

1 **BALLOT MEASURE TRANSPARENCY AMENDMENTS**

2 2021 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Steve R. Christiansen**

5 Senate Sponsor: _____

7 **LONG TITLE**

8 **General Description:**

9 This bill provides for a ballot information statement, relating to a statewide initiative or
10 referendum or a proposed constitutional amendment, that consists of an impartial,
11 accurate description of the measure and the effect of the measure.

12 **Highlighted Provisions:**

13 This bill:

- 14 ▶ creates the Utah Ballot Measure Board;
- 15 ▶ describes the membership, compensation, and duties of the board;
- 16 ▶ requires the board to prepare a ballot information statement, relating to a statewide
17 initiative or referendum or a proposed constitutional amendment, that consists of an
18 impartial, accurate description of the measure and the effect of the measure;
- 19 ▶ provides for a legal challenge to the content of a ballot information statement;
- 20 ▶ requires that a URL be printed on the ballot that links to the ballot information
21 statements; and
- 22 ▶ makes technical and conforming changes.

23 **Money Appropriated in this Bill:**

24 None

25 **Other Special Clauses:**

26 None

27 **Utah Code Sections Affected:**



28 AMENDS:

29 20A-6-301, as last amended by Laws of Utah 2020, Chapters 31, 49, and 344

30 20A-6-304, as last amended by Laws of Utah 2020, Chapter 31

31 20A-7-103, as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 20

32 20A-7-209, as last amended by Laws of Utah 2019, Chapter 275

33 20A-7-308, as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 4

34 20A-7-702, as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 20

35 ENACTS:

36 36-33-301, Utah Code Annotated 1953

37 36-33-302, Utah Code Annotated 1953

38 36-33-303, Utah Code Annotated 1953

39 36-33-304, Utah Code Annotated 1953

40 36-33-305, Utah Code Annotated 1953



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

43 Section 1. Section 20A-6-301 is amended to read:

44 **20A-6-301. Paper ballots -- Regular general election.**

45 (1) Each election officer shall ensure that:

46 (a) all manual ballots furnished for use at the regular general election contain:

47 (i) no captions or other endorsements except as provided in this section;

48 (ii) no symbols, markings, or other descriptions of a political party or group, except for

49 a registered political party that has chosen to nominate its candidates in accordance with

50 Section 20A-9-403; and

51 (iii) no indication that a candidate for elective office has been nominated by, or has

52 been endorsed by, or is in any way affiliated with a political party or group, unless the

53 candidate has been nominated by a registered political party in accordance with Subsection

54 20A-9-202(4) or Subsection 20A-9-403(5);

55 (b) at the top of the ballot, the following endorsements are printed in 18 point bold type:

56 (i) "Official Ballot for ____ County, Utah";

57 (ii) the date of the election; and

58 (iii) the words "certified by the Clerk of _____ County" or, as applicable, the

59 name of a combined office that includes the duties of a county clerk;

60 (c) unaffiliated candidates, candidates not affiliated with a registered political party,
61 and all other candidates for elective office who were not nominated by a registered political
62 party in accordance with Subsection 20A-9-202(4) or Subsection 20A-9-403(5), are listed with
63 the other candidates for the same office in accordance with Section 20A-6-305, without a party
64 name or title;

65 (d) each ticket containing the lists of candidates, including the party name and device,
66 are separated by heavy parallel lines;

67 (e) the offices to be filled are plainly printed immediately above the names of the
68 candidates for those offices;

69 (f) the names of candidates are printed in capital letters, not less than one-eighth nor
70 more than one-fourth of an inch high in heavy-faced type not smaller than 10 point, between
71 lines or rules three-eighths of an inch apart; and

72 (g) on a ticket for a race in which a voter is authorized to cast a write-in vote and in
73 which a write-in candidate is qualified under Section 20A-9-601:

74 (i) the ballot includes a space for a write-in candidate immediately following the last
75 candidate listed on that ticket; or

76 (ii) for the offices of president and vice president and governor and lieutenant
77 governor, the ballot includes two spaces for write-in candidates immediately following the last
78 candidates on that ticket, one placed above the other, to enable the entry of two valid write-in
79 candidates.

80 (2) An election officer shall ensure that:

81 (a) each individual nominated by any registered political party under Subsection
82 20A-9-202(4) or Subsection 20A-9-403(5), and no other individual, is placed on the ballot:

83 (i) under the registered political party's name, if any; or

84 (ii) under the title of the registered political party as designated by them in their
85 certificates of nomination or petition, or, if none is designated, then under some suitable title;

86 (b) the names of all unaffiliated candidates that qualify as required in Chapter 9, Part 5,
87 Candidates not Affiliated with a Party, are placed on the ballot;

88 (c) the names of the candidates for president and vice president are used on the ballot
89 instead of the names of the presidential electors; and

90 (d) the ballots contain no other names.

91 (3) When the ballot contains a nonpartisan section, the election officer shall ensure
92 that:

93 (a) the designation of the office to be filled in the election and the number of
94 candidates to be elected are printed in type not smaller than eight point;

95 (b) the words designating the office are printed flush with the left-hand margin;

96 (c) the words, "Vote for one" or "Vote for up to _____ (the number of candidates for
97 which the voter may vote)" extend to the extreme right of the column;

98 (d) the nonpartisan candidates are grouped according to the office for which they are
99 candidates;

100 (e) the names in each group are placed in the order specified under Section 20A-6-305
101 with the surnames last; and

102 (f) each group is preceded by the designation of the office for which the candidates
103 seek election, and the words, "Vote for one" or "Vote for up to _____ (the number of
104 candidates for which the voter may vote)," according to the number to be elected.

105 (4) Each election officer shall ensure that:

106 (a) proposed amendments to the Utah Constitution are listed on the ballot in
107 accordance with Section 20A-6-107;

108 (b) ballot propositions submitted to the voters are listed on the ballot in accordance
109 with Section 20A-6-107; [~~and~~]

110 (c) bond propositions that have qualified for the ballot are listed on the ballot under the
111 title assigned to each bond proposition under Section 11-14-206[-]; and

112 (d) the ballot contains the statement described in Subsection 36-33-305(2) at the
113 beginning of the portion of the ballot that contains ballot measures.

114 Section 2. Section 20A-6-304 is amended to read:

115 **20A-6-304. Regular general election -- Mechanical ballots.**

116 (1) Each election officer shall ensure that:

117 (a) the format and content of a mechanical ballot is arranged in approximately the same
118 order as manual ballots;

119 (b) the titles of offices and the names of candidates are displayed in vertical columns or
120 in a series of separate displays;

121 (c) the mechanical ballot is of sufficient length to include, after the list of candidates:

122 (i) the names of candidates for judicial offices and any other nonpartisan offices; and

123 (ii) any ballot propositions submitted to the voters for their approval or rejection;

124 (d) the office titles are displayed above or at the side of the names of candidates so as

125 to indicate clearly the candidates for each office and the number to be elected;

126 (e) the party designation of each candidate who has been nominated by a registered

127 political party under Subsection 20A-9-202(4) or Subsection 20A-9-403(5) is displayed

128 adjacent to the candidate's name; and

129 (f) if possible, all candidates for one office are grouped in one column or upon one

130 display screen.

131 (2) Each election officer shall ensure that:

132 (a) proposed amendments to the Utah Constitution are displayed in accordance with

133 Section 20A-6-107;

134 (b) ballot propositions submitted to the voters are displayed in accordance with Section

135 20A-6-107; ~~and~~

136 (c) bond propositions that have qualified for the ballot are displayed under the title

137 assigned to each bond proposition under Section 11-14-206[-]; and

138 (d) the ballot contains the statement described in Subsection 36-33-305(2) at the

139 beginning of the portion of the ballot that contains ballot measures.

140 Section 3. Section 20A-7-103 is amended to read:

141 **20A-7-103. Constitutional amendments and other questions submitted by the**

142 **Legislature -- Publication -- Ballot title -- Procedures for submission to popular vote.**

143 (1) The procedures contained in this section govern when the Legislature submits a

144 proposed constitutional amendment or other question to the voters.

145 (2) The lieutenant governor shall, not more than 60 days or less than 14 days before the

146 date of the election, publish the full text of the amendment, question, or statute in at least one

147 newspaper in every county of the state where a newspaper is published.

148 (3) The legislative general counsel shall:

149 (a) entitle each proposed constitutional amendment "Constitutional Amendment ___"

150 and assign it a letter according to the requirements of Section 20A-6-107;

151 (b) entitle each proposed question "Proposition Number ___" with the number assigned

152 to the proposition under Section [20A-6-107](#) placed in the blank;

153 (c) draft and designate a ballot title for each proposed amendment or question
154 submitted by the Legislature that summarizes the subject matter of the amendment or question;
155 and

156 (d) deliver each number and title to the lieutenant governor.

157 (4) The lieutenant governor shall certify the number [~~and ballot title of~~], the ballot title,
158 and the ballot information statement described in Section [36-33-304](#) for each amendment or
159 question to the county clerk of each county no later than 65 days before the date of the election.

160 (5) The county clerk of each county shall:

161 (a) ensure that [~~both the number and title of each amendment and question is printed~~
162 ~~on the sample ballots and official ballots; and~~], for each amendment or question described in
163 this section, the sample and official ballots show, in the following order:

164 (i) the information described in Subsection (3)(a) or (b), as applicable;

165 (ii) the ballot title described in this section;

166 (iii) the ballot question; and

167 (iv) for a proposed constitutional amendment, the following statement, "Go to the URL
168 listed at the beginning of this portion of the ballot for explanatory information."; and

169 (b) publish [~~them~~] the ballots as provided by law.

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

171 **20A-7-209. Ballot title -- Duties of lieutenant governor and Office of Legislative**
172 **Research and General Counsel.**

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

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

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

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

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

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

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

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

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

191 ~~[(i) the number of the initiative as determined by the Office of Legislative Research
192 and General Counsel;]~~

193 (i) the information described in Subsection (2)(a)(i);

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

196 ~~[(iii) the ballot title as determined by the Office of Legislative Research and General
197 Counsel.]~~

198 (iii) the ballot title described in this section;

199 (iv) the ballot question; and

200 (v) the following statement, "Go to the URL listed at the beginning of this portion of
201 the ballot for explanatory information."

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

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

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

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

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

214 about any issues relating to the initiative.

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

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

220 (c) The court shall:

221 (i) examine the ballot title;

222 (ii) hear arguments; and

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

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

227 Section 5. Section **20A-7-308** is amended to read:

228 **20A-7-308. Ballot title -- Duties of lieutenant governor and Office of Legislative**
229 **Research and General Counsel.**

230 (1) Whenever a referendum petition is declared sufficient for submission to a vote of
231 the people, the lieutenant governor shall deliver a copy of the petition and the proposed law to
232 the Office of Legislative Research and General Counsel.

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

234 (i) entitle each state referendum that ~~[has qualified]~~ qualifies for the ballot "Proposition
235 Number __" and ~~[give it a number as assigned under]~~ assign a number to the referendum in
236 accordance with Section [20A-6-107](#);

237 (ii) prepare an impartial ballot title for the referendum summarizing the contents of the
238 measure; and

239 (iii) ~~[return the petition and]~~ submit the ballot title to the lieutenant governor within 15
240 days after ~~[its receipt]~~ the day on which the Office of Legislative Research and General
241 Counsel receives the petition under Subsection (1).

242 (b) The ballot title may be distinct from the title of the law that is the subject of the
243 petition, and ~~[shall be not more than]~~ may not exceed 100 words.

244 ~~[(c) The ballot title and the number of the measure as determined by the Office of~~

245 ~~Legislative Research and General Counsel shall be printed on the official ballot.]~~

246 (c) For each state referendum, the official ballot shall show, in the following order:

247 (i) the information described in Subsection (2)(a)(i);

248 (ii) the ballot title described in this section;

249 (iii) the ballot question; and

250 (iv) the following statement, "Go to the URL listed at the beginning of this portion of
251 the ballot for explanatory information."

252 (3) Immediately after the Office of Legislative Research and General Counsel [~~files a~~
253 ~~copy of~~] submits the ballot title [~~with~~] to the lieutenant governor, the lieutenant governor shall
254 mail or email a copy of the ballot title to any of the sponsors of the petition.

255 (4) (a) (i) At least three of the sponsors of the petition may, within 15 days [~~of the date~~]
256 after the day on which the lieutenant governor mails or emails the ballot title, challenge the
257 wording of the ballot title prepared by the Office of Legislative Research and General Counsel
258 to the [~~Supreme Court~~] appropriate court.

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

261 (A) any person or group that has filed an argument for or against the measure that is the
262 subject of the challenge; [~~or~~] and

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

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

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

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

273 (i) examine the ballot title;

274 (ii) hear arguments; and

275 (iii) [~~certify to the lieutenant governor a ballot title for the measure that meets~~] enter an

276 order consistent with the requirements of this section.

277 (d) The lieutenant governor shall, in accordance with the court's order, certify the ballot
278 title [~~verified by the Supreme Court~~] to the county clerks to be printed on the official ballot.

279 Section 6. Section **20A-7-702** is amended to read:

280 **20A-7-702. Voter information pamphlet -- Form -- Contents.**

281 (1) The voter information pamphlet shall contain the following items in this order:

282 (a) a cover title page;

283 (b) an introduction to the pamphlet by the lieutenant governor;

284 (c) a table of contents;

285 (d) a list of all candidates for constitutional offices;

286 (e) a list of candidates for each legislative district;

287 (f) a 100-word statement of qualifications for each candidate for the office of governor,
288 lieutenant governor, attorney general, state auditor, or state treasurer, if submitted by the
289 candidate to the lieutenant governor's office before 5 p.m. on the first business day in August
290 before the date of the election;

291 (g) information pertaining to all measures to be submitted to the voters, beginning a
292 new page for each measure and containing, in the following order for each measure:

293 (i) a copy of the number and ballot title of the measure;

294 (ii) the final vote cast by the Legislature on the measure if it is a measure submitted by
295 the Legislature or by referendum;

296 (iii) the impartial analysis of the measure prepared by the Office of Legislative
297 Research and General Counsel;

298 (iv) the ballot information statement described in Section [36-33-304](#);

299 [~~(iv)~~] (v) the arguments in favor of the measure, the rebuttal to the arguments in favor
300 of the measure, the arguments against the measure, and the rebuttal to the arguments against
301 the measure, with the name and title of the authors at the end of each argument or rebuttal;

302 [~~(v)~~] (vi) for each constitutional amendment, a complete copy of the text of the
303 constitutional amendment, with all new language underlined, and all deleted language placed
304 within brackets;

305 [~~(vi)~~] (vii) for each initiative qualified for the ballot:

306 (A) a copy of the measure as certified by the lieutenant governor and a copy of the

307 fiscal impact estimate prepared according to Section [20A-7-202.5](#); and

308 (B) if the initiative proposes a tax increase, the following statement in bold type:

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

312 [~~(vii)~~] (viii) for each referendum qualified for the ballot, a complete copy of the text of
313 the law being submitted to the voters for their approval or rejection, with all new language
314 underlined and all deleted language placed within brackets, as applicable;

315 (h) a description provided by the Judicial Performance Evaluation Commission of the
316 selection and retention process for judges, including, in the following order:

317 (i) a description of the judicial selection process;

318 (ii) a description of the judicial performance evaluation process;

319 (iii) a description of the judicial retention election process;

320 (iv) a list of the criteria of the judicial performance evaluation and the minimum
321 performance standards;

322 (v) the names of the judges standing for retention election; and

323 (vi) for each judge:

324 (A) a list of the counties in which the judge is subject to retention election;

325 (B) a short biography of professional qualifications and a recent photograph;

326 (C) a narrative concerning the judge's performance;

327 (D) for each standard of performance, a statement identifying whether or not the judge
328 met the standard and, if not, the manner in which the judge failed to meet the standard;

329 (E) a statement identifying whether or not the Judicial Performance Evaluation
330 Commission recommends the judge be retained or declines to make a recommendation and the
331 number of votes for and against the commission's recommendation;

332 (F) any statement provided by a judge who is not recommended for retention by the
333 Judicial Performance Evaluation Commission under Section [78A-12-203](#);

334 (G) in a bar graph, the average of responses to each survey category, displayed with an
335 identification of the minimum acceptable score as set by Section [78A-12-205](#) and the average
336 score of all judges of the same court level; and

337 (H) a website address that contains the Judicial Performance Evaluation Commission's

338 report on the judge's performance evaluation;

339 (i) for each judge, a statement provided by the Utah Supreme Court identifying the
340 cumulative number of informal reprimands, when consented to by the judge in accordance with
341 Title 78A, Chapter 11, Judicial Conduct Commission, formal reprimands, and all orders of
342 censure and suspension issued by the Utah Supreme Court under Utah Constitution, Article
343 VIII, Section 13, during the judge's current term and the immediately preceding term, and a
344 detailed summary of the supporting reasons for each violation of the Code of Judicial Conduct
345 that the judge has received;

346 (j) an explanation of ballot marking procedures prepared by the lieutenant governor,
347 indicating the ballot marking procedure used by each county and explaining how to mark the
348 ballot for each procedure;

349 (k) voter registration information, including information on how to obtain a ballot;

350 (l) a list of all county clerks' offices and phone numbers;

351 (m) the address of the Statewide Electronic Voter Information Website, with a
352 statement indicating that the election officer will post on the website any changes to the
353 location of a polling place and the location of any additional polling place;

354 (n) a phone number that a voter may call to obtain information regarding the location
355 of a polling place; and

356 (o) on the back cover page, a printed copy of the following statement signed by the
357 lieutenant governor:

358 "I, _____ (print name), Lieutenant Governor of Utah, certify that the
359 measures contained in this pamphlet will be submitted to the voters of Utah at the election to
360 be held throughout the state on ____ (date of election), and that this pamphlet is complete and
361 correct according to law.

362 SEAL

363 Witness my hand and the Great Seal of the State, at Salt Lake City, Utah this ____ day
364 of ____ (month), ____ (year)

365 (signed) _____
366 Lieutenant Governor"

367 (2) No earlier than 75 days, and no later than 15 days, before the day on which voting
368 commences, the lieutenant governor shall make all information provided in the voter

369 information pamphlet available on the Statewide Electronic Voter Information Website
370 Program described in Section [20A-7-801](#).

371 (3) The lieutenant governor may distribute a voter information pamphlet at a location
372 frequented by a person who cannot easily access the Statewide Electronic Voter Information
373 Website authorized by Section [20A-7-801](#).

374 Section 7. Section **36-33-301** is enacted to read:

375 **CHAPTER 33. UTAH BALLOT MEASURE BOARD**

376 **36-33-301. Title.**

377 This chapter is known as "Utah Ballot Measure Board."

378 Section 8. Section **36-33-302** is enacted to read:

379 **36-33-302. Definitions.**

380 As used in this chapter, "board" means the Utah Ballot Measure Board, created in
381 Section [36-33-303](#).

382 Section 9. Section **36-33-303** is enacted to read:

383 **36-33-303. Utah Ballot Measure Board.**

384 (1) There is created the Utah Ballot Measure Board.

385 (2) The board comprises five members appointed as follows:

386 (a) one member jointly appointed by the president of the Senate and the speaker of the
387 House of Representatives, which member shall serve as chair of the board;

388 (b) one member of the Senate appointed by the president of the Senate;

389 (c) one member of the House of Representatives appointed by the speaker of the House
390 of Representatives;

391 (d) one member of the Senate appointed by the legislative leader of the largest minority
392 political party in the Senate; and

393 (e) one member of the House of Representatives appointed by the legislative leader of
394 the largest minority political party in the House of Representatives.

395 (3) The term of a member of the board is four years, except that the initial term of a
396 member described in Subsection (2)(b) or (2)(e) is two years.

397 (4) An appointing authority described in Subsection (2):

398 (a) may remove a board member appointed by the appointing authority, for cause;

399 (b) shall, if a vacancy occurs in the position appointed by the appointing authority

400 under Subsection (2), appoint another individual to fill the vacancy, for the remainder of the
401 term of the vacant position, within 10 days after the day on which the vacancy occurs; and

402 (c) may make a temporary appointment to fill the position of the board member
403 appointed by the appointing authority when the board member has a conflict of interest relating
404 to a matter before the board.

405 (5) Compensation and expenses of a board member are governed by Section [36-2-2](#)
406 and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.

407 (6) The board shall meet upon the request of a majority of the board members or when
408 the chair calls a meeting.

409 (7) (a) A majority of the members of the board constitutes a quorum.

410 (b) The board takes official action by a majority vote of a quorum present at a meeting
411 of the board.

412 (8) Each board member shall faithfully discharge the duties of a board member in an
413 independent, impartial, and honest manner.

414 (9) The Office of Legislative Research and General Counsel will provide staff support
415 to the board.

416 Section 10. Section **36-33-304** is enacted to read:

417 **36-33-304. Duties of board.**

418 (1) Upon receiving a copy of a law proposed by initiative under Subsection
419 [20A-7-209](#)(1) or a copy of a referendum petition under Subsection [20A-7-308](#)(1), or upon
420 passage by the Legislature of a proposed constitutional amendment in accordance with Utah
421 Constitution, Article XXXIII, Sec. 1, the Office of Legislative Research and General Counsel
422 shall:

423 (a) forward a copy of the proposed law, referendum petition, or proposed constitutional
424 amendment to the members of the board; and

425 (b) contact board members to arrange a meeting of the board.

426 (2) The board shall prepare a ballot information statement that:

427 (a) consists of an impartial, accurate description of the measure and the effect of the
428 measure;

429 (b) is expressed using bullet points; and

430 (c) does not exceed 200 words.

431 (3) The board shall submit the ballot information statement described in Subsection (2)
432 to the lieutenant governor:

433 (a) for an initiative or a proposed constitutional amendment, on or before June 26; or

434 (b) for a referendum, within 15 days after the day on which the Office of Legislative
435 Research and General Counsel receives a copy of the referendum petition under Subsection
436 20A-7-308(1).

437 (4) The lieutenant governor shall, no later than one day after the day on which the
438 lieutenant governor receives a ballot information statement under Subsection (3):

439 (a) mail or email a copy of the ballot information statement to:

440 (i) for an initiative or referendum, any sponsor of the petition; or

441 (ii) for a proposed constitutional amendment, the Senate and House of Representatives
442 sponsors of the constitutional amendment resolution passed by the Legislature in accordance
443 with Utah Constitution, Article XXXIII, Sec. 1; and

444 (b) post the ballot information statement on the lieutenant governor's website for
445 review by the public.

446 (5) (a) Any of the following may challenge the wording of the ballot information
447 statement prepared by the board to the appropriate court:

448 (i) for an initiative or a referendum:

449 (A) three of the petition sponsors;

450 (B) the Legislature; or

451 (C) an individual who, under Section 20A-7-704 or 20A-7-705, is appointed to, or files
452 a written notice that the individual intends to, submit a written argument for or against the
453 measure; or

454 (ii) for a proposed constitutional amendment:

455 (A) a sponsor described in Subsection (4)(a)(ii);

456 (B) the Legislature; or

457 (C) an individual who, under Section 20A-7-705, is appointed to, or files a written
458 notice that the individual intends to, submit a written argument for or against the measure.

459 (b) An individual shall bring a challenge described in Subsection (5)(a):

460 (i) for an initiative or a proposed constitutional amendment, on or before July 6; or

461 (ii) for a referendum, within 15 days after the day on which the lieutenant governor

462 complies with Subsection (4).

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

465 (i) the general counsel of the Legislature;

466 (ii) an individual who, under Section 20A-7-704 or 20A-7-705, is appointed to, or files
467 a written notice that the individual intends to, submit a written argument for or against the
468 measure; and

469 (iii) a political issues committee established under Section 20A-11-801 that has filed
470 written or electronic notice with the lieutenant governor that identifies the name, mailing or
471 email address, and telephone number of the person designated to receive notice about any
472 issues relating to the measure.

473 (d) (i) There is a presumption that the ballot information statement prepared by the
474 board is an impartial, accurate description of the measure and the effect of the measure.

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

478 (e) The court shall:

479 (i) examine the ballot information statement;

480 (ii) hear arguments; and

481 (iii) enter an order consistent with the requirements of this section.

482 (6) The lieutenant governor shall certify the ballot statement to the county clerks.

483 Section 11. Section **36-33-305** is enacted to read:

484 **36-33-305. Ballot information statement -- Posting -- Ballot reference.**

485 (1) The lieutenant governor shall post each ballot information statement on the
486 lieutenant governor's website in a location accessed by the uniform resource locator described
487 in Subsection (2).

488 (2) At the beginning of the portion of the ballot that contains ballot measures, the ballot
489 shall include the following statement, "For more information on the likely impact of a measure
490 passing or not passing, go to [insert the uniform resource locator that links to the ballot
491 information statements described in Subsection (1)].".