

**Representative Adam Robertson** proposes the following substitute bill:

**INITIATIVE AND REFERENDUM AMENDMENTS**

2022 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Adam Robertson**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill amends provisions relating to local initiatives and referenda.

**Highlighted Provisions:**

This bill:

- ▶ reduces the signature thresholds to qualify a local initiative or referendum for the ballot; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**20A-7-501**, as last amended by Laws of Utah 2019, Chapter 203

**20A-7-601**, as last amended by Laws of Utah 2021, Chapter 140

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

Section 1. Section **20A-7-501** is amended to read:



26 **20A-7-501. Initiatives -- Signature requirements -- Time requirements.**

27 (1) As used in this section:

28 (a) "Number of active voters" means the number of active voters in the county, city, or  
29 town on the immediately preceding January 1.30 (b) "Voter participation area" means an area described in Subsection [20A-7-401.3\(1\)\(a\)](#)  
31 or (2)(b).32 (2) An eligible voter seeking to have an initiative submitted to a local legislative body  
33 or to a vote of the people for approval or rejection shall obtain legal signatures equal to:

34 (a) for a county of the first class:

35 (i) [~~7.75%~~] 3.875% of the number of active voters in the county; and36 (ii) [~~beginning on January 1, 2020, 7.75%~~] 3.875% of the number of active voters in at  
37 least 75% of the county's voter participation areas;38 (b) for a metro township with a population of 100,000 or more, or a city of the first  
39 class:40 (i) [~~7.5%~~] 3.75% of the number of active voters in the metro township or city; and41 (ii) [~~beginning on January 1, 2020, 7.5%~~] 3.75% of the number of active voters in at  
42 least 75% of the metro township's or city's voter participation areas;

43 (c) for a county of the second class:

44 (i) [~~8%~~] 4% of the number of active voters in the county; and45 (ii) [~~beginning on January 1, 2020, 8%~~] 4% of the number of active voters in at least  
46 75% of the county's voter participation areas;47 (d) for a metro township with a population of 65,000 or more but less than 100,000, or  
48 a city of the second class:49 (i) [~~8.25%~~] 4.125% of the number of active voters in the metro township or city; and50 (ii) [~~beginning on January 1, 2020, 8.25%~~] 4.125% of the number of active voters in at  
51 least 75% of the metro township's or city's voter participation areas;

52 (e) for a county of the third class:

53 (i) [~~9.5%~~] 4.75% of the number of active voters in the county; and54 (ii) [~~beginning on January 1, 2020, 9.5%~~] 4.75% of the number of active voters in at  
55 least 75% of the county's voter participation areas;

56 (f) for a metro township with a population of 30,000 or more but less than 65,000, or a

57 city of the third class:

58 (i) [~~10%~~] 5% of the number of active voters in the metro township or city; and

59 (ii) [~~beginning on January 1, 2020, 10%~~] 5% of the number of active voters in at least  
60 75% of the metro township's or city's voter participation areas;

61 (g) for a county of the fourth class:

62 (i) [~~11.5%~~] 5.75% of the number of active voters in the county; and

63 (ii) [~~beginning on January 1, 2020, 11.5%~~] 5.75% of the number of active voters in at  
64 least 75% of the county's voter participation areas;

65 (h) for a metro township with a population of 10,000 or more but less than 30,000, or a  
66 city of the fourth class:

67 (i) [~~11.5%~~] 5.75% of the number of active voters in the metro township or city; and

68 (ii) [~~beginning on January 1, 2020, 11.5%~~] 5.75% of the number of active voters in at  
69 least 75% of the metro township's or city's voter participation areas;

70 (i) for a metro township with a population of 1,000 or more but less than 10,000, a city  
71 of the fifth class, or a county of the fifth class, [~~25%~~] 12.5% of the number of active voters in  
72 the metro township, city, or county; or

73 (j) for a metro township with a population of less than 1,000, a town, or a county of the  
74 sixth class, [~~35%~~] 17.5% of the number of active voters in the metro township, town, or  
75 county.

76 (3) If the total number of certified names from each verified signature sheet equals or  
77 exceeds the number of names required by this section, the clerk or recorder shall deliver the  
78 proposed law to the local legislative body at the local legislative body's next meeting.

79 (4) (a) The local legislative body shall either adopt or reject the proposed law without  
80 change or amendment within 30 days after the day on which the local legislative body receives  
81 the proposed law under Subsection (3).

82 (b) The local legislative body may:

83 (i) adopt the proposed law and refer the proposed law to the people;

84 (ii) adopt the proposed law without referring the proposed law to the people; or

85 (iii) reject the proposed law.

86 (c) If the local legislative body adopts the proposed law but does not refer the proposed  
87 law to the people, the proposed law is subject to referendum as with other local laws.

88 (d) (i) If a county legislative body rejects a proposed law, or takes no action on a  
89 proposed law, the county clerk shall submit the proposed law to the voters of the county at the  
90 next regular general election immediately after the petition for the proposed law is filed under  
91 Section 20A-7-502.

92 (ii) If a local legislative body of a municipality rejects a proposed law, or takes no  
93 action on a proposed law, the municipal recorder or clerk shall submit the proposed law to the  
94 voters of the municipality at the next municipal general election immediately after the petition  
95 is filed under Section 20A-7-502.

96 (e) (i) If a local legislative body rejects a proposed law, or takes no action on a  
97 proposed law, the local legislative body may adopt a competing local law.

98 (ii) The local legislative body shall prepare and adopt the competing local law within  
99 the 30-day period described in Subsection (4)(a).

100 (iii) If a local legislative body adopts a competing local law, the clerk or recorder shall  
101 refer the competing local law to the voters of the county or municipality at the same election at  
102 which the initiative proposal is submitted under Subsection (4)(d).

103 (f) If conflicting local laws are submitted to the people at the same election and two or  
104 more of the conflicting measures are approved by the people, the measure that receives the  
105 greatest number of affirmative votes shall control all conflicts.

106 Section 2. Section 20A-7-601 is amended to read:

107 **20A-7-601. Referenda -- General signature requirements -- Signature**  
108 **requirements for land use laws and subjurisdictional laws -- Time requirements.**

109 (1) As used in this section:

110 (a) "Number of active voters" means the number of active voters in the county, city, or  
111 town on the immediately preceding January 1.

112 (b) "Subjurisdiction" means an area comprised of all precincts and subprecincts in the  
113 jurisdiction of a county, city, or town that are subject to a subjurisdictional law.

114 (c) (i) "Subjurisdictional law" means a local law or local obligation law passed by a  
115 local legislative body that imposes a tax or other payment obligation on property in an area that  
116 does not include all precincts and subprecincts under the jurisdiction of the county, city, town,  
117 or metro township.

118 (ii) "Subjurisdictional law" does not include a land use law.

119 (d) "Voter participation area" means an area described in Subsection [20A-7-401.3\(1\)\(a\)](#)  
120 or (2)(b).

121 (2) Except as provided in Subsection (3) or (4), an eligible voter seeking to have a local  
122 law passed by the local legislative body submitted to a vote of the people shall obtain legal  
123 signatures equal to:

124 (a) for a county of the first class:

125 (i) [~~7.75%~~] 3.875% of the number of active voters in the county; and

126 (ii) [~~beginning on January 1, 2020, 7.75%~~] 3.875% of the number of active voters in at  
127 least 75% of the county's voter participation areas;

128 (b) for a metro township with a population of 100,000 or more, or a city of the first  
129 class:

130 (i) [~~7.5%~~] 3.75% of the number of active voters in the metro township or city; and

131 (ii) [~~beginning on January 1, 2020, 7.5%~~] 3.75% of the number of active voters in at  
132 least 75% of the metro township's or city's voter participation areas;

133 (c) for a county of the second class:

134 (i) [~~8%~~] 4% of the number of active voters in the county; and

135 (ii) [~~beginning on January 1, 2020, 8%~~] 4% of the number of active voters in at least  
136 75% of the county's voter participation areas;

137 (d) for a metro township with a population of 65,000 or more but less than 100,000, or  
138 a city of the second class:

139 (i) [~~8.25%~~] 4.125% of the number of active voters in the metro township or city; and

140 (ii) [~~beginning on January 1, 2020, 8.25%~~] 4.125% of the number of active voters in at  
141 least 75% of the metro township's or city's voter participation areas;

142 (e) for a county of the third class:

143 (i) [~~9.5%~~] 4.75% of the number of active voters in the county; and

144 (ii) [~~beginning on January 1, 2020, 9.5%~~] 4.75% of the number of active voters in at  
145 least 75% of the county's voter participation areas;

146 (f) for a metro township with a population of 30,000 or more but less than 65,000, or a  
147 city of the third class:

148 (i) [~~10%~~] 5% of the number of active voters in the metro township or city; and

149 (ii) [~~beginning on January 1, 2020, 10%~~] 5% of the number of active voters in at least

150 75% of the metro township's or city's voter participation areas;

151 (g) for a county of the fourth class:

152 (i) [~~11.5%~~] 5.75% of the number of active voters in the county; and

153 (ii) [~~beginning on January 1, 2020, 11.5%~~] 5.75% of the number of active voters in at  
154 least 75% of the county's voter participation areas;

155 (h) for a metro township with a population of 10,000 or more but less than 30,000, or a  
156 city of the fourth class:

157 (i) [~~11.5%~~] 5.75% of the number of active voters in the metro township or city; and

158 (ii) [~~beginning on January 1, 2020, 11.5%~~] 5.75% of the number of active voters in at  
159 least 75% of the metro township's or city's voter participation areas;

160 (i) for a metro township with a population of 1,000 or more but less than 10,000, a city  
161 of the fifth class, or a county of the fifth class, [~~25%~~] 12.5% of the number of active voters in  
162 the metro township, city, or county; or

163 (j) for a metro township with a population of less than 1,000, a town, or a county of the  
164 sixth class, [~~35%~~] 17.5% of the number of active voters in the metro township, town, or  
165 county.

166 (3) Except as provided in Subsection (4), an eligible voter seeking to have a land use  
167 law or local obligation law passed by the local legislative body submitted to a vote of the  
168 people shall obtain legal signatures equal to:

169 (a) for a county [~~of the first, second, third, or fourth class~~]:

170 (i) [~~16%~~] 8% of the number of active voters in the county; and

171 (ii) [~~beginning on January 1, 2020, 16%~~] 8% of the number of active voters in at least  
172 75% of the county's voter participation areas;

173 [~~(b) for a county of the fifth or sixth class:~~]

174 [~~(i) 16% of the number of active voters in the county; and~~]

175 [~~(ii) beginning on January 1, 2020, 16% of the number of active voters in at least 75%~~  
176 ~~of the county's voter participation areas;~~]

177 [~~(c)~~] (b) for a metro township with a population of 100,000 or more, or a city of the  
178 first class:

179 (i) [~~15%~~] 7.5% of the number of active voters in the metro township or city; and

180 (ii) [~~beginning on January 1, 2020, 15%~~] 7.5% of the number of active voters in at least

181 75% of the metro township's or city's voter participation areas;

182 ~~[(d)]~~ (c) for a metro township with a population of 65,000 or more but less than

183 100,000, or a city of the second class:

184 (i) ~~[16%]~~ 8% of the number of active voters in the metro township or city; and

185 (ii) ~~[beginning on January 1, 2020, 16%]~~ 8% of the number of active voters in at least  
186 75% of the metro township's or city's voter participation areas;

187 ~~[(e)]~~ (d) for a metro township with a population of 30,000 or more but less than  
188 65,000, or a city of the third class:

189 (i) ~~[27.5%]~~ 13.75% of the number of active voters in the metro township or city; and

190 (ii) ~~[beginning on January 1, 2020, 27.5%]~~ 13.75% of the number of active voters in at  
191 least 75% of the metro township's or city's voter participation areas;

192 ~~[(f)]~~ (e) for a metro township with a population of 10,000 or more but less than 30,000,  
193 or a city of the fourth class:

194 (i) ~~[29%]~~ 14.5% of the number of active voters in the metro township or city; and

195 (ii) ~~[beginning on January 1, 2020, 29%]~~ 14.5% of the number of active voters in at  
196 least 75% of the metro township's or city's voter participation areas;

197 ~~[(g)]~~ (f) for a metro township with a population of 1,000 or more but less than 10,000,  
198 or a city of the fifth class, ~~[35%]~~ 17.5% of the number of active voters in the metro township or  
199 city; or

200 ~~[(h)]~~ (g) for a metro township with a population of less than 1,000 or a town, ~~[40%]~~  
201 20% of the number of active voters in the metro township or town.

202 (4) A person seeking to have a subjurisdictional law passed by the local legislative  
203 body submitted to a vote of the people shall obtain legal signatures of the residents in the  
204 subjurisdiction equal to:

205 (a) ~~[10%]~~ 5% of the number of active voters in the subjurisdiction if the number of  
206 active voters exceeds 25,000;

207 (b) ~~[12-1/2%]~~ 6.25% of the number of active voters in the subjurisdiction if the number  
208 of active voters does not exceed 25,000 but is more than 10,000;

209 (c) ~~[15%]~~ 7.5% of the number of active voters in the subjurisdiction if the number of  
210 active voters does not exceed 10,000 but is more than 2,500;

211 (d) ~~[20%]~~ 10% of the number of active voters in the subjurisdiction if the number of

212 active voters does not exceed 2,500 but is more than 500;

213 (e) [~~25%~~ 12.5% of the number of active voters in the subjurisdiction if the number of  
214 active voters does not exceed 500 but is more than 250; and

215 (f) [~~30%~~ 15% of the number of active voters in the subjurisdiction if the number of  
216 active voters does not exceed 250.

217 (5) Sponsors of any referendum petition challenging, under Subsection (2), (3), or (4),  
218 any local law passed by a local legislative body shall file the application before 5 p.m. within  
219 seven days after the day on which the local law was passed.

220 (6) Nothing in this section authorizes a local legislative body to impose a tax or other  
221 payment obligation on a subjurisdiction in order to benefit an area outside of the  
222 subjurisdiction.