

HB0211S01 compared with HB0211

~~text~~ shows text that was in HB0211 but was deleted in HB0211S01.

text shows text that was not in HB0211 but was inserted into HB0211S01.

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Senator John D. Johnson proposes the following substitute bill:

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;

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- ▶ 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;
- ▶ for a statewide referendum, changes the requirement relating to a certain percentage of signatures in at least 15 counties to a certain percentage of signatures in at least 15 Senate districts; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

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

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

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

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

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

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

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

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

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

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

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

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

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20A-7-301, as last amended by Laws of Utah 2019, Chapter 217

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

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

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

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

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

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

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

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

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

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

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

20A-7-502, as last amended by Laws of Utah 2019, Chapter 203

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

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

20A-7-505, as last amended by Laws of Utah 2019, Chapter 203

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

20A-7-506.3, as last amended by Laws of Utah 2019, Chapter 203

20A-7-507, as last amended by Laws of Utah 2019, Chapter 203

20A-7-508, as last amended by Laws of Utah 2019, Chapter 203

20A-7-510, as last amended by Laws of Utah 2019, Chapter 203

20A-7-601, as last amended by Laws of Utah 2019, Chapters 203 and 255

20A-7-602, as last amended by Laws of Utah 2019, Chapter 203

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

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

20A-7-605, as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 4

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

20A-7-606.3, as last amended by Laws of Utah 2019, Chapter 203

20A-7-607, as last amended by Laws of Utah 2020, Chapter 31

20A-7-608, as last amended by Laws of Utah 2019, Chapter 203

20A-7-610, as last amended by Laws of Utah 2019, Chapter 203

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20A-7-611, as enacted by Laws of Utah 1994, Chapter 272

20A-7-613, as last amended by Laws of Utah 2020, Chapter 31

ENACTS:

20A-7-206.1, Utah Code Annotated 1953

REPEALS:

20A-7-205.5, as last amended by Laws of Utah 2008, Chapter 237

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

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

10-9a-103. Definitions.

As used in this chapter:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) an operating charter school;

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

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

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

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

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

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

(b) Utah Constitution Article I, Section 22.

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

(11) "Development activity" means:

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

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

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

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

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

(13) "Educational facility":

(a) means:

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

(ii) a structure or facility:

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

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

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

(b) does not include:

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

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

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

(ii) a therapeutic school.

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

(15) "Flood plain" means land that:

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

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

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

(17) "Geologic hazard" means:

- (a) a surface fault rupture;
- (b) shallow groundwater;
- (c) liquefaction;
- (d) a landslide;
- (e) a debris flow;
- (f) unstable soil;
- (g) a rock fall; or
- (h) any other geologic condition that presents a risk:
 - (i) to life;
 - (ii) of substantial loss of real property; or
 - (iii) of substantial damage to real property.

(18) "Historic preservation authority" means a person, board, commission, or other body designated by a legislative body to:

- (a) recommend land use regulations to preserve local historic districts or areas; and
- (b) administer local historic preservation land use regulations within a local historic district or area.

(19) "Hookup fee" means a fee for the installation and inspection of any pipe, line, meter, or appurtenance that connects to a municipal water, sewer, storm water, power, or other utility system.

(20) "Identical plans" means building plans submitted to a municipality that:

- (a) are clearly marked as "identical plans";
- (b) are substantially identical to building plans that were previously submitted to and

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reviewed and approved by the municipality; and

(c) describe a building that:

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

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

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

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

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

(22) "Improvement completion assurance" means a surety bond, letter of credit, financial institution bond, cash, assignment of rights, lien, or other equivalent security required by a municipality to guaranty the proper completion of landscaping or an infrastructure improvement required as a condition precedent to:

(a) recording a subdivision plat; or

(b) development of a commercial, industrial, mixed use, or multifamily project.

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

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

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

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

(a) no later than one year after a municipality's acceptance of required landscaping; or

(b) no later than one year after a municipality's acceptance of required infrastructure, unless the municipality:

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

(ii) has substantial evidence, on record:

(A) of prior poor performance by the applicant; or

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(B) that the area upon which the infrastructure will be constructed contains suspect soil and the municipality has not otherwise required the applicant to mitigate the suspect soil.

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

(a) is required for human occupation; and

(b) an applicant must install:

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

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

(A) recording a subdivision plat;

(B) obtaining a building permit; or

(C) development of a commercial, industrial, mixed use, condominium, or multifamily project.

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

(a) runs with the land; and

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

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

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

(28) "Land use application":

(a) means an application that is:

(i) required by a municipality; and

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

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

(29) "Land use authority" means:

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

(b) if the local legislative body has not designated a person, board, commission,

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agency, or body, the local legislative body.

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

- (a) a land use permit;
- (b) a land use application; or
- (c) the enforcement of a land use regulation, land use permit, or development agreement.

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

(32) "Land use regulation":

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

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

(c) does not include:

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

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

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

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

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

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

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

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

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

(36) "Lot" means a tract of land, regardless of any label, that is created by and shown

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on a subdivision plat that has been recorded in the office of the county recorder.

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

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

- (i) creates an additional lot; or
- (ii) constitutes a subdivision.

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

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

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

or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(43) "Nonconforming use" means a use of land that:

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

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

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

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

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

(b) provides a basis for restricting development in designated rights-of-way or between designated setbacks to allow the government authorities time to purchase or otherwise reserve the land; and

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

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

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

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- (i) none of the property identified in the agreement is subdivided land; or
- (ii) the adjustment is to the boundaries of a single person's parcels.
- (b) "Parcel boundary adjustment" does not mean an adjustment of a parcel boundary

line that:

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

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

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

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

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

(c) a survey of total residential land use;

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

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

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

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

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

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

(51) "Public agency" means:

(a) the federal government;

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(b) the state;

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

(d) a charter school.

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

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

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

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

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

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

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

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

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

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

(a) parliamentary order and procedure;

(b) ethical behavior; and

(c) civil discourse.

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

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

(61) "Specified public agency" means:

- (a) the state;
- (b) a school district; or
- (c) a charter school.

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

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

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

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

(b) "Subdivision" includes:

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

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

(c) "Subdivision" does not include:

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

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

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(A) no new lot is created; and

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

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

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

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

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

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

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

(v) a bona fide division or partition of land by deed or other instrument where the land use authority expressly approves in writing the division in anticipation of further land use approvals on the parcel or parcels;

(vi) a parcel boundary adjustment;

(vii) a lot line adjustment;

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

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

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

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

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

(b) alters the outside boundary of the subdivision;

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

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

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

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

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

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

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

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

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

(i) the owner of the facility; or

(ii) the primary service provider of the facility;

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

(i) at home;

(ii) in a public school; or

(iii) in a nonresidential private school; and

(c) that offers:

(i) room and board; and

(ii) an academic education integrated with:

(A) specialized structure and supervision; or

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

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

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

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

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

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

(i) a contract; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) this chapter;

(ii) a municipal ordinance; or

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

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

(i) in a land use permit;

(ii) on the subdivision plat;

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

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

(v) in this chapter; or

(vi) in a municipal ordinance.

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

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

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

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

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

(ii) the applicant has not provided a financial assurance for required and uncompleted landscaping or infrastructure improvements in accordance with an applicable ordinance that the

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legislative body adopts under this chapter.

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

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

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

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

(i) to the local clerk as defined in Section 20A-7-101; and

(ii) no later than seven days after the day on which a petition for a referendum is determined sufficient under [~~Section~~Subsection 20A-7-607[~~(5)~~](4).

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

(i) the relevant land use approval; and

(ii) any land use regulation enacted specifically in relation to the land use approval.

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

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

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

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

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

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10-year period:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(ii) if a county, city, town, metro township, or court determines, under Section

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20A-7-602.7, that the proposed referendum is legally referable to voters, the later of:

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

or

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

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

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

(ii) the individual or body that holds the executive powers of the local political subdivision issues a document indicating that all challenges described in Subsection (2)(b)(ii) are resolved and final.

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

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

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

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

(c) In determining the fair market value of the taxable property in the local political subdivision as provided in this section, the value of all tax equivalent property, as defined in Section 59-3-102, shall be included as a part of the total fair market value of taxable property

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in the local political subdivision, as provided in Title 59, Chapter 3, Tax Equivalent Property Act.

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

(5) Where bonds are issued by a city, town, or county payable solely from revenues derived from the operation of revenue-producing facilities of the city, town, or county, or payable solely from a special fund into which are deposited excise taxes levied and collected by the city, town, or county, or excise taxes levied by the state and rebated pursuant to law to the city, town, or county, or any combination of those excise taxes, the bonds shall be included as bonded indebtedness of the city, town, or county only to the extent required by the Utah Constitution, and any bonds not so required to be included as bonded indebtedness of the city, town, or county need not be authorized at an election, except as otherwise provided by the Utah Constitution, the bonds being hereby expressly excluded from the election requirement of Section 11-14-201.

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

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

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

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

17-27a-103. Definitions.

As used in this chapter:

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

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

(a) owns real property adjoining the property that is the subject of a land use

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application or land use decision; or

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

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

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

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

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

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

(a) a single project;

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

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

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

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

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

(i) an operating charter school;

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

(iii) an entity that is working on behalf of a charter school or approved charter

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applicant to develop or construct a charter school building.

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

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

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

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

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

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

(11) "County utility easement" means an easement that:

(a) a plat recorded in a county recorder's office described as a county utility easement or otherwise as a utility easement;

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

(c) the county or the county's affiliated governmental entity owns or creates; and

(d) (i) either:

(A) no person uses or occupies; or

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

(ii) a person uses or occupies with or without an authorized franchise or other agreement with the county.

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

(13) "Development activity" means:

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

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

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

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

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

(15) "Educational facility":

(a) means:

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

(ii) a structure or facility:

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

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

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

(b) does not include:

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

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

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

(ii) a therapeutic school.

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

(17) "Flood plain" means land that:

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

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

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

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

(a) the unincorporated land within the county; or

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

(20) "Geologic hazard" means:

(a) a surface fault rupture;

(b) shallow groundwater;

(c) liquefaction;

(d) a landslide;

(e) a debris flow;

(f) unstable soil;

(g) a rock fall; or

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

(i) to life;

(ii) of substantial loss of real property; or

(iii) of substantial damage to real property.

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

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

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

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

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(c) describe a building that:

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

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

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

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

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

(24) "Improvement completion assurance" means a surety bond, letter of credit, financial institution bond, cash, assignment of rights, lien, or other equivalent security required by a county to guaranty the proper completion of landscaping or an infrastructure improvement required as a condition precedent to:

(a) recording a subdivision plat; or

(b) development of a commercial, industrial, mixed use, or multifamily project.

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

(a) complies with the county's written standards for design, materials, and workmanship; and

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

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

(a) no later than one year after a county's acceptance of required landscaping; or

(b) no later than one year after a county's acceptance of required infrastructure, unless the county:

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

(ii) has substantial evidence, on record:

(A) of prior poor performance by the applicant; or

(B) that the area upon which the infrastructure will be constructed contains suspect soil

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and the county has not otherwise required the applicant to mitigate the suspect soil.

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

(a) is required for human consumption; and

(b) an applicant must install:

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

(ii) as a condition of:

(A) recording a subdivision plat;

(B) obtaining a building permit; or

(C) developing a commercial, industrial, mixed use, condominium, or multifamily project.

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

(a) runs with the land; and

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

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

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

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

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

(32) "Land use application":

(a) means an application that is:

(i) required by a county; and

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

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

(33) "Land use authority" means:

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

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

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

(a) a land use permit;

(b) a land use application; or

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

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

(36) "Land use regulation":

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

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

(c) does not include:

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

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

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

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

(37) "Legislative body" means the county legislative body, or for a county that has adopted an alternative form of government, the body exercising legislative powers.

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

(39) "Lot" means a tract of land, regardless of any label, that is created by and shown

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on a subdivision plat that has been recorded in the office of the county recorder.

(40) (a) "Lot line adjustment" means a relocation of a lot line boundary between adjoining lots or parcels, whether or not the lots are located in the same subdivision, in accordance with Section 17-27a-608, with the consent of the owners of record.

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

- (i) creates an additional lot; or
- (ii) constitutes a subdivision.

(41) "Major transit investment corridor" means public transit service that uses or occupies:

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

or

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

- (i) a public transit district as defined in Section 17B-2a-802; or
- (ii) an eligible political subdivision as defined in Section 59-12-2219.

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

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

- (a) designated by a county legislative body in accordance with Section 17-27a-901; and
- (b) that is not otherwise exempt under Section 10-9a-304.

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

- (a) verifying that building plans are identical plans; and
- (b) reviewing and approving those minor aspects of identical plans that differ from the previously reviewed and approved building plans.

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

- (a) legally existed before its current land use designation; and
- (b) because of one or more subsequent land use ordinance changes, does not conform to the setback, height restrictions, or other regulations, excluding those regulations that govern

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the use of land.

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

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

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

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

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

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

(b) provides a basis for restricting development in designated rights-of-way or between designated setbacks to allow the government authorities time to purchase or otherwise reserve the land; and

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

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

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

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

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

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

(i) creates an additional parcel; or

(ii) constitutes a subdivision.

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

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

(a) an estimate of the existing supply of moderate income housing located within the

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county;

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

(c) a survey of total residential land use;

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

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

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

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

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

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

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

(55) "Public agency" means:

(a) the federal government;

(b) the state;

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

(d) a charter school.

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

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

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

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

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

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

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

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

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

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

(a) parliamentary order and procedure;

(b) ethical behavior; and

(c) civil discourse.

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

(64) "Sending zone" means an unincorporated area of a county that the county designates, by ordinance, as an area from which an owner of land may transfer a transferable development right.

(65) "Site plan" means a document or map that may be required by a county during a preliminary review preceding the issuance of a building permit to demonstrate that an owner's or developer's proposed development activity meets a land use requirement.

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(66) "Specified public agency" means:

- (a) the state;
- (b) a school district; or
- (c) a charter school.

(67) "Specified public utility" means an electrical corporation, gas corporation, or telephone corporation, as those terms are defined in Section 54-2-1.

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

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

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

(b) "Subdivision" includes:

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

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

(c) "Subdivision" does not include:

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

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

(A) no new lot is created; and

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

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

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

(B) joining a subdivided parcel of property to another parcel of property that has not

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been subdivided, if the joinder does not violate applicable land use ordinances;

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

(A) an electrical transmission line or a substation;

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

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

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

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

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

(vi) a bona fide division or partition of land by deed or other instrument where the land use authority expressly approves in writing the division in anticipation of further land use approvals on the parcel or parcels;

(vii) a parcel boundary adjustment;

(viii) a lot line adjustment;

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

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

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

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

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

(b) alters the outside boundary of the subdivision;

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

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

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

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

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

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

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

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

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

(i) the owner of the facility; or

(ii) the primary service provider of the facility;

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

(i) at home;

(ii) in a public school; or

(iii) in a nonresidential private school; and

(c) that offers:

(i) room and board; and

(ii) an academic education integrated with:

(A) specialized structure and supervision; or

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

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

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

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

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

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

(i) a contract; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (i) in this chapter;
- (ii) in a county ordinance; or
- (iii) in a county specification for public improvements applicable to a subdivision or development that is in effect on the date that the applicant submits an application.

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

- (i) in a land use permit;
- (ii) on the subdivision plat;
- (iii) in a document on which the land use permit or subdivision plat is based;
- (iv) in the written record evidencing approval of the land use permit or subdivision plat;
- (v) in this chapter; or
- (vi) in a county ordinance.

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

- (i) in the building permit or subdivision plat, documents on which the building permit or subdivision plat is based, or the written record evidencing approval of the building permit or subdivision plat; or
- (ii) in this chapter or the county's ordinances.

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

- (i) the applicant and the county have agreed in a written document to the withholding of a certificate of occupancy; or
- (ii) the applicant has not provided a financial assurance for required and uncompleted landscaping or infrastructure improvements in accordance with an applicable ordinance that the legislative body adopts under this chapter.

(2) A county is bound by the terms and standards of applicable land use regulations and

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shall comply with mandatory provisions of those regulations.

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

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

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

(i) to the local clerk as defined in Section 20A-7-101; and

(ii) no later than seven days after the day on which a petition for a referendum is determined sufficient under [Section] Subsection 20A-7-607[~~(5)~~](4).

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

(i) the relevant land use approval; and

(ii) any land use regulation enacted specifically in relation to the land use approval.

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

20A-1-609. Omnibus penalties.

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

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

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

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

(a) file a declaration of candidacy for any office or appear on the ballot as a candidate

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for any office during the election cycle in which the violation occurred;

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

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

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

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

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

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

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

(2) The application shall contain:

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

(b) a statement indicating that each of the sponsors [~~:(i) {}~~] ~~is a resident of Utah;~~ {} and] [is registered to vote in Utah:](#)

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

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

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

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

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

(iii) the text of the proposed law;

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

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

(3) (a) An individual's status as a resident, under Subsection (2), is determined in

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accordance with Section 20A-2-105.

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

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

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

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

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

Subsection (6);

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

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

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

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

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

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

"INITIATIVE PETITION To the Honorable ____, Lieutenant Governor:

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

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

Each signer says:

I have personally signed this petition;

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

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

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

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

NOTICE TO SIGNERS:

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

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

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

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

(2) Each signature sheet shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Verification

State of Utah, County of ____

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

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

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

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

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

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

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

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

(Name) (Residence Address) (Date)"

(4) If the initial fiscal impact estimate described in Subsection (2)~~(f)~~(i), as updated in accordance with Subsection 20A-7-204.1(5), exceeds 200 words, the Office of the Legislative Fiscal Analyst shall prepare a shorter summary statement, for the purpose of inclusion on a signature sheet, that does not exceed 200 words.

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

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

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

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

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

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

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

(b) ~~one~~ a signature sheet.

(3) The sponsors of the petition shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) (a) The sponsors shall ensure that the individual in whose presence each signature

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sheet was signed:

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

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

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

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

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

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

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

(B) 90 days after the day on which the [~~county clerk~~] lieutenant governor posts the voter's name under Subsection [~~20A-7-206(2)(c)~~] 20A-7-207(2)(a); or

(ii) for an initiative packet received by the county clerk on or after December 1:

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

(B) 45 days after the day on which the [~~county clerk~~] lieutenant governor posts the voter's name under Subsection [~~20A-7-206(3)(c)~~] 20A-7-207(2)(a).

(b) (i) The statement shall include:

(A) the name of the voter;

(B) the resident address at which the voter is registered to vote;

(C) the signature of the voter; and

(D) the date of the signature described in Subsection (3)(b)(i)(C).

(ii) To increase the likelihood of the voter's signature being identified and removed, the statement may include the voter's birth date or age.

(c) A voter may not submit a statement by email or other electronic means.

(d) In order for the signature to be removed, the county clerk must receive the statement before 5 p.m. no later than the applicable deadline described in Subsection (3)(a).

~~(d)~~ (e) A person may only remove a signature from an initiative petition in accordance with this Subsection (3).

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~~[(e)]~~ (f) A county clerk shall analyze a signature, for purposes of removing a signature from an initiative petition, in accordance with Section 20A-7-206.3.

Section 11. Section **20A-7-206** is amended to read:

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

(1) (a) ~~[In order to qualify an initiative petition for placement on the regular general election ballot, the]~~ The sponsors or an agent of the sponsors shall ~~[deliver]~~ submit a signed and verified initiative packet to the county clerk of the county in which the packet was circulated before 5 p.m. no later than the earlier of:

(i) 30 days after the day on which the first individual signs the initiative packet;

(ii) 316 days after the day on which the application for the initiative petition is filed; or

(iii) the February 15 immediately before the next regular general election immediately after the application is filed under Section 20A-7-202.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) ensure that the voter's name and voter identification number are not included in the posting described in Subsection (2)(c); and

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

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

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

(ii) two business days after the day on which the county clerk receives a statement requesting signature removal under Subsection 20A-7-205(3).

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) This section relates only to the process, described in Subsection 20A-7-201(1), for submitting an initiative to the Legislature for approval or rejection.

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

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

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

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

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

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

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

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

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

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

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

(2) (a) The county clerk shall:

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

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

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

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

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

(b) The lieutenant governor:

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

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

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

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

(c) If the total number of names certified under this Subsection (2) equals or exceeds

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the number of names required under Section 20A-7-201, and the requirements of this part are met, the lieutenant governor shall mark upon the front of the petition the word "sufficient."

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

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

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

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

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

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

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

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

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

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

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

(i) entitle each state initiative that has qualified for the ballot "Proposition Number ___"

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and give it a number as assigned under Section 20A-6-107;

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

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

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

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

"This initiative seeks to increase the current (insert name of tax) rate by (insert the tax percentage difference) percent, resulting in a(n) (insert the tax percentage increase) percent increase in the current tax rate."₂

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

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

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

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

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

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

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

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

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

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about any issues relating to the initiative.

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

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

(c) The court shall:

(i) examine the ballot title;

(ii) hear arguments; and

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

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

Section 15. Section 20A-7-301 is amended to read:

20A-7-301. Referendum -- Signature requirements -- Submission to voters.

(1) (a) A person seeking to have a law passed by the Legislature submitted to a vote of the people shall obtain:

(i) legal signatures equal to 8% of the number of active voters in the state on January 1 immediately following the last regular general election; and

(ii) from at least 15 [counties] Senate districts, legal signatures equal to 8% of the number of active voters in that [county] Senate district on January 1 immediately following the last regular general election.

(b) When the lieutenant governor declares a referendum petition sufficient under this part, the governor shall issue an executive order that:

(i) directs that the referendum be submitted to the voters at the next regular general election; or

(ii) calls a special election according to the requirements of Section 20A-1-203 and directs that the referendum be submitted to the voters at that special election.

(2) When a referendum petition has been declared sufficient, the law that is the subject of the petition does not take effect unless and until it is approved by a vote of the people at a regular general election or a statewide special election.

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(3) The lieutenant governor shall provide the following information to any interested person:

(a) the number of active voters in the state on January 1 immediately following the last regular general election; and

(b) for each county, the number of active voters in that ~~[county]~~ Senate district on January 1 immediately following the last regular general election.

Section ~~{15}~~16. Section **20A-7-302** is amended to read:

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

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

(2) The application shall contain:

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

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

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

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

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

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

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

Section ~~{16}~~17. Section **20A-7-303** is amended to read:

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

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

"REFERENDUM PETITION To the Honorable _____, Lieutenant Governor:

We, the undersigned citizens of Utah, respectfully order that Senate (or House) Bill No. _____, entitled (title of act, and, if the petition is against less than the whole act, set forth here the part or parts on which the referendum is sought), passed by [~~the _____ Session of~~] the Legislature of the state of Utah during the _____ Session, be referred to the people of Utah for their approval or rejection at a regular general election or a statewide special election;

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Each signer says:

I have personally signed this petition;

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

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

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

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

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

(2) Each signature sheet shall:

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

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

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

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

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

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

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

(g) be vertically divided into columns as follows:

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

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

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

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

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

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

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

(h) be horizontally divided into rows as follows:

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

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

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

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

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

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

"Verification

State of Utah, County of _____

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

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

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

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

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

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

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

(Name) (Residence Address) (Date)".

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

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

Section ~~{17}~~18. Section **20A-7-304** is amended to read:

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

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

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

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

(3) The sponsors of the petition shall:

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

- (b) ensure that the copies of the petition and signature sheets meet the form

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requirements of this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

Section ~~{18}~~ 19. Section **20A-7-305** is amended to read:

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

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

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

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(i) is at least 18 years old and meets the residency requirements of Section 20A-2-105;
(ii) verifies each signature sheet by completing the verification printed on the last page of each referendum packet; and

(iii) is informed that each signer is required to read and understand the law that the referendum seeks to overturn.

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

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

(i) [~~14~~] 30 days after the day on which the voter signs the statement requesting removal; or

(ii) 45 days after the day on which the [~~county clerk~~] lieutenant governor posts the voter's name under Subsection [~~20A-7-306(3)(c)~~] 20A-7-307(2)(a).

(b) (i) The statement shall include:

(A) the name of the voter;

(B) the resident address at which the voter is registered to vote;

(C) the signature of the voter; and

(D) the date of the signature described in Subsection (3)(b)(i)(C).

(ii) To increase the likelihood of the voter's signature being identified and removed, the statement may include the voter's birth date or age.

(c) A voter may not submit a statement by email or other electronic means.

(d) In order for the signature to be removed, the county clerk must receive the statement before 5 p.m. no later than 45 days after the day on which the [~~county clerk~~] lieutenant governor posts the voter's name under Subsection [~~20A-7-306(3)(c)~~] 20A-7-307(2)(a).

(e) A person may only remove a signature from a referendum petition in accordance with this Subsection (3).

(f) A county clerk shall analyze a signature, for purposes of removing a signature from a referendum petition, in accordance with Section 20A-7-206.3.

Section ~~{19}~~20. Section **20A-7-306** is amended to read:

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

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

(i) ~~[14]~~ 30 days after the day on which the first individual signs the referendum packet;
or

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

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

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

~~[(i) check the name of each individual who completes the verification on the last page of each referendum packet to determine whether the individual is a resident of Utah and is at least 18 years old; and]~~

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

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

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

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

~~[(3)]~~ (2) No later than ~~[14]~~ 21 days after the day on which the county clerk receives a verified referendum packet, the county clerk shall:

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

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

(c) except as provided in Subsection (3), post the name and voter identification number of each registered voter certified under Subsection [(3)] (2)(b) [in a conspicuous location on the county's website for at least 45 days] on the lieutenant governor's website, in a conspicuous location designated by the lieutenant governor; and

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

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

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

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

(3) (a) If the county clerk timely receives a statement requesting signature removal under Subsection 20A-7-305(3), the county clerk shall:

(i) ensure that the voter's name and voter identification number are not included in the posting described in Subsection (2)(c); and

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

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

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

(ii) two business days after the day on which the county clerk receives a statement requesting signature removal under Subsection 20A-7-305(3).

(4) The county clerk may not certify a signature under Subsection (2):

(a) on an initiative packet that is not verified in accordance with Section 20A-7-305; or

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

~~[(5) The sponsor or a sponsor's representative]~~

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

Section ~~20~~21. Section ~~20A-7-306.3~~ is amended to read:

20A-7-306.3. Verification of petition signatures.

(1) As used in this section:

(a) ~~[For the purposes of this section, "substantially]~~ "Substantially similar name"

means:

(i) the given name and surname shown on the petition, or both, contain only minor spelling differences when compared to the given name and surname shown on the official

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register;

(ii) the surname shown on the petition exactly matches the surname shown on the official register, and the given names differ only because one of the given names shown is a commonly used abbreviation or variation of the other;

(iii) the surname shown on the petition exactly matches the surname shown on the official register, and the given names differ only because one of the given names shown is accompanied by a first or middle initial or a middle name which is not shown on the other record; or

(iv) the surname shown on the petition exactly matches the surname shown on the official register, and the given names differ only because one of the given names shown is an alphabetically corresponding initial that has been provided in the place of a given name shown on the other record.

(b) [~~For the purposes of this section, "substantially~~] "Substantially similar name" does not [~~mean~~] include a name having an initial or a middle name shown on the petition that does not match a different initial or middle name shown on the official register.

(2) The county clerk shall use the following procedures in determining whether [~~or not~~] a signer is a registered voter:

(a) When a signer's name and address shown on the petition exactly match a name and address shown on the official register and the signer's signature appears substantially similar to the signature on the statewide voter registration database, the county clerk shall declare the signature valid.

(b) When there is no exact match of an address and a name, the county clerk shall declare the signature valid if:

(i) the address on the petition matches the address of a person on the official register with a substantially similar name; and

(ii) the signer's signature appears substantially similar to the signature on the statewide voter registration database of the person described in Subsection (2)(b)(i).

(c) When there is no match of an address and a substantially similar name, the county clerk shall declare the signature valid if:

(i) the birth date or age on the petition matches the birth date or age of a person on the official register with a substantially similar name; and

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(ii) the signer's signature appears substantially similar to the signature on the statewide voter registration database of the person described in Subsection (2)(c)(i).

(d) If a signature is not declared valid under Subsection (2)(a), (b), or (c), the county clerk shall declare the signature to be invalid.

(3) The county clerk shall use the following procedures in determining whether to remove a signature from a petition after receiving a timely, valid statement requesting removal of the signature:

(a) if a signer's name and address shown on the statement and the petition exactly match a name and address shown on the official register and the signer's signature on both the statement and the petition appears substantially similar to the signature on the statewide voter registration database, the county clerk shall remove the signature from the petition;

(b) if there is no exact match of an address and a name, the county clerk shall remove the signature from the petition if:

(i) the address on the statement and the petition matches the address of an individual on the official register with a substantially similar name; and

(ii) the signer's signature on both the statement and the petition appears substantially similar to the signature on the statewide voter registration database of the individual described in Subsection (3)(b)(i);

(c) if there is no match of an address and a substantially similar name, the county clerk shall remove the signature from the petition if:

(i) the birth date or age on the statement and petition match the birth date or age of an individual on the official register with a substantially similar name; and

(ii) the signer's signature on both the statement and the petition appears substantially similar to the signature on the statewide voter registration database of the individual described in Subsection (3)(c)(i); and

(d) if a signature does not qualify for removal under Subsection (3)(a), (b), or (c), the county clerk may not remove the signature from the petition.

Section ~~{21}~~22. Section **20A-7-307** is amended to read:

20A-7-307. Evaluation by the lieutenant governor.

(1) When the lieutenant governor receives a referendum packet [~~is received~~] from a county clerk, the lieutenant governor shall [~~check off from the~~] record the number of the

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referendum packet received.

~~[(2)(a) The lieutenant governor shall, within seven days after the day on which the lieutenant governor receives a referendum packet from a county clerk:]~~

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

(2)(a) The county clerk shall:

(i) post the names and voter identification numbers described in Subsection 20A-7-306(3)(c) on the lieutenant governor's website, in a conspicuous location designated by the lieutenant governor, for at least 45 days; and

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

~~[(b) The lieutenant governor shall subtract the number of signatures removed from the number of signatures certified and update the number on the lieutenant governor's website accordingly no later than the earlier of:]~~

~~[(i) one business day after the day on which the county clerk provides the notification described in Subsection 20A-7-306(4); or]~~

~~[(ii) 54 days after the day on which the legislative session at which the law passed ends:]~~

~~[(c)]~~ (b) The lieutenant governor:

(i) shall, except as provided in Subsection (2)(b)(ii), declare the petition to be sufficient or insufficient [99] 106 days after the end of the legislative session at which the law passed; or

~~[(ii) may declare the petition to be insufficient before the day described in Subsection (2)(c)(i) if, after the county clerks have finished certifying all valid signatures on the timely and lawfully submitted signature packets, the lieutenant governor makes the determination described in Subsection (2)(c).]~~

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

(A) the total of all valid signatures on timely and lawfully submitted signature packets that have been certified by the county clerks, plus the number of signatures on timely and lawfully submitted signature packets that have not yet been evaluated for certification, is less

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than the number of names required under Section 20A-7-301; or

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

~~(d)~~ (c) If the total number of names certified under this Subsection (2) equals or exceeds the number of names required under Section 20A-7-301, and the requirements of this part are met, the lieutenant governor shall mark upon the front of the petition the word "sufficient."

~~(e)~~ (d) If the total number of names certified under this Subsection (2) does not equal or exceed the number of names required under Section 20A-7-301 or a requirement of this part is not met, the lieutenant governor shall mark upon the front of the petition the word "insufficient."

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

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

(3) (a) If the lieutenant governor refuses to accept and file a referendum ~~[petition, any voter may, not]~~ that a voter believes is legally sufficient, the voter may, no later than 10 days after the day on which the lieutenant governor declares the petition insufficient, apply to the appropriate court for an extraordinary writ to compel the lieutenant governor to accept and file the referendum petition.

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

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

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

Section ~~22~~ 23. Section **20A-7-308** is amended to read:

20A-7-308. Ballot title -- Duties of lieutenant governor and Office of Legislative Research and General Counsel.

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(1) Whenever a referendum petition is declared sufficient for submission to a vote of the people, the lieutenant governor shall deliver a copy of the petition and the proposed law to the Office of Legislative Research and General Counsel.

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

(i) entitle each state referendum that ~~[has qualified]~~ qualifies for the ballot "Proposition Number ___" and ~~[give it a number as assigned under]~~ assign a number to the referendum in accordance with Section 20A-6-107;

(ii) prepare an impartial ballot title for the referendum summarizing the contents of the measure; and

(iii) ~~[return the petition and]~~ submit the ballot title to the lieutenant governor within 15 days after ~~[its receipt]~~ the day on which the Office of Legislative Research and General Counsel receives the petition under Subsection (1).

(b) The ballot title may be distinct from the title of the law that is the subject of the petition, and ~~[shall be not more than]~~ may not exceed 100 words.

~~[(c) The ballot title and the number of the measure as determined by the Office of Legislative Research and General Counsel shall be printed on the official ballot.]~~

(c) For each state referendum, the official ballot shall show, in the following order:

(i) the number of the referendum, determined in accordance with Section 20A-6-107;
and

(ii) the ballot title described in this section.

(3) Immediately after the Office of Legislative Research and General Counsel ~~[files a copy of]~~ submits the ballot title ~~[with]~~ to the lieutenant governor, the lieutenant governor shall mail or email a copy of the ballot title to any of the sponsors of the petition.

(4) (a) (i) At least three of the sponsors of the petition may, within 15 days ~~[of the date]~~ after the day on which the lieutenant governor mails the ballot title, challenge the wording of the ballot title prepared by the Office of Legislative Research and General Counsel to the ~~[Supreme Court]~~ appropriate court.

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

(A) any person or group that has filed an argument for or against the measure that is the subject of the challenge; ~~[or]~~ and

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

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

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

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

(i) examine the ballot title;

(ii) hear arguments; and

(iii) [~~certify to the lieutenant governor a ballot title for the measure that meets~~] enter an order consistent with the requirements of this section.

(d) The lieutenant governor shall, in accordance with the court's order, certify the ballot title [~~verified by the Supreme Court~~] to the county clerks to be printed on the official ballot.

Section ~~23~~24. Section **20A-7-309** is amended to read:

20A-7-309. Form of ballot -- Manner of voting.

(1) [~~The county clerks~~] A county clerk shall ensure that the number and ballot title [~~verified to them~~] certified by the lieutenant governor are presented upon the official ballot with, immediately adjacent to [~~them~~] the number and ballot title, the words "For" and "Against," each word presented with an adjacent square in which [~~the elector~~] a voter may indicate the [~~elector's~~] voter's vote.

(2) (a) (i) A voter desiring to vote in favor of the law that is the subject of the referendum shall mark the square adjacent to the word "For."

(ii) The law that is the subject of the referendum takes effect if a majority of voters mark "For."

(b) (i) A voter desiring to vote against the law that is the subject of the referendum petition shall mark the square adjacent to the word "Against."

(ii) The law that is the subject of the referendum does not take effect if a majority of voters mark "Against."

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Section ~~{24}~~25. Section **20A-7-311** is amended to read:

20A-7-311. Temporary stay -- Effective date -- Effect of repeal by Legislature.

(1) If, at the time during the counting period described in [~~Subsection~~] Section 20A-7-307[~~(2)~~], the lieutenant governor determines that, at that point in time, an adequate number of signatures are certified to comply with the signature requirements, the lieutenant governor shall:

- (a) issue an order temporarily staying the law from going into effect; and
- (b) continue the process of certifying signatures and removing signatures as required by

this part.

(2) The temporary stay described in Subsection (1) remains in effect, regardless of whether a future count falls below the signature threshold, until the day on which:

- (a) if the lieutenant governor declares the petition insufficient, five days after the day on which the lieutenant governor declares the petition insufficient; or
- (b) if the lieutenant governor declares the petition sufficient, the day on which governor issues the proclamation described in Section 20A-7-310.

(3) A proposed law submitted to the people by referendum petition that is approved by the voters at an election takes effect the later of:

- (a) five days after the date of the official proclamation of the vote by the governor; or
- (b) the effective date specified in the proposed law.

(4) If, after the lieutenant governor issues a temporary stay order under Subsection (1)(a), the lieutenant governor declares the petition insufficient, the proposed law takes effect the later of:

(a) five days after the day on which the lieutenant governor declares the petition insufficient; or

- (b) the effective date specified in the proposed law.

(5) (a) The governor may not veto a law adopted by the people.

(b) The Legislature may amend any laws approved by the people at any legislative session after the people approve the law.

(6) If the Legislature repeals a law challenged by referendum petition under this part, the referendum petition is void and no further action on the referendum petition is required.

Section ~~{25}~~26. Section **20A-7-401.5** is amended to read:

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20A-7-401.5. Proposition information pamphlet.

(1) (a) (i) Within 15 days after the day on which an eligible voter files an application to circulate an initiative petition under Section 20A-7-502 or an application to circulate a referendum petition under Section 20A-7-602:

(A) the sponsors of the proposed initiative or referendum may submit a written argument in favor of the proposed initiative or referendum to the election officer of the county or municipality to which the petition relates; and

(B) the county or municipality to which the application relates may submit a written argument in favor of, or against, the proposed initiative or referendum to the county's or municipality's election officer.

(ii) If a county or municipality submits more than one written argument under Subsection (1)(a)(i)(B), the election officer shall select one of the written arguments, giving preference to a written argument submitted by a member of a local legislative body if a majority of the local legislative body supports the written argument.

(b) Within one business day after the day on which an election officer receives an argument under Subsection (1)(a)(i)(A), the election officer shall provide a copy of the argument to the county or municipality described in Subsection (1)(a)(i)(B) or (1)(a)(ii), as applicable.

(c) Within one business day after the date on which an election officer receives an argument under Subsection (1)(a)(i)(B), the election officer shall provide a copy of the argument to the first three sponsors of the proposed initiative or referendum described in Subsection (1)(a)(i)(A).

(d) The sponsors of the proposed initiative or referendum may submit a revised version of the written argument described in Subsection (1)(a)(i)(A) to the election officer of the county or municipality to which the petition relates within 20 days after the day on which the eligible voter files an application to circulate an initiative petition under Section 20A-7-502 or an application to circulate a referendum petition under Section 20A-7-602.

(e) The author of a written argument described in Subsection (1)(a)(i)(B) submitted by a county or municipality may submit a revised version of the written argument to the county's or municipality's election officer within 20 days after the day on which the eligible voter files an application to circulate an initiative petition under Section 20A-7-502 or an application to

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circulate a referendum petition under Section 20A-7-602.

(2) (a) A written argument described in Subsection (1) may not exceed 500 words.

(b) Except as provided in Subsection (2)(c), a person may not modify a written argument described in Subsection (1)(d) or (e) after the written argument is submitted to the election officer.

(c) The election officer and the person that submits the written argument described in Subsection (1)(d) or (e) may jointly agree to modify the written argument to:

(i) correct factual, grammatical, or spelling errors; or

(ii) reduce the number of words to come into compliance with Subsection (2)(a).

(d) An election officer shall refuse to include a written argument in the proposition information pamphlet described in this section if the person who submits the argument:

(i) fails to negotiate, in good faith, to modify the argument in accordance with Subsection (2)(c); or

(ii) does not timely submit the written argument to the election officer.

(e) An election officer shall make a good faith effort to negotiate a modification described in Subsection (2)(c) in an expedited manner.

(3) An election officer who receives a written argument described in Subsection (1) shall prepare a proposition information pamphlet for publication that includes:

(a) a copy of the application for the proposed initiative or referendum;

(b) except as provided in Subsection (2)(d), immediately after the copy described in Subsection (3)(a), the argument prepared by the sponsors of the proposed initiative or referendum, if any;

(c) except as provided in Subsection (2)(d), immediately after the argument described in Subsection (3)(b), the argument prepared by the county or municipality, if any; and

(d) a copy of the initial fiscal impact statement and legal impact statement described in Section 20A-7-502.5 or 20A-7-602.5.

(4) (a) A proposition information pamphlet is a draft for purposes of Title 63G, Chapter 2, Government Records Access and Management Act, until the earlier of when the election officer:

(i) complies with Subsection (4)(b); or

(ii) publishes the proposition information pamphlet under Subsection (5) or (6).

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(b) Within 21 days after the day on which the eligible voter files an application to circulate an initiative petition under Section 20A-7-502, or an application to circulate a referendum petition under Section 20A-7-602, the election officer shall provide a copy of the proposition information pamphlet to the sponsors of the initiative or referendum and each individual who submitted an argument included in the proposition information pamphlet.

(5) An election officer for a municipality shall publish the proposition information pamphlet as follows:

(a) within the later of 10 days after the day on which the municipality or a court determines that the proposed initiative or referendum is legally referable to voters, or, if the election officer modifies an argument under Subsection (2)(c), three days after the day on which the election officer and the person that submitted the argument agree on the modification:

(i) by sending the proposition information pamphlet electronically to each individual in the municipality for whom the municipality has an email address, unless the individual has indicated that the municipality is prohibited from using the individual's email address for that purpose; and

(ii) by posting the proposition information pamphlet on the Utah Public Notice Website, created in Section 63F-1-701, and the home page of the municipality's website, if the municipality has a website, until:

(A) if the sponsors of the proposed initiative or referendum or an agent of the sponsors do not timely deliver any verified initiative packets under Section 20A-7-506 or any verified referendum packets under Section 20A-7-606, the day after the date of the deadline for delivery of the verified initiative packets or verified referendum packets;

(B) the local clerk determines, under Section 20A-7-507 or 20A-7-607, that the number of signatures necessary to qualify the proposed initiative or referendum for placement on the ballot is insufficient and the determination is not timely appealed or is upheld after appeal; or

(C) the day after the date of the election at which the proposed initiative or referendum appears on the ballot; and

(b) if the municipality regularly mails a newsletter, utility bill, or other material to the municipality's residents, including an Internet address, where a resident may view the

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proposition information pamphlet, in the next mailing, for which the municipality has not begun preparation, that falls on or after the later of:

- (i) 10 days after the day on which the municipality or a court determines that the proposed initiative or referendum is legally referable to voters; or
- (ii) if the election officer modifies an argument under Subsection (2)(c), three days after the day on which the election officer and the person that submitted the argument agree on the modification.

(6) An election officer for a county shall, within the later of 10 days after the day on which the county or a court determines that the proposed initiative or referendum is legally referable to voters, or, if the election officer modifies an argument under Subsection (2)(c), three days after the day on which the election officer and the person that submitted the argument agree on the modification, publish the proposition information pamphlet as follows:

(a) by sending the proposition information pamphlet electronically to each individual in the county for whom the county has an email address obtained via voter registration; and

(b) by posting the proposition information pamphlet on the Utah Public Notice Website, created in Section 63F-1-701, and the home page of the county's website, until:

(i) if the sponsors of the proposed initiative or referendum or an agent of the sponsors do not timely deliver any verified initiative packets under Section 20A-7-506 or any verified referendum packets under Section 20A-7-606, the day after the date of the deadline for delivery of the verified initiative packets or verified referendum packets;

(ii) the local clerk determines, under Section 20A-7-507 or 20A-7-607, that the number of signatures necessary to qualify the proposed initiative or referendum for placement on the ballot is insufficient and the determination is not timely appealed or is upheld after appeal; or

(iii) the day after the date of the election at which the proposed initiative or referendum appears on the ballot.

Section ~~26~~27. Section **20A-7-502** is amended to read:

20A-7-502. Local initiative process -- Application procedures.

(1) [~~An eligible voter~~] Individuals wishing to circulate an initiative petition shall file an application with the local clerk.

(2) The application shall contain:

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

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~~[(b)]~~ a statement indicating that each of the sponsors is a registered voter;

~~[(c)]~~ (b) a statement indicating that each of the sponsors ~~[has voted in an election in Utah in the last three years;]~~ is registered to vote in Utah;

~~[(d)]~~ (c) the signature of each of the sponsors, acknowledged by a notary public;

~~[(e)]~~ (d) a copy of the proposed law that includes:

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

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

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

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

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

(3) A proposed law submitted under this section may not contain more than one subject to the same extent a bill may not pass containing more than one subject as provided in Utah Constitution, Article VI, Section 22.

Section ~~{27}~~28. Section **20A-7-503** is amended to read:

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

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

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

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

Each signer says:

I have personally signed this petition;

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

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

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

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

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

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

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

(2) Each signature sheet shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(h) be horizontally divided into rows as follows:

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

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

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or typed in not less than 12-point type:

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

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

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

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

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

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

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

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

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

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

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

"Verification

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State of Utah, County of _____

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

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

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

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

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

[_____"]

~~[(4) The forms prescribed in this section are not mandatory, and, if]~~

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

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

(Name) _____ (Residence Address) _____ (Date)".

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

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

Section ~~{28}~~29. Section **20A-7-504** is amended to read:

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

(1) In order to obtain the necessary number of signatures required by this part, the sponsors or an agent of the sponsors shall, after the sponsors receive the documents described in Subsections (2)~~[(a) and (b)]~~ and [~~Subsection~~] 20A-7-401.5(4)(b), circulate initiative packets

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that meet the form requirements of this part.

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

(a) ~~[one]~~ a copy of the initiative petition; and

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

(3) The sponsors of the petition shall:

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

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

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

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

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

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

(5) (a) The sponsors or an agent of the sponsors shall, before gathering signatures:

(i) contact the county clerk to receive a range of numbers that the sponsors may use to number signature packets; and

(ii) number each signature packet, sequentially, within the range of numbers provided by the county clerk, starting with the lowest number in the range.

(b) The sponsors or an agent of the sponsors may not:

(i) number a signature packet in a manner not directed by the county clerk; or

(ii) circulate or submit a signature packet that is not numbered in the manner directed by the county clerk.

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(c) The county clerk shall keep a record of the number range provided under Subsection (5)(a).

Section ~~{29}~~30. Section **20A-7-505** is amended to read:

20A-7-505. Obtaining signatures -- Verification -- Removal of signature.

(1) ~~[Any]~~ A Utah voter may sign a local initiative petition if the voter is a legal voter and resides in the local jurisdiction.

(2) (a) The sponsors shall ensure that the individual in whose presence each signature sheet was signed:

(i) is at least 18 years old and meets the residency requirements of Section 20A-2-105; ~~[and]~~

(ii) verifies each signature sheet by completing the verification printed on the last page of each initiative packet~~[-]; and~~

(iii) is informed that each signer is required to read and understand the law proposed by the initiative.

(b) An individual may not sign the verification printed on the last page of the initiative packet if the individual signed a signature sheet in the initiative packet.

~~[(3)(a)(i) Any voter who has signed an initiative petition may have the voter's signature removed from the petition by submitting a notarized statement to that effect to the county clerk.]~~

~~[(ii) In order for the signature to be removed, the statement must be received by the county clerk no later than seven days after the day on which the sponsors submit the last signature packet to the county clerk.]~~

~~[(b) Upon timely receipt of the statement, the county clerk shall remove the signature of the individual submitting the statement from the initiative petition.]~~

(3) (a) A voter who has signed an initiative petition may have the voter's signature removed from the petition by submitting a statement requesting that the voter's signature be removed before 5 p.m. no later than the earlier of:

(i) 30 days after the day on which the voter signs the signature removal statement;

(ii) 90 days after the day on which the local clerk posts the voter's name under

Subsection 20A-7-507(2)(a);

(iii) 316 days after the day on which the application is filed; or

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(iv) (A) for a county initiative, April 15 immediately before the next regular general election immediately after the application is filed under Section 20A-7-502; or

(B) for a municipal initiative, April 15 immediately before the next municipal general election immediately after the application is filed under Section 20A-7-502.

(b) (i) The statement shall include:

(A) the name of the voter;

(B) the resident address at which the voter is registered to vote;

(C) the signature of the voter; and

(D) the date of the signature described in Subsection (3)(b)(i)(C).

(ii) To increase the likelihood of the voter's signature being identified and removed, the statement may include the voter's birth date or age.

(c) A voter may not submit a statement by email or other electronic means.

(d) In order for the signature to be removed, the county clerk must receive the statement before 5 p.m. no later than the applicable deadline described in Subsection (3)(a).

(e) A person may only remove a signature from an initiative petition in accordance with this Subsection (3).

(f) A county clerk shall analyze a signature, for purposes of removing a signature from an initiative petition, in accordance with Section 20A-7-506.3.

Section ~~30~~31. Section **20A-7-506** is amended to read:

20A-7-506. Submitting the initiative petition -- Certification of signatures by the county clerks -- Transfer to local clerk.

(1) (a) The sponsors or an agent of the sponsors shall ~~[deliver each]~~ submit a signed and verified initiative packet to the county clerk of the county in which the packet was circulated before 5 p.m. no later than the earlier of:

~~[(i) for county initiatives:]~~

(i) 30 days after the day on which the first individual signs the initiative packet;

~~[(A)]~~ (ii) 316 days after the day on which the application is filed; or

~~[(B) the]~~ (iii) (A) for a county initiative, April 15 immediately before the next regular general election immediately after the application is filed under Section 20A-7-502; or

~~[(ii) for municipal initiatives:]~~

~~[(A) 316 days after the day on which the application is filed; or]~~

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(B) ~~[the]~~ for a municipal initiative, April 15 immediately before the next municipal general election immediately after the application is filed under Section 20A-7-502.

(b) A ~~[sponsor]~~ person may not submit an initiative packet after the deadline established in ~~[this]~~ Subsection (1)(a).

(2) The county clerk shall, within 21 days after the day on which the county clerk receives the packet:

(a) determine whether each signer is a registered voter according to the requirements of Section 20A-7-506.3;

(b) certify on the petition whether each name is that of a registered voter;

(c) except as provided in Subsection (3), post the name and voter identification number of each registered voter certified under Subsection (2)(b) on the lieutenant governor's website, in a conspicuous location designated by the lieutenant governor; and

(d) deliver the verified initiative packet to the local clerk.

(3) (a) If the county clerk timely receives a statement requesting signature removal under Subsection 20A-7-505(3), the county clerk shall:

(i) ensure that the voter's name and voter identification number are not included in the posting described in Subsection (2)(c); and

(ii) remove the voter's signature from the signature packets and signature packet totals.

(b) The county clerk shall comply with Subsection (3)(a) before the later of:

(i) the deadline described in Subsection (2); or

(ii) two business days after the day on which the county clerk receives a statement requesting signature removal under Subsection 20A-7-505(3).

(c) The local clerk shall post a link in a conspicuous location on the local government's website to the posting described in Subsection (2)(c) during the period of time described in Subsection 20A-7-507(2)(a)(i).

~~[(2)]~~ (4) The county clerk may not certify a signature under Subsection ~~[(3)]~~ (2) on an initiative packet that is not verified in accordance with Section 20A-7-505.

~~[(3) No later than May 15, the county clerk shall:]~~

~~[(a) determine whether or not each signer is a voter according to the requirements of Section 20A-7-506.3;]~~

~~[(b) certify on the petition whether or not each name is that of a voter; and]~~

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~~[(c) deliver all of the verified packets to the local clerk.]~~

(5) A person may not retrieve an initiative packet from a county clerk, or make any alterations or corrections to an initiative packet, after the initiative packet is submitted to the county clerk.

Section ~~{31}~~32. Section **20A-7-506.3** is amended to read:

20A-7-506.3. Verification of petition signatures.

(1) As used in this section:

(a) ~~[For the purposes of this section, "substantially]~~ "Substantially similar name"

means:

(i) the given name and surname shown on the petition, or both, contain only minor spelling differences when compared to the given name and surname shown on the official register;

(ii) the surname shown on the petition exactly matches the surname shown on the official register, and the given names differ only because one of the given names shown is a commonly used abbreviation or variation of the other;

(iii) the surname shown on the petition exactly matches the surname shown on the official register, and the given names differ only because one of the given names shown is accompanied by a first or middle initial or a middle name which is not shown on the other record; or

(iv) the surname shown on the petition exactly matches the surname shown on the official register, and the given names differ only because one of the given names shown is an alphabetically corresponding initial that has been provided in the place of a given name shown on the other record.

(b) ~~[For the purposes of this section, "substantially]~~ "Substantially similar name" does not mean a name having an initial or a middle name shown on the petition that does not match a different initial or middle name shown on the official register.

(2) The county clerk shall use the following procedures in determining whether ~~[or not]~~ a signer is a registered voter:

(a) When a signer's name and address shown on the petition exactly match a name and address shown on the official register and the signer's signature appears substantially similar to the signature on the statewide voter registration database, the county clerk shall declare the

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signature valid.

(b) When there is no exact match of an address and a name, the county clerk shall declare the signature valid if:

(i) the address on the petition matches the address of an individual on the official register with a substantially similar name; and

(ii) the signer's signature appears substantially similar to the signature on the statewide voter registration database of the individual described in Subsection (2)(b)(i).

(c) When there is no match of an address and a substantially similar name, the county clerk shall declare the signature valid if:

(i) the birth date or age on the petition matches the birth date or age of an individual on the official register with a substantially similar name; and

(ii) the signer's signature appears substantially similar to the signature on the statewide voter registration database of the individual described in Subsection (2)(c)(i).

(d) If a signature is not declared valid under Subsection (2)(a), (2)(b), or (2)(c), the county clerk shall declare the signature to be invalid.

(3) The county clerk shall use the following procedures in determining whether to remove a signature from a petition after receiving a timely, valid statement requesting removal of the signature:

(a) if a signer's name and address shown on the statement and the petition exactly match a name and address shown on the official register and the signer's signature on both the statement and the petition appears substantially similar to the signature on the statewide voter registration database, the county clerk shall remove the signature from the petition;

(b) if there is no exact match of an address and a name, the county clerk shall remove the signature from the petition if:

(i) the address on the statement and the petition matches the address of an individual on the official register with a substantially similar name; and

(ii) the signer's signature on both the statement and the petition appears substantially similar to the signature on the statewide voter registration database of the individual described in Subsection (3)(b)(i);

(c) if there is no match of an address and a substantially similar name, the county clerk shall remove the signature from the petition if:

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(i) the birth date or age on the statement and petition match the birth date or age of an individual on the official register with a substantially similar name; and

(ii) the signer's signature on both the statement and the petition appears substantially similar to the signature on the statewide voter registration database of the individual described in Subsection (3)(c)(i); and

(d) if a signature does not qualify for removal under Subsection (3)(a), (b), or (c), the county clerk may not remove the signature from the petition.

Section ~~32~~33. Section **20A-7-507** is amended to read:

20A-7-507. Evaluation by the local clerk.

(1) When ~~[each]~~ a local clerk receives an initiative packet ~~[is received]~~ from a county clerk, the local clerk shall ~~[check off from the local clerk's]~~ record the number of ~~[each]~~ the initiative packet ~~[filed]~~ received.

~~[(2) (a) After all of the initiative packets have been received by the local clerk, the local clerk shall count the number of the names certified by the county clerk that appear on each verified signature sheet.]~~

(2) (a) The county clerk shall:

(i) post the names and voter identification numbers described in Subsection 20A-7-506(2)(c) on the lieutenant governor's website, in a conspicuous location designated by the lieutenant governor, for at least 90 days; and

(ii) update on the local government's website the number of signatures certified as of the date of the update.

(b) The local clerk:

(i) shall, except as provided in Subsection (2)(b)(ii), declare the petition to be sufficient or insufficient no later than 21 days after the day of the applicable deadline described in Subsection 20A-7-506(1)(a); or

(ii) may declare the petition to be insufficient before the day described in Subsection (2)(b)(i) if:

(A) the total of all valid signatures on timely and lawfully submitted signature packets that have been certified by the county clerks, plus the number of signatures on timely and lawfully submitted signature packets that have not yet been evaluated for certification, is less than the number of names required under Section 20A-7-501; or

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(B) a requirement of this part has not been met.

~~[(b)]~~ (c) If the total number of certified names from each verified signature sheet equals or exceeds the number of names required by Section 20A-7-501 and the requirements of this part are met, the local clerk shall mark upon the front of the petition the word "sufficient."

~~[(c)]~~ (d) If the total number of certified names from each verified signature sheet does not equal or exceed the number of names required by Section 20A-7-501 or a requirement of this part is not met, the local clerk shall mark upon the front of the petition the word "insufficient."

~~[(d)]~~ (e) The local clerk shall immediately notify any one of the sponsors of the local clerk's finding.

(f) After a petition is declared insufficient, a person may not submit additional signatures to qualify the petition for the ballot.

(3) If the local clerk finds the total number of certified signatures from each verified signature sheet to be insufficient, any sponsor may file a written demand with the local clerk for a recount of the signatures appearing on the initiative petition in the presence of any sponsor.

~~[(4) Once a petition is declared insufficient, the sponsors may not submit additional signatures to qualify the petition for the ballot.]~~

~~[(5)]~~ (4) A petition determined to be sufficient in accordance with this section is qualified for the ballot.

Section ~~{33}~~34. Section **20A-7-508** is amended to read:

20A-7-508. Ballot title -- Duties of local clerk and local attorney.

(1) Upon receipt of an initiative petition, the local clerk shall deliver a copy of the petition and the proposed law to the local attorney.

(2) The local attorney shall:

(a) entitle each county or municipal initiative that has qualified for the ballot "Proposition Number ___" and give it a number as assigned under Section 20A-6-107;

(b) prepare a proposed ballot title for the initiative;

(c) file the proposed ballot title and the numbered initiative titles with the local clerk within 20 days after the day on which an eligible voter submits the initiative petition to the local clerk; and

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(d) promptly provide notice of the filing of the proposed ballot title to:

(i) the sponsors of the petition; and

(ii) the local legislative body for the jurisdiction where the initiative petition was circulated.

(3) (a) The ballot title may be distinct from the title of the proposed law attached to the initiative petition, and shall express, in not exceeding 100 words, the purpose of the measure.

(b) In preparing a ballot title, the local attorney shall, to the best of the local attorney's ability, give a true and impartial statement of the purpose of the measure.

(c) The ballot title may not intentionally be an argument, or likely to create prejudice, for or against the measure.

(d) If the initiative proposes a tax increase, the local attorney shall include the following statement, in bold, in the ballot title:

"This initiative seeks to increase the current (insert name of tax) rate by (insert the tax percentage difference) percent, resulting in a(n) (insert the tax percentage increase) percent increase in the current tax rate.".

(4) (a) Within five calendar days after the date the local attorney files a proposed ballot title under Subsection (2)(c), the local legislative body for the jurisdiction where the initiative petition was circulated and the sponsors of the petition may file written comments in response to the proposed ballot title with the local clerk.

(b) Within five calendar days after the last date to submit written comments under Subsection (4)(a), the local attorney shall:

(i) review any written comments filed in accordance with Subsection (4)(a);

(ii) prepare a final ballot title that meets the requirements of Subsection (3); and

(iii) return the petition and file the ballot title with the local clerk.

(c) Subject to Subsection (6), the ballot title, as determined by the local attorney, shall be printed on the official ballot.

(5) Immediately after the local attorney files a copy of the ballot title with the local clerk, the local clerk shall serve a copy of the ballot title by mail upon the sponsors of the petition and the local legislative body for the jurisdiction where the initiative petition was circulated.

(6) (a) If the ballot title furnished by the local attorney is unsatisfactory or does not

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comply with the requirements of this section, the decision of the local attorney may be appealed to the [~~district court, or, if the Supreme Court has original jurisdiction, to the Supreme Court, brought~~] appropriate court by:

- (i) at least three sponsors of the initiative petition; or
 - (ii) a majority of the local legislative body for the jurisdiction where the initiative petition was circulated.
- (b) The court:
- (i) shall examine the measures and consider arguments; and
 - (ii) may certify to the local clerk a ballot title for the measure that fulfills the intent of this section.
- (c) The local clerk shall print the title certified by the court on the official ballot.

Section ~~{34}~~35. Section **20A-7-510** is amended to read:

20A-7-510. Return and canvass -- Conflicting measures -- Law effective on proclamation.

- (1) The votes on the law proposed by the initiative petition shall be counted, canvassed, and delivered as provided in Title 20A, Chapter 4, Part 3, Canvassing Returns.
- (2) After the local board of canvassers completes [~~its~~] the canvass, the local clerk shall certify to the local legislative body the vote for and against the law proposed by the initiative petition.
- (3) (a) The local legislative body shall immediately issue a proclamation that:
 - (i) gives the total number of votes cast in the local jurisdiction for and against each law proposed by an initiative petition; and
 - (ii) declares those laws proposed by an initiative petition that were approved by majority vote to be in full force and effect as the law of the local jurisdiction.
- (b) When the local legislative body determines that two proposed laws, or that parts of two proposed laws approved by the people at the same election are entirely in conflict, [~~they~~] the local legislative body shall proclaim that measure to be law that [~~has~~] received the greatest number of affirmative votes, regardless of the difference in the majorities which those measures have received.
- (c) (i) Within 10 days after the day on which the local legislative [~~body's~~] body issues the proclamation, any qualified voter who signed the initiative petition proposing the law that

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is declared by the local legislative body to be superseded by another measure approved at the same election may bring an action in [~~district court, or, if the Supreme Court has original jurisdiction, the Supreme Court~~] the appropriate court to review the decision.

(ii) The court shall:

(A) consider the matter and decide whether the proposed laws are entirely in conflict;

and

(B) issue an order, consistent with the court's decision, to the local legislative body.

(4) Within 10 days after the day on which the court [~~certifies the decision~~] enters an order under Subsection (3)(c)(ii), the local legislative body shall:

(a) proclaim as law all measures approved by the people that the court determines are not in conflict; and

(b) for the measures approved by the people as law that the court determines to be in conflict, proclaim as law the measure that received the greatest number of affirmative votes, regardless of the difference in majorities.

Section ~~35~~36. Section **20A-7-601** is amended to read:

20A-7-601. Referenda -- General signature requirements -- Signature requirements for land use laws and subjurisdictional laws -- Time requirements.

(1) As used in this section:

(a) "Number of active voters" means the number of active voters in the county, city, or town on the immediately preceding January 1.

(b) "Subjurisdiction" means an area comprised of all precincts and subprecincts in the jurisdiction of a county, city, or town that are subject to a subjurisdictional law.

(c) (i) "Subjurisdictional law" means a local law or local obligation law passed by a local legislative body that imposes a tax or other payment obligation on property in an area that does not include all precincts and subprecincts under the jurisdiction of the county, city, town, or metro township.

(ii) "Subjurisdictional law" does not include a land use law.

(d) "Voter participation area" means an area described in Subsection 20A-7-401.3(1)(a) or (2)(b).

(2) Except as provided in Subsection (3) or (4), an eligible voter seeking to have a local law passed by the local legislative body submitted to a vote of the people shall obtain legal

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signatures equal to:

(a) for a county of the first class:

(i) 7.75% of the number of active voters in the county; and

(ii) beginning on January 1, 2020, 7.75% of the number of active voters in at least 75% of the county's voter participation areas;

(b) for a metro township with a population of 100,000 or more, or a city of the first class:

(i) 7.5% of the number of active voters in the metro township or city; and

(ii) beginning on January 1, 2020, 7.5% of the number of active voters in at least 75% of the metro township's or city's voter participation areas;

(c) for a county of the second class:

(i) 8% of the number of active voters in the county; and

(ii) beginning on January 1, 2020, 8% of the number of active voters in at least 75% of the county's voter participation areas;

(d) for a metro township with a population of 65,000 or more but less than 100,000, or a city of the second class:

(i) 8.25% of the number of active voters in the metro township or city; and

(ii) beginning on January 1, 2020, 8.25% of the number of active voters in at least 75% of the metro township's or city's voter participation areas;

(e) for a county of the third class:

(i) 9.5% of the number of active voters in the county; and

(ii) beginning on January 1, 2020, 9.5% of the number of active voters in at least 75% of the county's voter participation areas;

(f) for a metro township with a population of 30,000 or more but less than 65,000, or a city of the third class:

(i) 10% of the number of active voters in the metro township or city; and

(ii) beginning on January 1, 2020, 10% of the number of active voters in at least 75% of the metro township's or city's voter participation areas;

(g) for a county of the fourth class:

(i) 11.5% of the number of active voters in the county; and

(ii) beginning on January 1, 2020, 11.5% of the number of active voters in at least 75%

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of the county's voter participation areas;

(h) for a metro township with a population of 10,000 or more but less than 30,000, or a city of the fourth class:

(i) 11.5% of the number of active voters in the metro township or city; and

(ii) beginning on January 1, 2020, 11.5% of the number of active voters in at least 75% of the metro township's or city's voter participation areas;

(i) for a metro township with a population of 1,000 or more but less than 10,000, a city of the fifth class, or a county of the fifth class, 25% of the number of active voters in the metro township, city, or county; or

(j) for a metro township with a population of less than 1,000, a town, or a county of the sixth class, 35% of the number of active voters in the metro township, town, or county.

(3) Except as provided in Subsection (4), an eligible voter seeking to have a land use law or local obligation law passed by the local legislative body submitted to a vote of the people shall obtain legal signatures equal to:

(a) for a county of the first, second, third, or fourth class:

(i) 16% of the number of active voters in the county; and

(ii) beginning on January 1, 2020, 16% of the number of active voters in at least 75% of the county's voter participation areas;

(b) for a county of the fifth or sixth class:

(i) 16% of the number of active voters in the county; and

(ii) beginning on January 1, 2020, 16% of the number of active voters in at least 75% of the county's voter participation areas;

(c) for a metro township with a population of 100,000 or more, or a city of the first class:

(i) 15% of the number of active voters in the metro township or city; and

(ii) beginning on January 1, 2020, 15% of the number of active voters in at least 75% of the metro township's or city's voter participation areas;

(d) for a metro township with a population of 65,000 or more but less than 100,000, or a city of the second class:

(i) 16% of the number of active voters in the metro township or city; and

(ii) beginning on January 1, 2020, 16% of the number of active voters in at least 75%

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of the metro township's or city's voter participation areas;

(e) for a metro township with a population of 30,000 or more but less than 65,000, or a city of the third class:

(i) 27.5% of the number of active voters in the metro township or city; and

(ii) beginning on January 1, 2020, 27.5% of the number of active voters in at least 75% of the metro township's or city's voter participation areas;

(f) for a metro township with a population of 10,000 or more but less than 30,000, or a city of the fourth class:

(i) 29% of the number of active voters in the metro township or city; and

(ii) beginning on January 1, 2020, 29% of the number of active voters in at least 75% of the metro township's or city's voter participation areas;

(g) for a metro township with a population of 1,000 or more but less than 10,000, or a city of the fifth class, 35% of the number of active voters in the metro township or city; or

(h) for a metro township with a population of less than 1,000 or a town, 40% of the number of active voters in the metro township or town.

(4) A person seeking to have a subjurisdictional law passed by the local legislative body submitted to a vote of the people shall obtain legal signatures of the residents in the subjurisdiction equal to:

(a) 10% of the number of active voters in the subjurisdiction if the number of active voters exceeds 25,000;

(b) 12-1/2% of the number of active voters in the subjurisdiction if the number of active voters does not exceed 25,000 but is more than 10,000;

(c) 15% of the number of active voters in the subjurisdiction if the number of active voters does not exceed 10,000 but is more than 2,500;

(d) 20% of the number of active voters in the subjurisdiction if the number of active voters does not exceed 2,500 but is more than 500;

(e) 25% of the number of active voters in the subjurisdiction if the number of active voters does not exceed 500 but is more than 250; and

(f) 30% of the number of active voters in the subjurisdiction if the number of active voters does not exceed 250.

(5) [~~(a)~~] Sponsors of any referendum petition challenging, under Subsection (2), (3), or

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(4), any local law passed by a local legislative body shall file the application before 5 p.m. within seven days after the day on which the local law was passed.

~~[(b) Except as provided in Subsection (5)(c), when a referendum petition has been declared sufficient, the local law that is the subject of the petition does not take effect unless and until the local law is approved by a vote of the people.]~~

~~[(c) When a referendum petition challenging a subjurisdictional law has been declared sufficient, the subjurisdictional law that is the subject of the petition does not take effect unless and until the subjurisdictional law is approved by a vote of the people who reside in the subjurisdiction.]~~

~~[(6) If the referendum passes, the local law that was challenged by the referendum is repealed as of the date of the election.]~~

~~[(7)]~~ (6) Nothing in this section authorizes a local legislative body to impose a tax or other payment obligation on a subjurisdiction in order to benefit an area outside of the subjurisdiction.

Section ~~{36}~~37. Section **20A-7-602** is amended to read:

20A-7-602. Local referendum process -- Application procedures.

(1) ~~[An eligible voter]~~ Individuals wishing to circulate a referendum petition shall file an application with the local clerk.

(2) The application shall contain:

(a) the name and residence address of at least five sponsors of the referendum petition;

~~[(b) a certification indicating that each of the sponsors is a resident of Utah;]~~

~~[(c)]~~ (b) a statement indicating that each of the sponsors ~~[has voted in an election in Utah in the last three years;]~~ is registered to vote in Utah;

(c) a statement indicating whether persons gathering signatures for the petition may be paid for gathering signatures;

(d) the signature of each of the sponsors, acknowledged by a notary public; and

(e) (i) if the referendum challenges an ordinance or resolution, one copy of the law; or

(ii) if the referendum challenges a local law that is not an ordinance or resolution, a written description of the local law, including the result of the vote on the local law.

Section ~~{37}~~38. Section **20A-7-603** is amended to read:

20A-7-603. Form of referendum petition and signature sheets.

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(1) (a) Each proposed referendum petition shall be printed in substantially the following form:

"REFERENDUM PETITION To the Honorable ____, County Clerk/City Recorder/Town Clerk:

We, the undersigned citizens of Utah, respectfully order that (description of local law or portion of local law being challenged), passed by the ____ be referred to the voters for their approval or rejection at the regular/municipal general election to be held on _____(month\day\year);

Each signer says:

I have personally signed this petition;

The date next to my signature correctly reflects the date that I actually signed the petition;

I have personally reviewed the entire statement included with this packet;

I am registered to vote in Utah or intend to become registered to vote in Utah before the certification of the petition names by the county clerk; and

My residence and post office address are written correctly after my name.".

(b) The sponsors of a referendum or an agent of the sponsors shall attach a copy of the law that is the subject of the referendum to each referendum petition.

(2) Each signature sheet shall:

(a) be printed on sheets of paper 8-1/2 inches long and 11 inches wide;

(b) be ruled with a horizontal line three-fourths inch from the top, with the space above that line blank for the purpose of binding;

(c) contain the title of the referendum printed below the horizontal line, in at least 14-point bold type;

(d) contain the word "Warning" printed or typed at the top of each signature sheet under the title of the referendum;

(e) contain, to the right of the word "Warning," the following statement printed or typed in not less than eight-point[~~single-leaded~~] type:

"It is a class A misdemeanor for an individual to sign a referendum petition with any other name than the individual's own name, or to knowingly sign the individual's name more than once for the same measure, or to sign a referendum petition when the individual knows

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that the individual is not a registered voter and knows that the individual does not intend to become registered to vote before the certification of the petition names by the county clerk.";

(f) contain horizontally ruled lines three-eighths inch apart under the [~~"Warning"~~] warning statement [~~required by this section~~] described in Subsection (2)(e);

(g) be vertically divided into columns as follows:

(i) the edge of the first column shall appear .5 inch from the extreme left of the sheet, be .25 inch wide, and be headed, together with the second column, "For Office Use Only";

(ii) the second column shall be .25 inch wide;

(iii) the third column shall be 2.5 inches wide, headed "Registered Voter's Printed Name (must be legible to be counted)";

(iv) the fourth column shall be 2.5 inches wide, headed "Signature of Registered Voter";

(v) the fifth column shall be .75 inch wide, headed "Date Signed";

(vi) the sixth column shall be three inches wide, headed "Street Address, City, Zip Code"; and

(vii) the seventh column shall be .75 inch wide, headed "Birth Date or Age (Optional)";

(h) be horizontally divided into rows as follows:

(i) the top of the first row, for the purpose of entering the information described in Subsection (2)(g), shall be .5 inch high;

(ii) the second row shall be .15 inch high and contain the following statement printed or typed in not less than [~~eight-point, single-leaded~~] 12-point type: "By signing this petition, you are stating that you have read and understand the law this petition seeks to overturn."; and

(iii) the first and second rows shall be repeated, in order, leaving sufficient room at the bottom of the sheet for the information described in Subsection (2)(i); and

(i) at the bottom of the sheet, contain the following statement: "Birth date or age information is not required, but it may be used to verify your identity with voter registration records. If you choose not to provide it, your signature may not be verified as a valid signature if you change your address before petition signatures are verified or if the information you provide does not match your voter registration records.".

(3) The final page of each referendum packet shall contain the following printed or typed statement:

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"Verification

State of Utah, County of _____

I, _____, of _____, hereby state, under penalty of perjury, that:

I am a resident of Utah and am at least 18 years old;

All the names that appear in this [referendum] packet were signed by individuals who professed to be the individuals whose names appear in it, and each of the individuals signed the individual's name on it in my presence;

I did not knowingly make a misrepresentation of fact concerning the law this petition seeks to overturn;

I believe that each individual has printed and signed the individual's name and written the individual's post office address and residence correctly, that each signer has read and understands the law that the referendum seeks to overturn, and that each signer is registered to vote in Utah or intends to become registered to vote before the certification of the petition names by the county clerk.

[_____"]

~~[(4) The forms prescribed in this section are not mandatory, and, if]~~

Each individual who signed the packet wrote the correct date of signature next to the individual's name.

I have not paid or given anything of value to any individual who signed this petition to encourage that individual to sign it.

(Name) (Residence Address) (Date)".

(4) If the forms described in this section are substantially followed, the referendum petitions are sufficient, notwithstanding clerical and merely technical errors.

(5) An individual's status as a resident, under Subsection (3), is determined in accordance with Section 20A-2-105.

Section ~~{38}~~39. Section **20A-7-604** is amended to read:

20A-7-604. Circulation requirements -- Local clerk to provide sponsors with materials.

(1) In order to obtain the necessary number of signatures required by this part, the sponsors or an agent of the sponsors shall, after the sponsors receive the documents described

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in ~~[Subsection]~~ Subsections (2) and ~~[Subsection]~~ 20A-7-401.5(4)(b), circulate referendum packets that meet the form requirements of this part.

(2) Within five days after the day on which a county, city, town, metro township, or court determines, in accordance with Section 20A-7-602.7, that a proposed referendum is legally referable to voters, the local clerk shall furnish to the sponsors:

(a) a copy of the referendum petition; and

(b) a signature sheet.

(3) The sponsors of the petition shall:

(a) arrange and pay for the printing of all additional copies of the petition and signature sheets; and

(b) ensure that the copies of the petition and signature sheets meet the form requirements of this section.

(4) (a) The sponsors or an agent of the sponsors may prepare the referendum for circulation by creating multiple referendum packets.

(b) The sponsors or an agent of the sponsors shall create ~~[those]~~ referendum packets by binding a copy of the referendum petition, a copy of the law that is the subject of the referendum, and no more than 50 signature sheets together at the top in ~~[such a way]~~ a manner that the packets may be conveniently opened for signing.

(c) ~~[The sponsors need not attach]~~ A referendum packet is not required to have a uniform number of signature sheets [to each referendum packet].

(d) The sponsors or an agent of the sponsors shall include, with each packet, a copy of the proposition information pamphlet provided to the sponsors under Subsection 20A-7-401.5(4)(b).

(5) (a) The sponsors or an agent of the sponsors shall, before gathering signatures:

(i) contact the county clerk to receive a range of numbers that the sponsors may use to number signature packets; and

(ii) number each signature packet, sequentially, within the range of numbers provided by the county clerk, starting with the lowest number in the range.

(b) The sponsors or an agent of the sponsors may not:

(i) number a signature packet in a manner not directed by the county clerk; or

(ii) circulate or submit a signature packet that is not numbered in the manner directed

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by the county clerk.

(c) The county clerk shall keep a record of the number range provided under Subsection (5)(a).

Section ~~{39}~~40. Section **20A-7-605** is amended to read:

20A-7-605. Obtaining signatures -- Verification -- Removal of signature.

(1) ~~[Any]~~ A Utah voter may sign a local referendum petition if the voter is a legal voter and resides in the local jurisdiction.

(2) (a) The sponsors shall ensure that the individual in whose presence each signature sheet was signed:

(i) is at least 18 years old and meets the residency requirements of Section 20A-2-105; ~~[and]~~

(ii) verifies each signature sheet by completing the verification printed on the last page of each referendum packet~~[-]; and~~

(iii) is informed that each signer is required to read and understand the law that the referendum seeks to overturn.

(b) An individual may not sign the verification printed on the last page of the referendum packet if the individual signed a signature sheet in the referendum packet.

~~[(3)(a) Any voter who has signed a referendum petition may have the voter's signature removed from the petition by submitting a statement to that effect to the county clerk.]~~

~~[(b) Except as provided in Subsection (3)(c), upon receipt of the statement, the county clerk shall remove the signature of the individual submitting the statement from the referendum petition.]~~

~~[(c) A county clerk may not remove signatures from a referendum petition later than seven days after the day on which the sponsors timely submit the last signature packet to the county clerk.]~~

~~[(4) The sponsors of a referendum petition:]~~

~~[(a) shall, for each signature packet:]~~

~~[(i) within seven days after the day on which the first individual signs the signature packet, provide a clear, legible image of all signatures on the signature packet to the county clerk via email or other electronic means; and]~~

~~[(ii) immediately send a new image if the county clerk informs the sponsors that the~~

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~~image is not clear and legible;]~~

~~[(b) may not permit additional signatures on a signature packet of which the sponsors have sent an image under Subsection (4)(a); and]~~

~~[(c) may not submit a signature packet to the county clerk unless the sponsors timely comply with the requirements of Subsection (4)(a) in relation to the signature packet.]~~

~~[(5) Each person who gathers a signature removal statement described in Subsection (3):]~~

~~[(a) shall, within seven days after the day on which the individual signs the signature removal statement, provide a clear, legible image of the statement to the county clerk via email or other electronic means; and]~~

~~[(b) shall, immediately send a new image if the local clerk informs the sender that the image is not clear and legible; and]~~

~~[(c) may not submit a signature removal statement to the county clerk, unless the sender timely complies with the requirements of Subsections (5)(a) and (b) in relation to the signature removal statement.]~~

~~[(6)(a) The county clerk shall provide to an individual, upon request, a document or electronic list containing the name and voter identification number of each individual who signed the referendum packet.]~~

~~[(b) Subject to Subsection 20A-7-606.3(3), the local clerk may begin certifying, removing, and tallying signatures upon receipt of an image described in Subsection (4) or (5).]~~

(3) (a) A voter who has signed a referendum petition may have the voter's signature removed from the petition by submitting to the county clerk a statement requesting that the voter's signature be removed no later than the earlier of:

(i) 30 days after the day on which the voter signs the statement requesting removal; or

(ii) 45 days after the day on which the local clerk posts the voter's name under

Subsection 20A-7-607(2)(a).

(b) (i) The statement shall include:

(A) the name of the voter;

(B) the resident address at which the voter is registered to vote;

(C) the signature of the voter; and

(D) the date of the signature described in Subsection (3)(b)(i)(C).

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(ii) To increase the likelihood of the voter's signature being identified and removed, the statement may include the voter's birth date or age.

(c) A voter may not submit a statement by email or other electronic means.

(d) In order for the signature to be removed, the county clerk must receive the statement before 5 p.m. no later than 45 days after the day on which the local clerk posts the voter's name under Subsection 20A-7-607(2)(a).

(e) A person may only remove a signature from a referendum petition in accordance with this Subsection (3).

(f) A county clerk shall analyze a signature, for purposes of removing a signature from a referendum petition, in accordance with Section 20A-7-606.3.

Section ~~{40}~~41. Section **20A-7-606** is amended to read:

20A-7-606. Submitting the referendum petition -- Certification of signatures by the county clerks -- Transfer to local clerk.

(1) (a) The sponsors or an agent of the sponsors shall ~~[deliver each]~~ submit a signed and verified referendum packet to the county clerk of the county in which the packet was circulated before 5 p.m. no later than the earlier of:

(i) 30 days after the day on which the first individual signs the referendum packet; or

(ii) 45 days after the day on which the sponsors receive the items described in Subsection 20A-7-604(2) from the local clerk.

(b) A ~~[sponsor]~~ person may not submit a referendum packet after the deadline ~~[established in this]~~ described in Subsection (1)(a).

~~[(2)(a) No later than 15 days after the day on which a county clerk receives a referendum packet under Subsection (1)(a), the county clerk shall:]~~

~~[(i) check the names of all persons completing the verification on the last page of each referendum packet to determine whether those persons are Utah residents and are at least 18 years old; and]~~

~~[(ii) submit the name of each of those persons who is not a Utah resident or who is not at least 18 years old to the attorney general and county attorney:]~~

~~[(b) The county clerk may not certify a signature under Subsection (3) on a referendum packet that is not verified in accordance with Section 20A-7-605.]~~

~~[(3)]~~ (2) No later than ~~[30]~~ 21 days after the day on which a county clerk receives a

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verified referendum packet under Subsection (1)(a), the county clerk shall:

(a) determine whether each signer is a registered voter according to the requirements of Section 20A-7-606.3;

(b) certify on the [~~referendum~~] petition whether each name is that of a registered voter; [~~and~~]

(c) provide the name and voter identification number of each registered voter certified under Subsection (2)(b); and

~~[(c)] (d) deliver [all of] the verified [referendum packets] packet to the local clerk.~~

(3) (a) If the county clerk timely receives a statement requesting signature removal under Subsection 20A-7-605(3), the county clerk shall:

(i) ensure that the voter's name and voter identification number are not included in the posting described in Subsection 20A-7-607(2)(a); and

(ii) remove the voter's signature from the signature packets and signature packet totals.

(b) The county clerk shall comply with Subsection (3)(a) before the later of:

(i) the deadline described in Subsection (2); or

(ii) two business days after the day on which the county clerk receives a statement requesting signature removal under Subsection 20A-7-605(3).

(c) The local clerk shall post a link in a conspicuous location on the local government's website to the posting described in Subsection 20A-7-607(2)(a) during the period of time described in Subsection 20A-7-607(2)(a)(i).

(4) The county clerk may not certify a signature under Subsection (2):

(a) on a referendum packet that is not verified in accordance with Section 20A-7-605;

or

(b) that does not have a date of signature next to the signature.

(5) A person may not retrieve a referendum packet from a county clerk, or make any alterations or corrections to a referendum packet, after the referendum packet is submitted to the county clerk.

Section ~~{41}~~42. Section **20A-7-606.3** is amended to read:

20A-7-606.3. Verification of petition signatures.

(1) As used in this section:

(a) [~~For the purposes of this section, "substantially~~] "Substantially similar name"

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means:

(i) the given name and surname shown on the petition, or both, contain only minor spelling differences when compared to the given name and surname shown on the official register;

(ii) the surname shown on the petition exactly matches the surname shown on the official register, and the given names differ only because one of the given names shown is a commonly used abbreviation or variation of the other;

(iii) the surname shown on the petition exactly matches the surname shown on the official register, and the given names differ only because one of the given names shown is accompanied by a first or middle initial or a middle name which is not shown on the other record; or

(iv) the surname shown on the petition exactly matches the surname shown on the official register, and the given names differ only because one of the given names shown is an alphabetically corresponding initial that has been provided in the place of a given name shown on the other record.

(b) [~~For the purposes of this section, "substantially~~] "Substantially similar name" does not mean a name having an initial or a middle name shown on the petition that does not match a different initial or middle name shown on the official register.

(2) The county clerk shall use the following procedures in determining whether [~~or not~~] a signer is a registered voter:

(a) When a signer's name and address shown on the petition exactly match a name and address shown on the official register and the signer's signature appears substantially similar to the signature on the statewide voter registration database, the county clerk shall declare the signature valid.

(b) When there is no exact match of an address and a name, the county clerk shall declare the signature valid if:

(i) the address on the petition matches the address of an individual on the official register with a substantially similar name; and

(ii) the signer's signature appears substantially similar to the signature on the statewide voter registration database of the individual described in Subsection (2)(b)(i).

(c) When there is no match of an address and a substantially similar name, the county

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clerk shall declare the signature valid if:

(i) the birth date or age on the petition matches the birth date or age of an individual on the official register with a substantially similar name; and

(ii) the signer's signature appears substantially similar to the signature on the statewide voter registration database of the individual described in Subsection (2)(c)(i).

(d) If a signature is not declared valid under Subsection (2)(a), (b), or (c), the county clerk shall declare the signature to be invalid.

~~[(3) The county clerk may not provide a final verification of the signature packets submitted for a proposed referendum until eight days after the day on which a sponsor submits the final, timely signature packet to the county clerk to be certified.]~~

(3) The county clerk shall use the following procedures in determining whether to remove a signature from a petition after receiving a timely, valid statement requesting removal of the signature:

(a) if a signer's name and address shown on the statement and the petition exactly match a name and address shown on the official register and the signer's signature on both the statement and the petition appears substantially similar to the signature on the statewide voter registration database, the county clerk shall remove the signature from the petition;

(b) if there is no exact match of an address and a name, the county clerk shall remove the signature from the petition if:

(i) the address on the statement and the petition matches the address of an individual on the official register with a substantially similar name; and

(ii) the signer's signature on both the statement and the petition appears substantially similar to the signature on the statewide voter registration database of the individual described in Subsection (3)(b)(i);

(c) if there is no match of an address and a substantially similar name, the county clerk shall remove the signature from the petition if:

(i) the birth date or age on the statement and petition match the birth date or age of an individual on the official register with a substantially similar name; and

(ii) the signer's signature on both the statement and the petition appears substantially similar to the signature on the statewide voter registration database of the individual described in Subsection (3)(c)(i); and

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(d) if a signature does not qualify for removal under Subsection (3)(a), (b), or (c), the county clerk may not remove the signature from the petition.

Section ~~{42}~~43. Section 20A-7-607 is amended to read:

20A-7-607. Evaluation by the local clerk -- Determination of election for vote on referendum.

(1) When ~~[each]~~ the local clerk receives a referendum packet ~~[is received]~~ from a county clerk, the local clerk shall ~~[check off from the local clerk's]~~ record the number of ~~[each]~~ the referendum packet ~~[filed]~~ received.

~~[(2) Within two days after the day on which the local clerk receives each referendum packet from a county clerk, the local clerk shall:]~~

~~[(a) count the number of the names certified by the county clerks that appear on each verified signature sheet;]~~

(2) (a) The county clerk shall:

(i) post the names and voter identification numbers described in Subsection 20A-7-606(3)(c) on the lieutenant governor's website, in a conspicuous location designated by the lieutenant governor, for at least 45 days; and

(ii) update on the local clerk's website the number of signatures certified as of the date of the update.

(b) The local clerk:

(i) shall, except as provided in Subsection (2)(b)(ii), declare the petition to be sufficient or insufficient no later than 111 days after the day of the deadline, described in Subsection 20A-7-606(1), to submit a referendum packet to the county clerk; or

(ii) may declare the petition to be insufficient before the day described in Subsection (2)(b)(i) if:

(A) the total of all valid signatures on timely and lawfully submitted signature packets that have been certified by the county clerk, plus the number of signatures on timely and lawfully submitted signature packets that have not yet been evaluated for certification, is less than the number of names required under Section 20A-7-601; or

(B) a requirement of this part has not been met.

~~[(b)]~~ (c) [if] If the total number of [certified names from each verified signature sheet] names certified under this Subsection (2) equals or exceeds the number of names required [by]

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under Section 20A-7-601, and the requirements of this part are met, the local clerk shall mark upon the front of the petition the word "sufficient";

~~[(c)]~~ (d) ~~[if]~~ If the total number of ~~[certified names from each verified signature sheet]~~ names certified under this Subsection (2) does not equal or exceed the number of names required ~~[by]~~ under Section 20A-7-601 or a requirement of this part is not met, the local clerk shall mark upon the front of the petition the word "insufficient." ~~[-and]~~

~~[(d)]~~ (e) The local clerk shall immediately notify any one of the sponsors of the local clerk's finding.

(f) After a petition is declared insufficient, a person may not submit additional signatures to qualify the petition for the ballot.

~~[(3)]~~ If the local clerk finds the total number of certified signatures from each verified signature sheet to be insufficient, any sponsor may file a written demand with the local clerk for a recount of the signatures appearing on the referendum petition in the presence of any sponsor.

~~[(4)]~~ (3) (a) If the local clerk refuses to accept and file any referendum petition, any voter may apply to a court for an extraordinary writ to compel the local clerk to do so within 10 days after the refusal.

(b) If ~~[a]~~ the court determines that the referendum petition is legally sufficient, the local clerk shall file the petition, with a verified copy of the judgment attached to the petition, as of the date on which ~~[it]~~ the petition was originally offered for filing in the local clerk's office.

(c) If ~~[a]~~ the court determines that any petition filed is not legally sufficient, the court may enjoin the local clerk and all other officers from:

(i) certifying or printing the ballot title and numbers of that measure on the official ballot for the next election; or

(ii) as it relates to a local tax law that is conducted entirely by mail, certifying, printing, or mailing the ballot title and numbers of that measure under Section 20A-7-609.5.

~~[(5)]~~ (4) A petition determined to be sufficient in accordance with this section is qualified for the ballot.

~~[(6)]~~ (5) (a) If a referendum relates to legislative action taken after April 15, the election officer may not place the referendum on an election ballot until a primary election, a general election, or a special election the following year.

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(b) For a referendum on a land use law, if, before August 30, the local clerk or a court determines that the total number of certified names equals or exceeds the number of signatures required in Section 20A-7-601, the election officer shall place the referendum on the election ballot for the next general election.

Section ~~{43}~~44. Section **20A-7-608** is amended to read:

20A-7-608. Ballot title -- Duties of local clerk and local attorney.

(1) Upon receipt of a referendum petition, the local clerk shall deliver a copy of the petition and the proposed law to the local attorney.

(2) The local attorney shall:

(a) entitle each county or municipal referendum that [~~has qualified~~] qualifies for the ballot "Proposition Number ___" and give [~~it~~] the referendum a number [~~as~~] assigned [~~under~~] in accordance with Section 20A-6-107;

(b) prepare a proposed ballot title for the referendum;

(c) file the proposed ballot title and the numbered referendum [~~titles~~] title with the local clerk within 20 days after the day on which an eligible voter submits the referendum petition to the local clerk; and

(d) promptly provide notice of the filing of the proposed ballot title to:

(i) the sponsors of the petition; and

(ii) the local legislative body for the jurisdiction where the referendum petition was circulated.

(3) (a) The ballot title may be distinct from the title of the law that is the subject of the petition, and shall express, in not exceeding 100 words, the purpose of the measure.

(b) In preparing a ballot title, the local attorney shall, to the best of the local attorney's ability, give a true and impartial statement of the purpose of the measure.

(c) The ballot title may not intentionally be an argument, or likely to create prejudice, for or against the measure.

(4) (a) Within five calendar days after the [~~date~~] day on which the local attorney files a proposed ballot title under Subsection (2)(c), the local legislative body for the jurisdiction where the referendum petition was circulated and the sponsors of the petition may file written comments in response to the proposed ballot title with the local clerk.

(b) Within five calendar days after the last date to submit written comments under

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Subsection (4)(a), the local attorney shall:

- (i) review any written comments filed in accordance with Subsection (4)(a);
 - (ii) prepare a final ballot title that meets the requirements of Subsection (3); and
 - (iii) return the petition and file the ballot title with the local clerk.
- (c) Subject to Subsection (6), the ballot title, as determined by the local attorney, shall

be printed on the official ballot.

(5) Immediately after the local attorney files a copy of the ballot title with the local clerk, the local clerk shall serve a copy of the ballot title by mail upon the sponsors of the petition and the local legislative body for the jurisdiction where the referendum petition was circulated.

(6) (a) If the ballot title furnished by the local attorney is unsatisfactory or does not comply with the requirements of this section, the decision of the local attorney may be appealed to the [~~district court, or, if the Supreme Court has original jurisdiction, to the Supreme Court, brought~~] appropriate court by:

- (i) at least three sponsors of the referendum petition; or
- (ii) a majority of the local legislative body for the jurisdiction where the referendum

petition was circulated.

(b) The court:

- (i) shall examine the measures and consider the arguments; and
- (ii) may issue an order to the local clerk that includes a ballot title for the measure that

fulfills the intent of this section.

(c) The local clerk shall print the title [~~certified~~], as directed by the court, on the official ballot.

Section ~~{44}~~45. Section **20A-7-610** is amended to read:

20A-7-610. Return and canvass -- Conflicting measures -- Law effective on proclamation.

(1) The votes on the proposed law that is the subject of the referendum petition shall be counted, canvassed, and delivered as provided in Title 20A, Chapter 4, Part 3, Canvassing Returns.

(2) After the local board of canvassers completes the canvass, the local clerk shall certify to the local legislative body the vote for and against the proposed law that is the subject

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of the referendum petition.

(3) (a) The local legislative body shall immediately issue a proclamation that:

(i) gives the total number of votes cast in the local jurisdiction for and against each proposed law that is the subject of a referendum petition; and

(ii) in accordance with Section 20A-7-611, declares those laws that are the subject of a referendum petition that were approved by majority vote to be in full force and effect as the law of the local jurisdiction.

(b) When the local legislative body determines that two proposed laws, or that parts of two proposed laws approved by the people at the same election are entirely in conflict, [~~they~~] the local legislative body shall proclaim that measure to be law that [~~has~~] received the greatest number of affirmative votes, regardless of the difference in the majorities which those measures have received.

(4) (a) Within 10 days after the day on which the local legislative [~~body's~~] body issues the proclamation, any qualified voter residing in the jurisdiction for a law that is declared by the local legislative body to be superseded by another measure approved at the same election may bring an action in [~~a district court, or, if the Supreme Court has original jurisdiction, the Supreme Court~~] the appropriate court to review the decision.

(b) The court shall:

(i) consider the matter and decide whether the proposed laws are entirely in conflict; and

(ii) issue an order, consistent with the court's decision, to the local legislative body.

(5) Within 10 days after the day on which the court [~~certifies the decision~~] enters an order under Subsection (4)(b)(ii), the local legislative body shall:

(a) proclaim as law all measures approved by the people that the court determines are not in conflict; and

(b) for the measures approved by the people as law that the court determines to be in conflict, proclaim as law the measure that received the greatest number of affirmative votes, regardless of the difference in majorities.

Section ~~{45}~~46. Section **20A-7-611** is amended to read:

20A-7-611. Temporary stay -- Effective date -- Effect of repeal by local legislative body.

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(1) Any proposed law submitted to the people by referendum petition that is rejected by the voters at any election is repealed as of the date of the election.

(2) If, at the time during the process described in Subsection 20A-7-307(2), the local clerk determines that, at that point in time, an adequate number of signatures are certified to comply with the signature requirements, the local clerk shall:

(a) issue an order temporarily staying the law from going into effect; and

(b) continue the process of certifying signatures and removing signatures as required by this part.

(3) The temporary stay described in Subsection (2) remains in effect, regardless of whether a future count falls below the signature threshold, until the day on which:

(a) if the local clerk declares the petition insufficient, five days after the day on which the local clerk declares the petition insufficient; or

(b) if the local clerk declares the petition sufficient, the day on which the local legislative body issues the proclamation described in Section 20A-7-610.

(4) A proposed law submitted to the people by referendum petition that is approved by the voters at an election takes effect the later of:

(a) five days after the date of the official proclamation of the vote by the local legislative body; or

(b) the effective date specified in the proposed law.

(5) If, after the local clerk issues a temporary stay order under Subsection (2)(a), the local clerk declares the petition insufficient, the proposed law takes effect the later of:

(a) five days after the day on which the local clerk declares the petition insufficient; or

(b) the effective date specified in the proposed law.

(6) (a) A law adopted by the people under this part is not subject to veto.

(b) The local legislative body may amend any laws approved by the people under this part after the people approve the law.

(7) If the local legislative body repeals a law challenged by referendum petition under this part, the referendum petition is void and no further action on the referendum petition is required.

Section ~~46~~47. Section **20A-7-613** is amended to read:

20A-7-613. Property tax referendum petition.

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(1) As used in this section, "certified tax rate" means the same as that term is defined in Section 59-2-924.

(2) Except as provided in this section, the requirements of this part apply to a referendum petition challenging a taxing entity's legislative body's vote to impose a tax rate that exceeds the certified tax rate.

(3) Notwithstanding Subsection 20A-7-606(1), the sponsors or an agent of the sponsors shall deliver [~~each~~] a signed and verified referendum packet to the county clerk of the county in which the packet was circulated before 5 p.m. no later than the earlier of:

(a) 30 days after the day on which the first individual signs the packet; or

(b) 40 days after the day on which the local clerk complies with Subsection 20A-7-604(2).

(4) Notwithstanding Subsections 20A-7-606(2) and (3), the county clerk shall take the actions required in Subsections 20A-7-606(2) and (3) within 10 working days after the day on which the county clerk receives the signed and verified referendum packet as described in Subsection (3).

(5) The local clerk shall take the actions required by Section 20A-7-607 within two working days after the day on which the local clerk receives the referendum packets from the county clerk.

(6) Notwithstanding Subsection 20A-7-608(2), the local attorney shall prepare the ballot title within two working days after the day on which the referendum petition is declared sufficient for submission to a vote of the people.

(7) Notwithstanding Subsection 20A-7-609(2)(c), a referendum that qualifies for the ballot under this section shall appear on the ballot for the earlier of the next regular general election or the next municipal general election unless a special election is called.

(8) The election officer shall mail manual ballots on a referendum under this section the later of:

(a) the time provided in Section 20A-3a-202 or 20A-16-403; or

(b) the time that ballots are prepared for mailing under this section.

(9) Section 20A-7-402 does not apply to a referendum described in this section.

(10) (a) If a majority of voters does not vote against imposing the tax at a rate calculated to generate the increased revenue budgeted, adopted, and approved by the taxing

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entity's legislative body:

(i) the certified tax rate for the fiscal year during which the referendum petition is filed is its most recent certified tax rate; and

(ii) the proposed increased revenues for purposes of establishing the certified tax rate for the fiscal year after the fiscal year described in Subsection (10)(a)(i) are the proposed increased revenues budgeted, adopted, and approved by the taxing entity's legislative body before the filing of the referendum petition.

(b) If a majority of voters votes against imposing a tax at the rate established by the vote of the taxing entity's legislative body, the certified tax rate for the taxing entity is the taxing entity's most recent certified tax rate.

(c) If the tax rate is set in accordance with Subsection (10)(a)(ii), a taxing entity is not required to comply with the notice and public hearing requirements of Section 59-2-919 if the taxing entity complies with those notice and public hearing requirements before the referendum petition is filed.

(11) The ballot title shall, at a minimum, include in substantially this form the following: "Shall the [name of the taxing entity] be authorized to levy a tax rate in the amount sufficient to generate an increased property tax revenue of [amount] for fiscal year [year] as budgeted, adopted, and approved by the [name of the taxing entity].".

(12) A taxing entity shall pay the county the costs incurred by the county that are directly related to meeting the requirements of this section and that the county would not have incurred but for compliance with this section.

(13) (a) An election officer shall include on a ballot a referendum that has not yet qualified for placement on the ballot, if:

(i) sponsors file an application for a referendum described in this section;

(ii) the ballot will be used for the election for which the sponsors are attempting to qualify the referendum; and

(iii) the deadline for qualifying the referendum for placement on the ballot occurs after the day on which the ballot will be printed.

(b) If an election officer includes on a ballot a referendum described in Subsection (13)(a), the ballot title shall comply with Subsection (11).

(c) If an election officer includes on a ballot a referendum described in Subsection

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(13)(a) that does not qualify for placement on the ballot, the election officer shall inform the voters by any practicable method that the referendum has not qualified for the ballot and that votes cast in relation to the referendum will not be counted.

Section ~~{47}~~48. **Repealer.**

This bill repeals:

Section **20A-7-205.5, Initial disclosures -- Paid circulators.**