

HB0185S02 compared with HB0185S01

~~deleted text~~ shows text that was in HB0185S01 but was deleted in HB0185S02.

inserted text shows text that was not in HB0185S01 but was inserted into HB0185S02.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Representative Adam Robertson proposes the following substitute bill:

INITIATIVE AND REFERENDUM AMENDMENTS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Adam Robertson

Senate Sponsor: _____

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:

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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

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

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

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

(1) As used in this section:

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

(b) "Voter participation area" means an area described in Subsection 20A-7-401.3(1)(a) or (2)(b).

(2) An eligible voter seeking to have an initiative submitted to a local legislative body or to a vote of the people for approval or rejection shall obtain legal signatures equal to:

(a) for a county of the first class:

(i) [~~7.75%~~ ~~3~~ ~~6~~ ~~.875%~~ 25%] of the number of active voters in the county; and

(ii) [~~beginning on January 1, 2020, 7.75%~~ ~~3~~ ~~6~~ ~~.875%~~ 25%] of the number of active voters in at least 75% of the county's voter participation areas;

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

(i) [~~7.5%~~ ~~3.75%~~ 6%] of the number of active voters in the metro township or city;

and

(ii) [~~beginning on January 1, 2020, 7.5%~~ ~~3.75%~~ 6%] of the number of active voters in at least 75% of the metro township's or city's voter participation areas;

(c) for a county of the second class:

(i) [~~8%~~ ~~4%~~ 6.5%] of the number of active voters in the county; and

(ii) [~~beginning on January 1, 2020, 8%~~ ~~4%~~ 6.5%] of the number of active voters in at least 75% of the county's voter participation areas;

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

(i) [~~8.25%~~ ~~4~~ ~~6~~ ~~.125%~~ 75%] of the number of active voters in the metro township or

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city; and

(ii) [~~beginning on January 1, 2020, 8.25%~~ ~~4~~6.~~125%~~75%] of the number of active voters in at least 75% of the metro township's or city's voter participation areas;

(e) for a county of the third class:

(i) [~~9.5%~~ ~~4~~7.75%] of the number of active voters in the county; and

(ii) [~~beginning on January 1, 2020, 9.5%~~ ~~4~~7.75%] of the number of active voters in at least 75% of the county's voter participation areas;

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

(i) [~~10%~~ ~~5~~8%] of the number of active voters in the metro township or city; and

(ii) [~~beginning on January 1, 2020, 10%~~ ~~5~~8%] of the number of active voters in at least 75% of the metro township's or city's voter participation areas;

(g) for a county of the fourth class:

(i) [~~11.5%~~ ~~5~~9.~~75%~~25%] of the number of active voters in the county; and

(ii) [~~beginning on January 1, 2020, 11.5%~~ ~~5~~9.~~75%~~25%] of the number of active voters in at least 75% of the county's voter participation areas;

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

(i) [~~11.5%~~ ~~5~~9.~~75%~~25%] of the number of active voters in the metro township or city; and

(ii) [~~beginning on January 1, 2020, 11.5%~~ ~~5~~9.~~75%~~25%] of the number of active voters in at least 75% of the metro township's or city's voter participation areas;

(i) for a metro township with a population of 1,000 or more but less than 10,000, a city of the fifth class, or a county of the fifth class, [~~25%~~ ~~12.5%~~20%] of the number of active voters in the metro township, city, or county; or

(j) for a metro township with a population of less than 1,000, a town, or a county of the sixth class, [~~35%~~ ~~17.5%~~28%] of the number of active voters in the metro township, town, or county.

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

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

(b) The local legislative body may:

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

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

(iii) reject the proposed law.

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

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

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

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

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

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

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

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

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

(1) As used in this section:

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

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

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

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

(d) "Voter participation area" means an area described in Subsection 20A-7-401.3(1)(a) or (2)(b).

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

(a) for a county of the first class:

(i) [~~7.75%~~ ~~13~~~~6~~~~.1875%~~~~25%~~] of the number of active voters in the county; and

(ii) [~~beginning on January 1, 2020, 7.75%~~ ~~13~~~~6~~~~.1875%~~~~25%~~] of the number of active voters in at least 75% of the county's voter participation areas;

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

(i) [~~7.5%~~ ~~13.75%~~~~6%~~] of the number of active voters in the metro township or city;

and

(ii) [~~beginning on January 1, 2020, 7.5%~~ ~~13.75%~~~~6%~~] of the number of active voters in at least 75% of the metro township's or city's voter participation areas;

(c) for a county of the second class:

(i) [~~8%~~ ~~14%~~~~6.5%~~] of the number of active voters in the county; and

(ii) [~~beginning on January 1, 2020, 8%~~ ~~14%~~~~6.5%~~] of the number of active voters in at least 75% of the county's voter participation areas;

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

(i) [~~8.25%~~ ~~14~~~~6~~~~.125%~~~~75%~~] of the number of active voters in the metro township or

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city; and

(ii) [~~beginning on January 1, 2020, 8.25%~~ ~~4~~6.~~125%~~75%] of the number of active voters in at least 75% of the metro township's or city's voter participation areas;

(e) for a county of the third class:

(i) [~~9.5%~~ ~~4~~7.75%] of the number of active voters in the county; and

(ii) [~~beginning on January 1, 2020, 9.5%~~ ~~4~~7.75%] of the number of active voters in at least 75% of the county's voter participation areas;

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

(i) [~~10%~~ ~~5~~8%] of the number of active voters in the metro township or city; and

(ii) [~~beginning on January 1, 2020, 10%~~ ~~5~~8%] of the number of active voters in at least 75% of the metro township's or city's voter participation areas;

(g) for a county of the fourth class:

(i) [~~11.5%~~ ~~5~~9.~~75%~~25%] of the number of active voters in the county; and

(ii) [~~beginning on January 1, 2020, 11.5%~~ ~~5~~9.~~75%~~25%] of the number of active voters in at least 75% of the county's voter participation areas;

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

(i) [~~11.5%~~ ~~5~~9.~~75%~~25%] of the number of active voters in the metro township or city; and

(ii) [~~beginning on January 1, 2020, 11.5%~~ ~~5~~9.~~75%~~25%] of the number of active voters in at least 75% of the metro township's or city's voter participation areas;

(i) for a metro township with a population of 1,000 or more but less than 10,000, a city of the fifth class, or a county of the fifth class, [~~25%~~ ~~12.5%~~20%] of the number of active voters in the metro township, city, or county; or

(j) for a metro township with a population of less than 1,000, a town, or a county of the sixth class, [~~35%~~ ~~17.5%~~28%] of the number of active voters in the metro township, town, or county.

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

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

(i) [~~16%~~ ~~18%~~ 13%] of the number of active voters in the county; and

(ii) [~~beginning on January 1, 2020, 16%~~ ~~18%~~ 13%] of the number of active voters in at least 75% of the county's voter participation areas;

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

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

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

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

(i) [~~15%~~ ~~7.5%~~ 12%] of the number of active voters in the metro township or city; and

(ii) [~~beginning on January 1, 2020, 15%~~ ~~7.5%~~ 12%] of the number of active voters in at least 75% of the metro township's or city's voter participation areas;

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

(i) [~~16%~~ ~~8%~~ 12.75%] of the number of active voters in the metro township or city;

and

(ii) [~~beginning on January 1, 2020, 16%~~ ~~8%~~ 12.75%] of the number of active voters in at least 75% of the metro township's or city's voter participation areas;

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

(i) [~~27.5%~~ ~~13.75%~~ 22%] of the number of active voters in the metro township or city;

and

(ii) [~~beginning on January 1, 2020, 27.5%~~ ~~13.75%~~ 22%] of the number of active voters in at least 75% of the metro township's or city's voter participation areas;

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

(i) [~~29%~~ ~~14%~~ 23%, ~~5%~~ 25%] of the number of active voters in the metro township or city; and

(ii) [~~beginning on January 1, 2020, 29%~~ ~~14%~~ 23%, ~~5%~~ 25%] of the number of active voters in at least 75% of the metro township's or city's voter participation areas;

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~~[(g)]~~ (f) for a metro township with a population of 1,000 or more but less than 10,000, or a city of the fifth class, ~~[35%]~~ ~~17.5%~~ 28% of the number of active voters in the metro township or city; or

~~[(h)]~~ (g) for a metro township with a population of less than 1,000 or a town, ~~[40%]~~ ~~20%~~ 32% of the number of active voters in the metro township or town.

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

(a) ~~[10%]~~ ~~5%~~ 8% of the number of active voters in the subjurisdiction if the number of active voters exceeds 25,000;

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

(c) ~~[15%]~~ ~~7.5%~~ 12% of the number of active voters in the subjurisdiction if the number of active voters does not exceed 10,000 but is more than 2,500;

(d) ~~[20%]~~ ~~10%~~ 16% of the number of active voters in the subjurisdiction if the number of active voters does not exceed 2,500 but is more than 500;

(e) ~~[25%]~~ ~~12.5%~~ 20% of the number of active voters in the subjurisdiction if the number of active voters does not exceed 500 but is more than 250; and

(f) ~~[30%]~~ ~~15%~~ 24% of the number of active voters in the subjurisdiction if the number of active voters does not exceed 250.

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

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