

Representative Steve R. Christiansen proposes the following substitute bill:

BALLOT MEASURE TRANSPARENCY AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Steve R. Christiansen

Senate Sponsor: _____

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

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

Money Appropriated in this Bill:

None

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) the statement described in Subsection 36-33-305(3); and

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

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

170 **20A-7-209. Ballot title -- Duties of lieutenant governor and Office of Legislative**
171 **Research and General Counsel.**

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

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

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

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

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

181 June 26.

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

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

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

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

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

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

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

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

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

198 (iv) the ballot question; and

199 (v) the statement described in Subsection 36-33-305(3).

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

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

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

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

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

212 about any issues relating to the initiative.

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

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

218 (c) The court shall:

219 (i) examine the ballot title;

220 (ii) hear arguments; and

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

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

225 Section 5. Section ~~20A-7-308~~ is amended to read:

226 **20A-7-308. Ballot title -- Duties of lieutenant governor and Office of Legislative**
227 **Research and General Counsel.**

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

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

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

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

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

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

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

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

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

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

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

247 (iii) the ballot question; and

248 (iv) the statement described in Subsection [36-33-305\(3\)](#).

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

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

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

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

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

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

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

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

270 (i) examine the ballot title;

271 (ii) hear arguments; and

272 (iii) [~~certify to the lieutenant governor a ballot title for the measure that meets~~] enter an
273 order consistent with the requirements of this section.

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

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

277 **20A-7-702. Voter information pamphlet -- Form -- Contents.**

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

279 (a) a cover title page;

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

281 (c) a table of contents;

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

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

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

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

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

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

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

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

296 [(iv)] (v) the arguments in favor of the measure, the rebuttal to the arguments in favor
297 of the measure, the arguments against the measure, and the rebuttal to the arguments against
298 the measure, with the name and title of the authors at the end of each argument or rebuttal;

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

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

303 (A) a copy of the measure as certified by the lieutenant governor and a copy of the
304 fiscal impact estimate prepared according to Section [20A-7-202.5](#); and

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

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

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

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

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

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

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

317 (iv) a list of the criteria of the judicial performance evaluation and the minimum
318 performance standards;

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

320 (vi) for each judge:

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

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

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

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

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

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

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

334 (H) a website address that contains the Judicial Performance Evaluation Commission's
335 report on the judge's performance evaluation;

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

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

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

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

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

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

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

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

359 SEAL

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

362 (signed) _____
363 Lieutenant Governor"

364 (2) No earlier than 75 days, and no later than 15 days, before the day on which voting
365 commences, the lieutenant governor shall make all information provided in the voter
366 information pamphlet available on the Statewide Electronic Voter Information Website

367 Program described in Section [20A-7-801](#).

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

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

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

373 **36-33-301. Title.**

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

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

376 **36-33-302. Definitions.**

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

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

380 **36-33-303. Utah Ballot Measure Board.**

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

382 (2) The board comprises three members appointed as follows:

383 (a) one member appointed by the president of the Senate;

384 (b) one member appointed by the speaker of the House of Representatives; and

385 (c) one member jointly appointed by the legislative leader of the largest minority

386 political party in the Senate and the legislative leader of the largest minority political party in
387 the House of Representatives.

388 (3) The term of a member of the board is four years, except that the initial term of a
389 member described in Subsection (2)(c) is two years.

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

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

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

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

395 (c) may make a temporary appointment to fill the position of the board member

396 appointed by the appointing authority when the board member has a conflict of interest relating
397 to a matter before the board.

398 (5) (a) Compensation and expenses of a board member who is a legislator are governed
399 by Section 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and
400 Expenses.

401 (b) A board member who is not a legislator may not receive compensation or benefits
402 for the board member's service, but may receive per diem and travel expenses in accordance
403 with:

404 (i) Section 63A-3-106;

405 (ii) Section 63A-3-107; and

406 (iii) rules made by the Division of Finance in accordance with Sections 63A-3-106 and
407 63A-3-107.

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

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

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

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

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

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

418 **36-33-304. Duties of board.**

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

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

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

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

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

429 measure;

430 (b) is expressed using bullet points; and

431 (c) does not exceed 150 words.

432 (3) The board shall submit the ballot information statement described in Subsection (2)

433 to the lieutenant governor:

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

435 (b) for a referendum, within 15 days after the day on which the Office of Legislative

436 Research and General Counsel receives a copy of the referendum petition under Subsection

437 20A-7-308(1).

438 (4) The lieutenant governor shall, no later than one day after the day on which the

439 lieutenant governor receives a ballot information statement under Subsection (3):

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

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

442 (ii) for a proposed constitutional amendment, the Senate and House of Representatives

443 sponsors of the constitutional amendment resolution passed by the Legislature in accordance

444 with Utah Constitution, Article XXXIII, Sec. 1; and

445 (b) post the ballot information statement on the lieutenant governor's website for

446 review by the public.

447 (5) (a) Any of the following may challenge the wording of the ballot information

448 statement prepared by the board to the appropriate court:

449 (i) for an initiative or a referendum:

450 (A) three of the petition sponsors;

451 (B) the Legislature; or

452 (C) an individual who, under Section 20A-7-704 or 20A-7-705, is appointed to, or files

453 a written notice that the individual intends to, submit a written argument for or against the

454 measure; or

455 (ii) for a proposed constitutional amendment:

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

457 (B) the Legislature; or

458 (C) an individual who, under Section 20A-7-705, is appointed to, or files a written

459 notice that the individual intends to, submit a written argument for or against the measure.

- 460 (b) An individual shall bring a challenge described in Subsection (5)(a):
461 (i) for an initiative or a proposed constitutional amendment, on or before July 6; or
462 (ii) for a referendum, within 15 days after the day on which the lieutenant governor
463 complies with Subsection (4).
- 464 (c) After receipt of the challenge, the court shall direct the lieutenant governor to send
465 notice of the challenge to:
466 (i) the general counsel of the Legislature;
467 (ii) an individual who, under Section [20A-7-704](#) or [20A-7-705](#), is appointed to, or files
468 a written notice that the individual intends to, submit a written argument for or against the
469 measure; and
470 (iii) a political issues committee established under Section [20A-11-801](#) that has filed
471 written or electronic notice with the lieutenant governor that identifies the name, mailing or
472 email address, and telephone number of the person designated to receive notice about any
473 issues relating to the measure.
- 474 (d) (i) There is a presumption that the ballot information statement prepared by the
475 board is an impartial, accurate description of the measure and the effect of the measure.
476 (ii) The court may not revise the wording of the ballot information statement unless the
477 plaintiffs rebut the presumption by clearly and convincingly establishing that the ballot
478 information statement is patently false or biased.
- 479 (e) The court shall:
480 (i) examine the ballot information statement;
481 (ii) hear arguments; and
482 (iii) enter an order consistent with the requirements of this section.
- 483 (6) The lieutenant governor shall certify the ballot statement to the county clerks.
484 Section 11. Section **36-33-305** is enacted to read:
485 **36-33-305. Ballot information statement -- Posting -- Ballot reference.**
486 (1) The lieutenant governor shall post each ballot information statement on the
487 lieutenant governor's website in a location accessed by a uniform resource locator that:
488 (a) begins with "www.vote.utah.gov/"; and
489 (b) is followed by a string of characters that does not exceed 11 characters in length.
490 (2) At the beginning of the portion of the ballot that contains ballot measures, the ballot

491 shall include the following statement, "For more information on the likely impact of a measure
492 passing or not passing, go to [insert the uniform resource locator that links to the ballot
493 information statements described in Subsection (1)]."

494 (3) For each proposed constitutional amendment, each statewide initiative, and each
495 statewide referendum, the ballot shall include, immediately after the ballot question for the
496 measure, the words "Go to" followed by a uniform resource locator that:

497 (a) links to the ballot information statement for that measure;

498 (b) begins with "www.vote.utah.gov/"; and

499 (c) is followed by a string of characters that does not exceed 11 characters in length.