

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: Daniel McCay

LONG TITLE

General Description:

This bill requires the Office of Legislative Research and General Counsel to prepare an impartial statement of the effect of a ballot measure.

Highlighted Provisions:

This bill:

- ▶ requires the Office of Legislative Research and General Counsel to prepare an impartial statement of the effect of a ballot measure;
- ▶ requires a ballot to contain a statement with a URL where a voter can access certain information about ballot measures, including the impartial statement; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

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



26 [20A-7-703](#), as last amended by Laws of Utah 2020, Chapter 277



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

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

30 **20A-6-301. Paper ballots -- Regular general election.**

31 (1) Each election officer shall ensure that:

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

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

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

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

36 Section [20A-9-403](#); and

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

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

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

40 [20A-9-202\(4\)](#) or Subsection [20A-9-403\(5\)](#);

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

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

43 (ii) the date of the election; and

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

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

46 (c) unaffiliated candidates, candidates not affiliated with a registered political party,

47 and all other candidates for elective office who were not nominated by a registered political

48 party in accordance with Subsection [20A-9-202\(4\)](#) or Subsection [20A-9-403\(5\)](#), are listed with

49 the other candidates for the same office in accordance with Section [20A-6-305](#), without a party

50 name or title;

51 (d) each ticket containing the lists of candidates, including the party name and device,

52 are separated by heavy parallel lines;

53 (e) the offices to be filled are plainly printed immediately above the names of the

54 candidates for those offices;

55 (f) the names of candidates are printed in capital letters, not less than one-eighth nor

56 more than one-fourth of an inch high in heavy-faced type not smaller than 10 point, between

57 lines or rules three-eighths of an inch apart; and

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

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

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

66 (2) An election officer shall ensure that:

67 (a) each individual nominated by any registered political party under Subsection
68 20A-9-202(4) or Subsection 20A-9-403(5), and no other individual, is placed on the ballot:

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

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

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

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

76 (d) the ballots contain no other names.

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

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

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

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

84 (d) the nonpartisan candidates are grouped according to the office for which they are
85 candidates;

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

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

91 (4) Each election officer shall ensure that:

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

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

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

98 (d) the ballot contains the statement described in Subsection 20A-7-703(8) at the
99 beginning of the portion of the ballot that contains ballot measures.

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

101 **20A-6-304. Regular general election -- Mechanical ballots.**

102 (1) Each election officer shall ensure that:

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

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

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

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

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

110 (d) the office titles are displayed above or at the side of the names of candidates so as
111 to indicate clearly the candidates for each office and the number to be elected;

112 (e) the party designation of each candidate who has been nominated by a registered
113 political party under Subsection 20A-9-202(4) or Subsection 20A-9-403(5) is displayed
114 adjacent to the candidate's name; and

115 (f) if possible, all candidates for one office are grouped in one column or upon one
116 display screen.

117 (2) Each election officer shall ensure that:

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

119 Section [20A-6-107](#);

120 (b) ballot propositions submitted to the voters are displayed in accordance with Section
121 [20A-6-107](#); ~~[and]~~

122 (c) bond propositions that have qualified for the ballot are displayed under the title
123 assigned to each bond proposition under Section [11-14-206](#)~~[-]~~; and

124 (d) the ballot contains the statement described in Subsection [20A-7-703](#)(8) at the
125 beginning of the portion of the ballot that contains ballot measures.

126 Section 3. Section [20A-7-703](#) is amended to read:

127 **[20A-7-703. Impartial analysis of measure -- Determination of fiscal effects.](#)**

128 (1) The director of the Office of Legislative Research and General Counsel, after the
129 approval of the legislative general counsel as to legal sufficiency, shall:

130 (a) in accordance with Subsection (2), prepare an impartial analysis of each measure
131 submitted to the voters by the Legislature or by initiative or referendum petition; ~~[and]~~

132 (b) in accordance with Subsection (3), prepare an impartial ballot statement of the
133 effect of each measure described in Subsection (1)(a); and

134 ~~[(b)]~~ (c) submit the impartial analysis and the impartial ballot statement to the
135 lieutenant governor no later than the day that falls 90 days before the date of the election in
136 which the measure will appear on the ballot.

137 (2) The director shall ensure that the impartial analysis:

138 (a) ~~[is not more than]~~ does not exceed 1,000 words ~~[long]~~;

139 (b) is prepared in clear and concise language that will easily be understood by the
140 average voter;

141 (c) to the extent possible, avoids the use of technical terms ~~[as much as possible]~~;

142 (d) ~~[shows]~~ describes the effect of the measure on existing law;

143 (e) identifies any potential conflicts with the United States or Utah Constitutions raised
144 by the measure;

145 (f) fairly describes the operation of the measure;

146 (g) identifies the measure's fiscal effects over the time period or time periods
147 determined by the director to be most useful in understanding the estimated fiscal impact of the
148 proposed law; and

149 (h) identifies the amount of any increase or decrease in revenue or cost to state or local

150 government.

151 (3) The director shall ensure that the impartial ballot statement of the effect of the
152 ballot measure:

153 (a) does not exceed 200 words;

154 (b) is printed in bullet-point format;

155 (c) is prepared in clear and concise language that will easily be understood by the
156 average voter;

157 (d) to the extent possible, avoids the use of technical terms;

158 (e) describes the likely impact of the ballot measure on:

159 (i) state and local revenue, taxes, and expenditures;

160 (ii) the regulatory burden on individuals and businesses;

161 (iii) constitutional rights; and

162 (iv) other provisions of law; and

163 (f) explains constitutional issues raised by the measure.

164 ~~[(3)]~~ (4) The director shall analyze the measure as it is proposed to be adopted without
165 considering any implementing legislation, unless the implementing legislation has been enacted
166 and will become effective upon the adoption of the measure by the voters.

167 ~~[(4)]~~ (5) (a) In determining the fiscal effects of a measure, the director shall confer with
168 the legislative fiscal analyst.

169 (b) The director shall consider any measure that requires implementing legislation in
170 order to take effect to have no financial effect, unless implementing legislation has been
171 enacted that will become effective upon adoption of the measure by the voters.

172 ~~[(5)]~~ (6) If the director requests the assistance of any state department, agency, or
173 official in preparing the director's analysis, that department, agency, or official shall assist the
174 director.

175 (7) The lieutenant governor shall post each impartial analysis and each impartial ballot
176 statement on the lieutenant governor's website in a location accessed by a uniform resource
177 locator that begins with "www.vote.utah.gov/".

178 (8) At the beginning of the portion of the ballot that contains ballot measures, the ballot
179 shall include the following statement, "For more information on the likely impact of a measure
180 passing or not passing, go to [insert the uniform resource locator that links to the documents

181 described in Subsection (7)]."