 p.m. no later than the earlier of:

1830 (i) [~~14~~] 30 days after the day on which the voter signs the statement requesting
1831 removal; or

1832 (ii) 45 days after the day on which the [~~county clerk~~] lieutenant governor posts the
1833 voter's name under Subsection [~~20A-7-306(3)(c)~~] 20A-7-307(2)(a).

1834 (b) (i) The statement shall include:

1835 (A) the name of the voter;

1836 (B) the resident address at which the voter is registered to vote;

1837 (C) the signature of the voter; and

1838 (D) the date of the signature described in Subsection (3)(b)(i)(C).

1839 (ii) To increase the likelihood of the voter's signature being identified and removed, the
1840 statement may include the voter's birth date or age.

1841 (c) A voter may not submit a statement by email or other electronic means.

1842 (d) In order for the signature to be removed, the county clerk must receive the
1843 statement before 5 p.m. no later than 45 days after the day on which the [~~county clerk~~]
1844 lieutenant governor posts the voter's name under Subsection [~~20A-7-306(3)(c)~~]
1845 20A-7-307(2)(a).

1846 (e) A person may only remove a signature from a referendum petition in accordance
1847 with this Subsection (3).

1848 (f) A county clerk shall analyze a signature, for purposes of removing a signature from
1849 a referendum petition, in accordance with Section 20A-7-206.3.

1850 Section 19. Section **20A-7-306** is amended to read:

1851 **20A-7-306. Submitting the referendum petition -- Certification of signatures by**
1852 **the county clerks -- Transfer to lieutenant governor.**

1853 (1) (a) The sponsors or an agent of the sponsor shall [~~deliver~~] submit a signed and
1854 verified referendum packet to the county clerk of the county in which the packet was circulated
1855 before 5 p.m. no later than the earlier of:

1856 (i) [~~14~~] 30 days after the day on which the first individual signs the referendum packet;

1857 or

1858 (ii) 40 days after the day on which the legislative session at which the law passed ends.

1859 (b) A [sponsor] person may not submit a referendum packet after the deadline

1860 described in Subsection (1)(a).

1861 [~~(2)(a) No later than 14 days after the day on which the county clerk receives a verified~~
1862 ~~referendum packet, the county clerk shall:]~~

1863 [~~(i) check the name of each individual who completes the verification on the last page~~
1864 ~~of each referendum packet to determine whether the individual is a resident of Utah and is at~~
1865 ~~least 18 years old; and]~~

1866 [~~(ii) submit the name of each individual who is not a Utah resident or who is not at~~
1867 ~~least 18 years old to the attorney general and county attorney.]~~

1868 [~~(b) The county clerk may not certify a signature under Subsection (3):]~~

1869 [~~(i) on a referendum packet that is not verified in accordance with Section 20A-7-305;~~

1870 or]

1871 [~~(ii) that does not have a date of signature next to the signature.]~~

1872 [~~(3)~~] (2) No later than [~~14~~] 21 days after the day on which the county clerk receives a
1873 verified referendum packet, the county clerk shall:

1874 (a) determine whether each signer is a registered voter according to the requirements of
1875 Section 20A-7-306.3;

1876 (b) certify on the [~~referendum~~] petition whether each name is that of a registered voter;

1877 (c) except as provided in Subsection (3), post the name and voter identification number
1878 of each registered voter certified under Subsection [~~(3)~~] (2)(b) [~~in a conspicuous location on the~~
1879 ~~county's website for at least 45 days]~~ on the lieutenant governor's website, in a conspicuous
1880 location designated by the lieutenant governor; and

1881 (d) deliver the verified [~~referendum~~] packet to the lieutenant governor.

1882 [~~(4) The county clerk shall, after timely receipt of a statement requesting signature~~
1883 ~~removal under Subsection 20A-7-305(3), remove the voter's name and voter identification~~
1884 ~~number from the posting described in Subsection (3)(c), and notify the lieutenant governor's~~
1885 ~~office of the removal, the earlier of:]~~

1886 [~~(a) within two business days after the day on which the the county clerk timely~~
1887 ~~receives the statement; or]~~

1888 ~~[(b) 99 days after the day on which the legislative session at which the law passed~~
1889 ~~ends.]~~

1890 (3) (a) If the county clerk timely receives a statement requesting signature removal
1891 under Subsection 20A-7-305(3), the county clerk shall:

1892 (i) ensure that the voter's name and voter identification number are not included in the
1893 posting described in Subsection (2)(c); and

1894 (ii) remove the voter's signature from the signature packets and signature packet totals.

1895 (b) The county clerk shall comply with Subsection (3)(a) before the later of:

1896 (i) the deadline described in Subsection (2); or

1897 (ii) two business days after the day on which the county clerk receives a statement
1898 requesting signature removal under Subsection 20A-7-305(3).

1899 (4) The county clerk may not certify a signature under Subsection (2):

1900 (a) on an initiative packet that is not verified in accordance with Section 20A-7-305; or

1901 (b) that does not have a date of signature next to the signature.

1902 ~~[(5) The sponsor or a sponsor's representative]~~

1903 (5) A person may not retrieve a referendum packet from a county clerk, or make any
1904 alterations or corrections to a referendum packet, after the referendum packet is submitted to
1905 the county clerk.

1906 Section 20. Section **20A-7-306.3** is amended to read:

1907 **20A-7-306.3. Verification of petition signatures.**

1908 (1) As used in this section:

1909 (a) ~~[For the purposes of this section, "substantially]~~ "Substantially similar name"
1910 means:

1911 (i) the given name and surname shown on the petition, or both, contain only minor
1912 spelling differences when compared to the given name and surname shown on the official
1913 register;

1914 (ii) the surname shown on the petition exactly matches the surname shown on the
1915 official register, and the given names differ only because one of the given names shown is a
1916 commonly used abbreviation or variation of the other;

1917 (iii) the surname shown on the petition exactly matches the surname shown on the
1918 official register, and the given names differ only because one of the given names shown is

1919 accompanied by a first or middle initial or a middle name which is not shown on the other
1920 record; or

1921 (iv) the surname shown on the petition exactly matches the surname shown on the
1922 official register, and the given names differ only because one of the given names shown is an
1923 alphabetically corresponding initial that has been provided in the place of a given name shown
1924 on the other record.

1925 (b) [~~For the purposes of this section, "substantially~~] "Substantially similar name" does
1926 not [~~mean~~] include a name having an initial or a middle name shown on the petition that does
1927 not match a different initial or middle name shown on the official register.

1928 (2) The county clerk shall use the following procedures in determining whether [~~or not~~]
1929 a signer is a registered voter:

1930 (a) When a signer's name and address shown on the petition exactly match a name and
1931 address shown on the official register and the signer's signature appears substantially similar to
1932 the signature on the statewide voter registration database, the county clerk shall declare the
1933 signature valid.

1934 (b) When there is no exact match of an address and a name, the county clerk shall
1935 declare the signature valid if:

1936 (i) the address on the petition matches the address of a person on the official register
1937 with a substantially similar name; and

1938 (ii) the signer's signature appears substantially similar to the signature on the statewide
1939 voter registration database of the person described in Subsection (2)(b)(i).

1940 (c) When there is no match of an address and a substantially similar name, the county
1941 clerk shall declare the signature valid if:

1942 (i) the birth date or age on the petition matches the birth date or age of a person on the
1943 official register with a substantially similar name; and

1944 (ii) the signer's signature appears substantially similar to the signature on the statewide
1945 voter registration database of the person described in Subsection (2)(c)(i).

1946 (d) If a signature is not declared valid under Subsection (2)(a), (b), or (c), the county
1947 clerk shall declare the signature to be invalid.

1948 (3) The county clerk shall use the following procedures in determining whether to
1949 remove a signature from a petition after receiving a timely, valid statement requesting removal

1950 of the signature:

1951 (a) if a signer's name and address shown on the statement and the petition exactly
1952 match a name and address shown on the official register and the signer's signature on both the
1953 statement and the petition appears substantially similar to the signature on the statewide voter
1954 registration database, the county clerk shall remove the signature from the petition;

1955 (b) if there is no exact match of an address and a name, the county clerk shall remove
1956 the signature from the petition if:

1957 (i) the address on the statement and the petition matches the address of an individual
1958 on the official register with a substantially similar name; and

1959 (ii) the signer's signature on both the statement and the petition appears substantially
1960 similar to the signature on the statewide voter registration database of the individual described
1961 in Subsection (3)(b)(i);

1962 (c) if there is no match of an address and a substantially similar name, the county clerk
1963 shall remove the signature from the petition if:

1964 (i) the birth date or age on the statement and petition match the birth date or age of an
1965 individual on the official register with a substantially similar name; and

1966 (ii) the signer's signature on both the statement and the petition appears substantially
1967 similar to the signature on the statewide voter registration database of the individual described
1968 in Subsection (3)(c)(i); and

1969 (d) if a signature does not qualify for removal under Subsection (3)(a), (b), or (c), the
1970 county clerk may not remove the signature from the petition.

1971 Section 21. Section **20A-7-307** is amended to read:

1972 **20A-7-307. Evaluation by the lieutenant governor.**

1973 (1) When the lieutenant governor receives a referendum packet [~~is received~~] from a
1974 county clerk, the lieutenant governor shall [~~check off from the~~] record the number of the
1975 referendum packet received.

1976 [~~(2) (a) The lieutenant governor shall, within seven days after the day on which the~~
1977 ~~lieutenant governor receives a referendum packet from a county clerk:]~~

1978 [~~(i) count the number of the names certified by the county clerks on each verified~~
1979 ~~signature sheet; and]~~

1980 (2) (a) The county clerk shall:

1981 (i) post the names and voter identification numbers described in Subsection
1982 20A-7-306(3)(c) on the lieutenant governor's website, in a conspicuous location designated by
1983 the lieutenant governor, for at least 45 days; and

1984 (ii) update on the lieutenant governor's website the number of signatures certified as of
1985 the date of the update.

1986 ~~[(b) The lieutenant governor shall subtract the number of signatures removed from the~~
1987 ~~number of signatures certified and update the number on the lieutenant governor's website~~
1988 ~~accordingly no later than the earlier of:]~~

1989 ~~[(i) one business day after the day on which the county clerk provides the notification~~
1990 ~~described in Subsection 20A-7-306(4); or]~~

1991 ~~[(ii) 54 days after the day on which the legislative session at which the law passed~~
1992 ~~ends:]~~

1993 ~~[(c)]~~ (b) The lieutenant governor:

1994 (i) shall, except as provided in Subsection (2)~~[(c)]~~(b)(ii), declare the petition to be
1995 sufficient or insufficient [99] 106 days after the end of the legislative session at which the law
1996 passed; or

1997 ~~[(ii) may declare the petition to be insufficient before the day described in Subsection~~
1998 ~~(2)(c)(i) if, after the county clerks have finished certifying all valid signatures on the timely and~~
1999 ~~lawfully submitted signature packets, the lieutenant governor makes the determination~~
2000 ~~described in Subsection (2)(c).]~~

2001 (ii) may declare the petition to be insufficient before the day described in Subsection
2002 (2)(b)(i) if:

2003 (A) the total of all valid signatures on timely and lawfully submitted signature packets
2004 that have been certified by the county clerks, plus the number of signatures on timely and
2005 lawfully submitted signature packets that have not yet been evaluated for certification, is less
2006 than the number of names required under Section 20A-7-301; or

2007 (B) a requirement of this part has not been met.

2008 ~~[(d)]~~ (c) If the total number of names certified under this Subsection (2) equals or
2009 exceeds the number of names required under Section 20A-7-301, and the requirements of this
2010 part are met, the lieutenant governor shall mark upon the front of the petition the word
2011 "sufficient."

2012 ~~[(e)]~~ (d) If the total number of names certified under this Subsection (2) does not equal
2013 or exceed the number of names required under Section 20A-7-301 or a requirement of this part
2014 is not met, the lieutenant governor shall mark upon the front of the petition the word
2015 "insufficient."

2016 ~~[(f)]~~ (e) The lieutenant governor shall immediately notify any one of the sponsors of
2017 the lieutenant governor's finding.

2018 ~~[(g)]~~ (f) After a petition is declared insufficient, ~~[the sponsors]~~ a person may not submit
2019 additional signatures to qualify the petition for the ballot.

2020 (3) (a) If the lieutenant governor refuses to accept and file a referendum ~~[petition, any~~
2021 ~~voter may, not]~~ that a voter believes is legally sufficient, the voter may, no later than 10 days
2022 after the day on which the lieutenant governor declares the petition insufficient, apply to the
2023 appropriate court for an extraordinary writ to compel the lieutenant governor to accept and file
2024 the referendum petition.

2025 (b) If the court determines that the referendum petition is legally sufficient, the
2026 lieutenant governor shall file the ~~[referendum]~~ petition, with a verified copy of the judgment
2027 attached to the referendum petition, as of the date on which the ~~[referendum]~~ petition was
2028 originally offered for filing in the lieutenant governor's office.

2029 (c) If the court determines that a petition filed is not legally sufficient, the court may
2030 enjoin the lieutenant governor and all other officers from certifying or printing the ballot title
2031 and numbers of that measure on the official ballot.

2032 (4) A petition determined to be sufficient in accordance with this section is qualified
2033 for the ballot.

2034 Section 22. Section 20A-7-308 is amended to read:

2035 **20A-7-308. Ballot title -- Duties of lieutenant governor and Office of Legislative**
2036 **Research and General Counsel.**

2037 (1) Whenever a referendum petition is declared sufficient for submission to a vote of
2038 the people, the lieutenant governor shall deliver a copy of the petition and the proposed law to
2039 the Office of Legislative Research and General Counsel.

2040 (2) (a) The Office of Legislative Research and General Counsel shall:

2041 (i) entitle each state referendum that ~~[has qualified]~~ qualifies for the ballot "Proposition
2042 Number ___" and ~~[give it a number as assigned under]~~ assign a number to the referendum in

2043 accordance with Section [20A-6-107](#);

2044 (ii) prepare an impartial ballot title for the referendum summarizing the contents of the
2045 measure; and

2046 (iii) ~~[return the petition and]~~ submit the ballot title to the lieutenant governor within 15
2047 days after ~~[its receipt]~~ the day on which the Office of Legislative Research and General
2048 Counsel receives the petition under Subsection (1).

2049 (b) The ballot title may be distinct from the title of the law that is the subject of the
2050 petition, and ~~[shall be not more than]~~ may not exceed 100 words.

2051 ~~[(c) The ballot title and the number of the measure as determined by the Office of~~
2052 ~~Legislative Research and General Counsel shall be printed on the official ballot.]~~

2053 (c) For each state referendum, the official ballot shall show, in the following order:

2054 (i) the number of the referendum, determined in accordance with Section [20A-6-107](#);

2055 and

2056 (ii) the ballot title described in this section.

2057 (3) Immediately after the Office of Legislative Research and General Counsel ~~[files a~~
2058 ~~copy of]~~ submits the ballot title ~~[with]~~ to the lieutenant governor, the lieutenant governor shall
2059 mail or email a copy of the ballot title to any of the sponsors of the petition.

2060 (4) (a) (i) At least three of the sponsors of the petition may, within 15 days ~~[of the date]~~
2061 after the day on which the lieutenant governor mails the ballot title, challenge the wording of
2062 the ballot title prepared by the Office of Legislative Research and General Counsel to the
2063 ~~[Supreme Court]~~ appropriate court.

2064 (ii) After receipt of the appeal, the ~~[Supreme Court]~~ court shall direct the lieutenant
2065 governor to send notice of the appeal to:

2066 (A) any person or group that has filed an argument for or against the measure that is the
2067 subject of the challenge; ~~[or]~~ and

2068 (B) any political issues committee established under Section [20A-11-801](#) that has filed
2069 written or electronic notice with the lieutenant governor that identifies the name, mailing or
2070 email address, and telephone number of the person designated to receive notice about any
2071 issues relating to the referendum.

2072 (b) (i) There is a presumption that the ballot title prepared by the Office of Legislative
2073 Research and General Counsel is an impartial summary of the contents of the referendum.

2074 (ii) The [~~Supreme Court~~] court may not revise the wording of the ballot title unless the
2075 plaintiffs rebut the presumption by clearly and convincingly establishing that the ballot title is
2076 patently false or biased.

2077 (c) The [~~Supreme Court~~] court shall:

2078 (i) examine the ballot title;

2079 (ii) hear arguments; and

2080 (iii) [~~certify to the lieutenant governor a ballot title for the measure that meets~~] enter an
2081 order consistent with the requirements of this section.

2082 (d) The lieutenant governor shall, in accordance with the court's order, certify the ballot
2083 title [~~verified by the Supreme Court~~] to the county clerks to be printed on the official ballot.

2084 Section 23. Section **20A-7-309** is amended to read:

2085 **20A-7-309. Form of ballot -- Manner of voting.**

2086 (1) [~~The county clerks~~] A county clerk shall ensure that the number and ballot title
2087 [~~verified to them~~] certified by the lieutenant governor are presented upon the official ballot
2088 with, immediately adjacent to [~~them~~] the number and ballot title, the words "For" and
2089 "Against," each word presented with an adjacent square in which [~~the elector~~] a voter may
2090 indicate the [~~elector's~~] voter's vote.

2091 (2) (a) (i) A voter desiring to vote in favor of the law that is the subject of the
2092 referendum shall mark the square adjacent to the word "For."

2093 (ii) The law that is the subject of the referendum takes effect if a majority of voters
2094 mark "For."

2095 (b) (i) A voter desiring to vote against the law that is the subject of the referendum
2096 petition shall mark the square adjacent to the word "Against."

2097 (ii) The law that is the subject of the referendum does not take effect if a majority of
2098 voters mark "Against."

2099 Section 24. Section **20A-7-311** is amended to read:

2100 **20A-7-311. Temporary stay -- Effective date -- Effect of repeal by Legislature.**

2101 (1) If, at the time during the counting period described in [~~Subsection~~] Section
2102 20A-7-307[(2)], the lieutenant governor determines that, at that point in time, an adequate
2103 number of signatures are certified to comply with the signature requirements, the lieutenant
2104 governor shall:

2105 (a) issue an order temporarily staying the law from going into effect; and
2106 (b) continue the process of certifying signatures and removing signatures as required by
2107 this part.

2108 (2) The temporary stay described in Subsection (1) remains in effect, regardless of
2109 whether a future count falls below the signature threshold, until the day on which:

2110 (a) if the lieutenant governor declares the petition insufficient, five days after the day
2111 on which the lieutenant governor declares the petition insufficient; or

2112 (b) if the lieutenant governor declares the petition sufficient, the day on which
2113 governor issues the proclamation described in Section [20A-7-310](#).

2114 (3) A proposed law submitted to the people by referendum petition that is approved by
2115 the voters at an election takes effect the later of:

2116 (a) five days after the date of the official proclamation of the vote by the governor; or

2117 (b) the effective date specified in the proposed law.

2118 (4) If, after the lieutenant governor issues a temporary stay order under Subsection
2119 (1)(a), the lieutenant governor declares the petition insufficient, the proposed law takes effect
2120 the later of:

2121 (a) five days after the day on which the lieutenant governor declares the petition
2122 insufficient; or

2123 (b) the effective date specified in the proposed law.

2124 (5) (a) The governor may not veto a law adopted by the people.

2125 (b) The Legislature may amend any laws approved by the people at any legislative
2126 session after the people approve the law.

2127 (6) If the Legislature repeals a law challenged by referendum petition under this part,
2128 the referendum petition is void and no further action on the referendum petition is required.

2129 Section 25. Section **20A-7-401.5** is amended to read:

2130 **20A-7-401.5. Proposition information pamphlet.**

2131 (1) (a) (i) Within 15 days after the day on which an eligible voter files an application to
2132 circulate an initiative petition under Section [20A-7-502](#) or an application to circulate a
2133 referendum petition under Section [20A-7-602](#):

2134 (A) the sponsors of the proposed initiative or referendum may submit a written
2135 argument in favor of the proposed initiative or referendum to the election officer of the county

2136 or municipality to which the petition relates; and

2137 (B) the county or municipality to which the application relates may submit a written
2138 argument in favor of, or against, the proposed initiative or referendum to the county's or
2139 municipality's election officer.

2140 (ii) If a county or municipality submits more than one written argument under
2141 Subsection (1)(a)(i)(B), the election officer shall select one of the written arguments, giving
2142 preference to a written argument submitted by a member of a local legislative body if a
2143 majority of the local legislative body supports the written argument.

2144 (b) Within one business day after the day on which an election officer receives an
2145 argument under Subsection (1)(a)(i)(A), the election officer shall provide a copy of the
2146 argument to the county or municipality described in Subsection (1)(a)(i)(B) or (1)(a)(ii), as
2147 applicable.

2148 (c) Within one business day after the date on which an election officer receives an
2149 argument under Subsection (1)(a)(i)(B), the election officer shall provide a copy of the
2150 argument to the first three sponsors of the proposed initiative or referendum described in
2151 Subsection (1)(a)(i)(A).

2152 (d) The sponsors of the proposed initiative or referendum may submit a revised version
2153 of the written argument described in Subsection (1)(a)(i)(A) to the election officer of the
2154 county or municipality to which the petition relates within 20 days after the day on which the
2155 eligible voter files an application to circulate an initiative petition under Section [20A-7-502](#) or
2156 an application to circulate a referendum petition under Section [20A-7-602](#).

2157 (e) The author of a written argument described in Subsection (1)(a)(i)(B) submitted by
2158 a county or municipality may submit a revised version of the written argument to the county's
2159 or municipality's election officer within 20 days after the day on which the eligible voter files
2160 an application to circulate an initiative petition under Section [20A-7-502](#) or an application to
2161 circulate a referendum petition under Section [20A-7-602](#).

2162 (2) (a) A written argument described in Subsection (1) may not exceed 500 words.

2163 (b) Except as provided in Subsection (2)(c), a person may not modify a written
2164 argument described in Subsection (1)(d) or (e) after the written argument is submitted to the
2165 election officer.

2166 (c) The election officer and the person that submits the written argument described in

- 2167 Subsection (1)(d) or (e) may jointly agree to modify the written argument to:
- 2168 (i) correct factual, grammatical, or spelling errors; or
- 2169 (ii) reduce the number of words to come into compliance with Subsection (2)(a).
- 2170 (d) An election officer shall refuse to include a written argument in the proposition
- 2171 information pamphlet described in this section if the person who submits the argument:
- 2172 (i) fails to negotiate, in good faith, to modify the argument in accordance with
- 2173 Subsection (2)(c); or
- 2174 (ii) does not timely submit the written argument to the election officer.
- 2175 (e) An election officer shall make a good faith effort to negotiate a modification
- 2176 described in Subsection (2)(c) in an expedited manner.
- 2177 (3) An election officer who receives a written argument described in Subsection (1)
- 2178 shall prepare a proposition information pamphlet for publication that includes:
- 2179 (a) a copy of the application for the proposed initiative or referendum;
- 2180 (b) except as provided in Subsection (2)(d), immediately after the copy described in
- 2181 Subsection (3)(a), the argument prepared by the sponsors of the proposed initiative or
- 2182 referendum, if any;
- 2183 (c) except as provided in Subsection (2)(d), immediately after the argument described
- 2184 in Subsection (3)(b), the argument prepared by the county or municipality, if any; and
- 2185 (d) a copy of the initial fiscal impact statement and legal impact statement described in
- 2186 Section [20A-7-502.5](#) or [20A-7-602.5](#).
- 2187 (4) (a) A proposition information pamphlet is a draft for purposes of Title 63G,
- 2188 Chapter 2, Government Records Access and Management Act, until the earlier of when the
- 2189 election officer:
- 2190 (i) complies with Subsection (4)(b); or
- 2191 (ii) publishes the proposition information pamphlet under Subsection (5) or (6).
- 2192 (b) Within 21 days after the day on which the eligible voter files an application to
- 2193 circulate an initiative petition under Section [20A-7-502](#), or an application to circulate a
- 2194 referendum petition under Section [20A-7-602](#), the election officer shall provide a copy of the
- 2195 proposition information pamphlet to the sponsors of the initiative or referendum and each
- 2196 individual who submitted an argument included in the proposition information pamphlet.
- 2197 (5) An election officer for a municipality shall publish the proposition information

2198 pamphlet as follows:

2199 (a) within the later of 10 days after the day on which the municipality or a court
2200 determines that the proposed initiative or referendum is legally referable to voters, or, if the
2201 election officer modifies an argument under Subsection (2)(c), three days after the day on
2202 which the election officer and the person that submitted the argument agree on the
2203 modification:

2204 (i) by sending the proposition information pamphlet electronically to each individual in
2205 the municipality for whom the municipality has an email address, unless the individual has
2206 indicated that the municipality is prohibited from using the individual's email address for that
2207 purpose; and

2208 (ii) by posting the proposition information pamphlet on the Utah Public Notice
2209 Website, created in Section 63F-1-701, and the home page of the municipality's website, if the
2210 municipality has a website, until:

2211 (A) if the sponsors of the proposed initiative or referendum or an agent of the sponsors
2212 do not timely deliver any verified initiative packets under Section 20A-7-506 or any verified
2213 referendum packets under Section 20A-7-606, the day after the date of the deadline for delivery
2214 of the verified initiative packets or verified referendum packets;

2215 (B) the local clerk determines, under Section 20A-7-507 or 20A-7-607, that the
2216 number of signatures necessary to qualify the proposed initiative or referendum for placement
2217 on the ballot is insufficient and the determination is not timely appealed or is upheld after
2218 appeal; or

2219 (C) the day after the date of the election at which the proposed initiative or referendum
2220 appears on the ballot; and

2221 (b) if the municipality regularly mails a newsletter, utility bill, or other material to the
2222 municipality's residents, including an Internet address, where a resident may view the
2223 proposition information pamphlet, in the next mailing, for which the municipality has not
2224 begun preparation, that falls on or after the later of:

2225 (i) 10 days after the day on which the municipality or a court determines that the
2226 proposed initiative or referendum is legally referable to voters; or

2227 (ii) if the election officer modifies an argument under Subsection (2)(c), three days
2228 after the day on which the election officer and the person that submitted the argument agree on

2229 the modification.

2230 (6) An election officer for a county shall, within the later of 10 days after the day on
2231 which the county or a court determines that the proposed initiative or referendum is legally
2232 referable to voters, or, if the election officer modifies an argument under Subsection (2)(c),
2233 three days after the day on which the election officer and the person that submitted the
2234 argument agree on the modification, publish the proposition information pamphlet as follows:

2235 (a) by sending the proposition information pamphlet electronically to each individual
2236 in the county for whom the county has an email address obtained via voter registration; and

2237 (b) by posting the proposition information pamphlet on the Utah Public Notice
2238 Website, created in Section 63F-1-701, and the home page of the county's website, until:

2239 (i) if the sponsors of the proposed initiative or referendum or an agent of the sponsors
2240 do not timely deliver any verified initiative packets under Section 20A-7-506 or any verified
2241 referendum packets under Section 20A-7-606, the day after the date of the deadline for delivery
2242 of the verified initiative packets or verified referendum packets;

2243 (ii) the local clerk determines, under Section 20A-7-507 or 20A-7-607, that the number
2244 of signatures necessary to qualify the proposed initiative or referendum for placement on the
2245 ballot is insufficient and the determination is not timely appealed or is upheld after appeal; or

2246 (iii) the day after the date of the election at which the proposed initiative or referendum
2247 appears on the ballot.

2248 Section 26. Section 20A-7-502 is amended to read:

2249 **20A-7-502. Local initiative process -- Application procedures.**

2250 (1) [~~An eligible voter~~] Individuals wishing to circulate an initiative petition shall file an
2251 application with the local clerk.

2252 (2) The application shall contain:

2253 (a) the name and residence address of at least five sponsors of the initiative petition;

2254 [~~(b) a statement indicating that each of the sponsors is a registered voter;~~]

2255 [~~(c)~~] (b) a statement indicating that each of the sponsors [~~has voted in an election in~~
2256 ~~Utah in the last three years;~~] is registered to vote in Utah;

2257 [~~(d)~~] (c) the signature of each of the sponsors, acknowledged by a notary public;

2258 [~~(e)~~] (d) a copy of the proposed law that includes:

2259 (i) the title of the proposed law[~~, which~~] that clearly expresses the subject of the law;

2260 [~~and~~]

2261 (ii) a description of all proposed sources of funding for the costs associated with the
2262 proposed law, including the proposed percentage of total funding from each source; and

2263 [~~(ii)~~] (iii) the text of the proposed law; [~~and~~]

2264 [~~(f)~~] (e) if the initiative petition proposes a tax increase, the following statement, "This
2265 initiative petition seeks to increase the current (insert name of tax) rate by (insert the tax
2266 percentage difference) percent, resulting in a(n) (insert the tax percentage increase) percent
2267 increase in the current tax rate."; and

2268 (f) a statement indicating whether persons gathering signatures for the petition may be
2269 paid for gathering signatures.

2270 (3) A proposed law submitted under this section may not contain more than one subject
2271 to the same extent a bill may not pass containing more than one subject as provided in Utah
2272 Constitution, Article VI, Section 22.

2273 Section 27. Section **20A-7-503** is amended to read:

2274 **20A-7-503. Form of initiative petitions and signature sheets.**

2275 (1) (a) Each proposed initiative petition shall be printed in substantially the following
2276 form:

2277 "INITIATIVE PETITION To the Honorable ____, County Clerk/City Recorder/Town
2278 Clerk:

2279 We, the undersigned citizens of Utah, respectfully demand that the following proposed
2280 law be submitted to: the legislative body for its approval or rejection at its next meeting; and
2281 the legal voters of the county/city/town, if the legislative body rejects the proposed law or takes
2282 no action on it.

2283 Each signer says:

2284 I have personally signed this petition;

2285 The date next to my signature correctly reflects the date that I actually signed the
2286 petition;

2287 I have personally reviewed the entire statement included with this packet;

2288 I am registered to vote in Utah or intend to become registered to vote in Utah before the
2289 certification of the petition names by the county clerk; and

2290 My residence and post office address are written correctly after my name.";

2291 (b) If the initiative petition proposes a tax increase, the following statement shall
 2292 appear, in at least 14-point, bold type, immediately following the information described in
 2293 Subsection (1)(a):

2294 "This initiative petition seeks to increase the current (insert name of tax) rate by (insert
 2295 the tax percentage difference) percent, resulting in a(n) (insert the tax percentage increase)
 2296 percent increase in the current tax rate.";

2297 (c) The sponsors of an initiative or an agent of the sponsors shall attach a copy of the
 2298 proposed law to each initiative petition.

2299 (2) Each signature sheet shall:

2300 (a) be printed on sheets of paper 8-1/2 inches long and 11 inches wide;

2301 (b) be ruled with a horizontal line three-fourths inch from the top, with the space above
 2302 that line blank for the purpose of binding;

2303 (c) contain the title of the initiative printed below the horizontal line, in at least
 2304 14-point, bold type;

2305 (d) contain the word "Warning" printed or typed at the top of each signature sheet
 2306 under the title of the initiative;

2307 (e) contain, to the right of the word "Warning," the following statement printed or
 2308 typed in not less than eight-point type:

2309 "It is a class A misdemeanor for an individual to sign an initiative petition with a name
 2310 other than the individual's own name, or to knowingly sign the individual's name more than
 2311 once for the same measure, or to sign an initiative petition when the individual knows that the
 2312 individual is not a registered voter and knows that the individual does not intend to become
 2313 registered to vote before the certification of the petition names by the county clerk.";

2314 (f) contain horizontally ruled lines, three-eighths inch apart under the warning
 2315 statement described in Subsection (2)(e); and

2316 [~~(d)~~] (g) be vertically divided into columns as follows:

2317 [~~(i) the first column shall appear at the extreme left of the sheet, be five-eighths inch~~
 2318 ~~wide, be headed with "For Office Use Only", and be subdivided with a light vertical line down~~
 2319 ~~the middle with the left subdivision entitled "Registered" and the right subdivision left~~
 2320 ~~untitled;]~~

2321 [(ii) the next column shall be 2-1/2 inches wide, headed "Registered Voter's Printed

2322 Name (must be legible to be counted)";]

2323 [~~(iii) the next column shall be 2-1/2 inches wide, headed "Signature of Registered~~
2324 ~~Voter";]~~

2325 [~~(iv) the next column shall be one inch wide, headed "Birth Date or Age (Optional)";~~
2326 ~~and]~~

2327 [~~(v) the final column shall be 4-3/8 inches wide, headed "Street Address, City, Zip~~
2328 ~~Code";]~~

2329 [~~(e) spanning the sheet horizontally beneath each row on which a registered voter may~~
2330 ~~submit the information described in Subsection (2)(d), contain the following statement printed~~
2331 ~~or typed in not less than eight-point type:]~~

2332 (i) the edge of the first column shall appear .5 inch from the extreme left of the sheet,
2333 be .25 inch wide, and be headed, together with the second column, "For Office Use Only";

2334 (ii) the second column shall be .25 inch wide;

2335 (iii) the third column shall be 2.5 inches wide, headed "Registered Voter's Printed
2336 Name (must be legible to be counted)";

2337 (iv) the fourth column shall be 2.5 inches wide, headed "Signature of Registered
2338 Voter";

2339 (v) the fifth column shall be .75 inch wide, headed "Date Signed";

2340 (vi) the sixth column shall be three inches wide, headed "Street Address, City, Zip
2341 Code"; and

2342 (vii) the seventh column shall be .75 inch wide, headed "Birth Date or Age (Optional)";

2343 (h) be horizontally divided into rows as follows:

2344 (i) the top of the first row, for the purpose of entering the information described in
2345 Subsection (2)(g), shall be .5 inch high;

2346 (ii) the second row shall be .15 inch high and contain the following statement printed
2347 or typed in not less than 12-point type:

2348 "By signing this petition, you are stating that you have read and understand the law
2349 proposed by this petition."; and

2350 (iii) the first and second rows shall be repeated, in order, leaving sufficient room at the
2351 bottom of the sheet for the information described in Subsection (2)(i); and

2352 [~~(f)] (i) at the bottom of the sheet, contain in the following order:~~

2353 ~~[(i) the title of the initiative, in at least 14-point, bold type;]~~

2354 ~~[(ii)]~~ (i) the initial fiscal impact estimate's summary statement issued by the budget
 2355 officer in accordance with Subsection 20A-7-502.5(2)(b) and the cost estimate for printing and
 2356 distributing information related to the initiative petition in accordance with Subsection
 2357 20A-7-502.5(3), in not less than 12-point, bold type;

2358 ~~[(iii) the word "Warning," followed by the following statement in not less than~~
 2359 ~~eight-point type;]~~

2360 ~~["It is a class A misdemeanor for an individual to sign an initiative petition with a name~~
 2361 ~~other than the individual's own name, or to knowingly sign the individual's name more than~~
 2362 ~~once for the same measure, or to sign an initiative petition when the individual knows that the~~
 2363 ~~individual is not a registered voter and knows that the individual does not intend to become~~
 2364 ~~registered to vote before the certification of the petition names by the county clerk."];]~~

2365 ~~[(iv)]~~ (ii) the following statement: "Birth date or age information is not required, but it
 2366 may be used to verify your identity with voter registration records. If you choose not to provide
 2367 it, your signature may not be verified as a valid signature if you change your address before
 2368 petition signatures are verified or if the information you provide does not match your voter
 2369 registration records."; and

2370 ~~[(v)]~~ (iii) if the initiative petition proposes a tax increase, spanning the bottom of the
 2371 sheet, horizontally, in not less than 14-point, bold type, the following statement:

2372 "This initiative petition seeks to increase the current (insert name of tax) rate by (insert
 2373 the tax percentage difference) percent, resulting in a(n) (insert the tax percentage increase)
 2374 percent increase in the current tax rate.";

2375 (3) The final page of each initiative packet shall contain the following printed or typed
 2376 statement:

2377 "Verification

2378 State of Utah, County of _____

2379 I, _____, of _____, hereby state, under penalty of perjury, that:

2380 I am a resident of Utah and am at least 18 years old;

2381 All the names that appear in this [initiative] packet were signed by [the] individuals
 2382 who professed to be the individuals whose names appear in it, and each of the individuals
 2383 signed the individual's name on it in my presence;

2384 I did not knowingly make a misrepresentation of fact concerning the law proposed by
2385 the initiative;

2386 I believe that each individual has printed and signed the individual's name and written
2387 the individual's post office address and residence correctly, that each signer has read and
2388 understands the law proposed by the initiative, and that each signer is registered to vote in Utah
2389 or intends to become registered to vote before the certification of the petition names by the
2390 county clerk.

2391 [_____"]

2392 [~~4~~] The forms prescribed in this section are not mandatory, and, if]

2393 Each individual who signed the packet wrote the correct date of signature next to the
2394 individual's name.

2395 I have not paid or given anything of value to any individual who signed this petition to
2396 encourage that individual to sign it.

2397 _____

2398 (Name) _____ (Residence Address) _____ (Date)".

2399 (4) If the forms described in this section are substantially followed, the initiative
2400 petitions are sufficient, notwithstanding clerical and merely technical errors.

2401 (5) An individual's status as a resident, under Subsection (3), is determined in
2402 accordance with Section [20A-2-105](#).

2403 Section 28. Section **20A-7-504** is amended to read:

2404 **20A-7-504. Circulation requirements -- Local clerk to provide sponsors with**
2405 **materials.**

2406 (1) In order to obtain the necessary number of signatures required by this part, the
2407 sponsors or an agent of the sponsors shall, after the sponsors receive the documents described
2408 in Subsections (2)[~~(a) and (b)~~] and [~~Subsection~~] [20A-7-401.5](#)(4)(b), circulate initiative packets
2409 that meet the form requirements of this part.

2410 (2) Within five days after the day on which a county, city, town, metro township, or
2411 court determines, in accordance with Section [20A-7-502.7](#), that a law proposed in an initiative
2412 petition is legally referable to voters, the local clerk shall furnish to the sponsors:

2413 (a) [~~one~~] a copy of the initiative petition; and

2414 (b) [~~one~~] a signature sheet.

2415 (3) The sponsors of the petition shall:

2416 (a) arrange and pay for the printing of all additional copies of the petition and signature
2417 sheets; and

2418 (b) ensure that the copies of the petition and signature sheets meet the form
2419 requirements of this section.

2420 (4) (a) The sponsors or an agent of the sponsors may prepare the initiative for
2421 circulation by creating multiple initiative packets.

2422 (b) The sponsors or an agent of the sponsors shall create ~~[those]~~ initiative packets by
2423 binding a copy of the initiative petition, a copy of the proposed law, and no more than 50
2424 signature sheets together at the top in ~~[such a way]~~ a manner that the packets may be
2425 conveniently opened for signing.

2426 (c) ~~[The sponsors need not attach]~~ An initiative packet is not required to have a
2427 uniform number of signature sheets [to each initiative packet].

2428 (d) The sponsors or an agent of the sponsors shall include, with each packet, a copy of
2429 the proposition information pamphlet provided to the sponsors under Subsection
2430 [20A-7-401.5\(4\)\(b\)](#).

2431 (5) (a) The sponsors or an agent of the sponsors shall, before gathering signatures:

2432 (i) contact the county clerk to receive a range of numbers that the sponsors may use to
2433 number signature packets; and

2434 (ii) number each signature packet, sequentially, within the range of numbers provided
2435 by the county clerk, starting with the lowest number in the range.

2436 (b) The sponsors or an agent of the sponsors may not:

2437 (i) number a signature packet in a manner not directed by the county clerk; or

2438 (ii) circulate or submit a signature packet that is not numbered in the manner directed
2439 by the county clerk.

2440 (c) The county clerk shall keep a record of the number range provided under
2441 Subsection (5)(a).

2442 Section 29. Section **20A-7-505** is amended to read:

2443 **20A-7-505. Obtaining signatures -- Verification -- Removal of signature.**

2444 (1) ~~[Any]~~ A Utah voter may sign a local initiative petition if the voter is a legal voter
2445 and resides in the local jurisdiction.

2446 (2) (a) The sponsors shall ensure that the individual in whose presence each signature
2447 sheet was signed:

2448 (i) is at least 18 years old and meets the residency requirements of Section [20A-2-105](#);
2449 ~~[and]~~

2450 (ii) verifies each signature sheet by completing the verification printed on the last page
2451 of each initiative packet~~[-]; and~~

2452 (iii) is informed that each signer is required to read and understand the law proposed by
2453 the initiative.

2454 (b) An individual may not sign the verification printed on the last page of the initiative
2455 packet if the individual signed a signature sheet in the initiative packet.

2456 ~~[(3) (a) (i) Any voter who has signed an initiative petition may have the voter's~~
2457 ~~signature removed from the petition by submitting a notarized statement to that effect to the~~
2458 ~~county clerk.]~~

2459 ~~[(ii) In order for the signature to be removed, the statement must be received by the~~
2460 ~~county clerk no later than seven days after the day on which the sponsors submit the last~~
2461 ~~signature packet to the county clerk.]~~

2462 ~~[(b) Upon timely receipt of the statement, the county clerk shall remove the signature~~
2463 ~~of the individual submitting the statement from the initiative petition.]~~

2464 (3) (a) A voter who has signed an initiative petition may have the voter's signature
2465 removed from the petition by submitting a statement requesting that the voter's signature be
2466 removed before 5 p.m. no later than the earlier of:

2467 (i) 30 days after the day on which the voter signs the signature removal statement;

2468 (ii) 90 days after the day on which the local clerk posts the voter's name under

2469 Subsection [20A-7-507\(2\)\(a\)](#);

2470 (iii) 316 days after the day on which the application is filed; or

2471 (iv) (A) for a county initiative, April 15 immediately before the next regular general
2472 election immediately after the application is filed under Section [20A-7-502](#); or

2473 (B) for a municipal initiative, April 15 immediately before the next municipal general
2474 election immediately after the application is filed under Section [20A-7-502](#).

2475 (b) (i) The statement shall include:

2476 (A) the name of the voter;

- 2477 (B) the resident address at which the voter is registered to vote;
 2478 (C) the signature of the voter; and
 2479 (D) the date of the signature described in Subsection (3)(b)(i)(C).
 2480 (ii) To increase the likelihood of the voter's signature being identified and removed, the
 2481 statement may include the voter's birth date or age.
 2482 (c) A voter may not submit a statement by email or other electronic means.
 2483 (d) In order for the signature to be removed, the county clerk must receive the
 2484 statement before 5 p.m. no later than the applicable deadline described in Subsection (3)(a).
 2485 (e) A person may only remove a signature from an initiative petition in accordance
 2486 with this Subsection (3).
 2487 (f) A county clerk shall analyze a signature, for purposes of removing a signature from
 2488 an initiative petition, in accordance with Section [20A-7-506.3](#).
 2489 Section 30. Section **20A-7-506** is amended to read:
 2490 **20A-7-506. Submitting the initiative petition -- Certification of signatures by the**
 2491 **county clerks -- Transfer to local clerk.**
 2492 (1) (a) The sponsors or an agent of the sponsors shall [~~deliver each~~] submit a signed
 2493 and verified initiative packet to the county clerk of the county in which the packet was
 2494 circulated before 5 p.m. no later than the earlier of:
 2495 [~~(i) for county initiatives:~~]
 2496 (i) 30 days after the day on which the first individual signs the initiative packet;
 2497 [~~(A)~~] (ii) 316 days after the day on which the application is filed; or
 2498 [~~(B) the~~] (iii) (A) for a county initiative, April 15 immediately before the next regular
 2499 general election immediately after the application is filed under Section [20A-7-502](#); or
 2500 [~~(ii) for municipal initiatives:~~]
 2501 [~~(A) 316 days after the day on which the application is filed; or~~]
 2502 (B) [~~the~~] for a municipal initiative, April 15 immediately before the next municipal
 2503 general election immediately after the application is filed under Section [20A-7-502](#).
 2504 (b) A [~~sponsor~~] person may not submit an initiative packet after the deadline
 2505 established in [~~this~~] Subsection (1)(a).
 2506 (2) The county clerk shall, within 21 days after the day on which the county clerk
 2507 receives the packet:

2508 (a) determine whether each signer is a registered voter according to the requirements of
2509 Section 20A-7-506.3;

2510 (b) certify on the petition whether each name is that of a registered voter;

2511 (c) except as provided in Subsection (3), post the name and voter identification number
2512 of each registered voter certified under Subsection (2)(b) on the lieutenant governor's website,
2513 in a conspicuous location designated by the lieutenant governor; and

2514 (d) deliver the verified initiative packet to the local clerk.

2515 (3) (a) If the county clerk timely receives a statement requesting signature removal
2516 under Subsection 20A-7-505(3), the county clerk shall:

2517 (i) ensure that the voter's name and voter identification number are not included in the
2518 posting described in Subsection (2)(c); and

2519 (ii) remove the voter's signature from the signature packets and signature packet totals.

2520 (b) The county clerk shall comply with Subsection (3)(a) before the later of:

2521 (i) the deadline described in Subsection (2); or

2522 (ii) two business days after the day on which the county clerk receives a statement
2523 requesting signature removal under Subsection 20A-7-505(3).

2524 (c) The local clerk shall post a link in a conspicuous location on the local government's
2525 website to the posting described in Subsection (2)(c) during the period of time described in
2526 Subsection 20A-7-507(2)(a)(i).

2527 ~~[(2)]~~ (4) The county clerk may not certify a signature under Subsection ~~[(3)]~~ (2) on an
2528 initiative packet that is not verified in accordance with Section 20A-7-505.

2529 ~~[(3) No later than May 15, the county clerk shall:]~~

2530 ~~[(a) determine whether or not each signer is a voter according to the requirements of~~
2531 ~~Section 20A-7-506.3;]~~

2532 ~~[(b) certify on the petition whether or not each name is that of a voter; and]~~

2533 ~~[(c) deliver all of the verified packets to the local clerk.]~~

2534 (5) A person may not retrieve an initiative packet from a county clerk, or make any
2535 alterations or corrections to an initiative packet, after the initiative packet is submitted to the
2536 county clerk.

2537 Section 31. Section 20A-7-506.3 is amended to read:

2538 **20A-7-506.3. Verification of petition signatures.**

2539 (1) As used in this section:

2540 (a) [~~For the purposes of this section, "substantially]~~ "Substantially similar name"

2541 means:

2542 (i) the given name and surname shown on the petition, or both, contain only minor
2543 spelling differences when compared to the given name and surname shown on the official
2544 register;

2545 (ii) the surname shown on the petition exactly matches the surname shown on the
2546 official register, and the given names differ only because one of the given names shown is a
2547 commonly used abbreviation or variation of the other;

2548 (iii) the surname shown on the petition exactly matches the surname shown on the
2549 official register, and the given names differ only because one of the given names shown is
2550 accompanied by a first or middle initial or a middle name which is not shown on the other
2551 record; or

2552 (iv) the surname shown on the petition exactly matches the surname shown on the
2553 official register, and the given names differ only because one of the given names shown is an
2554 alphabetically corresponding initial that has been provided in the place of a given name shown
2555 on the other record.

2556 (b) [~~For the purposes of this section, "substantially]~~ "Substantially similar name" does
2557 not mean a name having an initial or a middle name shown on the petition that does not match
2558 a different initial or middle name shown on the official register.

2559 (2) The county clerk shall use the following procedures in determining whether [~~or not]~~
2560 a signer is a registered voter:

2561 (a) When a signer's name and address shown on the petition exactly match a name and
2562 address shown on the official register and the signer's signature appears substantially similar to
2563 the signature on the statewide voter registration database, the county clerk shall declare the
2564 signature valid.

2565 (b) When there is no exact match of an address and a name, the county clerk shall
2566 declare the signature valid if:

2567 (i) the address on the petition matches the address of an individual on the official
2568 register with a substantially similar name; and

2569 (ii) the signer's signature appears substantially similar to the signature on the statewide

2570 voter registration database of the individual described in Subsection (2)(b)(i).

2571 (c) When there is no match of an address and a substantially similar name, the county
2572 clerk shall declare the signature valid if:

2573 (i) the birth date or age on the petition matches the birth date or age of an individual on
2574 the official register with a substantially similar name; and

2575 (ii) the signer's signature appears substantially similar to the signature on the statewide
2576 voter registration database of the individual described in Subsection (2)(c)(i).

2577 (d) If a signature is not declared valid under Subsection (2)(a), (2)(b), or (2)(c), the
2578 county clerk shall declare the signature to be invalid.

2579 (3) The county clerk shall use the following procedures in determining whether to
2580 remove a signature from a petition after receiving a timely, valid statement requesting removal
2581 of the signature:

2582 (a) if a signer's name and address shown on the statement and the petition exactly
2583 match a name and address shown on the official register and the signer's signature on both the
2584 statement and the petition appears substantially similar to the signature on the statewide voter
2585 registration database, the county clerk shall remove the signature from the petition;

2586 (b) if there is no exact match of an address and a name, the county clerk shall remove
2587 the signature from the petition if:

2588 (i) the address on the statement and the petition matches the address of an individual
2589 on the official register with a substantially similar name; and

2590 (ii) the signer's signature on both the statement and the petition appears substantially
2591 similar to the signature on the statewide voter registration database of the individual described
2592 in Subsection (3)(b)(i);

2593 (c) if there is no match of an address and a substantially similar name, the county clerk
2594 shall remove the signature from the petition if:

2595 (i) the birth date or age on the statement and petition match the birth date or age of an
2596 individual on the official register with a substantially similar name; and

2597 (ii) the signer's signature on both the statement and the petition appears substantially
2598 similar to the signature on the statewide voter registration database of the individual described
2599 in Subsection (3)(c)(i); and

2600 (d) if a signature does not qualify for removal under Subsection (3)(a), (b), or (c), the

2601 county clerk may not remove the signature from the petition.

2602 Section 32. Section **20A-7-507** is amended to read:

2603 **20A-7-507. Evaluation by the local clerk.**

2604 (1) When [~~each~~] a local clerk receives an initiative packet [~~is received~~] from a county
2605 clerk, the local clerk shall [~~check off from the local clerk's~~] record the number of [~~each~~] the
2606 initiative packet [~~filed~~] received.

2607 [~~(2) (a) After all of the initiative packets have been received by the local clerk, the local~~
2608 ~~clerk shall count the number of the names certified by the county clerk that appear on each~~
2609 ~~verified signature sheet.]~~

2610 (2) (a) The county clerk shall:

2611 (i) post the names and voter identification numbers described in Subsection
2612 20A-7-506(2)(c) on the lieutenant governor's website, in a conspicuous location designated by
2613 the lieutenant governor, for at least 90 days; and

2614 (ii) update on the local government's website the number of signatures certified as of
2615 the date of the update.

2616 (b) The local clerk:

2617 (i) shall, except as provided in Subsection (2)(b)(ii), declare the petition to be sufficient
2618 or insufficient no later than 21 days after the day of the applicable deadline described in
2619 Subsection 20A-7-506(1)(a); or

2620 (ii) may declare the petition to be insufficient before the day described in Subsection
2621 (2)(b)(i) if:

2622 (A) the total of all valid signatures on timely and lawfully submitted signature packets
2623 that have been certified by the county clerks, plus the number of signatures on timely and
2624 lawfully submitted signature packets that have not yet been evaluated for certification, is less
2625 than the number of names required under Section 20A-7-501; or

2626 (B) a requirement of this part has not been met.

2627 [~~(b)~~] (c) If the total number of certified names from each verified signature sheet equals
2628 or exceeds the number of names required by Section 20A-7-501 and the requirements of this
2629 part are met, the local clerk shall mark upon the front of the petition the word "sufficient."

2630 [~~(c)~~] (d) If the total number of certified names from each verified signature sheet does
2631 not equal or exceed the number of names required by Section 20A-7-501 or a requirement of

2632 this part is not met, the local clerk shall mark upon the front of the petition the word
2633 "insufficient."

2634 ~~[(4)]~~ (e) The local clerk shall immediately notify any one of the sponsors of the local
2635 clerk's finding.

2636 (f) After a petition is declared insufficient, a person may not submit additional
2637 signatures to qualify the petition for the ballot.

2638 (3) If the local clerk finds the total number of certified signatures from each verified
2639 signature sheet to be insufficient, any sponsor may file a written demand with the local clerk
2640 for a recount of the signatures appearing on the initiative petition in the presence of any
2641 sponsor.

2642 ~~[(4) Once a petition is declared insufficient, the sponsors may not submit additional~~
2643 ~~signatures to qualify the petition for the ballot.]~~

2644 ~~[(5)]~~ (4) A petition determined to be sufficient in accordance with this section is
2645 qualified for the ballot.

2646 Section 33. Section **20A-7-508** is amended to read:

2647 **20A-7-508. Ballot title -- Duties of local clerk and local attorney.**

2648 (1) Upon receipt of an initiative petition, the local clerk shall deliver a copy of the
2649 petition and the proposed law to the local attorney.

2650 (2) The local attorney shall:

2651 (a) entitle each county or municipal initiative that has qualified for the ballot
2652 "Proposition Number ___" and give it a number as assigned under Section [20A-6-107](#);

2653 (b) prepare a proposed ballot title for the initiative;

2654 (c) file the proposed ballot title and the numbered initiative titles with the local clerk
2655 within 20 days after the day on which an eligible voter submits the initiative petition to the
2656 local clerk; and

2657 (d) promptly provide notice of the filing of the proposed ballot title to:

2658 (i) the sponsors of the petition; and

2659 (ii) the local legislative body for the jurisdiction where the initiative petition was
2660 circulated.

2661 (3) (a) The ballot title may be distinct from the title of the proposed law attached to the
2662 initiative petition, and shall express, in not exceeding 100 words, the purpose of the measure.

2663 (b) In preparing a ballot title, the local attorney shall, to the best of the local attorney's
2664 ability, give a true and impartial statement of the purpose of the measure.

2665 (c) The ballot title may not intentionally be an argument, or likely to create prejudice,
2666 for or against the measure.

2667 (d) If the initiative proposes a tax increase, the local attorney shall include the
2668 following statement, in bold, in the ballot title:

2669 "This initiative seeks to increase the current (insert name of tax) rate by (insert the tax
2670 percentage difference) percent, resulting in a(n) (insert the tax percentage increase) percent
2671 increase in the current tax rate.".

2672 (4) (a) Within five calendar days after the date the local attorney files a proposed ballot
2673 title under Subsection (2)(c), the local legislative body for the jurisdiction where the initiative
2674 petition was circulated and the sponsors of the petition may file written comments in response
2675 to the proposed ballot title with the local clerk.

2676 (b) Within five calendar days after the last date to submit written comments under
2677 Subsection (4)(a), the local attorney shall:

- 2678 (i) review any written comments filed in accordance with Subsection (4)(a);
2679 (ii) prepare a final ballot title that meets the requirements of Subsection (3); and
2680 (iii) return the petition and file the ballot title with the local clerk.

2681 (c) Subject to Subsection (6), the ballot title, as determined by the local attorney, shall
2682 be printed on the official ballot.

2683 (5) Immediately after the local attorney files a copy of the ballot title with the local
2684 clerk, the local clerk shall serve a copy of the ballot title by mail upon the sponsors of the
2685 petition and the local legislative body for the jurisdiction where the initiative petition was
2686 circulated.

2687 (6) (a) If the ballot title furnished by the local attorney is unsatisfactory or does not
2688 comply with the requirements of this section, the decision of the local attorney may be
2689 appealed to the [~~district court, or, if the Supreme Court has original jurisdiction, to the~~
2690 ~~Supreme Court, brought~~] appropriate court by:

- 2691 (i) at least three sponsors of the initiative petition; or
2692 (ii) a majority of the local legislative body for the jurisdiction where the initiative
2693 petition was circulated.

2694 (b) The court:
 2695 (i) shall examine the measures and consider arguments; and
 2696 (ii) may certify to the local clerk a ballot title for the measure that fulfills the intent of
 2697 this section.

2698 (c) The local clerk shall print the title certified by the court on the official ballot.
 2699 Section 34. Section **20A-7-510** is amended to read:

2700 **20A-7-510. Return and canvass -- Conflicting measures -- Law effective on**
 2701 **proclamation.**

2702 (1) The votes on the law proposed by the initiative petition shall be counted,
 2703 canvassed, and delivered as provided in Title 20A, Chapter 4, Part 3, Canvassing Returns.

2704 (2) After the local board of canvassers completes [its] the canvass, the local clerk shall
 2705 certify to the local legislative body the vote for and against the law proposed by the initiative
 2706 petition.

2707 (3) (a) The local legislative body shall immediately issue a proclamation that:

2708 (i) gives the total number of votes cast in the local jurisdiction for and against each law
 2709 proposed by an initiative petition; and

2710 (ii) declares those laws proposed by an initiative petition that were approved by
 2711 majority vote to be in full force and effect as the law of the local jurisdiction.

2712 (b) When the local legislative body determines that two proposed laws, or that parts of
 2713 two proposed laws approved by the people at the same election are entirely in conflict, [~~they~~]
 2714 the local legislative body shall proclaim that measure to be law that [~~has~~] received the greatest
 2715 number of affirmative votes, regardless of the difference in the majorities which those
 2716 measures have received.

2717 (c) (i) Within 10 days after the day on which the local legislative [~~body's~~] body issues
 2718 the proclamation, any qualified voter who signed the initiative petition proposing the law that
 2719 is declared by the local legislative body to be superseded by another measure approved at the
 2720 same election may bring an action in [~~district court, or, if the Supreme Court has original~~
 2721 ~~jurisdiction, the Supreme Court~~] the appropriate court to review the decision.

2722 (ii) The court shall:

2723 (A) consider the matter and decide whether the proposed laws are entirely in conflict;
 2724 and

2725 (B) issue an order, consistent with the court's decision, to the local legislative body.

2726 (4) Within 10 days after the day on which the court [~~certifies the decision~~] enters an
2727 order under Subsection (3)(c)(ii), the local legislative body shall:

2728 (a) proclaim as law all measures approved by the people that the court determines are
2729 not in conflict; and

2730 (b) for the measures approved by the people as law that the court determines to be in
2731 conflict, proclaim as law the measure that received the greatest number of affirmative votes,
2732 regardless of the difference in majorities.

2733 Section 35. Section **20A-7-601** is amended to read:

2734 **20A-7-601. Referenda -- General signature requirements -- Signature**
2735 **requirements for land use laws and subjurisdictional laws -- Time requirements.**

2736 (1) As used in this section:

2737 (a) "Number of active voters" means the number of active voters in the county, city, or
2738 town on the immediately preceding January 1.

2739 (b) "Subjurisdiction" means an area comprised of all precincts and subprecincts in the
2740 jurisdiction of a county, city, or town that are subject to a subjurisdictional law.

2741 (c) (i) "Subjurisdictional law" means a local law or local obligation law passed by a
2742 local legislative body that imposes a tax or other payment obligation on property in an area that
2743 does not include all precincts and subprecincts under the jurisdiction of the county, city, town,
2744 or metro township.

2745 (ii) "Subjurisdictional law" does not include a land use law.

2746 (d) "Voter participation area" means an area described in Subsection [20A-7-401.3\(1\)\(a\)](#)
2747 or (2)(b).

2748 (2) Except as provided in Subsection (3) or (4), an eligible voter seeking to have a local
2749 law passed by the local legislative body submitted to a vote of the people shall obtain legal
2750 signatures equal to:

2751 (a) for a county of the first class:

2752 (i) 7.75% of the number of active voters in the county; and

2753 (ii) beginning on January 1, 2020, 7.75% of the number of active voters in at least 75%
2754 of the county's voter participation areas;

2755 (b) for a metro township with a population of 100,000 or more, or a city of the first

2756 class:

2757 (i) 7.5% of the number of active voters in the metro township or city; and

2758 (ii) beginning on January 1, 2020, 7.5% of the number of active voters in at least 75%
2759 of the metro township's or city's voter participation areas;

2760 (c) for a county of the second class:

2761 (i) 8% of the number of active voters in the county; and

2762 (ii) beginning on January 1, 2020, 8% of the number of active voters in at least 75% of
2763 the county's voter participation areas;

2764 (d) for a metro township with a population of 65,000 or more but less than 100,000, or
2765 a city of the second class:

2766 (i) 8.25% of the number of active voters in the metro township or city; and

2767 (ii) beginning on January 1, 2020, 8.25% of the number of active voters in at least 75%
2768 of the metro township's or city's voter participation areas;

2769 (e) for a county of the third class:

2770 (i) 9.5% of the number of active voters in the county; and

2771 (ii) beginning on January 1, 2020, 9.5% of the number of active voters in at least 75%
2772 of the county's voter participation areas;

2773 (f) for a metro township with a population of 30,000 or more but less than 65,000, or a
2774 city of the third class:

2775 (i) 10% of the number of active voters in the metro township or city; and

2776 (ii) beginning on January 1, 2020, 10% of the number of active voters in at least 75%
2777 of the metro township's or city's voter participation areas;

2778 (g) for a county of the fourth class:

2779 (i) 11.5% of the number of active voters in the county; and

2780 (ii) beginning on January 1, 2020, 11.5% of the number of active voters in at least 75%
2781 of the county's voter participation areas;

2782 (h) for a metro township with a population of 10,000 or more but less than 30,000, or a
2783 city of the fourth class:

2784 (i) 11.5% of the number of active voters in the metro township or city; and

2785 (ii) beginning on January 1, 2020, 11.5% of the number of active voters in at least 75%
2786 of the metro township's or city's voter participation areas;

2787 (i) for a metro township with a population of 1,000 or more but less than 10,000, a city
2788 of the fifth class, or a county of the fifth class, 25% of the number of active voters in the metro
2789 township, city, or county; or

2790 (j) for a metro township with a population of less than 1,000, a town, or a county of the
2791 sixth class, 35% of the number of active voters in the metro township, town, or county.

2792 (3) Except as provided in Subsection (4), an eligible voter seeking to have a land use
2793 law or local obligation law passed by the local legislative body submitted to a vote of the
2794 people shall obtain legal signatures equal to:

2795 (a) for a county of the first, second, third, or fourth class:

2796 (i) 16% of the number of active voters in the county; and

2797 (ii) beginning on January 1, 2020, 16% of the number of active voters in at least 75%
2798 of the county's voter participation areas;

2799 (b) for a county of the fifth or sixth class:

2800 (i) 16% of the number of active voters in the county; and

2801 (ii) beginning on January 1, 2020, 16% of the number of active voters in at least 75%
2802 of the county's voter participation areas;

2803 (c) for a metro township with a population of 100,000 or more, or a city of the first
2804 class:

2805 (i) 15% of the number of active voters in the metro township or city; and

2806 (ii) beginning on January 1, 2020, 15% of the number of active voters in at least 75%
2807 of the metro township's or city's voter participation areas;

2808 (d) for a metro township with a population of 65,000 or more but less than 100,000, or
2809 a city of the second class:

2810 (i) 16% of the number of active voters in the metro township or city; and

2811 (ii) beginning on January 1, 2020, 16% of the number of active voters in at least 75%
2812 of the metro township's or city's voter participation areas;

2813 (e) for a metro township with a population of 30,000 or more but less than 65,000, or a
2814 city of the third class:

2815 (i) 27.5% of the number of active voters in the metro township or city; and

2816 (ii) beginning on January 1, 2020, 27.5% of the number of active voters in at least 75%
2817 of the metro township's or city's voter participation areas;

2818 (f) for a metro township with a population of 10,000 or more but less than 30,000, or a
2819 city of the fourth class:

2820 (i) 29% of the number of active voters in the metro township or city; and

2821 (ii) beginning on January 1, 2020, 29% of the number of active voters in at least 75%
2822 of the metro township's or city's voter participation areas;

2823 (g) for a metro township with a population of 1,000 or more but less than 10,000, or a
2824 city of the fifth class, 35% of the number of active voters in the metro township or city; or

2825 (h) for a metro township with a population of less than 1,000 or a town, 40% of the
2826 number of active voters in the metro township or town.

2827 (4) A person seeking to have a subjurisdictional law passed by the local legislative
2828 body submitted to a vote of the people shall obtain legal signatures of the residents in the
2829 subjurisdiction equal to:

2830 (a) 10% of the number of active voters in the subjurisdiction if the number of active
2831 voters exceeds 25,000;

2832 (b) 12-1/2% of the number of active voters in the subjurisdiction if the number of
2833 active voters does not exceed 25,000 but is more than 10,000;

2834 (c) 15% of the number of active voters in the subjurisdiction if the number of active
2835 voters does not exceed 10,000 but is more than 2,500;

2836 (d) 20% of the number of active voters in the subjurisdiction if the number of active
2837 voters does not exceed 2,500 but is more than 500;

2838 (e) 25% of the number of active voters in the subjurisdiction if the number of active
2839 voters does not exceed 500 but is more than 250; and

2840 (f) 30% of the number of active voters in the subjurisdiction if the number of active
2841 voters does not exceed 250.

2842 (5) ~~(a)~~ Sponsors of any referendum petition challenging, under Subsection (2), (3), or
2843 (4), any local law passed by a local legislative body shall file the application before 5 p.m.
2844 within seven days after the day on which the local law was passed.

2845 ~~[(b) Except as provided in Subsection (5)(c), when a referendum petition has been~~
2846 ~~declared sufficient, the local law that is the subject of the petition does not take effect unless~~
2847 ~~and until the local law is approved by a vote of the people.]~~

2848 ~~[(c) When a referendum petition challenging a subjurisdictional law has been declared~~

2849 sufficient, the subjurisdictional law that is the subject of the petition does not take effect unless
 2850 and until the subjurisdictional law is approved by a vote of the people who reside in the
 2851 subjurisdiction.]

2852 [~~(6) If the referendum passes, the local law that was challenged by the referendum is~~
 2853 ~~repealed as of the date of the election.~~]

2854 [(7)] (6) Nothing in this section authorizes a local legislative body to impose a tax or
 2855 other payment obligation on a subjurisdiction in order to benefit an area outside of the
 2856 subjurisdiction.

2857 Section 36. Section **20A-7-602** is amended to read:

2858 **20A-7-602. Local referendum process -- Application procedures.**

2859 (1) [~~An eligible voter~~] Individuals wishing to circulate a referendum petition shall file
 2860 an application with the local clerk.

2861 (2) The application shall contain:

2862 (a) the name and residence address of at least five sponsors of the referendum petition;

2863 [~~(b) a certification indicating that each of the sponsors is a resident of Utah;~~]

2864 [(c)] (b) a statement indicating that each of the sponsors [~~has voted in an election in~~
 2865 ~~Utah in the last three years;~~] is registered to vote in Utah;

2866 (c) a statement indicating whether persons gathering signatures for the petition may be
 2867 paid for gathering signatures;

2868 (d) the signature of each of the sponsors, acknowledged by a notary public; and

2869 (e) (i) if the referendum challenges an ordinance or resolution, one copy of the law; or

2870 (ii) if the referendum challenges a local law that is not an ordinance or resolution, a

2871 written description of the local law, including the result of the vote on the local law.

2872 Section 37. Section **20A-7-603** is amended to read:

2873 **20A-7-603. Form of referendum petition and signature sheets.**

2874 (1) (a) Each proposed referendum petition shall be printed in substantially the
 2875 following form:

2876 "REFERENDUM PETITION To the Honorable ____, County Clerk/City

2877 Recorder/Town Clerk:

2878 We, the undersigned citizens of Utah, respectfully order that (description of local law or
 2879 portion of local law being challenged), passed by the ____ be referred to the voters for their

2880 approval or rejection at the regular/municipal general election to be held on

2881 _____(month\day\year);

2882 Each signer says:

2883 I have personally signed this petition;

2884 The date next to my signature correctly reflects the date that I actually signed the
2885 petition;

2886 I have personally reviewed the entire statement included with this packet;

2887 I am registered to vote in Utah or intend to become registered to vote in Utah before the
2888 certification of the petition names by the county clerk; and

2889 My residence and post office address are written correctly after my name.";

2890 (b) The sponsors of a referendum or an agent of the sponsors shall attach a copy of the
2891 law that is the subject of the referendum to each referendum petition.

2892 (2) Each signature sheet shall:

2893 (a) be printed on sheets of paper 8-1/2 inches long and 11 inches wide;

2894 (b) be ruled with a horizontal line three-fourths inch from the top, with the space above
2895 that line blank for the purpose of binding;

2896 (c) contain the title of the referendum printed below the horizontal line, in at least
2897 14-point bold type;

2898 (d) contain the word "Warning" printed or typed at the top of each signature sheet
2899 under the title of the referendum;

2900 (e) contain, to the right of the word "Warning," the following statement printed or
2901 typed in not less than eight-point[~~single-leaded~~] type:

2902 "It is a class A misdemeanor for an individual to sign a referendum petition with any
2903 other name than the individual's own name, or to knowingly sign the individual's name more
2904 than once for the same measure, or to sign a referendum petition when the individual knows
2905 that the individual is not a registered voter and knows that the individual does not intend to
2906 become registered to vote before the certification of the petition names by the county clerk.";

2907 (f) contain horizontally ruled lines three-eighths inch apart under the ["Warning"]
2908 warning statement [required by this section] described in Subsection (2)(e);

2909 (g) be vertically divided into columns as follows:

2910 (i) the edge of the first column shall appear .5 inch from the extreme left of the sheet,

2911 be .25 inch wide, and be headed, together with the second column, "For Office Use Only";
2912 (ii) the second column shall be .25 inch wide;
2913 (iii) the third column shall be 2.5 inches wide, headed "Registered Voter's Printed
2914 Name (must be legible to be counted)";
2915 (iv) the fourth column shall be 2.5 inches wide, headed "Signature of Registered
2916 Voter";
2917 (v) the fifth column shall be .75 inch wide, headed "Date Signed";
2918 (vi) the sixth column shall be three inches wide, headed "Street Address, City, Zip
2919 Code"; and
2920 (vii) the seventh column shall be .75 inch wide, headed "Birth Date or Age (Optional)";
2921 (h) be horizontally divided into rows as follows:
2922 (i) the top of the first row, for the purpose of entering the information described in
2923 Subsection (2)(g), shall be .5 inch high;
2924 (ii) the second row shall be .15 inch high and contain the following statement printed
2925 or typed in not less than [~~eight-point, single-leaded~~] 12-point type: "By signing this petition,
2926 you are stating that you have read and understand the law this petition seeks to overturn."; and
2927 (iii) the first and second rows shall be repeated, in order, leaving sufficient room at the
2928 bottom of the sheet for the information described in Subsection (2)(i); and
2929 (i) at the bottom of the sheet, contain the following statement: "Birth date or age
2930 information is not required, but it may be used to verify your identity with voter registration
2931 records. If you choose not to provide it, your signature may not be verified as a valid signature
2932 if you change your address before petition signatures are verified or if the information you
2933 provide does not match your voter registration records.";
2934 (3) The final page of each referendum packet shall contain the following printed or
2935 typed statement:
2936 "Verification
2937 State of Utah, County of _____
2938 I, _____, of _____, hereby state, under penalty of perjury, that:
2939 I am a resident of Utah and am at least 18 years old;
2940 All the names that appear in this [referendum] packet were signed by individuals who
2941 professed to be the individuals whose names appear in it, and each of the individuals signed the

2942 individual's name on it in my presence;

2943 I did not knowingly make a misrepresentation of fact concerning the law this petition
2944 seeks to overturn;

2945 I believe that each individual has printed and signed the individual's name and written
2946 the individual's post office address and residence correctly, that each signer has read and
2947 understands the law that the referendum seeks to overturn, and that each signer is registered to
2948 vote in Utah or intends to become registered to vote before the certification of the petition
2949 names by the county clerk.

2950 [_____"]

2951 [~~(4)~~ The forms prescribed in this section are not mandatory, and, if]

2952 Each individual who signed the packet wrote the correct date of signature next to the
2953 individual's name.

2954 I have not paid or given anything of value to any individual who signed this petition to
2955 encourage that individual to sign it.

2956 _____
2957 (Name) (Residence Address) (Date)".

2958 (4) If the forms described in this section are substantially followed, the referendum
2959 petitions are sufficient, notwithstanding clerical and merely technical errors.

2960 (5) An individual's status as a resident, under Subsection (3), is determined in
2961 accordance with Section [20A-2-105](#).

2962 Section 38. Section **20A-7-604** is amended to read:

2963 **20A-7-604. Circulation requirements -- Local clerk to provide sponsors with**
2964 **materials.**

2965 (1) In order to obtain the necessary number of signatures required by this part, the
2966 sponsors or an agent of the sponsors shall, after the sponsors receive the documents described
2967 in [~~Subsection~~] Subsections (2) and [~~Subsection~~] [20A-7-401.5\(4\)\(b\)](#), circulate referendum
2968 packets that meet the form requirements of this part.

2969 (2) Within five days after the day on which a county, city, town, metro township, or
2970 court determines, in accordance with Section [20A-7-602.7](#), that a proposed referendum is
2971 legally referable to voters, the local clerk shall furnish to the sponsors:

2972 (a) a copy of the referendum petition; and

2973 (b) a signature sheet.

2974 (3) The sponsors of the petition shall:

2975 (a) arrange and pay for the printing of all additional copies of the petition and signature
2976 sheets; and

2977 (b) ensure that the copies of the petition and signature sheets meet the form
2978 requirements of this section.

2979 (4) (a) The sponsors or an agent of the sponsors may prepare the referendum for
2980 circulation by creating multiple referendum packets.

2981 (b) The sponsors or an agent of the sponsors shall create [~~those~~] referendum packets by
2982 binding a copy of the referendum petition, a copy of the law that is the subject of the
2983 referendum, and no more than 50 signature sheets together at the top in [~~such a way~~] a manner
2984 that the packets may be conveniently opened for signing.

2985 (c) [~~The sponsors need not attach~~] A referendum packet is not required to have a
2986 uniform number of signature sheets [to each referendum packet].

2987 (d) The sponsors or an agent of the sponsors shall include, with each packet, a copy of
2988 the proposition information pamphlet provided to the sponsors under Subsection
2989 20A-7-401.5(4)(b).

2990 (5) (a) The sponsors or an agent of the sponsors shall, before gathering signatures:

2991 (i) contact the county clerk to receive a range of numbers that the sponsors may use to
2992 number signature packets; and

2993 (ii) number each signature packet, sequentially, within the range of numbers provided
2994 by the county clerk, starting with the lowest number in the range.

2995 (b) The sponsors or an agent of the sponsors may not:

2996 (i) number a signature packet in a manner not directed by the county clerk; or

2997 (ii) circulate or submit a signature packet that is not numbered in the manner directed
2998 by the county clerk.

2999 (c) The county clerk shall keep a record of the number range provided under
3000 Subsection (5)(a).

3001 Section 39. Section **20A-7-605** is amended to read:

3002 **20A-7-605. Obtaining signatures -- Verification -- Removal of signature.**

3003 (1) [~~Any~~] A Utah voter may sign a local referendum petition if the voter is a legal voter

3004 and resides in the local jurisdiction.

3005 (2) (a) The sponsors shall ensure that the individual in whose presence each signature
3006 sheet was signed:

3007 (i) is at least 18 years old and meets the residency requirements of Section 20A-2-105;
3008 ~~[and]~~

3009 (ii) verifies each signature sheet by completing the verification printed on the last page
3010 of each referendum packet~~[-]; and~~

3011 (iii) is informed that each signer is required to read and understand the law that the
3012 referendum seeks to overturn.

3013 (b) An individual may not sign the verification printed on the last page of the
3014 referendum packet if the individual signed a signature sheet in the referendum packet.

3015 ~~[(3)(a) Any voter who has signed a referendum petition may have the voter's signature~~
3016 ~~removed from the petition by submitting a statement to that effect to the county clerk.]~~

3017 ~~[(b) Except as provided in Subsection (3)(c), upon receipt of the statement, the county~~
3018 ~~clerk shall remove the signature of the individual submitting the statement from the referendum~~
3019 ~~petition.]~~

3020 ~~[(c) A county clerk may not remove signatures from a referendum petition later than~~
3021 ~~seven days after the day on which the sponsors timely submit the last signature packet to the~~
3022 ~~county clerk.]~~

3023 ~~[(4) The sponsors of a referendum petition:]~~

3024 ~~[(a) shall, for each signature packet:]~~

3025 ~~[(i) within seven days after the day on which the first individual signs the signature~~
3026 ~~packet, provide a clear, legible image of all signatures on the signature packet to the county~~
3027 ~~clerk via email or other electronic means; and]~~

3028 ~~[(ii) immediately send a new image if the county clerk informs the sponsors that the~~
3029 ~~image is not clear and legible;]~~

3030 ~~[(b) may not permit additional signatures on a signature packet of which the sponsors~~
3031 ~~have sent an image under Subsection (4)(a); and]~~

3032 ~~[(c) may not submit a signature packet to the county clerk unless the sponsors timely~~
3033 ~~comply with the requirements of Subsection (4)(a) in relation to the signature packet.]~~

3034 ~~[(5) Each person who gathers a signature removal statement described in Subsection~~

3035 (3):]

3036 [~~(a) shall, within seven days after the day on which the individual signs the signature~~
3037 ~~removal statement, provide a clear, legible image of the statement to the county clerk via email~~
3038 ~~or other electronic means; and]~~

3039 [~~(b) shall, immediately send a new image if the local clerk informs the sender that the~~
3040 ~~image is not clear and legible; and]~~

3041 [~~(c) may not submit a signature removal statement to the county clerk, unless the~~
3042 ~~sender timely complies with the requirements of Subsections (5)(a) and (b) in relation to the~~
3043 ~~signature removal statement.]~~

3044 [~~(6) (a) The county clerk shall provide to an individual, upon request, a document or~~
3045 ~~electronic list containing the name and voter identification number of each individual who~~
3046 ~~signed the referendum packet.]~~

3047 [~~(b) Subject to Subsection [20A-7-606.3\(3\)](#), the local clerk may begin certifying,~~
3048 ~~removing, and tallying signatures upon receipt of an image described in Subsection (4) or (5).]~~

3049 (3) (a) A voter who has signed a referendum petition may have the voter's signature
3050 removed from the petition by submitting to the county clerk a statement requesting that the
3051 voter's signature be removed no later than the earlier of:

3052 (i) 30 days after the day on which the voter signs the statement requesting removal; or

3053 (ii) 45 days after the day on which the local clerk posts the voter's name under
3054 Subsection [20A-7-607\(2\)\(a\)](#).

3055 (b) (i) The statement shall include:

3056 (A) the name of the voter;

3057 (B) the resident address at which the voter is registered to vote;

3058 (C) the signature of the voter; and

3059 (D) the date of the signature described in Subsection (3)(b)(i)(C).

3060 (ii) To increase the likelihood of the voter's signature being identified and removed, the
3061 statement may include the voter's birth date or age.

3062 (c) A voter may not submit a statement by email or other electronic means.

3063 (d) In order for the signature to be removed, the county clerk must receive the

3064 statement before 5 p.m. no later than 45 days after the day on which the local clerk posts the
3065 voter's name under Subsection [20A-7-607\(2\)\(a\)](#).

3066 (e) A person may only remove a signature from a referendum petition in accordance
3067 with this Subsection (3).

3068 (f) A county clerk shall analyze a signature, for purposes of removing a signature from
3069 a referendum petition, in accordance with Section [20A-7-606.3](#).

3070 Section 40. Section **20A-7-606** is amended to read:

3071 **20A-7-606. Submitting the referendum petition -- Certification of signatures by**
3072 **the county clerks -- Transfer to local clerk.**

3073 (1) (a) The sponsors or an agent of the sponsors shall ~~[deliver each]~~ submit a signed
3074 and verified referendum packet to the county clerk of the county in which the packet was
3075 circulated before 5 p.m. no later than the earlier of:

3076 (i) 30 days after the day on which the first individual signs the referendum packet; or

3077 (ii) 45 days after the day on which the sponsors receive the items described in
3078 Subsection [20A-7-604](#)(2) from the local clerk.

3079 (b) A ~~[sponsor]~~ person may not submit a referendum packet after the deadline
3080 ~~[established in this]~~ described in Subsection (1)(a).

3081 ~~[(2)(a) No later than 15 days after the day on which a county clerk receives a~~
3082 ~~referendum packet under Subsection (1)(a), the county clerk shall:]~~

3083 ~~[(i) check the names of all persons completing the verification on the last page of each~~
3084 ~~referendum packet to determine whether those persons are Utah residents and are at least 18~~
3085 ~~years old; and]~~

3086 ~~[(ii) submit the name of each of those persons who is not a Utah resident or who is not~~
3087 ~~at least 18 years old to the attorney general and county attorney.]~~

3088 ~~[(b) The county clerk may not certify a signature under Subsection (3) on a referendum~~
3089 ~~packet that is not verified in accordance with Section [20A-7-605](#).]~~

3090 ~~[(3)]~~ (2) No later than ~~[30]~~ 21 days after the day on which a county clerk receives a
3091 verified referendum packet under Subsection (1)(a), the county clerk shall:

3092 (a) determine whether each signer is a registered voter according to the requirements of
3093 Section [20A-7-606.3](#);

3094 (b) certify on the ~~[referendum]~~ petition whether each name is that of a registered voter;
3095 ~~[and]~~

3096 (c) provide the name and voter identification number of each registered voter certified

3097 under Subsection (2)(b); and

3098 ~~[(e)]~~ (d) deliver ~~[all of]~~ the verified ~~[referendum packets]~~ packet to the local clerk.

3099 (3) (a) If the county clerk timely receives a statement requesting signature removal
3100 under Subsection 20A-7-605(3), the county clerk shall:

3101 (i) ensure that the voter's name and voter identification number are not included in the
3102 posting described in Subsection 20A-7-607(2)(a); and

3103 (ii) remove the voter's signature from the signature packets and signature packet totals.

3104 (b) The county clerk shall comply with Subsection (3)(a) before the later of:

3105 (i) the deadline described in Subsection (2); or

3106 (ii) two business days after the day on which the county clerk receives a statement
3107 requesting signature removal under Subsection 20A-7-605(3).

3108 (c) The local clerk shall post a link in a conspicuous location on the local government's
3109 website to the posting described in Subsection 20A-7-607(2)(a) during the period of time
3110 described in Subsection 20A-7-607(2)(a)(i).

3111 (4) The county clerk may not certify a signature under Subsection (2):

3112 (a) on a referendum packet that is not verified in accordance with Section 20A-7-605;

3113 or

3114 (b) that does not have a date of signature next to the signature.

3115 (5) A person may not retrieve a referendum packet from a county clerk, or make any
3116 alterations or corrections to a referendum packet, after the referendum packet is submitted to
3117 the county clerk.

3118 Section 41. Section **20A-7-606.3** is amended to read:

3119 **20A-7-606.3. Verification of petition signatures.**

3120 (1) As used in this section:

3121 (a) ~~[For the purposes of this section, "substantially]~~ "Substantially similar name"
3122 means:

3123 (i) the given name and surname shown on the petition, or both, contain only minor
3124 spelling differences when compared to the given name and surname shown on the official
3125 register;

3126 (ii) the surname shown on the petition exactly matches the surname shown on the
3127 official register, and the given names differ only because one of the given names shown is a

3128 commonly used abbreviation or variation of the other;

3129 (iii) the surname shown on the petition exactly matches the surname shown on the
3130 official register, and the given names differ only because one of the given names shown is
3131 accompanied by a first or middle initial or a middle name which is not shown on the other
3132 record; or

3133 (iv) the surname shown on the petition exactly matches the surname shown on the
3134 official register, and the given names differ only because one of the given names shown is an
3135 alphabetically corresponding initial that has been provided in the place of a given name shown
3136 on the other record.

3137 (b) [~~For the purposes of this section, "substantially~~] "Substantially similar name" does
3138 not mean a name having an initial or a middle name shown on the petition that does not match
3139 a different initial or middle name shown on the official register.

3140 (2) The county clerk shall use the following procedures in determining whether [~~or not~~]
3141 a signer is a registered voter:

3142 (a) When a signer's name and address shown on the petition exactly match a name and
3143 address shown on the official register and the signer's signature appears substantially similar to
3144 the signature on the statewide voter registration database, the county clerk shall declare the
3145 signature valid.

3146 (b) When there is no exact match of an address and a name, the county clerk shall
3147 declare the signature valid if:

3148 (i) the address on the petition matches the address of an individual on the official
3149 register with a substantially similar name; and

3150 (ii) the signer's signature appears substantially similar to the signature on the statewide
3151 voter registration database of the individual described in Subsection (2)(b)(i).

3152 (c) When there is no match of an address and a substantially similar name, the county
3153 clerk shall declare the signature valid if:

3154 (i) the birth date or age on the petition matches the birth date or age of an individual on
3155 the official register with a substantially similar name; and

3156 (ii) the signer's signature appears substantially similar to the signature on the statewide
3157 voter registration database of the individual described in Subsection (2)(c)(i).

3158 (d) If a signature is not declared valid under Subsection (2)(a), (b), or (c), the county

3159 clerk shall declare the signature to be invalid.

3160 ~~[(3) The county clerk may not provide a final verification of the signature packets~~
3161 ~~submitted for a proposed referendum until eight days after the day on which a sponsor submits~~
3162 ~~the final, timely signature packet to the county clerk to be certified.]~~

3163 (3) The county clerk shall use the following procedures in determining whether to
3164 remove a signature from a petition after receiving a timely, valid statement requesting removal
3165 of the signature:

3166 (a) if a signer's name and address shown on the statement and the petition exactly
3167 match a name and address shown on the official register and the signer's signature on both the
3168 statement and the petition appears substantially similar to the signature on the statewide voter
3169 registration database, the county clerk shall remove the signature from the petition;

3170 (b) if there is no exact match of an address and a name, the county clerk shall remove
3171 the signature from the petition if:

3172 (i) the address on the statement and the petition matches the address of an individual
3173 on the official register with a substantially similar name; and

3174 (ii) the signer's signature on both the statement and the petition appears substantially
3175 similar to the signature on the statewide voter registration database of the individual described
3176 in Subsection (3)(b)(i);

3177 (c) if there is no match of an address and a substantially similar name, the county clerk
3178 shall remove the signature from the petition if:

3179 (i) the birth date or age on the statement and petition match the birth date or age of an
3180 individual on the official register with a substantially similar name; and

3181 (ii) the signer's signature on both the statement and the petition appears substantially
3182 similar to the signature on the statewide voter registration database of the individual described
3183 in Subsection (3)(c)(i); and

3184 (d) if a signature does not qualify for removal under Subsection (3)(a), (b), or (c), the
3185 county clerk may not remove the signature from the petition.

3186 Section 42. Section **20A-7-607** is amended to read:

3187 **20A-7-607. Evaluation by the local clerk -- Determination of election for vote on**
3188 **referendum.**

3189 (1) When ~~[each]~~ the local clerk receives a referendum packet ~~[is received]~~ from a

3190 county clerk, the local clerk shall ~~[check off from the local clerk's]~~ record the number of ~~[each]~~
 3191 the referendum packet [filed] received.

3192 ~~[(2) Within two days after the day on which the local clerk receives each referendum~~
 3193 ~~packet from a county clerk, the local clerk shall:]~~

3194 ~~[(a) count the number of the names certified by the county clerks that appear on each~~
 3195 ~~verified signature sheet;]~~

3196 (2) (a) The county clerk shall:

3197 (i) post the names and voter identification numbers described in Subsection
 3198 20A-7-606(3)(c) on the lieutenant governor's website, in a conspicuous location designated by
 3199 the lieutenant governor, for at least 45 days; and

3200 (ii) update on the local clerk's website the number of signatures certified as of the date
 3201 of the update.

3202 (b) The local clerk:

3203 (i) shall, except as provided in Subsection (2)(b)(ii), declare the petition to be sufficient
 3204 or insufficient no later than 111 days after the day of the deadline, described in Subsection
 3205 20A-7-606(1), to submit a referendum packet to the county clerk; or

3206 (ii) may declare the petition to be insufficient before the day described in Subsection
 3207 (2)(b)(i) if:

3208 (A) the total of all valid signatures on timely and lawfully submitted signature packets
 3209 that have been certified by the county clerk, plus the number of signatures on timely and
 3210 lawfully submitted signature packets that have not yet been evaluated for certification, is less
 3211 than the number of names required under Section 20A-7-601; or

3212 (B) a requirement of this part has not been met.

3213 ~~[(b)]~~ (c) [if] If the total number of [certified names from each verified signature sheet]
 3214 names certified under this Subsection (2) equals or exceeds the number of names required [by]
 3215 under Section 20A-7-601, and the requirements of this part are met, the local clerk shall mark
 3216 upon the front of the petition the word "sufficient";

3217 ~~[(c)]~~ (d) [if] If the total number of [certified names from each verified signature sheet]
 3218 names certified under this Subsection (2) does not equal or exceed the number of names
 3219 required [by] under Section 20A-7-601 or a requirement of this part is not met, the local clerk
 3220 shall mark upon the front of the petition the word "insufficient." [; and]

3221 ~~[(d)]~~ (e) The local clerk shall immediately notify any one of the sponsors of the local
3222 clerk's finding.

3223 (f) After a petition is declared insufficient, a person may not submit additional
3224 signatures to qualify the petition for the ballot.

3225 ~~[(3)]~~ ~~If the local clerk finds the total number of certified signatures from each verified~~
3226 ~~signature sheet to be insufficient, any sponsor may file a written demand with the local clerk~~
3227 ~~for a recount of the signatures appearing on the referendum petition in the presence of any~~
3228 ~~sponsor.]~~

3229 ~~[(4)]~~ (3) (a) If the local clerk refuses to accept and file any referendum petition, any
3230 voter may apply to a court for an extraordinary writ to compel the local clerk to do so within 10
3231 days after the refusal.

3232 (b) If [a] the court determines that the referendum petition is legally sufficient, the local
3233 clerk shall file the petition, with a verified copy of the judgment attached to the petition, as of
3234 the date on which [it] the petition was originally offered for filing in the local clerk's office.

3235 (c) If [a] the court determines that any petition filed is not legally sufficient, the court
3236 may enjoin the local clerk and all other officers from:

3237 (i) certifying or printing the ballot title and numbers of that measure on the official
3238 ballot for the next election; or

3239 (ii) as it relates to a local tax law that is conducted entirely by mail, certifying, printing,
3240 or mailing the ballot title and numbers of that measure under Section [20A-7-609.5](#).

3241 ~~[(5)]~~ (4) A petition determined to be sufficient in accordance with this section is
3242 qualified for the ballot.

3243 ~~[(6)]~~ (5) (a) If a referendum relates to legislative action taken after April 15, the
3244 election officer may not place the referendum on an election ballot until a primary election, a
3245 general election, or a special election the following year.

3246 (b) For a referendum on a land use law, if, before August 30, the local clerk or a court
3247 determines that the total number of certified names equals or exceeds the number of signatures
3248 required in Section [20A-7-601](#), the election officer shall place the referendum on the election
3249 ballot for the next general election.

3250 Section 43. Section [20A-7-608](#) is amended to read:

3251 **20A-7-608. Ballot title -- Duties of local clerk and local attorney.**

- 3252 (1) Upon receipt of a referendum petition, the local clerk shall deliver a copy of the
3253 petition and the proposed law to the local attorney.
- 3254 (2) The local attorney shall:
- 3255 (a) entitle each county or municipal referendum that ~~[has-qualified]~~ qualifies for the
3256 ballot "Proposition Number ___" and give ~~[it]~~ the referendum a number ~~[as]~~ assigned ~~[under]~~ in
3257 accordance with Section 20A-6-107;
- 3258 (b) prepare a proposed ballot title for the referendum;
- 3259 (c) file the proposed ballot title and the numbered referendum ~~[titles]~~ title with the
3260 local clerk within 20 days after the day on which an eligible voter submits the referendum
3261 petition to the local clerk; and
- 3262 (d) promptly provide notice of the filing of the proposed ballot title to:
- 3263 (i) the sponsors of the petition; and
- 3264 (ii) the local legislative body for the jurisdiction where the referendum petition was
3265 circulated.
- 3266 (3) (a) The ballot title may be distinct from the title of the law that is the subject of the
3267 petition, and shall express, in not exceeding 100 words, the purpose of the measure.
- 3268 (b) In preparing a ballot title, the local attorney shall, to the best of the local attorney's
3269 ability, give a true and impartial statement of the purpose of the measure.
- 3270 (c) The ballot title may not intentionally be an argument, or likely to create prejudice,
3271 for or against the measure.
- 3272 (4) (a) Within five calendar days after the ~~[date]~~ day on which the local attorney files a
3273 proposed ballot title under Subsection (2)(c), the local legislative body for the jurisdiction
3274 where the referendum petition was circulated and the sponsors of the petition may file written
3275 comments in response to the proposed ballot title with the local clerk.
- 3276 (b) Within five calendar days after the last date to submit written comments under
3277 Subsection (4)(a), the local attorney shall:
- 3278 (i) review any written comments filed in accordance with Subsection (4)(a);
- 3279 (ii) prepare a final ballot title that meets the requirements of Subsection (3); and
- 3280 (iii) return the petition and file the ballot title with the local clerk.
- 3281 (c) Subject to Subsection (6), the ballot title, as determined by the local attorney, shall
3282 be printed on the official ballot.

3283 (5) Immediately after the local attorney files a copy of the ballot title with the local
3284 clerk, the local clerk shall serve a copy of the ballot title by mail upon the sponsors of the
3285 petition and the local legislative body for the jurisdiction where the referendum petition was
3286 circulated.

3287 (6) (a) If the ballot title furnished by the local attorney is unsatisfactory or does not
3288 comply with the requirements of this section, the decision of the local attorney may be
3289 appealed to the [~~district court, or, if the Supreme Court has original jurisdiction, to the~~
3290 ~~Supreme Court, brought~~] appropriate court by:

3291 (i) at least three sponsors of the referendum petition; or

3292 (ii) a majority of the local legislative body for the jurisdiction where the referendum
3293 petition was circulated.

3294 (b) The court:

3295 (i) shall examine the measures and consider the arguments; and

3296 (ii) may issue an order to the local clerk that includes a ballot title for the measure that
3297 fulfills the intent of this section.

3298 (c) The local clerk shall print the title [~~certified~~], as directed by the court, on the
3299 official ballot.

3300 Section 44. Section **20A-7-610** is amended to read:

3301 **20A-7-610. Return and canvass -- Conflicting measures -- Law effective on**
3302 **proclamation.**

3303 (1) The votes on the proposed law that is the subject of the referendum petition shall be
3304 counted, canvassed, and delivered as provided in Title 20A, Chapter 4, Part 3, Canvassing
3305 Returns.

3306 (2) After the local board of canvassers completes the canvass, the local clerk shall
3307 certify to the local legislative body the vote for and against the proposed law that is the subject
3308 of the referendum petition.

3309 (3) (a) The local legislative body shall immediately issue a proclamation that:

3310 (i) gives the total number of votes cast in the local jurisdiction for and against each
3311 proposed law that is the subject of a referendum petition; and

3312 (ii) in accordance with Section 20A-7-611, declares those laws that are the subject of a
3313 referendum petition that were approved by majority vote to be in full force and effect as the law

3314 of the local jurisdiction.

3315 (b) When the local legislative body determines that two proposed laws, or that parts of
3316 two proposed laws approved by the people at the same election are entirely in conflict, [~~they~~
3317 the local legislative body] shall proclaim that measure to be law that [~~has~~] received the greatest
3318 number of affirmative votes, regardless of the difference in the majorities which those
3319 measures have received.

3320 (4) (a) Within 10 days after the day on which the local legislative [body's] body issues
3321 the proclamation, any qualified voter residing in the jurisdiction for a law that is declared by
3322 the local legislative body to be superseded by another measure approved at the same election
3323 may bring an action in [~~a district court, or, if the Supreme Court has original jurisdiction, the~~
3324 ~~Supreme Court~~] the appropriate court to review the decision.

3325 (b) The court shall:

3326 (i) consider the matter and decide whether the proposed laws are entirely in conflict;
3327 and

3328 (ii) issue an order, consistent with the court's decision, to the local legislative body.

3329 (5) Within 10 days after the day on which the court [~~certifies the decision~~] enters an
3330 order under Subsection (4)(b)(ii), the local legislative body shall:

3331 (a) proclaim as law all measures approved by the people that the court determines are
3332 not in conflict; and

3333 (b) for the measures approved by the people as law that the court determines to be in
3334 conflict, proclaim as law the measure that received the greatest number of affirmative votes,
3335 regardless of the difference in majorities.

3336 Section 45. Section **20A-7-611** is amended to read:

3337 **20A-7-611. Temporary stay -- Effective date -- Effect of repeal by local legislative**
3338 **body.**

3339 (1) Any proposed law submitted to the people by referendum petition that is rejected by
3340 the voters at any election is repealed as of the date of the election.

3341 (2) If, at the time during the process described in Subsection 20A-7-307(2), the local
3342 clerk determines that, at that point in time, an adequate number of signatures are certified to
3343 comply with the signature requirements, the local clerk shall:

3344 (a) issue an order temporarily staying the law from going into effect; and

3345 (b) continue the process of certifying signatures and removing signatures as required by
3346 this part.

3347 (3) The temporary stay described in Subsection (2) remains in effect, regardless of
3348 whether a future count falls below the signature threshold, until the day on which:

3349 (a) if the local clerk declares the petition insufficient, five days after the day on which
3350 the local clerk declares the petition insufficient; or

3351 (b) if the local clerk declares the petition sufficient, the day on which the local
3352 legislative body issues the proclamation described in Section [20A-7-610](#).

3353 (4) A proposed law submitted to the people by referendum petition that is approved by
3354 the voters at an election takes effect the later of:

3355 (a) five days after the date of the official proclamation of the vote by the local
3356 legislative body; or

3357 (b) the effective date specified in the proposed law.

3358 (5) If, after the local clerk issues a temporary stay order under Subsection (2)(a), the
3359 local clerk declares the petition insufficient, the proposed law takes effect the later of:

3360 (a) five days after the day on which the local clerk declares the petition insufficient; or

3361 (b) the effective date specified in the proposed law.

3362 (6) (a) A law adopted by the people under this part is not subject to veto.

3363 (b) The local legislative body may amend any laws approved by the people under this
3364 part after the people approve the law.

3365 (7) If the local legislative body repeals a law challenged by referendum petition under
3366 this part, the referendum petition is void and no further action on the referendum petition is
3367 required.

3368 Section 46. Section **20A-7-613** is amended to read:

3369 **20A-7-613. Property tax referendum petition.**

3370 (1) As used in this section, "certified tax rate" means the same as that term is defined in
3371 Section [59-2-924](#).

3372 (2) Except as provided in this section, the requirements of this part apply to a
3373 referendum petition challenging a taxing entity's legislative body's vote to impose a tax rate that
3374 exceeds the certified tax rate.

3375 (3) Notwithstanding Subsection [20A-7-606\(1\)](#), the sponsors or an agent of the sponsors

3376 shall deliver ~~[each]~~ a signed and verified referendum packet to the county clerk of the county in
3377 which the packet was circulated before 5 p.m. no later than the earlier of:

3378 (a) 30 days after the day on which the first individual signs the packet; or

3379 (b) 40 days after the day on which the local clerk complies with Subsection

3380 20A-7-604(2).

3381 (4) Notwithstanding Subsections 20A-7-606(2) and (3), the county clerk shall take the
3382 actions required in Subsections 20A-7-606(2) and (3) within 10 working days after the day on
3383 which the county clerk receives the signed and verified referendum packet as described in
3384 Subsection (3).

3385 (5) The local clerk shall take the actions required by Section 20A-7-607 within two
3386 working days after the day on which the local clerk receives the referendum packets from the
3387 county clerk.

3388 (6) Notwithstanding Subsection 20A-7-608(2), the local attorney shall prepare the
3389 ballot title within two working days after the day on which the referendum petition is declared
3390 sufficient for submission to a vote of the people.

3391 (7) Notwithstanding Subsection 20A-7-609(2)(c), a referendum that qualifies for the
3392 ballot under this section shall appear on the ballot for the earlier of the next regular general
3393 election or the next municipal general election unless a special election is called.

3394 (8) The election officer shall mail manual ballots on a referendum under this section the
3395 later of:

3396 (a) the time provided in Section 20A-3a-202 or 20A-16-403; or

3397 (b) the time that ballots are prepared for mailing under this section.

3398 (9) Section 20A-7-402 does not apply to a referendum described in this section.

3399 (10) (a) If a majority of voters does not vote against imposing the tax at a rate
3400 calculated to generate the increased revenue budgeted, adopted, and approved by the taxing
3401 entity's legislative body:

3402 (i) the certified tax rate for the fiscal year during which the referendum petition is filed
3403 is its most recent certified tax rate; and

3404 (ii) the proposed increased revenues for purposes of establishing the certified tax rate
3405 for the fiscal year after the fiscal year described in Subsection (10)(a)(i) are the proposed
3406 increased revenues budgeted, adopted, and approved by the taxing entity's legislative body

3407 before the filing of the referendum petition.

3408 (b) If a majority of voters votes against imposing a tax at the rate established by the
3409 vote of the taxing entity's legislative body, the certified tax rate for the taxing entity is the
3410 taxing entity's most recent certified tax rate.

3411 (c) If the tax rate is set in accordance with Subsection (10)(a)(ii), a taxing entity is not
3412 required to comply with the notice and public hearing requirements of Section 59-2-919 if the
3413 taxing entity complies with those notice and public hearing requirements before the referendum
3414 petition is filed.

3415 (11) The ballot title shall, at a minimum, include in substantially this form the
3416 following: "Shall the [name of the taxing entity] be authorized to levy a tax rate in the amount
3417 sufficient to generate an increased property tax revenue of [amount] for fiscal year [year] as
3418 budgeted, adopted, and approved by the [name of the taxing entity].".

3419 (12) A taxing entity shall pay the county the costs incurred by the county that are
3420 directly related to meeting the requirements of this section and that the county would not have
3421 incurred but for compliance with this section.

3422 (13) (a) An election officer shall include on a ballot a referendum that has not yet
3423 qualified for placement on the ballot, if:

3424 (i) sponsors file an application for a referendum described in this section;

3425 (ii) the ballot will be used for the election for which the sponsors are attempting to
3426 qualify the referendum; and

3427 (iii) the deadline for qualifying the referendum for placement on the ballot occurs after
3428 the day on which the ballot will be printed.

3429 (b) If an election officer includes on a ballot a referendum described in Subsection
3430 (13)(a), the ballot title shall comply with Subsection (11).

3431 (c) If an election officer includes on a ballot a referendum described in Subsection
3432 (13)(a) that does not qualify for placement on the ballot, the election officer shall inform the
3433 voters by any practicable method that the referendum has not qualified for the ballot and that
3434 votes cast in relation to the referendum will not be counted.

3435 **Section 47. Repealer.**

3436 This bill repeals:

3437 Section 20A-7-205.5, **Initial disclosures -- Paid circulators.**