

HB0218S01 compared with HB0218

~~deleted text~~ shows text that was in HB0218 but was deleted in HB0218S01.

inserted text shows text that was not in HB0218 but was inserted into HB0218S01.

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Representative Jordan D. Teuscher proposes the following substitute bill:

CITIZEN PETITION AMENDMENTS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jordan D. Teuscher

Senate Sponsor: _____

LONG TITLE

General Description:

This bill provides a process, under certain circumstances, for the electronic collection of signatures for initiative petitions, referendum petitions, or petitions seeking the nomination of a registered political party.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ establishes a process for the electronic collection of signatures, in the presence of a signature gatherer using an approved device, as follows:
 - for, at the discretion of the lieutenant governor, a statewide initiative, a statewide referendum, or a petition seeking the nomination of a registered political party; or

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- for, at the discretion of a local clerk, a local initiative or a local referendum;
- ▶ limits eligible signatures on a petition to registered voters;
- ▶ modifies criminal provisions in relation to eligibility to sign a petition;
- ▶ provides for the security of signatures and information collected in relation to signatures; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

- 10-9a-509**, as last amended by Laws of Utah 2021, Chapters 140 and 385
- 11-14-301**, as last amended by Laws of Utah 2021, Chapter 140
- 17-27a-508**, as last amended by Laws of Utah 2021, Chapters 140 and 385
- 20A-1-306**, as last amended by Laws of Utah 2019, Chapter 24
- 20A-1-609**, as last amended by Laws of Utah 2021, Chapters 140 and 418
- 20A-7-101**, as last amended by Laws of Utah 2021, Chapter 80
- 20A-7-203**, as last amended by Laws of Utah 2021, Chapters 140, 418 and last amended by Coordination Clause, Laws of Utah 2021, Chapter 418
- 20A-7-204**, as last amended by Laws of Utah 2021, Chapters 140, 418 and last amended by Coordination Clause, Laws of Utah 2021, Chapter 418
- 20A-7-205**, as last amended by Laws of Utah 2021, Chapter 140
- 20A-7-206**, as last amended by Laws of Utah 2021, Chapters 140 and 418
- 20A-7-206.3**, as last amended by Laws of Utah 2019, Chapter 210
- 20A-7-207**, as last amended by Laws of Utah 2021, Chapter 140
- 20A-7-213**, as last amended by Laws of Utah 2019, Chapter 210
- 20A-7-303**, as last amended by Laws of Utah 2021, Chapters 140, 418 and last amended by Coordination Clause, Laws of Utah 2021, Chapter 418
- 20A-7-304**, as last amended by Laws of Utah 2021, Chapters 140, 418 and last amended by Coordination Clause, Laws of Utah 2021, Chapter 418

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- 20A-7-304.5**, as enacted by Laws of Utah 2021, Chapter 418
- 20A-7-305**, as last amended by Laws of Utah 2021, Chapter 140
- 20A-7-306**, as last amended by Laws of Utah 2021, Chapters 140 and 418
- 20A-7-306.3**, as last amended by Laws of Utah 2021, Chapter 140
- 20A-7-307**, as last amended by Laws of Utah 2021, Chapter 140
- 20A-7-312**, as last amended by Laws of Utah 2019, Chapter 210
- 20A-7-502.6**, as enacted by Laws of Utah 2021, Chapter 418
- 20A-7-502.7**, as last amended by Laws of Utah 2021, Chapter 418
- 20A-7-503**, as last amended by Laws of Utah 2021, Chapters 140, 418 and last amended by Coordination Clause, Laws of Utah 2021, Chapter 418
- 20A-7-504**, as last amended by Laws of Utah 2021, Chapters 140, 418 and last amended by Coordination Clause, Laws of Utah 2021, Chapter 418
- 20A-7-505**, as last amended by Laws of Utah 2021, Chapter 140
- 20A-7-506**, as last amended by Laws of Utah 2021, Chapters 140 and 418
- 20A-7-506.3**, as last amended by Laws of Utah 2021, Chapter 140
- 20A-7-507**, as last amended by Laws of Utah 2021, Chapter 140
- 20A-7-512**, as last amended by Laws of Utah 2019, Chapter 203
- 20A-7-602.7**, as last amended by Laws of Utah 2021, Chapter 418
- 20A-7-602.8**, as last amended by Laws of Utah 2021, Chapter 418
- 20A-7-603**, as last amended by Laws of Utah 2021, Chapters 140, 418 and last amended by Coordination Clause, Laws of Utah 2021, Chapter 418
- 20A-7-604**, as last amended by Laws of Utah 2021, Chapters 140, 418 and last amended by Coordination Clause, Laws of Utah 2021, Chapter 418
- 20A-7-604.5**, as enacted by Laws of Utah 2021, Chapter 418
- 20A-7-605**, as last amended by Laws of Utah 2021, Chapter 140
- 20A-7-606**, as last amended by Laws of Utah 2021, Chapters 140 and 418
- 20A-7-606.3**, as last amended by Laws of Utah 2021, Chapter 140
- 20A-7-607**, as last amended by Laws of Utah 2021, Chapters 80 and 140
- 20A-7-611**, as last amended by Laws of Utah 2021, Chapter 140
- 20A-7-612**, as last amended by Laws of Utah 2019, Chapter 203
- 20A-7-613**, as last amended by Laws of Utah 2021, Chapter 140

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20A-9-101, as last amended by Laws of Utah 2020, Chapter 344

20A-9-403, as last amended by Laws of Utah 2020, Chapter 22

20A-9-405, as last amended by Laws of Utah 2018, Chapter 281

20A-9-408, as last amended by Laws of Utah 2021, Second Special Session, Chapter 6

ENACTS:

20A-7-215, Utah Code Annotated 1953

20A-7-216, Utah Code Annotated 1953

20A-7-217, Utah Code Annotated 1953

20A-7-313, Utah Code Annotated 1953

20A-7-314, Utah Code Annotated 1953

20A-7-315, Utah Code Annotated 1953

20A-7-514, Utah Code Annotated 1953

20A-7-515, Utah Code Annotated 1953

20A-7-516, Utah Code Annotated 1953

20A-7-614, Utah Code Annotated 1953

20A-7-615, Utah Code Annotated 1953

20A-7-616, Utah Code Annotated 1953

20A-21-101, Utah Code Annotated 1953

20A-21-201, Utah Code Annotated 1953

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

Section 1. Section **10-9a-509** is amended to read:

10-9a-509. Applicant's entitlement to land use application approval -- Municipality's requirements and limitations -- Vesting upon submission of development plan and schedule.

(1) (a) (i) An applicant who has submitted a complete land use application as described in Subsection (1)(c), including the payment of all application fees, is entitled to substantive review of the application under the land use regulations:

(A) in effect on the date that the application is complete; and

(B) applicable to the application or to the information shown on the application.

(ii) An applicant is entitled to approval of a land use application if the application

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conforms to the requirements of the applicable land use regulations, land use decisions, and development standards in effect when the applicant submits a complete application and pays application fees, unless:

(A) the land use authority, on the record, formally finds that a compelling, countervailing public interest would be jeopardized by approving the application and specifies the compelling, countervailing public interest in writing; or

(B) in the manner provided by local ordinance and before the applicant submits the application, the municipality formally initiates proceedings to amend the municipality's land use regulations in a manner that would prohibit approval of the application as submitted.

(b) The municipality shall process an application without regard to proceedings the municipality initiated to amend the municipality's ordinances as described in Subsection (1)(a)(ii)(B) if:

(i) 180 days have passed since the municipality initiated the proceedings; and

(ii) the proceedings have not resulted in an enactment that prohibits approval of the application as submitted.

(c) A land use application is considered submitted and complete when the applicant provides the application in a form that complies with the requirements of applicable ordinances and pays all applicable fees.

(d) A subsequent incorporation of a municipality or a petition that proposes the incorporation of a municipality does not affect a land use application approved by a county in accordance with Section 17-27a-508.

(e) The continuing validity of an approval of a land use application is conditioned upon the applicant proceeding after approval to implement the approval with reasonable diligence.

(f) A municipality may not impose on an applicant who has submitted a complete application a requirement that is not expressed in:

(i) this chapter;

(ii) a municipal ordinance; or

(iii) a municipal specification for public improvements applicable to a subdivision or development that is in effect on the date that the applicant submits an application.

(g) A municipality may not impose on a holder of an issued land use permit or a final, unexpired subdivision plat a requirement that is not expressed:

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- (i) in a land use permit;
- (ii) on the subdivision plat;
- (iii) in a document on which the land use permit or subdivision plat is based;
- (iv) in the written record evidencing approval of the land use permit or subdivision plat;
- (v) in this chapter; or
- (vi) in a municipal ordinance.

(h) Except as provided in Subsection (1)(i), a municipality may not withhold issuance of a certificate of occupancy or acceptance of subdivision improvements because of an applicant's failure to comply with a requirement that is not expressed:

(i) in the building permit or subdivision plat, documents on which the building permit or subdivision plat is based, or the written record evidencing approval of the land use permit or subdivision plat; or

(ii) in this chapter or the municipality's ordinances.

(i) A municipality may not unreasonably withhold issuance of a certificate of occupancy where an applicant has met all requirements essential for the public health, public safety, and general welfare of the occupants, in accordance with this chapter, unless:

(i) the applicant and the municipality have agreed in a written document to the withholding of a certificate of occupancy; or

(ii) the applicant has not provided a financial assurance for required and uncompleted landscaping or infrastructure improvements in accordance with an applicable ordinance that the legislative body adopts under this chapter.

(2) A municipality is bound by the terms and standards of applicable land use regulations and shall comply with mandatory provisions of those regulations.

(3) A municipality may not, as a condition of land use application approval, require a person filing a land use application to obtain documentation regarding a school district's willingness, capacity, or ability to serve the development proposed in the land use application.

(4) (a) Except as provided in Subsection (4)(b), for a period of 10 years after the day on which a subdivision plat is recorded, a municipality may not impose on a building permit applicant for a single-family dwelling located within the subdivision any land use regulation that is enacted within 10 years after the day on which the subdivision plat is recorded.

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(b) Subsection (4)(a) does not apply to any changes in the requirements of the applicable building code, health code, or fire code, or other similar regulations.

(5) Upon a specified public agency's submission of a development plan and schedule as required in Subsection 10-9a-305(8) that complies with the requirements of that subsection, the specified public agency vests in the municipality's applicable land use maps, zoning map, hookup fees, impact fees, other applicable development fees, and land use regulations in effect on the date of submission.

(6) (a) If sponsors of a referendum timely challenge a project in accordance with Subsection 20A-7-601(5), the project's affected owner may rescind the project's land use approval by delivering a written notice:

- (i) to the local clerk as defined in Section 20A-7-101; and
- (ii) no later than seven days after the day on which a petition for a referendum is determined sufficient under Subsection [~~20A-7-607(4)~~] 20A-7-607(5).

(b) Upon delivery of a written notice described in Subsection (6)(a) the following are rescinded and are of no further force or effect:

- (i) the relevant land use approval; and
- (ii) any land use regulation enacted specifically in relation to the land use approval.

Section 2. Section **11-14-301** is amended to read:

11-14-301. Issuance of bonds by governing body -- Computation of indebtedness under constitutional and statutory limitations.

(1) If the governing body has declared the bond proposition to have carried and no contest has been filed, or if a contest has been filed and favorably terminated, the governing body may proceed to issue the bonds voted at the election.

(2) (a) It is not necessary that all of the bonds be issued at one time, but, except as otherwise provided in this Subsection (2), bonds approved by the voters may not be issued more than 10 years after the day on which the election is held.

(b) The 10-year period described in Subsection (2)(a) is tolled if, at any time during the 10-year period:

- (i) an application for a referendum petition is filed with a local clerk, in accordance with Section 20A-7-602, with respect to the local obligation law relating to the bonds; or
- (ii) the bonds are challenged in a court of law or an administrative proceeding in

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relation to:

(A) the legality or validity of the bonds, or the election or proceedings authorizing the bonds;

(B) the authority of the local political subdivision to issue the bonds;

(C) the provisions made for the security or payment of the bonds; or

(D) any other issue that materially and adversely affects the marketability of the bonds, as determined by the individual or body that holds the executive powers of the local political subdivision.

(c) For a bond described in this section that is approved by voters on or after May 8, 2002, but before May 14, 2019, a tolling period described in Subsection (2)(b)(i) ends on the later of the day on which:

(i) the local clerk determines that the petition is insufficient, in accordance with Subsection [~~20A-7-607(2)(c)~~] 20A-7-607(3)(d), unless an application, described in Subsection [~~20A-7-607(3)(a)~~] 20A-7-607(4)(a), is made to a court;

(ii) a court determines, under Subsection [~~20A-7-607(3)(c)~~] 20A-7-607(4)(c), that the petition for the referendum is not legally sufficient; or

(iii) for a referendum petition that is sufficient, the governing body declares, as provided by law, the results of the referendum election on the local obligation law.

(d) For a bond described in this section that was approved by voters on or after May 14, 2019, a tolling period described in Subsection (2)(b)(i) ends:

(i) if a county, city, town, metro township, or court determines, under Section 20A-7-602.7, that the proposed referendum is not legally referable to voters, the later of:

(A) the day on which the county, city, town, or metro township provides the notice described in Subsection 20A-7-602.7(1)(b)(ii); or

(B) if a sponsor appeals, under Subsection 20A-7-602.7(4), the day on which a court decision that the proposed referendum is not legally referable to voters becomes final; or

(ii) if a county, city, town, metro township, or court determines, under Section 20A-7-602.7, that the proposed referendum is legally referable to voters, the later of:

(A) the day on which the local clerk determines, under Section 20A-7-607, that the number of certified names is insufficient for the proposed referendum to appear on the ballot;

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(B) if the local clerk determines, under Section 20A-7-607, that the number of certified names is sufficient for the proposed referendum to appear on the ballot, the day on which the governing body declares, as provided by law, the results of the referendum election on the local obligation law.

(e) A tolling period described in Subsection (2)(b)(i) ends after:

(i) there is a final settlement, a final adjudication, or another type of final resolution of all challenges described in Subsection (2)(b)(ii); and

(ii) the individual or body that holds the executive powers of the local political subdivision issues a document indicating that all challenges described in Subsection (2)(b)(ii) are resolved and final.

(f) If the 10-year period described in Subsection (2)(a) is tolled under this Subsection (2) and, when the tolling ends and after giving effect to the tolling, the period of time remaining to issue the bonds is less than one year, the period of time remaining to issue the bonds shall be extended to one year.

(g) The tolling provisions described in this Subsection (2) apply to all bonds described in this section that were approved by voters on or after May 8, 2002.

(3) (a) Bonds approved by the voters may not be issued to an amount that will cause the indebtedness of the local political subdivision to exceed that permitted by the Utah Constitution or statutes.

(b) In computing the amount of indebtedness that may be incurred pursuant to constitutional and statutory limitations, the constitutionally or statutorily permitted percentage, as the case may be, shall be applied to the fair market value, as defined under Section 59-2-102, of the taxable property in the local political subdivision, as computed from the last applicable equalized assessment roll before the incurring of the additional indebtedness.

(c) In determining the fair market value of the taxable property in the local political subdivision as provided in this section, the value of all tax equivalent property, as defined in Section 59-3-102, shall be included as a part of the total fair market value of taxable property in the local political subdivision, as provided in Title 59, Chapter 3, Tax Equivalent Property Act.

(4) Bonds of improvement districts issued in a manner that they are payable solely from the revenues to be derived from the operation of the facilities of the district may not be

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included as bonded indebtedness for the purposes of the computation.

(5) Where bonds are issued by a city, town, or county payable solely from revenues derived from the operation of revenue-producing facilities of the city, town, or county, or payable solely from a special fund into which are deposited excise taxes levied and collected by the city, town, or county, or excise taxes levied by the state and rebated pursuant to law to the city, town, or county, or any combination of those excise taxes, the bonds shall be included as bonded indebtedness of the city, town, or county only to the extent required by the Utah Constitution, and any bonds not so required to be included as bonded indebtedness of the city, town, or county need not be authorized at an election, except as otherwise provided by the Utah Constitution, the bonds being hereby expressly excluded from the election requirement of Section 11-14-201.

(6) A bond election is not void when the amount of bonds authorized at the election exceeded the limitation applicable to the local political subdivision at the time of holding the election, but the bonds may be issued from time to time in an amount within the applicable limitation at the time the bonds are issued.

(7) (a) A local political subdivision may not receive, from the issuance of bonds approved by the voters at an election, an aggregate amount that exceeds by more than 2% the maximum principal amount stated in the bond proposition.

(b) The provision in Subsection (7)(a) applies to bonds issued pursuant to an election held after January 1, 2019.

Section 3. Section **17-27a-508** is amended to read:

17-27a-508. Applicant's entitlement to land use application approval -- Application relating to land in a high priority transportation corridor -- County's requirements and limitations -- Vesting upon submission of development plan and schedule.

(1) (a) (i) An applicant who has submitted a complete land use application, including the payment of all application fees, is entitled to substantive review of the application under the land use regulations:

(A) in effect on the date that the application is complete; and

(B) applicable to the application or to the information shown on the submitted application.

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(ii) An applicant is entitled to approval of a land use application if the application conforms to the requirements of the applicable land use regulations, land use decisions, and development standards in effect when the applicant submits a complete application and pays all application fees, unless:

(A) the land use authority, on the record, formally finds that a compelling, countervailing public interest would be jeopardized by approving the application and specifies the compelling, countervailing public interest in writing; or

(B) in the manner provided by local ordinance and before the applicant submits the application, the county formally initiates proceedings to amend the county's land use regulations in a manner that would prohibit approval of the application as submitted.

(b) The county shall process an application without regard to proceedings the county initiated to amend the county's ordinances as described in Subsection (1)(a)(ii)(B) if:

(i) 180 days have passed since the county initiated the proceedings; and

(ii) the proceedings have not resulted in an enactment that prohibits approval of the application as submitted.

(c) A land use application is considered submitted and complete when the applicant provides the application in a form that complies with the requirements of applicable ordinances and pays all applicable fees.

(d) The continuing validity of an approval of a land use application is conditioned upon the applicant proceeding after approval to implement the approval with reasonable diligence.

(e) A county may not impose on an applicant who has submitted a complete application a requirement that is not expressed:

(i) in this chapter;

(ii) in a county ordinance; or

(iii) in a county specification for public improvements applicable to a subdivision or development that is in effect on the date that the applicant submits an application.

(f) A county may not impose on a holder of an issued land use permit or a final, unexpired subdivision plat a requirement that is not expressed:

(i) in a land use permit;

(ii) on the subdivision plat;

(iii) in a document on which the land use permit or subdivision plat is based;

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(iv) in the written record evidencing approval of the land use permit or subdivision plat;

(v) in this chapter; or

(vi) in a county ordinance.

(g) Except as provided in Subsection (1)(h), a county may not withhold issuance of a certificate of occupancy or acceptance of subdivision improvements because of an applicant's failure to comply with a requirement that is not expressed:

(i) in the building permit or subdivision plat, documents on which the building permit or subdivision plat is based, or the written record evidencing approval of the building permit or subdivision plat; or

(ii) in this chapter or the county's ordinances.

(h) A county may not unreasonably withhold issuance of a certificate of occupancy where an applicant has met all requirements essential for the public health, public safety, and general welfare of the occupants, in accordance with this chapter, unless:

(i) the applicant and the county have agreed in a written document to the withholding of a certificate of occupancy; or

(ii) the applicant has not provided a financial assurance for required and uncompleted landscaping or infrastructure improvements in accordance with an applicable ordinance that the legislative body adopts under this chapter.

(2) A county is bound by the terms and standards of applicable land use regulations and shall comply with mandatory provisions of those regulations.

(3) A county may not, as a condition of land use application approval, require a person filing a land use application to obtain documentation regarding a school district's willingness, capacity, or ability to serve the development proposed in the land use application.

(4) (a) Except as provided in Subsection (4)(b), for a period of 10 years after the day on which a subdivision plat is recorded, a county may not impose on a building permit applicant for a single-family dwelling located within the subdivision any land use regulation that is enacted within 10 years after the day on which the subdivision plat is recorded.

(b) Subsection (4)(a) does not apply to any changes in the requirements of the applicable building code, health code, or fire code, or other similar regulations.

(5) Upon a specified public agency's submission of a development plan and schedule as

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required in Subsection 17-27a-305(8) that complies with the requirements of that subsection, the specified public agency vests in the county's applicable land use maps, zoning map, hookup fees, impact fees, other applicable development fees, and land use regulations in effect on the date of submission.

(6) (a) If sponsors of a referendum timely challenge a project in accordance with Subsection 20A-7-601(5), the project's affected owner may rescind the project's land use approval by delivering a written notice:

(i) to the local clerk as defined in Section 20A-7-101; and

(ii) no later than seven days after the day on which a petition for a referendum is determined sufficient under Subsection [~~20A-7-607(4)~~] 20A-7-607(5).

(b) Upon delivery of a written notice described in Subsection (6)(a) the following are rescinded and are of no further force or effect:

(i) the relevant land use approval; and

(ii) any land use regulation enacted specifically in relation to the land use approval.

Section 4. Section **20A-1-306** is amended to read:

20A-1-306. Electronic signatures prohibited.

Notwithstanding Title 46, Chapter 4, Uniform Electronic Transactions Act, and Subsections 68-3-12(1)(e) and 68-3-12.5(28) and (40), an electronic signature may not be used to sign a petition to:

(1) except as provided in Section 20A-21-201, qualify a ballot proposition for the ballot under Chapter 7, Issues Submitted to the Voters;

(2) organize and register a political party under Chapter 8, Political Party Formation and Procedures; or

(3) except as provided in Section 20A-21-201, qualify a candidate for the ballot under Chapter 9, Candidate Qualifications and Nominating Procedures.

Section 5. Section **20A-1-609** is amended to read:

20A-1-609. Omnibus penalties.

(1) (a) Except as provided in Subsection (1)(b), a person who violates any provision of this title is guilty of a class B misdemeanor.

(b) Subsection (1)(a) does not apply to a provision of this title for which another penalty is expressly stated.

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(c) An individual is not guilty of a crime for, by signing a petition for an initiative or referendum, falsely making the statement described in Subsection [~~20A-7-203(2)(d)(xx)~~; ~~20A-7-303(2)(d)(xx)~~, ~~20A-7-503(2)(d)(xx)~~, or ~~20A-7-603(2)(d)(xx)~~] 20A-7-203(3)(d)(xx), 20A-7-303(3)(d)(xx), 20A-7-503(3)(d)(xx), or 20A-7-603(3)(d)(xx).

(2) Except as provided by Section 20A-2-101.3 or 20A-2-101.5, an individual convicted of any offense under this title may not:

(a) file a declaration of candidacy for any office or appear on the ballot as a candidate for any office during the election cycle in which the violation occurred;

(b) take or hold the office to which the individual was elected; and

(c) receive the emoluments of the office to which the individual was elected.

(3) (a) Any individual convicted of any offense under this title forfeits the right to vote at any election unless the right to vote is restored as provided in Section 20A-2-101.3 or 20A-2-101.5.

(b) Any person may challenge the right to vote of a person described in Subsection (3)(a) by following the procedures and requirements of Section 20A-3a-803.

Section 6. Section **20A-7-101** is amended to read:

20A-7-101. Definitions.

As used in this chapter:

(1) "Approved device" means a device described in Subsection 20A-21-201(4) used to gather signatures for the electronic initiative process, the electronic referendum process, or the electronic candidate qualification process.

~~(1)~~ (2) "Budget officer" means:

(a) for a county, the person designated as budget officer in Section 17-19a-203;

(b) for a city, the person designated as budget officer in Subsection 10-6-106(4);

(c) for a town, the town council; or

(d) for a metro township, the person described in Subsection ~~(1)~~ (2)(a) for the county in which the metro township is located.

~~(2)~~ (3) "Certified" means that the county clerk has acknowledged a signature as being the signature of a registered voter.

~~(3)~~ (4) "Circulation" means the process of submitting an initiative or referendum petition to legal voters for their signature.

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(5) "Electronic initiative process" means:

(a) as it relates to a statewide initiative, the process, described in Sections 20A-7-215 and 20A-21-201, for gathering signatures; or

(b) as it relates to a local initiative, the process, described in Sections 20A-7-514 and 20A-21-201, for gathering signatures.

(6) "Electronic referendum process" means:

(a) as it relates to a statewide referendum, the process, described in Sections 20A-7-313 and 20A-21-201, for gathering signatures; or

(b) as it relates to a local referendum, the process, described in Sections 20A-7-614 and 20A-21-201, for gathering signatures.

~~(4)~~ (7) "Eligible voter" means a legal voter who resides in the jurisdiction of the county, city, or town that is holding an election on a ballot proposition.

~~(5)~~ (8) "Final fiscal impact statement" means a financial statement prepared after voters approve an initiative that contains the information required by Subsection 20A-7-202.5(2) or 20A-7-502.5(2).

~~(6)~~ (9) "Initial fiscal impact estimate" means:

(a) a financial statement prepared under Section 20A-7-202.5 after the filing of an application for an initiative petition; or

(b) a financial and legal statement prepared under Section 20A-7-502.5 or 20A-7-602.5 for an initiative or referendum petition.

~~(7)~~ (10) "Initiative" means a new law proposed for adoption by the public as provided in this chapter.

~~(8)~~ (11) "Initiative packet" means a copy of the initiative petition, a copy of the proposed law, and the signature sheets, all of which have been bound together as a unit.

~~(9)~~ (12) (a) "Land use law" means a law of general applicability, enacted based on the weighing of broad, competing policy considerations, that relates to the use of land, including land use regulation, a general plan, a land use development code, an annexation ordinance, the rezoning of a single property or multiple properties, or a comprehensive zoning ordinance or resolution.

(b) "Land use law" does not include a land use decision, as defined in Section 10-9a-103 or 17-27a-103.

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~~[(10)]~~ (13) "Legal signatures" means the number of signatures of legal voters that:

- (a) meet the numerical requirements of this chapter; and
- (b) have been obtained, certified, and verified as provided in this chapter.

~~[(11)]~~ (14) "Legal voter" means a person who ~~[(a)]~~ is registered to vote ~~[(or)]~~ in Utah.

~~[(b) becomes registered to vote before the county clerk certifies the signatures on an initiative or referendum petition.]~~

~~[(12)]~~ (15) "Legally referable to voters" means:

(a) for a proposed local initiative, that the proposed local initiative is legally referable to voters under Section 20A-7-502.7; or

(b) for a proposed local referendum, that the proposed local referendum is legally referable to voters under Section 20A-7-602.7.

~~[(13)]~~ (16) "Local attorney" means the county attorney, city attorney, or town attorney in whose jurisdiction a local initiative or referendum petition is circulated.

~~[(14)]~~ (17) "Local clerk" means the county clerk, city recorder, or town clerk in whose jurisdiction a local initiative or referendum petition is circulated.

~~[(15)]~~ (18) (a) "Local law" includes:

- (i) an ordinance;
- (ii) a resolution;
- (iii) a land use law;
- (iv) a land use regulation, as defined in Section 10-9a-103; or
- (v) other legislative action of a local legislative body.

(b) "Local law" does not include a land use decision, as defined in Section 10-9a-103.

~~[(16)]~~ (19) "Local legislative body" means the legislative body of a county, city, town, or metro township.

~~[(17)]~~ (20) "Local obligation law" means a local law passed by the local legislative body regarding a bond that was approved by a majority of qualified voters in an election.

~~[(18)]~~ (21) "Local tax law" means a law, passed by a political subdivision with an annual or biannual calendar fiscal year, that increases a tax or imposes a new tax.

(22) "Manual initiative process" means the process for gathering signatures for an initiative using paper signature packets that a signer physically signs.

(23) "Manual referendum process" means the process for gathering signatures for a

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referendum using paper signature packets that a signer physically signs.

~~[(19)]~~ (24) "Measure" means a proposed constitutional amendment, an initiative, or referendum.

~~[(20)]~~ (25) "Referendum" means a process by which a law passed by the Legislature or by a local legislative body is submitted or referred to the voters for their approval or rejection.

~~[(21)]~~ (26) "Referendum packet" means a copy of the referendum petition, a copy of the law being submitted or referred to the voters for their approval or rejection, and the signature sheets, all of which have been bound together as a unit.

~~[(22)(a) "Signature" means a holographic signature.]~~

~~[(b) "Signature" does not mean an electronic signature.]~~

(27) "Signature":

(a) for a statewide initiative:

(i) as it relates to the electronic initiative process, means ~~f~~:

~~— (A) ~~f~~ an electronic signature collected under Section 20A-7-215 and Subsection 20A-21-201(6)(c)~~f~~(ii)(A); or~~

~~— (B) a holographic signature collected electronically under Section 20A-7-215 and Subsection 20A-21-201(6)(c)(ii)(B~~f~~); or~~

(ii) as it relates to the manual initiative process:

(A) means a holographic signature collected physically on a signature sheet described in Section 20A-7-203; and

(B) does not include an electronic signature;

(b) for a statewide referendum:

(i) as it relates to the electronic referendum process, means ~~f~~:

~~— (A) ~~f~~ an electronic signature collected under Section 20A-7-313 and Subsection 20A-21-201(6)(c)~~f~~(ii)(A); or~~

~~— (B) a holographic signature collected electronically under Section 20A-7-313 and Subsection 20A-21-201(6)(c)(ii)(B~~f~~); or~~

(ii) as it relates to the manual referendum process:

(A) means a holographic signature collected physically on a signature sheet described in Section 20A-7-303; and

(B) does not include an electronic signature;

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(c) for a local initiative:

(i) as it relates to the electronic initiative process, means~~f:~~

~~— (A) an electronic signature collected under Section 20A-7-514 and Subsection 20A-21-201(6)(c)(ii)(A); or~~

~~— (B) a holographic signature collected electronically under Section 20A-7-514 and Subsection 20A-21-201(6)(c)(ii)(B); or~~

(ii) as it relates to the manual initiative process:

(A) means a holographic signature collected physically on a signature sheet described in Section 20A-7-503; and

(B) does not include an electronic signature; or

(d) for a local referendum:

(i) as it relates to the electronic referendum process, means~~f:~~

~~— (A) an electronic signature collected under Section 20A-7-614 and Subsection 20A-21-201(6)(c)(ii)(A); or~~

~~— (B) a holographic signature collected electronically under Section 20A-7-614 and Subsection 20A-21-201(6)(c)(ii)(B); or~~

(ii) as it relates to the manual referendum process:

(A) means a holographic signature collected physically on a signature sheet described in Section 20A-7-603; and

(B) does not include an electronic signature.

~~[(23)]~~ (28) "Signature sheets" means sheets in the form required by this chapter that are used to collect signatures in support of an initiative or referendum.

~~[(24)]~~ (29) "Special local ballot proposition" means a local ballot proposition that is not a standard local ballot proposition.

~~[(25)]~~ (30) "Sponsors" means the legal voters who support the initiative or referendum and who sign the application for petition copies.

~~[(26)]~~ (31) (a) "Standard local ballot proposition" means a local ballot proposition for an initiative or a referendum.

(b) "Standard local ballot proposition" does not include a property tax referendum described in Section 20A-7-613.

~~[(27)]~~ (32) "Tax percentage difference" means the difference between the tax rate

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proposed by an initiative or an initiative petition and the current tax rate.

[(28)] (33) "Tax percentage increase" means a number calculated by dividing the tax percentage difference by the current tax rate and rounding the result to the nearest thousandth.

[(29)] (34) "Verified" means acknowledged by the person circulating the petition as required in Sections 20A-7-205 and 20A-7-305.

Section 7. Section **20A-7-203** is amended to read:

20A-7-203. Manual initiative process -- Form of initiative petition and signature sheets.

(1) This section applies only to the manual initiative process.

[(1)] (2) (a) Each proposed initiative petition shall be printed in substantially the following form:

"INITIATIVE PETITION To the Honorable ____, Lieutenant Governor:

We, the undersigned citizens of Utah, respectfully demand that the following proposed law be submitted to the legal voters/Legislature of Utah for their/its approval or rejection at the regular general election/session to be held/ beginning on _____(month\day\year);

Each signer says:

I have personally signed this petition;

The date next to my signature correctly reflects the date that I actually signed the petition;

I have personally reviewed the entire statement included with this packet;

I am registered to vote in Utah [~~or intend to become registered to vote in Utah before the certification of the petition names by the county clerk~~]; and

My residence and post office address are written correctly after my name.

NOTICE TO SIGNERS:

Public hearings to discuss this petition were held at: (list dates and locations of public hearings.)".

(b) If the initiative petition proposes a tax increase, the following statement shall appear, in at least 14-point, bold type, immediately following the information described in Subsection [(1)] (2)(a):

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

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percent increase in the current tax rate."

(c) The sponsors of an initiative or an agent of the sponsors shall attach a copy of the proposed law to each initiative petition.

~~[(2)]~~ (3) Each signature sheet shall:

(a) be printed on sheets of paper 8-1/2 inches long and 11 inches wide;

(b) be ruled with a horizontal line three-fourths inch from the top, with the space above that line blank for the purpose of binding;

(c) include the title of the initiative printed below the horizontal line, in at least 14-point, bold type;

(d) include a table immediately below the title of the initiative, and beginning .5 inch from the left side of the paper, as follows:

(i) the first column shall be .5 inch wide and include three rows;

(ii) the first row of the first column shall be .85 inch tall and contain the words "For Office Use Only" in 10-point type;

(iii) the second row of the first column shall be .35 inch tall;

(iv) the third row of the first column shall be .5 inch tall;

(v) the second column shall be 2.75 inches wide;

(vi) the first row of the second column shall be .35 inch tall and contain the words "Registered Voter's Printed Name (must be legible to be counted)" in 10-point type;

(vii) the second row of the second column shall be .5 inch tall;

(viii) the third row of the second column shall be .35 inch tall and contain the words "Street Address, City, Zip Code" in 10-point type;

(ix) the fourth row of the second column shall be .5 inch tall;

(x) the third column shall be 2.75 inches wide;

(xi) the first row of the third column shall be .35 inch tall and contain the words "Signature of Registered Voter" in 10-point type;

(xii) the second row of the third column shall be .5 inch tall;

(xiii) the third row of the third column shall be .35 inch tall and contain the words

"Email Address (optional, to receive additional information)" in 10-point type;

(xiv) the fourth row of the third column shall be .5 inch tall;

(xv) the fourth column shall be one inch wide;

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(xvi) the first row of the fourth column shall be .35 inch tall and contain the words "Date Signed" in 10-point type;

(xvii) the second row of the fourth column shall be .5 inch tall;

(xviii) the third row of the fourth column shall be .35 inch tall and contain the words "Birth Date or Age (optional)" in 10-point type;

(xix) the fourth row of the third column shall be .5 inch tall; and

(xx) the fifth row of the entire table shall be the width of the entire table, .4 inch tall, and contain the following statement, "By signing this petition, you are stating that you have read and understand the law proposed by this petition." in 12-point type;

(e) the table described in Subsection [~~(2)~~] (3)(d) shall be repeated, leaving sufficient room at the bottom of the sheet for the information described in Subsection [~~(2)~~] (3)(f); and

(f) at the bottom of the sheet, include in the following order:

(i) the words "Fiscal Impact of" followed by the title of the initiative, in at least 12-point, bold type;

(ii) except as provided in Subsection [~~(4)~~] (5), the initial fiscal impact estimate's summary statement issued by the Office of the Legislative Fiscal Analyst in accordance with Subsection 20A-7-202.5(2)(a), including any update in accordance with Subsection 20A-7-204.1(5), in not less than 12-point type;

(iii) if the initiative petition proposes a tax increase, the following statement in 12-point, bold type:

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

(iv) the word "Warning," in 12-point, bold type, followed by the following statement in not less than eight-point type:

"It is a class A misdemeanor for an individual to sign an initiative petition with a name other than the individual's own name, or to knowingly sign the individual's name more than once for the same measure, or to sign an initiative petition when the individual knows that the individual is not a registered voter [~~and knows that the individual does not intend to become registered to vote before the certification of the petition names by the county clerk~~].

Birth date or age information is not required, but it may be used to verify your identity

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with voter registration records. If you choose not to provide it, your signature may not be verified as a valid signature if you change your address before petition signatures are verified or if the information you provide does not match your voter registration records."

~~[(3)]~~ (4) The final page of each initiative packet shall contain the following printed or typed statement:

Verification of signature collector

State of Utah, County of _____

I, _____, of _____, hereby state, under penalty of perjury, that:

I am a resident of Utah and am at least 18 years old;

All the names that appear in this packet were signed by individuals who professed to be the individuals whose names appear in it, and each of the individuals signed the individual's name on it in my presence;

I did not knowingly make a misrepresentation of fact concerning the law proposed by the initiative;

I believe that each individual has printed and signed the individual's name and written the individual's post office address and residence correctly, that each signer has read and understands the law proposed by the initiative, and that each signer is registered to vote in Utah [~~or intends to become registered to vote before the certification of the petition names by the county clerk~~].

Each individual who signed the packet wrote the correct date of signature next to the individual's name.

I have not paid or given anything of value to any individual who signed this petition to encourage that individual to sign it.

(Name)

(Residence Address)

(Date)

~~[(4)]~~ (5) If the initial fiscal impact estimate described in Subsection ~~[(2)(i)]~~ (3)(f)(ii), as updated in accordance with Subsection 20A-7-204.1(5), exceeds 200 words, the Office of the Legislative Fiscal Analyst shall prepare a shorter summary statement, for the purpose of inclusion on a signature sheet, that does not exceed 200 words.

~~[(5)]~~ (6) If the forms described in this section are substantially followed, the initiative petitions are sufficient, notwithstanding clerical and merely technical errors.

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~~[(6)]~~ (7) An individual's status as a resident, under Subsection ~~[(3)]~~ (4), is determined in accordance with Section 20A-2-105.

Section 8. Section **20A-7-204** is amended to read:

20A-7-204. Manual initiative process -- Circulation requirements -- Lieutenant governor to provide sponsors with materials.

(1) This section applies only to the manual initiative process.

~~[(1)]~~ (2) In order to obtain the necessary number of signatures required by this part, the sponsors or an agent of the sponsors shall, after the sponsors receive the documents described in Subsection ~~[(2)]~~ (3), circulate initiative packets that meet the form requirements of this part.

~~[(2)]~~ (3) The lieutenant governor shall furnish to the sponsors:

(a) a copy of the initiative petition, with any change submitted under Subsection 20A-7-204.1(5); and

(b) a signature sheet.

~~[(3)]~~ (4) The sponsors of the petition shall:

(a) arrange and pay for the printing of all additional copies of the petition and signature sheets; and

(b) ensure that the copies of the petition and signature sheets meet the form requirements of this section.

~~[(4)]~~ (5) (a) The sponsors or an agent of the sponsors may prepare the initiative for circulation by creating multiple initiative packets.

(b) The sponsors or an agent of the sponsors shall create the initiative packets by binding a copy of the initiative petition and no more than 50 signature sheets together at the top in a manner that the packets may be conveniently opened for signing.

(c) An initiative packet is not required to have a uniform number of signature sheets.

~~[(5)]~~ (6) (a) The sponsors or an agent of the sponsors shall, before gathering signatures:

(i) contact the lieutenant governor's office to receive a range of numbers that the sponsors may use to number signature packets; and

(ii) number each signature packet, sequentially, within the range of numbers provided by the lieutenant governor's office, starting with the lowest number in the range.

(b) The sponsors or an agent of the sponsors may not:

(i) number a signature packet in a manner not directed by the lieutenant governor's

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office; or

(ii) circulate or submit a signature packet that is not numbered in the manner directed by the lieutenant governor's office.

(c) The lieutenant governor shall keep a record of the number range provided under Subsection [~~(5)~~] (6)(a).

Section 9. Section **20A-7-205** is amended to read:

20A-7-205. Manual initiative process -- Obtaining signatures -- Verification --

Removal of signature.

(1) This section applies only to the manual initiative process.

~~[(1)]~~ (2) A Utah voter may sign an initiative petition if the voter is a legal voter.

~~[(2)]~~ (3) (a) The sponsors shall ensure that the individual in whose presence each signature sheet was signed:

(i) is at least 18 years old and meets the residency requirements of Section 20A-2-105;

(ii) verifies each signature sheet by completing the verification printed on the last page of each initiative packet; and

(iii) is informed that each signer is required to read and understand the law proposed by the initiative.

(b) An individual may not sign the verification printed on the last page of the initiative packet if the person signed a signature sheet in the initiative packet.

~~[(3)]~~ (4) (a) A voter who has signed an initiative petition may have the voter's signature removed from the petition by submitting to the county clerk a statement requesting that the voter's signature be removed before 5 p.m. no later than the earlier of:

(i) for an initiative packet received by the county clerk before December 1:

(A) 30 days after the day on which the voter signs the signature removal statement; or

(B) 90 days after the day on which the lieutenant governor posts the voter's name under

Subsection 20A-7-207(2)~~[(a)]~~; or

(ii) for an initiative packet received by the county clerk on or after December 1:

(A) 30 days after the day on which the voter signs the signature removal statement; or

(B) 45 days after the day on which the lieutenant governor posts the voter's name under

Subsection 20A-7-207(2)~~[(a)]~~.

(b) (i) The statement shall include:

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- (A) the name of the voter;
- (B) the resident address at which the voter is registered to vote;
- (C) the signature of the voter; and
- (D) the date of the signature described in Subsection [~~(3)~~] (4)(b)(i)(C).

(ii) To increase the likelihood of the voter's signature being identified and removed, the statement may include the voter's birth date or age.

(c) A voter may not submit a statement by email or other electronic means.

(d) In order for the signature to be removed, the county clerk must receive the statement before 5 p.m. no later than the applicable deadline described in Subsection [~~(3)~~] (4)(a).

(e) A person may only remove a signature from an initiative petition in accordance with this Subsection [~~(3)~~] (4).

(f) A county clerk shall analyze a signature, for purposes of removing a signature from an initiative petition, in accordance with Section 20A-7-206.3.

Section 10. Section **20A-7-206** is amended to read:

20A-7-206. Manual initiative process -- Submitting the initiative petition -- Certification of signatures by the county clerks -- Transfer to lieutenant governor.

(1) This section applies only to the manual initiative process.

[~~(1)~~] (2) (a) The sponsors, or an agent of the sponsors, shall submit a signed and verified initiative packet to the county clerk of the county in which the packet was circulated before 5 p.m. no later than the earlier of:

- (i) 30 days after the day on which the first individual signs the initiative packet;
- (ii) 316 days after the day on which the application for the initiative petition is filed; or
- (iii) the February 15 immediately before the next regular general election immediately after the application is filed under Section 20A-7-202.

(b) A person may not submit an initiative packet after the deadline described in Subsection [~~(1)~~] (2)(a).

(c) Before delivering a packet to the county clerk under Subsection [~~(1)~~] (2), the sponsors shall send an email to each individual who provides a legible, valid email address on the form described in Subsection 20A-7-203[~~(2)~~](3)(d) that includes the following:

- (i) the subject of the email shall include the following statement, "Notice Regarding

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Your Petition Signature";

(ii) the body of the email shall include the following statement in 12-point type:

"You signed a petition for the following initiative:

[insert title of initiative]

To access a copy of the initiative petition, the initiative, the fiscal impact statement, and information on the deadline for removing your signature from the petition, please visit the following link: [insert a uniform resource locator that takes the individual directly to the page on the lieutenant governor's website that includes the information referred to in the email]."

(d) When the sponsors submit the final signature packet to the county clerk, the sponsors shall submit to the county clerk the following written verification, completed and signed by each of the sponsors:

Verification of initiative sponsor

State of Utah, County of _____

I, _____, of _____, hereby state, under penalty of perjury, that:

I am a sponsor of the initiative petition entitled _____;

I sent, or caused to be sent, to each individual who provided a legible, valid email address on a signature packet submitted to the county clerk in relation to the initiative petition, the email described in Utah Code Subsection 20A-7-206~~(1)~~(2)(c).

(Name)

(Residence Address)

(Date)

(e) Signatures gathered for the initiative petition are not valid if the sponsors do not comply with this Subsection ~~(1)~~ (2).

~~(2)~~ (3) The county clerk shall, within 21 days after the day on which the county clerk receives the packet:

(a) determine whether each signer is a registered voter according to the requirements of Section 20A-7-206.3;

(b) certify on the petition whether each name is that of a registered voter;

(c) except as provided in Subsection ~~(3)~~ (4), post the name ~~[and]~~, voter identification number, and date of signature of each registered voter certified under Subsection ~~(2)~~ (3)(b) on the lieutenant governor's website, in a conspicuous location designated by the lieutenant governor; and

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(d) deliver the verified initiative packet to the lieutenant governor.

~~(3)~~ (4) (a) If the county clerk timely receives a statement requesting signature removal under Subsection 20A-7-205~~(3)~~(4), the county clerk shall:

(i) ensure that the voter's name ~~and~~, voter identification number, and date of signature are not included in the posting described in Subsection ~~(2)~~ (3)(c); and

(ii) remove the voter's signature from the signature packets and signature packet totals.

(b) The county clerk shall comply with Subsection ~~(3)~~ (4)(a) before the later of:

(i) the deadline described in Subsection ~~(2)~~ (3); or

(ii) two business days after the day on which the county clerk receives a statement requesting signature removal under Subsection 20A-7-205~~(3)~~(4).

~~(4)~~ (5) The county clerk may not certify a signature under Subsection ~~(2)~~ (3):

(a) on an initiative packet that is not verified in accordance with Section 20A-7-205; or

(b) that does not have a date of signature next to the signature.

~~(5)~~ (6) A person may not retrieve an initiative packet from a county clerk, or make any alterations or corrections to an initiative packet, after the initiative packet is submitted to the county clerk.

Section 11. Section **20A-7-206.3** is amended to read:

20A-7-206.3. Verification of petition signatures.

(1) As used in this section:

(a) "Substantially similar name" means:

(i) the given name and surname shown on the petition, or both, contain only minor spelling differences when compared to the given name and surname shown on the official register;

(ii) the surname shown on the petition exactly matches the surname shown on the official register, and the given names differ only because one of the given names shown is a commonly used abbreviation or variation of the other;

(iii) the surname shown on the petition exactly matches the surname shown on the official register, and the given names differ only because one of the given names shown is accompanied by a first or middle initial or a middle name which is not shown on the other record; or

(iv) the surname shown on the petition exactly matches the surname shown on the

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official register, and the given names differ only because one of the given names shown is an alphabetically corresponding initial that has been provided in the place of a given name shown on the other record.

(b) "Substantially similar name" does not include a name having an initial or a middle name shown on the petition that does not match a different initial or middle name shown on the official register.

(2) [~~The~~] In relation to an individual who signs an initiative petition with a holographic signature, the county clerk shall use the following procedures in determining whether a signer is a registered voter:

(a) if a signer's name and address shown on the petition exactly match a name and address shown on the official register and the signer's signature appears substantially similar to the signature on the statewide voter registration database, the county clerk shall declare the signature valid;

(b) if there is no exact match of an address and a name, the county clerk shall declare the signature valid if:

(i) the address on the petition matches the address of an individual on the official register with a substantially similar name; and

(ii) the signer's signature appears substantially similar to the signature on the statewide voter registration database of the individual described in Subsection (2)(b)(i);

(c) if there is no match of an address and a substantially similar name, the county clerk shall declare the signature valid if:

(i) the birth date or age on the petition matches the birth date or age of an individual on the official register with a substantially similar name; and

(ii) the signer's signature appears substantially similar to the signature on the statewide voter registration database of the individual described in Subsection (2)(c)(i); and

(d) if a signature is not declared valid under Subsection (2)(a), (b), or (c), the county clerk shall declare the signature to be invalid.

(3) [~~The~~] In relation to an individual who, with a holographic signature, signs a statement to remove the individual's signature from an initiative petition, the county clerk shall use the following procedures in determining whether to remove a signature from a petition after receiving a timely, valid statement requesting removal of the signature:

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(a) if a signer's name and address shown on the statement and the petition exactly match a name and address shown on the official register and the signer's signature on both the statement and the petition appears substantially similar to the signature on the statewide voter registration database, the county clerk shall remove the signature from the petition;

(b) if there is no exact match of an address and a name, the county clerk shall remove the signature from the petition if:

(i) the address on the statement and the petition matches the address of an individual on the official register with a substantially similar name; and

(ii) the signer's signature on both the statement and the petition appears substantially similar to the signature on the statewide voter registration database of the individual described in Subsection (3)(b)(i);

(c) if there is no match of an address and a substantially similar name, the county clerk shall remove the signature from the petition if:

(i) the birth date or age on the statement and petition match the birth date or age of an individual on the official register with a substantially similar name; and

(ii) the signer's signature on both the statement and the petition appears substantially similar to the signature on the statewide voter registration database of the individual described in Subsection (3)(c)(i); and

(d) if a signature does not qualify for removal under Subsection (3)(a), (b), or (c), the county clerk may not remove the signature from the petition.

Section 12. Section **20A-7-207** is amended to read:

20A-7-207. Evaluation by the lieutenant governor.

(1) [~~When~~] In relation to the manual initiative process, when the lieutenant governor receives an initiative packet from a county clerk, the lieutenant governor shall record the number of the initiative packet received.

(2) [~~that~~] The county clerk shall:

(a) in relation to the manual initiative process:

(i) post the names [~~and~~], voter identification numbers, and dates of signatures described in Subsection 20A-7-206[~~(2)~~](3)(c) on the lieutenant governor's website, in a conspicuous location designated by the lieutenant governor:

(A) for an initiative packet received by the county clerk before December 1, for at least

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90 days; or

(B) for an initiative packet received by the county clerk on or after December 1, for at least 45 days; and

(ii) update on the lieutenant governor's website the number of signatures certified as of the date of the update[-]; or

(b) in relation to the electronic initiative process:

(i) post the names, voter identification numbers, and dates of signatures described in Subsection 20A-7-217(4) on the lieutenant governor's website, in a conspicuous location designated by the lieutenant governor:

(A) for a signature received by the county clerk before December 1, for at least 90 days; or

(B) for a signature received by the county clerk on or after December 1, for at least 45 days; and

(ii) update on the lieutenant governor's website the number of signatures certified as of the date of the update.

~~[(b)]~~ (3) The lieutenant governor:

~~[(i)]~~ (a) shall, except as provided in Subsection ~~[(2)(b)(ii)]~~ (3)(b), declare the petition to be sufficient or insufficient on April 30 before the regular general election described in Subsection 20A-7-201(2)(b); or

~~[(ii)]~~ (b) may declare the petition to be insufficient before the day described in Subsection ~~[(2)(b)(i)]~~ (3)(a) if:

~~[(A)]~~ (i) in relation to the manual initiative process, the total of all valid signatures on timely and lawfully submitted signature packets that have been certified by the county clerks, plus the number of signatures on timely and lawfully submitted signature packets that have not yet been evaluated for certification, is less than the number of names required under Section 20A-7-201; ~~[or]~~

(ii) in relation to the electronic initiative process, the total of all timely and lawfully submitted valid signatures that have been certified by the county clerks, plus the number of timely and lawfully submitted valid signatures received under Subsection 20A-21-201(6)(b) that have not yet been evaluated for certification, is less than the number of names required under Section 20A-7-201; or

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~~[(B)]~~ (iii) a requirement of this part has not been met.

~~[(c)]~~ (4)(a) If the total number of names certified under ~~[this]~~ Subsection ~~[(2)]~~ (3) equals or exceeds the number of names required under Section 20A-7-201, and the requirements of this part are met, the lieutenant governor shall mark upon the front of the petition the word "sufficient."

~~[(d)]~~ (b) If the total number of names certified under ~~[this]~~ Subsection ~~[(2)]~~ (3) does not equal or exceed the number of names required under Section 20A-7-201 or a requirement of this part is not met, the lieutenant governor shall mark upon the front of the petition the word "insufficient."

~~[(e)]~~ (c) The lieutenant governor shall immediately notify any one of the sponsors of the lieutenant governor's finding.

~~[(3)]~~ (5) After a petition is declared insufficient, a person may not submit additional signatures to qualify the petition for the ballot.

~~[(4)]~~ (6) (a) If the lieutenant governor refuses to accept and file an initiative petition that a voter believes is legally sufficient, the voter may, no later than May 15, apply to the appropriate court for an extraordinary writ to compel the lieutenant governor to accept and file the initiative petition.

(b) If the court determines that the initiative petition is legally sufficient, the lieutenant governor shall file the petition, with a verified copy of the judgment attached to the petition, as of the date on which the petition was originally offered for filing in the lieutenant governor's office.

(c) If the court determines that a petition filed is not legally sufficient, the court may enjoin the lieutenant governor and all other officers from certifying or printing the ballot title and numbers of that measure on the official ballot.

~~[(5)]~~ (7) A petition determined to be sufficient in accordance with this section is qualified for the ballot.

Section 13. Section **20A-7-213** is amended to read:

20A-7-213. Misconduct of electors and officers -- Penalty.

(1) It is unlawful for any person to:

(a) sign any name other than the person's own to an initiative petition or a statement described in Subsection ~~[20A-7-205(3)]~~ 20A-7-205(4) or 20A-7-216(4);

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(b) knowingly sign the person's name more than once for the same measure at one election;

(c) knowingly indicate [~~on an initiative packet~~] that a person who signed [~~the packet~~] an initiative petition signed the [~~packet~~] petition on a date other than the date that the person signed the [~~packet~~] petition;

(d) sign an initiative petition knowing the person is not a legal voter; or

(e) knowingly and willfully violate any provision of this part.

(2) It is unlawful for any person to sign the verification for an initiative packet, or to electronically sign the verification for a signature under Subsection 20A-21-201(9), knowing that:

(a) the person does not meet the residency requirements of Section 20A-2-105;

(b) the signature date [~~next to~~] associated with the person's [~~name on the initiative packet~~] signature for the initiative petition is not the date that the person signed the [~~packet~~] petition;

(c) the person has not witnessed the signatures of those persons [~~whose names appear in the initiative packet~~] whose signatures the person collects or submits; or

(d) one or more [~~persons whose signatures appear in the initiative packet is either: (i)~~] individuals who signed the initiative petition are not registered to vote in Utah[~~or~~].

[~~(ii) does not intend to become registered to vote in Utah.~~]

(3) It is unlawful for any person to:

(a) pay a person to sign an initiative petition;

(b) pay a person to remove the person's signature from an initiative petition;

(c) accept payment to sign an initiative petition; or

(d) accept payment to have the person's name removed from an initiative petition.

(4) Any person violating this section is guilty of a class A misdemeanor.

Section 14. Section **20A-7-215** is enacted to read:

20A-7-215. Electronic initiative process -- Form of initiative petition -- Circulation requirements -- Signature collection.

(1) This section applies only to the electronic initiative process.

(2) (a) The first screen presented on the approved device shall include the following statement:

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"This INITIATIVE PETITION is addressed to the Honorable _____, Lieutenant Governor:

The citizens of Utah who sign this petition respectfully demand that the following proposed law be submitted to the legal voters/Legislature of Utah for their/its approval or rejection at the regular general election/session to be held/ beginning on _____ (month\day\year)."

(b) An individual may not advance to the second screen until the individual clicks a link at the bottom of the first screen stating, "By clicking here, I attest that I have read and understand the information presented on this screen."

(3) (a) The second screen presented on the approved device shall include the following statement:

"Public hearings to discuss this petition were held at: (list dates and locations of public hearings.)"

(b) An individual may not advance to the third screen until the individual clicks a link at the bottom of the second screen stating, "By clicking here, I attest that I have read and understand the information presented on this screen."

(4) (a) The third screen presented on the approved device shall include the title of proposed law, described in Subsection 20A-7-202(2)(d)(i), followed by the entire text of the proposed law.

(b) An individual may not advance to the fourth screen until the individual clicks a link at the bottom of the third screen stating, "By clicking here, I attest that I have read and understand the entire text of the proposed law."

(5) Subsequent screens shall be presented on the device in the following order, with the individual viewing the device being required, before advancing to the next screen, to click a link at the bottom of the screen with the following statement: "By clicking here, I attest that I have read and understand the information presented on this screen.":

(a) a description of all proposed sources of funding for the costs associated with the proposed law, including the proposed percentage of total funding from each source;

(b) (i) if the initiative petition proposes a tax increase, the following statement, "This initiative petition seeks to increase the current (insert name of tax) rate by (insert the tax percentage difference) percent, resulting in a(n) (insert the tax percentage increase) percent

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increase in the current tax rate."; or

(ii) if the initiative petition does not propose a tax increase, the following statement, "This initiative petition does not propose a tax increase.";

(c) the initial fiscal impact estimate's summary statement issued by the Office of the Legislative Fiscal Analyst in accordance with Subsection 20A-7-202.5(2)(a), including any update in accordance with Subsection 20A-7-204.1(5);

(d) a statement indicating whether persons gathering signatures for the petition may be paid for gathering signatures; and

(e) the following statement, followed by links where the individual may click "yes" or "no":

"I have personally reviewed the entirety of each statement presented on this device;

I am personally signing this petition;

I am registered to vote in Utah; and

All information I enter on this device, including my residence and post office address, is accurate.

It is a class A misdemeanor for an individual to sign an initiative petition with a name other than the individual's own name, or to knowingly sign the individual's name more than once for the same measure, or to sign an initiative petition when the individual knows that the individual is not a registered voter.

WARNING

Even if your voter registration record is classified as private, your name, voter identification number, and date of signature in relation to signing this petition will be made public.

Do you wish to continue and sign this petition?"

(6) (a) If the individual clicks "no" in response to the question described in Subsection (5)(e), the next screen shall include the following statement, "Thank you for your time. Please return this device to the signature-gatherer."

(b) If the individual clicks "yes" in response to the question described in Subsection (5)(e), the website, or the application that accesses the website, shall take the signature-gatherer and the individual signing the petition through the signature process described in Section 20A-21-201.

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Section 15. Section **20A-7-216** is enacted to read:

20A-7-216. Electronic initiative process -- Obtaining signatures -- Request to remove signature.

(1) This section applies to the electronic initiative process.

(2) A Utah voter may sign an initiative if the voter is a legal voter.

(3) The sponsors shall ensure that the signature-gatherer who collects a signature from an individual:

(a) verifies that the individual is at least 18 years old and meets the residency requirements of Section 20A-2-105; and

(b) is informed that each signer is required to read and understand the law proposed by the initiative.

(4) A voter who has signed an initiative petition may have the voter's signature removed from the petition by submitting to the county clerk a statement requesting that the voter's signature be removed before 5 p.m. no later than the earlier of:

(a) for an electronic signature gathered before December 1:

(i) 30 days after the day on which the voter signs the signature removal statement; or

(ii) 90 days after the day on which the county clerk posts the voter's name under

Subsection 20A-7-217(4); or

(b) for an electronic signature gathered on or after December 1:

(i) 30 days after the day on which the voter signs the signature removal statement; or

(ii) 45 days after the day on which the county clerk posts the voter's name under

Subsection 20A-7-217(4).

(5) (a) The statement shall include:

(i) the name of the voter;

(ii) the resident address at which the voter is registered to vote;

(iii) the signature of the voter; and

(iv) the date of the signature described in Subsection (5)(a)(iii).

(b) To increase the likelihood of the voter's signature being identified and removed, the statement may include the voter's birth date or age.

(c) A voter may not submit a signature removal statement by email or other electronic means, unless the lieutenant governor establishes a signature removal process that is consistent

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with the requirements of this section and Section 20A-21-201.

(d) A person may only remove an electronic signature from an initiative petition in accordance with this section.

(e) A county clerk shall analyze a holographic signature, for purposes of removing an electronic signature from an initiative petition, in accordance with Section 20A-7-206.3.

Section 16. Section **20A-7-217** is enacted to read:

20A-7-217. Electronic initiative process -- Collecting signatures -- Email notification -- Removal of signatures.

(1) This section applies only to the electronic initiative process.

(2) A signature-gatherer may not collect a signature after 5 p.m., the earlier of:

(a) 316 days after the day on which the application for the initiative petition is filed; or

(b) the February 15 immediately before the next regular general election immediately after the application is filed under Section 20A-7-202.

(3) The lieutenant governor shall send to each individual who provides a valid email address during the signature-gathering process an email that includes the following:

(a) the subject of the email shall include the following statement, "Notice Regarding Your Petition Signature"; and

(b) the body of the email shall include the following statement in 12-point type:

"You signed a petition for the following initiative:

[insert title of initiative]

To access a copy of the initiative petition, the initiative, the fiscal impact statement, and information on the deadline for removing your signature from the petition, please visit the following link: [insert a uniform resource locator that takes the individual directly to the page on the lieutenant governor's website that includes the information referred to in the email]."

(4) Except as provided in Subsection (5), the county clerk shall, within two business days after the day on which the signature of an individual who signs a petition is certified under Section 20A-21-201, post the name, voter identification number, and date of signature of the individual on the lieutenant governor's website, in a conspicuous location designated by the lieutenant governor.

(5) (a) If the county clerk timely receives a statement requesting signature removal under Subsection 20A-7-216(4), the county clerk shall:

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(i) ensure that the voter's name, voter identification number, and date of signature are not included in the posting described in Subsection (4); and

(ii) remove the voter's signature from the petition and the petition signature totals.

(b) The county clerk shall comply with Subsection (5)(a) before the later of:

(i) the deadline described in Subsection (4); or

(ii) two business days after the day on which the county clerk receives a statement requesting signature removal under Subsection 20A-7-216(4).

Section 17. Section **20A-7-303** is amended to read:

20A-7-303. Manual referendum process -- Form of referendum petition and signature sheets.

(1) This section applies only to the manual referendum process.

~~[(1)]~~ (2) (a) Each proposed referendum petition shall be printed in substantially the following form:

"REFERENDUM PETITION To the Honorable ____, Lieutenant Governor:

We, the undersigned citizens of Utah, respectfully order that Senate (or House) Bill No. ____, entitled (title of act, and, if the petition is against less than the whole act, set forth here the part or parts on which the referendum is sought), passed by the Legislature of the state of Utah during the ____ Session, be referred to the people of Utah for their approval or rejection at a regular general election or a statewide special election;

Each signer says:

I have personally signed this petition;

The date next to my signature correctly reflects the date that I actually signed the petition;

I have personally reviewed the entire statement included with this packet;

I am registered to vote in Utah [~~or intend to become registered to vote in Utah before the certification of the petition names by the county clerk~~]; and

My residence and post office address are written correctly after my name."

(b) The sponsors of a referendum or an agent of the sponsors shall attach a copy of the law that is the subject of the referendum to each referendum petition.

~~[(2)]~~ (3) Each signature sheet shall:

(a) be printed on sheets of paper 8-1/2 inches long and 11 inches wide;

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(b) be ruled with a horizontal line three-fourths inch from the top, with the space above that line blank for the purpose of binding;

(c) include the title of the referendum printed below the horizontal line, in at least 14-point, bold type;

(d) include a table immediately below the title of the referendum, and beginning .5 inch from the left side of the paper, as follows:

(i) the first column shall be .5 inch wide and include three rows;

(ii) the first row of the first column shall be .85 inch tall and contain the words "For Office Use Only" in 10-point type;

(iii) the second row of the first column shall be .35 inch tall;

(iv) the third row of the first column shall be .5 inch tall;

(v) the second column shall be 2.75 inches wide;

(vi) the first row of the second column shall be .35 inch tall and contain the words "Registered Voter's Printed Name (must be legible to be counted)" in 10-point type;

(vii) the second row of the second column shall be .5 inch tall;

(viii) the third row of the second column shall be .35 inch tall and contain the words "Street Address, City, Zip Code" in 10-point type;

(ix) the fourth row of the second column shall be .5 inch tall;

(x) the third column shall be 2.75 inches wide;

(xi) the first row of the third column shall be .35 inch tall and contain the words "Signature of Registered Voter" in 10-point type;

(xii) the second row of the third column shall be .5 inch tall;

(xiii) the third row of the third column shall be .35 inch tall and contain the words "Email Address (optional, to receive additional information)" in 10-point type;

(xiv) the fourth row of the third column shall be .5 inch tall;

(xv) the fourth column shall be one inch wide;

(xvi) the first row of the fourth column shall be .35 inch tall and contain the words "Date Signed" in 10-point type;

(xvii) the second row of the fourth column shall be .5 inch tall;

(xviii) the third row of the fourth column shall be .35 inch tall and contain the words "Birth Date or Age (optional)" in 10-point type;

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(xix) the fourth row of the third column shall be .5 inch tall; and

(xx) the fifth row of the entire table shall be the width of the entire table, .4 inch tall, and contain the following words "By signing this petition, you are stating that you have read and understand the law that this petition seeks to overturn." in 12-point type;

(e) the table described in Subsection ~~[(2)]~~ (3)(d) shall be repeated, leaving sufficient room at the bottom of the sheet for the information described in Subsection ~~[(2)]~~ (3)(f); and

(f) at the bottom of the sheet, include the word "Warning," in 12-point, bold type, followed by the following statement in not less than eight-point type:

"It is a class A misdemeanor for an individual to sign a referendum petition with a name other than the individual's own name, or to knowingly sign the individual's name more than once for the same measure, or to sign a referendum petition when the individual knows that the individual is not a registered voter ~~[and knows that the individual does not intend to become registered to vote before the certification of the petition names by the county clerk]~~.

Birth date or age information is not required, but it may be used to verify your identity with voter registration records. If you choose not to provide it, your signature may not be verified as a valid signature if you change your address before petition signatures are verified or if the information you provide does not match your voter registration records."

~~[(3)]~~ (4) The final page of each referendum packet shall contain the following printed or typed statement:

Verification of signature collector

State of Utah, County of _____

I, _____, of _____, hereby state, under penalty of perjury, that:

I am a Utah resident and am at least 18 years old;

All the names that appear in this packet were signed by individuals who professed to be the individuals whose names appear in it, and each of the individuals signed the individual's name on it in my presence;

I did not knowingly make a misrepresentation of fact concerning the law this petition seeks to overturn;

I believe that each individual has printed and signed the individual's name and written the individual's post office address and residence correctly, that each signer has read and understands the law that the referendum seeks to overturn, and that each signer is registered to

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vote in Utah [~~or intends to become registered to vote before the certification of the petition names by the county clerk~~].

Each individual who signed the packet wrote the correct date of signature next to the individual's name.

I have not paid or given anything of value to any individual who signed this petition to encourage that individual to sign it.

(Name)	(Residence Address)	(Date).
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~~[(4)]~~ (5) If the forms described in this section are substantially followed, the referendum petitions are sufficient, notwithstanding clerical and merely technical errors.

~~[(5)]~~ (6) An individual's status as a resident, under Subsection ~~[(3)]~~ (4), is determined in accordance with Section 20A-2-105.

Section 18. Section **20A-7-304** is amended to read:

20A-7-304. Manual referendum process -- Circulation requirements --

Lieutenant governor to provide sponsors with materials.

(1) This section applies only to the manual referendum process.

~~[(1)]~~ (2) In order to obtain the necessary number of signatures required by this part, the sponsors or an agent of the sponsors shall, after the sponsors receive the documents described in Subsection ~~[(2)]~~ (3), circulate referendum packets that meet the form requirements of this part.

~~[(2)]~~ (3) The lieutenant governor shall furnish to the sponsors:

(a) a copy of the referendum petition; and

(b) a signature sheet.

~~[(3)]~~ (4) The sponsors of the petition shall:

(a) arrange and pay for the printing of all additional copies of the petition and signature sheets; and

(b) ensure that the copies of the petition and signature sheets meet the form requirements of this section.

~~[(4)]~~ (5) (a) The sponsors or an agent of the sponsors may prepare the referendum for circulation by creating multiple referendum packets.

(b) The sponsors or an agent of the sponsors shall create referendum packets by

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binding a copy of the referendum and no more than 50 signature sheets together at the top in a manner that the packets may be conveniently opened for signing.

(c) A referendum packet is not required to have a uniform number of signature sheets.

~~[(5)]~~ (6) (a) The sponsors or an agent of the sponsors shall, before gathering signatures:

(i) contact the lieutenant governor's office to receive a range of numbers that the sponsors may use to number signature packets; and

(ii) number each signature packet, sequentially, within the range of numbers provided by the lieutenant governor's office, starting with the lowest number in the range.

(b) The sponsors or an agent of the sponsors may not:

(i) number a signature packet in a manner not directed by the lieutenant governor's office; or

(ii) circulate or submit a signature packet that is not numbered in the manner directed by the lieutenant governor's office.

(c) The lieutenant governor shall keep a record of the number range provided under Subsection ~~[(5)]~~ (6)(a).

Section 19. Section **20A-7-304.5** is amended to read:

20A-7-304.5. Posting referendum information.

(1) On the day on which the lieutenant governor complies with Subsection ~~[20A-7-304(2)]~~ 20A-7-304(3), or provides the sponsors with access to the website defined in Section 20A-21-101, the lieutenant governor shall post the following information together in a conspicuous place on the lieutenant governor's website:

(a) the referendum petition;

(b) the referendum; and

(c) information describing how an individual may remove the individual's signature from the ~~[signature packet]~~ petition.

(2) The lieutenant governor shall:

(a) promptly update the information described in Subsection (1) if the information changes; and

(b) maintain the information described in Subsection (1) on the lieutenant governor's website until the referendum fails to qualify for the ballot or is passed or defeated at an election.

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Section 20. Section **20A-7-305** is amended to read:

20A-7-305. Manual referendum process -- Obtaining signatures -- Verification --

Removal of signature.

(1) This section applies only to the manual referendum process.

~~[(+)]~~ (2) A Utah voter may sign a referendum petition if the voter is a legal voter.

~~[(2)]~~ (3) (a) The sponsors shall ensure that the individual in whose presence each signature sheet was signed:

(i) is at least 18 years old and meets the residency requirements of Section 20A-2-105;

(ii) verifies each signature sheet by completing the verification printed on the last page of each referendum packet; and

(iii) is informed that each signer is required to read and understand the law that the referendum seeks to overturn.

(b) An individual may not sign the verification printed on the last page of the referendum packet if the person signed a signature sheet in the referendum packet.

~~[(3)]~~ (4) (a) A voter who has signed a referendum petition may have the voter's signature removed from the petition by submitting to the county clerk a statement requesting that the voter's signature be removed before 5 p.m. no later than the earlier of:

(i) 30 days after the day on which the voter signs the statement requesting removal; or

(ii) 45 days after the day on which the lieutenant governor posts the voter's name under Subsection 20A-7-307(2)~~[(a)]~~.

(b) (i) The statement shall include:

(A) the name of the voter;

(B) the resident address at which the voter is registered to vote;

(C) the signature of the voter; and

(D) the date of the signature described in Subsection ~~[(3)]~~ (4)(b)(i)(C).

(ii) To increase the likelihood of the voter's signature being identified and removed, the statement may include the voter's birth date or age.

(c) A voter may not submit a statement by email or other electronic means.

(d) In order for the signature to be removed, the county clerk must receive the statement before 5 p.m. no later than 45 days after the day on which the lieutenant governor posts the voter's name under Subsection 20A-7-307(2)~~[(a)]~~.

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(e) A person may only remove a signature from a referendum petition in accordance with this Subsection ~~[(3)]~~ (4).

(f) A county clerk shall analyze a signature, for purposes of removing a signature from a referendum petition, in accordance with Section ~~[20A-7-206.3]~~ 20A-7-306.3.

Section 21. Section **20A-7-306** is amended to read:

20A-7-306. Manual referendum process -- Submitting the referendum petition -- Certification of signatures by the county clerks -- Transfer to lieutenant governor.

(1) This section applies only to the manual referendum process.

~~[(1)]~~ (2) (a) The sponsors, or an agent of the sponsors, shall submit a signed and verified referendum packet to the county clerk of the county in which the packet was circulated before 5 p.m. no later than the earlier of:

- (i) 30 days after the day on which the first individual signs the referendum packet; or
- (ii) 40 days after the day on which the legislative session at which the law passed ends.

(b) A person may not submit a referendum packet after the deadline described in Subsection ~~[(1)]~~ (2)(a).

~~[(2)]~~ (3) No later than 21 days after the day on which the county clerk receives a verified referendum packet, the county clerk shall:

(a) determine whether each signer is a registered voter according to the requirements of Section 20A-7-306.3;

(b) certify on the petition whether each name is that of a registered voter;

(c) except as provided in Subsection ~~[(3)]~~ (4), post the name ~~[and]~~, voter identification number, and date of signature of each registered voter certified under Subsection ~~[(2)]~~ (3)(b) on the lieutenant governor's website, in a conspicuous location designated by the lieutenant governor; and

(d) deliver the verified packet to the lieutenant governor.

~~[(3)]~~ (4) (a) If the county clerk timely receives a statement requesting signature removal under Subsection 20A-7-305~~[(3)]~~(4), the county clerk shall:

(i) ensure that the voter's name ~~[and]~~, voter identification number, and date of signature are not included in the posting described in Subsection ~~[(2)]~~ (3)(c); and

(ii) remove the voter's signature from the signature packets and signature packet totals.

(b) The county clerk shall comply with Subsection ~~[(3)]~~ (4)(a) before the later of:

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- (i) the deadline described in Subsection [~~(2)~~] (3); or
- (ii) two business days after the day on which the county clerk receives a statement requesting signature removal under Subsection 20A-7-305[~~(3)~~](4).

[~~(4)~~] (5) The county clerk may not certify a signature under Subsection [~~(2)~~] (3):

- (a) on an initiative packet that is not verified in accordance with Section 20A-7-305; or
- (b) that does not have a date of signature next to the signature.

[~~(5)~~] (6) A person may not retrieve a referendum packet from a county clerk, or make any alterations or corrections to a referendum packet, after the referendum packet is submitted to the county clerk.

Section 22. Section **20A-7-306.3** is amended to read:

20A-7-306.3. Verification of petition signatures.

(1) As used in this section:

(a) "Substantially similar name" means:

(i) the given name and surname shown on the petition, or both, contain only minor spelling differences when compared to the given name and surname shown on the official register;

(ii) the surname shown on the petition exactly matches the surname shown on the official register, and the given names differ only because one of the given names shown is a commonly used abbreviation or variation of the other;

(iii) the surname shown on the petition exactly matches the surname shown on the official register, and the given names differ only because one of the given names shown is accompanied by a first or middle initial or a middle name which is not shown on the other record; or

(iv) the surname shown on the petition exactly matches the surname shown on the official register, and the given names differ only because one of the given names shown is an alphabetically corresponding initial that has been provided in the place of a given name shown on the other record.

(b) "Substantially similar name" does not include a name having an initial or a middle name shown on the petition that does not match a different initial or middle name shown on the official register.

(2) [~~The~~] In relation to an individual who signs a referendum petition with a

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holographic signature, the county clerk shall use the following procedures in determining whether a signer is a registered voter:

(a) When a signer's name and address shown on the petition exactly match a name and address shown on the official register and the signer's signature appears substantially similar to the signature on the statewide voter registration database, the county clerk shall declare the signature valid.

(b) When there is no exact match of an address and a name, the county clerk shall declare the signature valid if:

(i) the address on the petition matches the address of a person on the official register with a substantially similar name; and

(ii) the signer's signature appears substantially similar to the signature on the statewide voter registration database of the person described in Subsection (2)(b)(i).

(c) When there is no match of an address and a substantially similar name, the county clerk shall declare the signature valid if:

(i) the birth date or age on the petition matches the birth date or age of a person on the official register with a substantially similar name; and

(ii) the signer's signature appears substantially similar to the signature on the statewide voter registration database of the person described in Subsection (2)(c)(i).

(d) If a signature is not declared valid under Subsection (2)(a), (b), or (c), the county clerk shall declare the signature to be invalid.

(3) [~~The~~] In relation to an individual who, with a holographic signature, signs a statement to remove the individual's signature from a referendum petition, the county clerk shall use the following procedures in determining whether to remove a signature from a petition after receiving a timely, valid statement requesting removal of the signature:

(a) if a signer's name and address shown on the statement and the petition exactly match a name and address shown on the official register and the signer's signature on both the statement and the petition appears substantially similar to the signature on the statewide voter registration database, the county clerk shall remove the signature from the petition;

(b) if there is no exact match of an address and a name, the county clerk shall remove the signature from the petition if:

(i) the address on the statement and the petition matches the address of an individual

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on the official register with a substantially similar name; and

(ii) the signer's signature on both the statement and the petition appears substantially similar to the signature on the statewide voter registration database of the individual described in Subsection (3)(b)(i);

(c) if there is no match of an address and a substantially similar name, the county clerk shall remove the signature from the petition if:

(i) the birth date or age on the statement and petition match the birth date or age of an individual on the official register with a substantially similar name; and

(ii) the signer's signature on both the statement and the petition appears substantially similar to the signature on the statewide voter registration database of the individual described in Subsection (3)(c)(i); and

(d) if a signature does not qualify for removal under Subsection (3)(a), (b), or (c), the county clerk may not remove the signature from the petition.

Section 23. Section **20A-7-307** is amended to read:

20A-7-307. Evaluation by the lieutenant governor.

(1) [~~When~~] In relation to the manual referendum process, when the lieutenant governor receives a referendum packet from a county clerk, the lieutenant governor shall record the number of the referendum packet received.

(2) [~~(a)~~] The county clerk shall:

(a) in relation to the manual referendum process:

(i) post the names [~~and~~], voter identification numbers, and dates of signatures described in Subsection 20A-7-306(3)(c) on the lieutenant governor's website, in a conspicuous location designated by the lieutenant governor, for at least 45 days; and

(ii) update on the lieutenant governor's website the number of signatures certified as of the date of the update[-]; or

(b) in relation to the electronic referendum process:

(i) post the names, voter identification numbers, and dates of signatures described in Subsection 20A-7-315(4) on the lieutenant governor's website, in a conspicuous location designated by the lieutenant governor, for at least 45 days; and

(ii) update on the lieutenant governor's website the number of signatures certified as of the date of the update.

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~~[(b)]~~ (3) The lieutenant governor:

~~[(i)]~~ (a) shall, except as provided in Subsection ~~[(2)(b)(ii)]~~ (3)(b), declare the petition to be sufficient or insufficient 106 days after the end of the legislative session at which the law passed; or

~~[(ii)]~~ (b) may declare the petition to be insufficient before the day described in Subsection ~~[(2)(b)(i)]~~ (3)(a) if:

~~[(A)]~~ (i) in relation to the manual referendum process, the total of all valid signatures on timely and lawfully submitted signature packets that have been certified by the county clerks, plus the number of signatures on timely and lawfully submitted signature packets that have not yet been evaluated for certification, is less than the number of names required under Section 20A-7-301; ~~[or]~~

(ii) in relation to the electronic referendum process, the total of all timely and lawfully submitted valid signatures that have been certified by the county clerks, plus the number of timely and lawfully submitted valid signatures received under Subsection 20A-21-201(6)(b) that have not yet been evaluated for certification, is less than the number of names required under Section 20A-7-301; or

~~[(B)]~~ (iii) a requirement of this part has not been met.

~~[(c)]~~ (4) (a) If the total number of names certified under ~~[this]~~ Subsection ~~[(2)]~~ (3) equals or exceeds the number of names required under Section 20A-7-301, and the requirements of this part are met, the lieutenant governor shall mark upon the front of the petition the word "sufficient."

~~[(d)]~~ (b) If the total number of names certified under ~~[this]~~ Subsection ~~[(2)]~~ (3) does not equal or exceed the number of names required under Section 20A-7-301 or a requirement of this part is not met, the lieutenant governor shall mark upon the front of the petition the word "insufficient."

~~[(e)]~~ (c) The lieutenant governor shall immediately notify any one of the sponsors of the lieutenant governor's finding.

~~[(f)]~~ (d) After a petition is declared insufficient, a person may not submit additional signatures to qualify the petition for the ballot.

~~[(3)]~~ (5) (a) If the lieutenant governor refuses to accept and file a referendum that a voter believes is legally sufficient, the voter may, no later than 10 days after the day on which

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the lieutenant governor declares the petition insufficient, apply to the appropriate court for an extraordinary writ to compel the lieutenant governor to accept and file the referendum petition.

(b) If the court determines that the referendum petition is legally sufficient, the lieutenant governor shall file the petition, with a verified copy of the judgment attached to the referendum petition, as of the date on which the petition was originally offered for filing in the lieutenant governor's office.

(c) If the court determines that a petition filed is not legally sufficient, the court may enjoin the lieutenant governor and all other officers from certifying or printing the ballot title and numbers of that measure on the official ballot.

~~[(4)]~~ (6) A petition determined to be sufficient in accordance with this section is qualified for the ballot.

Section 24. Section **20A-7-312** is amended to read:

20A-7-312. Misconduct of electors and officers -- Penalty.

(1) It is unlawful for any person to:

(a) sign any name other than the person's own to a referendum petition;

(b) knowingly sign the person's name more than once for the same measure at one election;

(c) knowingly indicate [~~on a referendum packet~~] that a person who signed [~~the packet signed the packet~~] a referendum petition signed the petition on a date other than the date that the person signed the [~~packet~~] petition;

(d) sign a referendum knowing the person is not a legal voter; or

(e) knowingly and willfully violate any provision of this part.

(2) It is unlawful for any person to sign the verification for a referendum packet, or to electronically sign the verification for a signature under Subsection 20A-21-201(9) knowing that:

(a) the person does not meet the residency requirements of Section 20A-2-105;

(b) the signature date [~~next to~~] associated with the person's [~~name on the referendum packet~~] signature for the referendum is not the date that the person signed the [~~packet~~] petition;

(c) the person has not witnessed the signatures of those persons whose [~~names appear in the referendum packet~~] signatures the person collects or submits; or

(d) one or more [~~persons whose signatures appear in the referendum packet is either~~;

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(i) individuals who sign the referendum are not registered to vote in Utah~~;~~or.

~~[(ii) does not intend to become registered to vote in Utah.]~~

(3) It is unlawful for any person to:

- (a) pay a person to sign a referendum petition;
 - (b) pay a person to remove the person's signature from a referendum petition;
 - (c) accept payment to sign a referendum petition; or
 - (d) accept payment to have the person's name removed from a referendum petition.
- (4) Any person violating this section is guilty of a class A misdemeanor.

Section 25. Section **20A-7-313** is enacted to read:

20A-7-313. Electronic referendum process -- Form of referendum petition --

Circulation requirements -- Signature collection.

(1) This section applies only to the electronic referendum process.

(2) (a) The first screen presented on the approved device shall include the following statement:

"This REFERENDUM PETITION is addressed to the Honorable _____, Lieutenant Governor:

The citizens of Utah who sign this petition respectfully order that Senate (or House) Bill No. _____, entitled (title of act, and, if the petition is against less than the whole act, set forth here the part or parts on which the referendum is sought), passed by the Legislature of the state of Utah during the _____ Session, be referred to the people of Utah for their approval or rejection at a regular general election or a statewide special election."

(b) An individual may not advance to the second screen until the individual clicks a link at the bottom of the first screen stating, "By clicking here, I attest that I have read and understand the information presented on this screen."

(3) (a) The second screen presented on the approved device shall include the entire text of the law that is the subject of the referendum petition.

(b) An individual may not advance to the third screen until the individual clicks a link at the bottom of the second screen stating, "By clicking here, I attest that I have read and understand the entire text of the law that is the subject of the referendum petition."

(4) (a) The third screen presented on the approved device shall include a statement indicating whether persons gathering signatures for the petition may be paid for gathering

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signatures.

(b) An individual may not advance to the fourth screen until the individual clicks a link at the bottom of the first screen stating, "By clicking here, I attest that I have read and understand the information presented on this screen."

(5) The fourth screen presented on the approved device shall include the following statement, followed by links where the individual may click "yes" or "no":

"I have personally reviewed the entirety of each statement presented on this device;

I am personally signing this petition;

I am registered to vote in Utah; and

All information I enter on this device, including my residence and post office address, is accurate.

It is a class A misdemeanor for an individual to sign a referendum petition with a name other than the individual's own name, or to knowingly sign the individual's name more than once for the same measure, or to sign a referendum petition when the individual knows that the individual is not a registered voter.

WARNING

Even if your voter registration record is classified as private, your name, voter identification number, and date of signature in relation to signing this petition will be made public.

Do you wish to continue and sign this petition?"

(6) (a) If the individual clicks "no" in response to the question described in Subsection (5), the next screen shall include the following statement, "Thank you for your time. Please return this device to the signature-gatherer."

(b) If the individual clicks "yes" in response to the question described in Subsection (5), the website, or the application that accesses the website, shall take the signature-gatherer and the individual signing the petition through the signature process described in Section 20A-21-201.

Section 26. Section **20A-7-314** is enacted to read:

20A-7-314. Electronic referendum process -- Obtaining signatures -- Request to remove signature.

(1) This section applies to the electronic referendum process.

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(2) A Utah voter may sign a referendum petition if the voter is a legal voter.

(3) The sponsors shall ensure that the signature-gatherer who collects a signature from an individual:

(a) verifies that the individual is at least 18 years old and meets the residency requirements of Section 20A-2-105; and

(b) is informed that each signer is required to read and understand the law that is the subject of the referendum petition.

(4) A voter who has signed a referendum petition may have the voter's signature removed from the petition by submitting to the county clerk a statement requesting that the voter's signature be removed before 5 p.m. no later than the earlier of:

(a) 30 days after the day on which the voter signs the statement requesting removal; or

(b) 45 days after the day on which the lieutenant governor posts the voter's name under Subsection 20A-7-315(4).

(5) (a) The statement shall include:

(i) the name of the voter;

(ii) the resident address at which the voter is registered to vote;

(iii) the signature of the voter; and

(iv) the date of the signature described in Subsection (5)(a)(iii).

(b) To increase the likelihood of the voter's signature being identified and removed, the statement may include the voter's birth date or age.

(c) A voter may not submit a signature removal statement by email or other electronic means, unless the lieutenant governor establishes a signature removal process that is consistent with the requirements of this section and Section 20A-21-201.

(d) A person may only remove an electronic signature from a referendum petition in accordance with this section.

(e) A county clerk shall analyze a holographic signature, for purposes of removing an electronic signature from a referendum petition, in accordance with Section 20A-7-306.3.

Section 27. Section **20A-7-315** is enacted to read:

20A-7-315. Electronic referendum process -- Collecting signatures ---- Removal of signatures.

(1) This section applies only to the electronic referendum process.

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(2) A signature-gatherer may not collect a signature after 5 p.m., 40 days after the day on which the legislative session at which the law passed ends.

(3) The lieutenant governor shall send to each individual who provides a valid email address during the signature-gathering process an email that includes the following:

(a) the subject of the email shall include the following statement, "Notice Regarding Your Petition Signature"; and

(b) the body of the email shall include the following statement in 12-point type:

"You signed a petition for the following referendum:

[insert title of initiative]

To access a copy of the referendum petition, the referendum, and information on the deadline for removing your signature from the petition, please visit the following link: [insert a uniform resource locator that takes the individual directly to the page on the lieutenant governor's website that includes the information referred to in the email]."

(4) Except as provided in Subsection (5), the county clerk shall, within two business days after the day on which the signature of an individual who signs a petition is certified under Section 20A-21-201, post the name, voter identification number, and date of signature of the individual on the lieutenant governor's website, in a conspicuous location designated by the lieutenant governor.

(5) (a) If the county clerk timely receives a statement requesting signature removal under Subsection 20A-7-314(4), the county clerk shall:

(i) ensure that the voter's name, voter identification number, and date of signature are not included in the posting described in Subsection (4); and

(ii) remove the voter's signature from the petition and the petition signature totals.

(b) The county clerk shall comply with Subsection (5)(a) before the later of:

(i) the deadline described in Subsection (4); or

(ii) two business days after the day on which the county clerk receives a statement requesting signature removal under Subsection 20A-7-314(4).

Section 28. Section **20A-7-502.6** is amended to read:

20A-7-502.6. Posting initiative information.

(1) Within one business day after the day on which the local clerk's office receives the initial fiscal impact estimate under Subsection 20A-7-502.5(4)(a), the local clerk shall post the

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following information together in a conspicuous place on the local clerk's website:

- (a) the initiative petition;
- (b) the initiative;
- (c) the fiscal impact estimate; and
- (d) information describing how an individual may remove the individual's signature

from the signature [~~packet~~] petition.

(2) The local clerk shall:

(a) promptly update the information described in Subsection (1) if the information changes; and

(b) maintain the information described in Subsection (1) on the local clerk's website until the initiative fails to qualify for the ballot or is passed or defeated at an election.

Section 29. Section **20A-7-502.7** is amended to read:

20A-7-502.7. Referability to voters.

(1) Within 20 days after the day on which an eligible voter files an application to circulate an initiative petition under Section 20A-7-502, counsel for the county, city, town, or metro township to which the initiative pertains shall:

(a) review the proposed law in the initiative application to determine whether the law is legally referable to voters; and

(b) notify the first three sponsors, in writing, whether the proposed law is:

- (i) legally referable to voters; or
- (ii) rejected as not legally referable to voters.

(2) A proposed law in an initiative application is legally referable to voters unless:

- (a) the proposed law is patently unconstitutional;
- (b) the proposed law is nonsensical;
- (c) the proposed law is administrative, rather than legislative, in nature;
- (d) the proposed law could not become law if passed;
- (e) the proposed law contains more than one subject as evaluated in accordance with

Subsection 20A-7-502(3);

(f) the subject of the proposed law is not clearly expressed in the law's title;

(g) the proposed law is identical or substantially similar to a legally referable proposed law sought by an initiative application submitted to the local clerk, under Section 20A-7-502,

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within two years before the day on which the application for the current proposed initiative is filed; or

(h) the application for the proposed law was not timely filed or does not comply with the requirements of this part.

(3) After the end of the 20-day period described in Subsection (1), a county, city, town, or metro township may not:

(a) reject a proposed initiative as not legally referable to voters; or

(b) bring a legal action, other than to appeal a court decision, challenging a proposed initiative on the grounds that the proposed initiative is not legally referable to voters.

(4) If a county, city, town, or metro township rejects a proposed initiative, a sponsor of the proposed initiative may, within 10 days after the day on which a sponsor is notified under Subsection (1)(b), appeal the decision to:

(a) district court; or

(b) the Supreme Court, if the Supreme Court has original jurisdiction over the appeal.

(5) If, on appeal, the court determines that the law proposed in the initiative petition is legally referable to voters, the local clerk shall comply with Subsection [~~20A-7-504(2)~~] 20A-7-504(3), or give the sponsors access to the website defined in Section 20A-21-101, within five days after the day on which the determination, and any appeal of the determination, is final.

Section 30. Section ~~20A-7-503~~ is amended to read:

20A-7-503. Manual initiative process -- Form of initiative petitions and signature sheets.

(1) This section applies only to the manual initiative process.

~~(1)~~ (2) (a) Each proposed initiative petition shall be printed in substantially the following form:

"INITIATIVE PETITION To the Honorable _____, County Clerk/City Recorder/Town Clerk:

We, the undersigned citizens of Utah, respectfully demand that the following proposed law be submitted to: the legislative body for its approval or rejection at its next meeting; and the legal voters of the county/city/town, if the legislative body rejects the proposed law or takes no action on it.

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Each signer says:

I have personally signed this petition;

The date next to my signature correctly reflects the date that I actually signed the petition;

I have personally reviewed the entire statement included with this packet;

I am registered to vote in Utah [~~or intend to become registered to vote in Utah before the certification of the petition names by the county clerk~~]; and

My residence and post office address are written correctly after my name."

(b) If the initiative petition proposes a tax increase, the following statement shall appear, in at least 14-point, bold type, immediately following the information described in Subsection ~~[(1)]~~ (2)(a):

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

(c) The sponsors of an initiative or an agent of the sponsors shall attach a copy of the proposed law to each initiative petition.

~~[(2)]~~ (3) Each signature sheet shall:

(a) be printed on sheets of paper 8-1/2 inches long and 11 inches wide;

(b) be ruled with a horizontal line three-fourths inch from the top, with the space above that line blank for the purpose of binding;

(c) include the title of the initiative printed below the horizontal line, in at least 14-point, bold type;

(d) include a table immediately below the title of the initiative, and beginning .5 inch from the left side of the paper, as follows:

(i) the first column shall be .5 inch wide and include three rows;

(ii) the first row of the first column shall be .85 inch tall and contain the words "For Office Use Only" in 10-point type;

(iii) the second row of the first column shall be .35 inch tall;

(iv) the third row of the first column shall be .5 inch tall;

(v) the second column shall be 2.75 inches wide;

(vi) the first row of the second column shall be .35 inch tall and contain the words

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"Registered Voter's Printed Name (must be legible to be counted)" in 10-point type;

(vii) the second row of the second column shall be .5 inch tall;

(viii) the third row of the second column shall be .35 inch tall and contain the words

"Street Address, City, Zip Code" in 10-point type;

(ix) the fourth row of the second column shall be .5 inch tall;

(x) the third column shall be 2.75 inches wide;

(xi) the first row of the third column shall be .35 inch tall and contain the words

"Signature of Registered Voter" in 10-point type;

(xii) the second row of the third column shall be .5 inch tall;

(xiii) the third row of the third column shall be .35 inch tall and contain the words

"Email Address (optional, to receive additional information)" in 10-point type;

(xiv) the fourth row of the third column shall be .5 inch tall;

(xv) the fourth column shall be one inch wide;

(xvi) the first row of the fourth column shall be .35 inch tall and contain the words

"Date Signed" in 10-point type;

(xvii) the second row of the fourth column shall be .5 inch tall;

(xviii) the third row of the fourth column shall be .35 inch tall and contain the words

"Birth Date or Age (optional)" in 10-point type;

(xix) the fourth row of the third column shall be .5 inch tall; and

(xx) the fifth row of the entire table shall be the width of the entire table, .4 inch tall,

and contain the following words "By signing this petition, you are stating that you have read and understand the law proposed by this petition." in 12-point type;

(e) the table described in Subsection [~~(2)~~] (3)(d) shall be repeated, leaving sufficient room at the bottom of the sheet for the information described in Subsection [~~(2)~~] (3)(f); and

(f) at the bottom of the sheet, include in the following order:

(i) the words "Fiscal impact of" followed by the title of the initiative, in at least 12-point, bold type;

(ii) the initial fiscal impact estimate's summary statement issued by the budget officer in accordance with Subsection 20A-7-502.5(2)(b) and the cost estimate for printing and distributing information related to the initiative petition in accordance with Subsection 20A-7-502.5(3), in not less than 12-point, bold type;

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(iii) if the initiative petition proposes a tax increase, the following statement in 12-point, bold type:

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

(iv) the word "Warning," in 12-point, bold type, followed by the following statement in not less than eight-point type:

"It is a class A misdemeanor for an individual to sign an initiative petition with a name other than the individual's own name, or to knowingly sign the individual's name more than once for the same measure, or to sign an initiative petition when the individual knows that the individual is not a registered voter [~~and knows that the individual does not intend to become registered to vote before the certification of the petition names by the county clerk~~].

Birth date or age information is not required, but it may be used to verify your identity with voter registration records. If you choose not to provide it, your signature may not be verified as a valid signature if you change your address before petition signatures are verified or if the information you provide does not match your voter registration records."

~~[(3)]~~ (4) The final page of each initiative packet shall contain the following printed or typed statement:

__Verification of signature collector

State of Utah, County of ____

I, _____, of _____, hereby state, under penalty of perjury, that:

I am a resident of Utah and am at least 18 years old;

All the names that appear in this packet were signed by individuals who professed to be the individuals whose names appear in it, and each of the individuals signed the individual's name on it in my presence;

I did not knowingly make a misrepresentation of fact concerning the law proposed by the initiative;

I believe that each individual has printed and signed the individual's name and written the individual's post office address and residence correctly, that each signer has read and understands the law proposed by the initiative, and that each signer is registered to vote in Utah [~~or intends to become registered to vote before the certification of the petition names by the~~

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county clerk].

(Name) (Residence Address) (Date)

Each individual who signed the packet wrote the correct date of signature next to the individual's name.

I have not paid or given anything of value to any individual who signed this petition to encourage that individual to sign it.

(Name) (Residence Address) (Date)".

~~[(4)]~~ (5) If the forms described in this section are substantially followed, the initiative petitions are sufficient, notwithstanding clerical and merely technical errors.

~~[(5)]~~ (6) An individual's status as a resident, under Subsection ~~[(3)]~~ (4), is determined in accordance with Section 20A-2-105.

Section 31. Section **20A-7-504** is amended to read:

20A-7-504. Manual initiative process -- Circulation requirements -- Local clerk to provide sponsors with materials.

(1) This section applies only to the manual initiative process.

~~[(1)]~~ (2) In order to obtain the necessary number of signatures required by this part, the sponsors or an agent of the sponsors shall, after the sponsors receive the documents described in Subsections ~~[(2)]~~ (3) and 20A-7-401.5(4)(b), circulate initiative packets that meet the form requirements of this part.

~~[(2)]~~ (3) Within five days after the day on which a county, city, town, metro township, or court determines, in accordance with Section 20A-7-502.7, that a law proposed in an initiative petition is legally referable to voters, the local clerk shall furnish to the sponsors:

- (a) a copy of the initiative petition; and
- (b) a signature sheet.

~~[(3)]~~ (4) The sponsors of the petition shall:

- (a) arrange and pay for the printing of all additional copies of the petition and signature sheets; and
- (b) ensure that the copies of the petition and signature sheets meet the form

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requirements of this section.

~~[(4)]~~ (5) (a) The sponsors or an agent of the sponsors may prepare the initiative for circulation by creating multiple initiative packets.

(b) The sponsors or an agent of the sponsors shall create initiative packets by binding a copy of the initiative petition and no more than 50 signature sheets together at the top in a manner that the packets may be conveniently opened for signing.

(c) An initiative packet is not required to have a uniform number of signature sheets.

(d) The sponsors or an agent of the sponsors shall include, with each packet, a copy of the proposition information pamphlet provided to the sponsors under Subsection 20A-7-401.5(4)(b).

~~[(5)]~~ (6) (a) The sponsors or an agent of the sponsors shall, before gathering signatures:

(i) contact the county clerk to receive a range of numbers that the sponsors may use to number signature packets; and

(ii) number each signature packet, sequentially, within the range of numbers provided by the county clerk, starting with the lowest number in the range.

(b) The sponsors or an agent of the sponsors may not:

(i) number a signature packet in a manner not directed by the county clerk; or

(ii) circulate or submit a signature packet that is not numbered in the manner directed by the county clerk.

(c) The county clerk shall keep a record of the number range provided under Subsection ~~[(5)]~~ (6)(a).

Section 32. Section **20A-7-505** is amended to read:

20A-7-505. Manual initiative process -- Obtaining signatures -- Verification --

Removal of signature.

(1) This section applies only to the manual initiative process.

~~[(1)]~~ (2) A Utah voter may sign a local initiative petition if the voter is a legal voter and resides in the local jurisdiction.

~~[(2)]~~ (3) (a) The sponsors shall ensure that the individual in whose presence each signature sheet was signed:

(i) is at least 18 years old and meets the residency requirements of Section 20A-2-105;

(ii) verifies each signature sheet by completing the verification printed on the last page

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of each initiative packet; and

(iii) is informed that each signer is required to read and understand the law proposed by the initiative.

(b) An individual may not sign the verification printed on the last page of the initiative packet if the individual signed a signature sheet in the initiative packet.

~~(3)~~ (4) (a) A voter who has signed an initiative petition may have the voter's signature removed from the petition by submitting a statement requesting that the voter's signature be removed before 5 p.m. no later than the earlier of:

(i) 30 days after the day on which the voter signs the signature removal statement;

(ii) 90 days after the day on which the local clerk posts the voter's name under Subsection 20A-7-507(2)~~(a)~~;

(iii) 316 days after the day on which the application is filed; or

(iv) (A) for a county initiative, April 15 immediately before the next regular general election immediately after the application is filed under Section 20A-7-502; or

(B) for a municipal initiative, April 15 immediately before the next municipal general election immediately after the application is filed under Section 20A-7-502.

(b) (i) The statement shall include:

(A) the name of the voter;

(B) the resident address at which the voter is registered to vote;

(C) the signature of the voter; and

(D) the date of the signature described in Subsection ~~(3)~~ (4)(b)(i)(C).

(ii) To increase the likelihood of the voter's signature being identified and removed, the statement may include the voter's birth date or age.

(c) A voter may not submit a statement by email or other electronic means.

(d) In order for the signature to be removed, the county clerk must receive the statement before 5 p.m. no later than the applicable deadline described in Subsection ~~(3)~~ (4)(a).

(e) A person may only remove a signature from an initiative petition in accordance with this Subsection ~~(3)~~ (4)(a).

(f) A county clerk shall analyze a signature, for purposes of removing a signature from an initiative petition, in accordance with Section 20A-7-506.3.

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Section 33. Section **20A-7-506** is amended to read:

20A-7-506. Manual initiative process -- Submitting the initiative petition -- Certification of signatures by the county clerks -- Transfer to local clerk.

(1) This section applies only to the manual initiative process.

~~[(+)]~~ (2) (a) The sponsors, or an agent of the sponsors, shall submit a signed and verified initiative packet to the county clerk of the county in which the packet was circulated before 5 p.m. no later than the earlier of:

(i) 30 days after the day on which the first individual signs the initiative packet;

(ii) 316 days after the day on which the application is filed; or

(iii) (A) for a county initiative, April 15 immediately before the next regular general election immediately after the application is filed under Section 20A-7-502; or

(B) for a municipal initiative, April 15 immediately before the next municipal general election immediately after the application is filed under Section 20A-7-502.

(b) A person may not submit an initiative packet after the deadline established in Subsection ~~[(+)]~~ (2)(a).

(c) Before delivering a packet to the county clerk under Subsection ~~[(+)]~~ (2), the sponsors shall send an email to each individual who provides a legible, valid email address on the form described in Subsection 20A-7-503~~[(2)]~~(3)(d) that includes the following:

(i) the subject of the email shall include the following statement, "Notice Regarding Your Petition Signature"; and

(ii) the body of the email shall include the following statement in 12-point type:

"You signed a petition for the following initiative:

[insert title of initiative]

To access a copy of the initiative petition, the initiative, the fiscal impact statement, and information on the deadline for removing your signature from the petition, please visit the following link: [insert a uniform resource locator that takes the individual directly to the page on the county clerk's website that includes the information referred to in the email]."

(d) When the sponsors submit the final signature packet to the county clerk, the sponsors shall submit to the county clerk the following written verification, completed and signed by each of the sponsors:

"Verification of initiative sponsor

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State of Utah, County of _____

I, _____, of _____, hereby state, under penalty of perjury, that:

I am a sponsor of the initiative petition entitled _____;

I sent, or caused to be sent, to each individual who provided a legible, valid email address on a signature packet submitted to the county clerk in relation to the initiative petition, the email described in Utah Code Subsection 20A-7-506~~[(1)(c)]~~(2)(c).

(Name) (Residence Address) (Date)".

(e) Signatures gathered for the initiative petition are not valid if the sponsors do not comply with this Subsection ~~[(1)]~~ (2).

~~[(2)]~~ (3) The county clerk shall, within 21 days after the day on which the county clerk receives the packet:

(a) determine whether each signer is a registered voter according to the requirements of Section 20A-7-506.3;

(b) certify on the petition whether each name is that of a registered voter;

(c) except as provided in Subsection ~~[(3)]~~ (4), post the name ~~[and]~~, voter identification number, and date of signature of each registered voter certified under Subsection ~~[(2)]~~ (3)(b) on the lieutenant governor's website, in a conspicuous location designated by the lieutenant governor; and

(d) deliver the verified initiative packet to the local clerk.

~~[(3)]~~ (4) (a) If the county clerk timely receives a statement requesting signature removal under Subsection 20A-7-505~~[(3)]~~(4), the county clerk shall:

(i) ensure that the voter's name ~~[and]~~, voter identification number, and date of signature are not included in the posting described in Subsection ~~[(2)]~~ (3)(c); and

(ii) remove the voter's signature from the signature packets and signature packet totals.

(b) The county clerk shall comply with Subsection ~~[(3)]~~ (4)(a) before the later of:

(i) the deadline described in Subsection ~~[(2)]~~ (3); or

(ii) two business days after the day on which the county clerk receives a statement requesting signature removal under Subsection ~~[20A-7-505(3)]~~ 20A-7-505(4).

(c) The local clerk shall post a link in a conspicuous location on the local government's website to the posting described in Subsection ~~[(2)]~~ (3)(c) during the period of time described

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in Subsection [~~20A-7-507(2)(a)(i)~~] 20A-7-507(3)(a).

[~~(4)~~] (5) The county clerk may not certify a signature under Subsection [~~(2)~~] (3) on an initiative packet that is not verified in accordance with Section 20A-7-505.

[~~(5)~~] (6) A person may not retrieve an initiative packet from a county clerk, or make any alterations or corrections to an initiative packet, after the initiative packet is submitted to the county clerk.

Section 34. Section **20A-7-506.3** is amended to read:

20A-7-506.3. Verification of petition signatures.

(1) As used in this section:

(a) "Substantially similar name" means:

(i) the given name and surname shown on the petition, or both, contain only minor spelling differences when compared to the given name and surname shown on the official register;

(ii) the surname shown on the petition exactly matches the surname shown on the official register, and the given names differ only because one of the given names shown is a commonly used abbreviation or variation of the other;

(iii) the surname shown on the petition exactly matches the surname shown on the official register, and the given names differ only because one of the given names shown is accompanied by a first or middle initial or a middle name which is not shown on the other record; or

(iv) the surname shown on the petition exactly matches the surname shown on the official register, and the given names differ only because one of the given names shown is an alphabetically corresponding initial that has been provided in the place of a given name shown on the other record.

(b) "Substantially similar name" does not mean a name having an initial or a middle name shown on the petition that does not match a different initial or middle name shown on the official register.

(2) [~~The~~] In relation to an individual who signs an initiative petition with a holographic signature, the county clerk shall use the following procedures in determining whether a signer is a registered voter:

(a) When a signer's name and address shown on the petition exactly match a name and

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address shown on the official register and the signer's signature appears substantially similar to the signature on the statewide voter registration database, the county clerk shall declare the signature valid.

(b) When there is no exact match of an address and a name, the county clerk shall declare the signature valid if:

(i) the address on the petition matches the address of an individual on the official register with a substantially similar name; and

(ii) the signer's signature appears substantially similar to the signature on the statewide voter registration database of the individual described in Subsection (2)(b)(i).

(c) When there is no match of an address and a substantially similar name, the county clerk shall declare the signature valid if:

(i) the birth date or age on the petition matches the birth date or age of an individual on the official register with a substantially similar name; and

(ii) the signer's signature appears substantially similar to the signature on the statewide voter registration database of the individual described in Subsection (2)(c)(i).

(d) If a signature is not declared valid under Subsection (2)(a), (2)(b), or (2)(c), the county clerk shall declare the signature to be invalid.

(3) [~~The~~] In relation to an individual who, with a holographic signature, signs a statement to remove the individual's signature from an initiative petition, the county clerk shall use the following procedures in determining whether to remove a signature from a petition after receiving a timely, valid statement requesting removal of the signature:

(a) if a signer's name and address shown on the statement and the petition exactly match a name and address shown on the official register and the signer's signature on both the statement and the petition appears substantially similar to the signature on the statewide voter registration database, the county clerk shall remove the signature from the petition;

(b) if there is no exact match of an address and a name, the county clerk shall remove the signature from the petition if:

(i) the address on the statement and the petition matches the address of an individual on the official register with a substantially similar name; and

(ii) the signer's signature on both the statement and the petition appears substantially similar to the signature on the statewide voter registration database of the individual described

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in Subsection (3)(b)(i);

(c) if there is no match of an address and a substantially similar name, the county clerk shall remove the signature from the petition if:

(i) the birth date or age on the statement and petition match the birth date or age of an individual on the official register with a substantially similar name; and

(ii) the signer's signature on both the statement and the petition appears substantially similar to the signature on the statewide voter registration database of the individual described in Subsection (3)(c)(i); and

(d) if a signature does not qualify for removal under Subsection (3)(a), (b), or (c), the county clerk may not remove the signature from the petition.

Section 35. Section **20A-7-507** is amended to read:

20A-7-507. Evaluation by the local clerk.

(1) [~~When~~] In relation to the manual initiative process, when a local clerk receives an initiative packet from a county clerk, the local clerk shall record the number of the initiative packet received.

(2) [~~(a)~~] The county clerk shall:

(a) in relation to the manual initiative process:

(i) post the names [~~and~~], voter identification numbers, and dates of signatures described in Subsection [~~20A-7-506(2)(c)~~] 20A-7-506(3)(c) on the lieutenant governor's website, in a conspicuous location designated by the lieutenant governor, for at least 90 days; and

(ii) update on the local government's website the number of signatures certified as of the date of the update[-]; or

(b) in relation to the electronic initiative process:

(i) post the names, voter identification numbers, and dates of signatures described in Subsection 20A-7-516(4) on the lieutenant governor's website, in a conspicuous location designated by the lieutenant governor, for at least 90 days; and

(ii) update on the local government's website the number of signatures certified as of the date of the update.

[~~(b)~~] (3) The local clerk:

[~~(i)~~] (a) shall, except as provided in Subsection [~~(2)(b)(ii)~~] (3)(b), declare the petition

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to be sufficient or insufficient:

(i) in relation to the manual initiative process, no later than 21 days after the day of the applicable deadline described in Subsection [20A-7-506(1)(a)] 20A-7-506(2)(a); or

(ii) in relation to the electronic initiative process, no later than 21 days after the day of the applicable deadline described in Subsection 20A-7-516(2); or

~~[(ii)]~~ (b) may declare the petition to be insufficient before the day described in Subsection ~~[(2)(b)(i)]~~ (3)(a) if:

~~[(A)]~~ (i) in relation to the manual initiative process, the total of all valid signatures on timely and lawfully submitted signature packets that have been certified by the county clerks, plus the number of signatures on timely and lawfully submitted signature packets that have not yet been evaluated for certification, is less than the number of names required under Section 20A-7-501; ~~[or]~~

(ii) in relation to the electronic initiative process, the total of all timely and lawfully submitted valid signatures that have been certified by the county clerks, plus the number of timely and lawfully submitted valid signatures received under Subsection 20A-21-201(6)(b) that have not yet been evaluated for certification, is less than the number of names required under Section 20A-7-501; or

~~[(B)]~~ (iii) a requirement of this part has not been met.

~~[(c)]~~ (4) (a) If the total number of names certified ~~[names from each verified signature sheet]~~ under Subsection (3) equals or exceeds the number of names required by Section 20A-7-501 and the requirements of this part are met, the local clerk shall mark upon the front of the petition the word "sufficient."

~~[(d)]~~ (b) If the total number of names certified ~~[names from each verified signature sheet]~~ under Subsection (3) does not equal or exceed the number of names required by Section 20A-7-501 or a requirement of this part is not met, the local clerk shall mark upon the front of the petition the word "insufficient."

~~[(e)]~~ (c) The local clerk shall immediately notify any one of the sponsors of the local clerk's finding.

~~[(f)]~~ (d) After a petition is declared insufficient, a person may not submit additional signatures to qualify the petition for the ballot.

~~[(3)]~~ (5) If the local clerk finds the total number of certified signatures from each

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verified signature sheet to be insufficient, any sponsor may file a written demand with the local clerk for a recount of the signatures appearing on the initiative petition in the presence of any sponsor.

~~[(4)]~~ (6) A petition determined to be sufficient in accordance with this section is qualified for the ballot.

Section 36. Section **20A-7-512** is amended to read:

20A-7-512. Misconduct of electors and officers -- Penalty.

(1) It is unlawful for any individual to:

- (a) sign any name other than the individual's own name to any initiative petition;
- (b) sign an initiative knowing the individual is not a legal voter; or
- (c) knowingly and willfully violate any provision of this part.

(2) It is unlawful for any individual to sign the verification for an initiative packet, or to electronically sign the verification for a signature under Subsection 20A-21-201(9), knowing that:

- (a) the individual does not meet the residency requirements of Section 20A-2-105;
- (b) the individual has not witnessed the signatures of the individuals whose ~~[names appear in the initiative packet]~~ signatures the individual collects or submits; or
- (c) one or more individuals ~~[whose signatures appear in the initiative packet is either:~~
 - ~~(i) who signed the initiative petition are not registered to vote in Utah[; or].~~
 - ~~(ii) does not intend to become registered to vote in Utah.]~~

(3) An individual who violates this part is guilty of a class A misdemeanor.

Section 37. Section **20A-7-514** is enacted to read:

20A-7-514. Electronic initiative process - Form of initiative petition -- Circulation requirements -- Signature collection.

(1) This section applies only to the electronic initiative process.

(2) (a) The first screen presented on the approved device shall include the following statement:

"This INITIATIVE PETITION is addressed to the Honorable _____, County Clerk/City Recorder/Town Clerk:

The citizens of Utah who sign this petition respectfully demand that the following proposed law be submitted to: the legislative body for its approval or rejection at its next

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meeting; and the legal voters of the county/city/town, if the legislative body rejects the proposed law or takes no action on it."

(b) An individual may not advance to the second screen until the individual clicks a link at the bottom of the first screen stating, "By clicking here, I attest that I have read and understand the information presented on this screen."

(3) (a) The second screen presented on the approved device shall include the title of proposed law, described in Subsection 20A-7-502(2)(d)(i), followed by the entire text of the proposed law.

(b) An individual may not advance to the third screen until the individual clicks a link at the bottom of the second screen stating, "By clicking here, I attest that I have read and understand the entire text of the proposed law."

(4) Subsequent screens shall be presented on the device in the following order, with the individual viewing the device being required, before advancing to the next screen, to click a link at the bottom of the screen with the following statement, "By clicking here, I attest that I have read and understand the information presented on this screen.":

(a) (i) if the initiative petition proposes a tax increase, the following statement, "This initiative petition seeks to increase the current (insert name of tax) rate by (insert the tax percentage difference) percent, resulting in a(n) (insert the tax percentage increase) percent increase in the current tax rate."; or

(ii) if the initiative petition does not propose a tax increase, the following statement, "This initiative petition does not propose a tax increase.":

(b) the initial fiscal impact estimate's summary statement issued by the budget officer in accordance with Subsection 20A-7-502.5(2)(b) and the cost estimate for printing and distributing information related to the initiative petition in accordance with Subsection 20A-7-502.5(3);

(c) a statement indicating whether persons gathering signatures for the petition may be paid for gathering signatures; and

(d) the following statement, followed by links where the individual may click "yes" or "no":

"I have personally reviewed the entirety of each statement presented on this device;
I am personally signing this petition;

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I am registered to vote in Utah; and

All information I enter on this device, including my residence and post office address, is accurate.

It is a class A misdemeanor for an individual to sign an initiative petition with a name other than the individual's own name, or to knowingly sign the individual's name more than once for the same measure, or to sign an initiative petition when the individual knows that the individual is not a registered voter.

WARNING

Even if your voter registration record is classified as private, your name, voter identification number, and date of signature in relation to signing this petition will be made public.

Do you wish to continue and sign this petition?"

(5) (a) If the individual clicks "no" in response to the question described in Subsection (4)(d), the next screen shall include the following statement, "Thank you for your time. Please return this device to the signature-gatherer."

(b) If the individual clicks "yes" in response to the question described in Subsection (4)(d), the website, or the application that accesses the website, shall take the signature-gatherer and the individual signing the petition through the signature process described in Section 20A-21-201.

Section 38. Section **20A-7-515** is enacted to read:

20A-7-515. Electronic initiative process -- Obtaining signatures -- Request to remove signature.

(1) This section applies to the electronic initiative process.

(2) A Utah voter may sign a local initiative petition if the voter is a legal voter and resides in the local jurisdiction.

(3) The sponsors shall ensure that the signature-gatherer who collects a signature from an individual:

(a) verifies that the individual is at least 18 years old and meets the residency requirements of Section 20A-2-105; and

(b) is informed that each signer is required to read and understand the law proposed by the initiative.

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(4) (a) A voter who has signed an initiative petition may have the voter's signature removed from the petition by submitting to the county clerk a statement requesting that the voter's signature be removed before 5 p.m. no later than the earlier of:

(i) 30 days after the day on which the voter signs the signature removal statement;

(ii) 90 days after the day on which the local clerk posts the voter's name under

Subsection 20A-7-516(4);

(iii) 316 days after the day on which the application is filed; or

(iv) (A) for a county initiative, April 15 immediately before the next regular general election immediately after the application is filed under Section 20A-7-502; or

(B) for a municipal initiative, April 15 immediately before the next municipal general election immediately after the application is filed under Section 20A-7-502.

(b) The statement shall include:

(i) the name of the voter;

(ii) the resident address at which the voter is registered to vote;

(iii) the signature of the voter; and

(iv) the date of the signature described in Subsection (4)(b)(iii).

(c) To increase the likelihood of the voter's signature being identified and removed, the statement may include the voter's birth date or age.

(d) A voter may not submit a signature removal statement by email or other electronic means, unless the lieutenant governor establishes a signature removal process that is consistent with the requirements of this section and Section 20A-21-201.

(e) A person may only remove an electronic signature from an initiative petition in accordance with this section.

(f) A county clerk shall analyze a holographic signature, for purposes of removing an electronic signature from an initiative petition, in accordance with Section 20A-7-506.3.

Section 39. Section **20A-7-516** is enacted to read:

20A-7-516. Electronic initiative process -- Collecting signatures -- Email notification -- Removal of signatures.

(1) This section applies only to the electronic initiative process.

(2) A signature-gatherer may not collect a signature after 5 p.m., the earlier of:

(a) 316 days after the day on which the application is filed; or

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(b) (i) for a county initiative, April 15 immediately before the next regular general election immediately after the application is filed under Section 20A-7-502; or

(ii) for a municipal initiative, April 15 immediately before the next municipal general election immediately after the application is filed under Section 20A-7-502.

(3) The local clerk shall send to each individual who provides a valid email address during the signature-gathering process an email that includes the following:

(a) the subject of the email shall include the following statement, "Notice Regarding Your Petition Signature"; and

(b) the body of the email shall include the following statement in 12-point type:

"You signed a petition for the following initiative:

[insert title of initiative]

To access a copy of the initiative petition, the initiative, the fiscal impact statement, and information on the deadline for removing your signature from the petition, please visit the following link: [insert a uniform resource locator that takes the individual directly to the page on the lieutenant governor's website that includes the information referred to in the email]."

(4) Except as provided in Subsection (5), the county clerk shall, within two business days after the day on which the signature of an individual who signs a petition is certified under Section 20A-21-201, post the name, voter identification number, and date of signature of the individual on the lieutenant governor's website, in a conspicuous location designated by the lieutenant governor.

(5) (a) If the local clerk timely receives a statement requesting signature removal under Subsection 20A-7-515(4), the local clerk shall:

(i) ensure that the voter's name, voter identification number, and date of signature are not included in the posting described in Subsection (4); and

(ii) remove the voter's signature from the petition and the petition signature totals.

(b) The local clerk shall comply with Subsection (5)(a) before the later of:

(i) the deadline described in Subsection (4); or

(ii) two business days after the day on which the county clerk receives a statement requesting signature removal under Subsection 20A-7-515(4).

Section 40. Section **20A-7-602.7** is amended to read:

20A-7-602.7. Referability to voters of local law other than land use law.

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(1) Within 20 days after the day on which an eligible voter files an application to circulate a referendum petition under Section 20A-7-602 for a local law other than a land use law, counsel for the county, city, town, or metro township to which the referendum pertains shall:

(a) review the application to determine whether the proposed referendum is legally referable to voters; and

(b) notify the first three sponsors, in writing, whether the proposed referendum is:

(i) legally referable to voters; or

(ii) rejected as not legally referable to voters.

(2) For a local law other than a land use law, a proposed referendum is legally referable to voters unless:

(a) the proposed referendum challenges an action that is administrative, rather than legislative, in nature;

(b) the proposed referendum challenges more than one law passed by the local legislative body; or

(c) the application for the proposed referendum was not timely filed or does not comply with the requirements of this part.

(3) After the end of the 20-day period described in Subsection (1), a county, city, town, or metro township may not, for a local law other than a land use law:

(a) reject a proposed referendum as not legally referable to voters; or

(b) except as provided in Subsection (4), challenge, in a legal action or otherwise, a proposed referendum on the grounds that the proposed referendum is not legally referable to voters.

(4) (a) If, under Subsection (1)(b)(ii), a county, city, town, or metro township rejects a proposed referendum concerning a local law other than a land use law, a sponsor of the proposed referendum may, within 10 days after the day on which a sponsor is notified under Subsection (1)(b), challenge or appeal the decision to:

(i) the Supreme Court, by means of an extraordinary writ, if possible; or

(ii) a district court, if the sponsor is prohibited from pursuing an extraordinary writ under Subsection (4)(a)(i).

(b) Failure of a sponsor to timely challenge or appeal a rejection under Subsection

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(4)(a) terminates the referendum.

(5) If, on a challenge or appeal, the court determines that the proposed referendum described in Subsection (4) is legally referable to voters, the local clerk shall comply with Subsection [~~20A-7-604(2)~~] 20A-7-604(3), or give the sponsors access to the website defined in Section 20A-21-101, within five days after the day on which the determination, and any challenge or appeal of the determination, is final.

Section 41. Section **20A-7-602.8** is amended to read:

20A-7-602.8. Referability to voters of local land use law.

(1) Within 20 days after the day on which an eligible voter files an application to circulate a referendum petition under Section 20A-7-602 for a land use law, counsel for the county, city, town, or metro township to which the referendum pertains shall:

(a) review the application to determine whether the proposed referendum is legally referable to voters; and

(b) notify the first three sponsors, in writing, whether the proposed referendum is:

(i) legally referable to voters; or

(ii) rejected as not legally referable to voters.

(2) For a land use law, a proposed referendum is legally referable to voters unless:

(a) the proposed referendum challenges an action that is administrative, rather than legislative, in nature;

(b) the proposed referendum challenges a land use decision, rather than a land use regulation, as those terms are defined in Section 10-9a-103 or 17-27a-103;

(c) the proposed referendum challenges more than one law passed by the local legislative body; or

(d) the application for the proposed referendum was not timely filed or does not comply with the requirements of this part.

(3) After the end of the 20-day period described in Subsection (1), a county, city, town, or metro township may not, for a land use law:

(a) reject a proposed referendum as not legally referable to voters; or

(b) except as provided in Subsection (4), challenge, in a legal action or otherwise, a proposed referendum on the grounds that the proposed referendum is not legally referable to voters.

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(4) (a) If a county, city, town, or metro township rejects a proposed referendum concerning a land use law, a sponsor of the proposed referendum may, within seven days after the day on which a sponsor is notified under Subsection (1)(b), challenge or appeal the decision to:

(i) the Supreme Court, by means of an extraordinary writ, if possible; or
(ii) a district court, if the sponsor is prohibited from pursuing an extraordinary writ under Subsection (4)(a)(i).

(b) Failure of a sponsor to timely challenge or appeal a rejection under Subsection (4)(a) terminates the referendum.

(5) If, on challenge or appeal, the court determines that the proposed referendum is legally referable to voters, the local clerk shall comply with Subsection [20A-7-604(2)] 20A-7-604(3), or give the sponsors access to the website defined in Section 20A-21-101, within five days after the day on which the determination, and any challenge or appeal of the determination, is final.

Section 42. Section **20A-7-603** is amended to read:

20A-7-603. Manual referendum process -- Form of referendum petition and signature sheets.

(1) This section applies only to the manual referendum process.

~~(1)~~ (2) (a) Each proposed referendum petition shall be printed in substantially the following form:

"REFERENDUM PETITION To the Honorable ____, County Clerk/City Recorder/Town Clerk:

We, the undersigned citizens of Utah, respectfully order that (description of local law or portion of local law being challenged), passed by the ____ be referred to the voters for their approval or rejection at the regular/municipal general election to be held on _____(month\day\year);

Each signer says:

I have personally signed this petition;

The date next to my signature correctly reflects the date that I actually signed the petition;

I have personally reviewed the entire statement included with this packet;

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I am registered to vote in Utah [~~or intend to become registered to vote in Utah before the certification of the petition names by the county clerk~~]; and

My residence and post office address are written correctly after my name."

(b) The sponsors of a referendum or an agent of the sponsors shall attach a copy of the law that is the subject of the referendum to each referendum petition.

~~[(2)]~~ (3) Each signature sheet shall:

(a) be printed on sheets of paper 8-1/2 inches long and 11 inches wide;

(b) be ruled with a horizontal line three-fourths inch from the top, with the space above that line blank for the purpose of binding;

(c) include the title of the referendum printed below the horizontal line, in at least 14-point type;

(d) include a table immediately below the title of the referendum, and beginning .5 inch from the left side of the paper, as follows:

(i) the first column shall be .5 inch wide and include three rows;

(ii) the first row of the first column shall be .85 inch tall and contain the words "For Office Use Only" in 10-point type;

(iii) the second row of the first column shall be .35 inch tall;

(iv) the third row of the first column shall be .5 inch tall;

(v) the second column shall be 2.75 inches wide;

(vi) the first row of the second column shall be .35 inch tall and contain the words "Registered Voter's Printed Name (must be legible to be counted)" in 10-point type;

(vii) the second row of the second column shall be .5 inch tall;

(viii) the third row of the second column shall be .35 inch tall and contain the words "Street Address, City, Zip Code" in 10-point type;

(ix) the fourth row of the second column shall be .5 inch tall;

(x) the third column shall be 2.75 inches wide;

(xi) the first row of the third column shall be .35 inch tall and contain the words "Signature of Registered Voter" in 10-point type;

(xii) the second row of the third column shall be .5 inch tall;

(xiii) the third row of the third column shall be .35 inch tall and contain the words

"Email Address (optional, to receive additional information)" in 10-point type;

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(xiv) the fourth row of the third column shall be .5 inch tall;

(xv) the fourth column shall be one inch wide;

(xvi) the first row of the fourth column shall be .35 inch tall and contain the words "Date Signed" in 10-point type;

(xvii) the second row of the fourth column shall be .5 inch tall;

(xviii) the third row of the fourth column shall be .35 inch tall and contain the words "Birth Date or Age (optional)" in 10-point type;

(xix) the fourth row of the third column shall be .5 inch tall; and

(xx) the fifth row of the entire table shall be the width of the entire table, .4 inch tall, and contain the following words, "By signing this petition, you are stating that you have read and understand the law that this petition seeks to overturn." in 12-point type;

(e) the table described in Subsection [(2)] (3)(d) shall be repeated, leaving sufficient room at the bottom of the sheet or the information described in Subsection [(2)] (3)(f); and

(f) at the bottom of the sheet, include the word "Warning," in 12-point, bold type, followed by the following statement in not less than eight-point type:

"It is a class A misdemeanor for an individual to sign a referendum petition with a name other than the individual's own name, or to knowingly sign the individual's name more than once for the same measure, or to sign a referendum petition when the individual knows that the individual is not a registered voter [~~and knows that the individual does not intend to become registered to vote before the certification of the petition names by the county clerk~~].

Birth date or age information is not required, but it may be used to verify your identity with voter registration records. If you choose not to provide it, your signature may not be verified as a valid signature if you change your address before petition signatures are verified or if the information you provide does not match your voter registration records."

[(3)] (4) The final page of each referendum packet shall contain the following printed or typed statement:

__Verification of signature collector

State of Utah, County of ____

I, _____, of _____, hereby state, under penalty of perjury, that:

I am a resident of Utah and am at least 18 years old;

All the names that appear in this packet were signed by individuals who professed to be

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the individuals whose names appear in it, and each of the individuals signed the individual's name on it in my presence;

I did not knowingly make a misrepresentation of fact concerning the law this petition seeks to overturn;

I believe that each individual has printed and signed the individual's name and written the individual's post office address and residence correctly, that each signer has read and understands the law that the referendum seeks to overturn, and that each signer is registered to vote in Utah [~~or intends to become registered to vote before the certification of the petition names by the county clerk~~].

(Name)	(Residence Address)	(Date)
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Each individual who signed the packet wrote the correct date of signature next to the individual's name.

I have not paid or given anything of value to any individual who signed this petition to encourage that individual to sign it.

(Name) (Residence Address) (Date)".

~~[(4)]~~ (5) If the forms described in this section are substantially followed, the referendum petitions are sufficient, notwithstanding clerical and merely technical errors.

~~[(5)]~~ (6) An individual's status as a resident, under Subsection ~~[(3)]~~ (4), is determined in accordance with Section 20A-2-105.

Section 43. Section **20A-7-604** is amended to read:

20A-7-604. Manual referendum process -- Circulation requirements -- Local clerk to provide sponsors with materials.

(1) This section applies only to the manual referendum process.

~~[(1)]~~ (2) In order to obtain the necessary number of signatures required by this part, the sponsors or an agent of the sponsors shall, after the sponsors receive the documents described in Subsections ~~[(2)]~~ (3) and 20A-7-401.5(4)(b), circulate referendum packets that meet the form requirements of this part.

~~[(2)]~~ (3) Within five days after the day on which a county, city, town, metro township, or court determines, in accordance with Section 20A-7-602.7, that a proposed referendum is

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legally referable to voters, the local clerk shall furnish to the sponsors:

- (a) a copy of the referendum petition; and
- (b) a signature sheet.

~~[(3)]~~ (4) The sponsors of the petition shall:

(a) arrange and pay for the printing of all additional copies of the petition and signature sheets; and

(b) ensure that the copies of the petition and signature sheets meet the form requirements of this section.

~~[(4)]~~ (5) (a) The sponsors or an agent of the sponsors may prepare the referendum for circulation by creating multiple referendum packets.

(b) The sponsors or an agent of the sponsors shall create referendum packets by binding a copy of the referendum petition and no more than 50 signature sheets together at the top in a manner that the packets may be conveniently opened for signing.

(c) A referendum packet is not required to have a uniform number of signature sheets.

(d) The sponsors or an agent of the sponsors shall include, with each packet, a copy of the proposition information pamphlet provided to the sponsors under Subsection 20A-7-401.5(4)(b).

~~[(5)]~~ (6) (a) The sponsors or an agent of the sponsors shall, before gathering signatures:

(i) contact the county clerk to receive a range of numbers that the sponsors may use to number signature packets; and

(ii) number each signature packet, sequentially, within the range of numbers provided by the county clerk, starting with the lowest number in the range.

(b) The sponsors or an agent of the sponsors may not:

(i) number a signature packet in a manner not directed by the county clerk; or

(ii) circulate or submit a signature packet that is not numbered in the manner directed by the county clerk.

(c) The county clerk shall keep a record of the number range provided under Subsection ~~[(5)]~~ (6)(a).

Section 44. Section **20A-7-604.5** is amended to read:

20A-7-604.5. Posting referendum information.

(1) On the day on which the local clerk complies with Subsection ~~[20A-7-604(2)]~~

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20A-7-604(3), or gives the sponsors access to the website defined in Section 20A-21-101, the local clerk shall post the following information together in a conspicuous place on the local clerk's website:

(a) the referendum petition;
(b) the referendum; and
(c) information describing how an individual may remove the individual's signature from the [~~signature packet~~] petition.

(2) The local clerk shall:

(a) promptly update the information described in Subsection (1) if the information changes; and

(b) maintain the information described in Subsection (1) on the local clerk's website until the referendum fails to qualify for the ballot or is passed or defeated at an election.

Section 45. Section **20A-7-605** is amended to read:

20A-7-605. Manual referendum process -- Obtaining signatures -- Verification -- Removal of signature.

(1) This section applies only to the manual referendum process.

~~[(1)]~~ (2) A Utah voter may sign a local referendum petition if the voter is a legal voter and resides in the local jurisdiction.

~~[(2)]~~ (3) (a) The sponsors shall ensure that the individual in whose presence each signature sheet was signed:

(i) is at least 18 years old and meets the residency requirements of Section 20A-2-105;

(ii) verifies each signature sheet by completing the verification printed on the last page of each referendum packet; and

(iii) is informed that each signer is required to read and understand the law that the referendum seeks to overturn.

(b) An individual may not sign the verification printed on the last page of the referendum packet if the individual signed a signature sheet in the referendum packet.

~~[(3)]~~ (4) (a) A voter who has signed a referendum petition may have the voter's signature removed from the petition by submitting to the county clerk a statement requesting that the voter's signature be removed no later than the earlier of:

(i) 30 days after the day on which the voter signs the statement requesting removal; or

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(ii) 45 days after the day on which the local clerk posts the voter's name under Subsection 20A-7-607(2)(a).

(b) (i) The statement shall include:

(A) the name of the voter;

(B) the resident address at which the voter is registered to vote;

(C) the signature of the voter; and

(D) the date of the signature described in Subsection [~~(3)~~] (4)(b)(i)(C).

(ii) To increase the likelihood of the voter's signature being identified and removed, the statement may include the voter's birth date or age.

(c) A voter may not submit a statement by email or other electronic means.

(d) In order for the signature to be removed, the county clerk must receive the statement before 5 p.m. no later than 45 days after the day on which the local clerk posts the voter's name under Subsection 20A-7-607(2)(a).

(e) A person may only remove a signature from a referendum petition in accordance with this Subsection [~~(3)~~] (4).

(f) A county clerk shall analyze a signature, for purposes of removing a signature from a referendum petition, in accordance with Section 20A-7-606.3.

Section 46. Section **20A-7-606** is amended to read:

20A-7-606. Manual referendum process -- Submitting the referendum petition -- Certification of signatures by the county clerks -- Transfer to local clerk.

(1) This section applies only to the manual referendum process.

[~~(1)~~] (2) (a) The sponsors, or an agent of the sponsors, shall submit a signed and verified referendum packet to the county clerk of the county in which the packet was circulated before 5 p.m. no later than the earlier of:

(i) 30 days after the day on which the first individual signs the referendum packet; or

(ii) 45 days after the day on which the sponsors receive the items described in

Subsection [~~20A-7-604(2)~~] 20A-7-604(3) or from the local clerk.

(b) A person may not submit a referendum packet after the deadline described in Subsection [~~(1)~~] (2)(a).

[~~(2)~~] (3) No later than 21 days after the day on which a county clerk receives a verified referendum packet under Subsection [~~(1)~~] (2)(a), the county clerk shall:

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(a) determine whether each signer is a registered voter according to the requirements of Section 20A-7-606.3;

(b) certify on the petition whether each name is that of a registered voter;

(c) provide the name [~~and~~], voter identification number, and date of signature of each registered voter certified under Subsection [~~(2)~~] (3)(b); and

(d) deliver the verified packet to the local clerk.

[~~(3)~~] (4) (a) If the county clerk timely receives a statement requesting signature removal under Subsection [~~20A-7-605(3)~~] 20A-7-605(4), the county clerk shall:

(i) ensure that the voter's name [~~and~~], voter identification number, and date of signature are not included in the posting described in Subsection 20A-7-607(2)(a); and

(ii) remove the voter's signature from the signature packets and signature packet totals.

(b) The county clerk shall comply with Subsection [~~(3)~~] (4)(a) before the later of:

(i) the deadline described in Subsection [~~(2)~~] (3); or

(ii) two business days after the day on which the county clerk receives a statement requesting signature removal under Subsection [~~20A-7-605(3)~~] 20A-7-605(4).

(c) The local clerk shall post a link in a conspicuous location on the local government's website to the posting described in Subsection 20A-7-607(2)(a) during the period of time described in Subsection 20A-7-607(2)(a)(i).

[~~(4)~~] (5) The county clerk may not certify a signature under Subsection [~~(2)~~] (3):

(a) on a referendum packet that is not verified in accordance with Section 20A-7-605;

or

(b) that does not have a date of signature next to the signature.

[~~(5)~~] (6) A person may not retrieve a referendum packet from a county clerk, or make any alterations or corrections to a referendum packet, after the referendum packet is submitted to the county clerk.

Section 47. Section **20A-7-606.3** is amended to read:

20A-7-606.3. Verification of petition signatures.

(1) As used in this section:

(a) "Substantially similar name" means:

(i) the given name and surname shown on the petition, or both, contain only minor spelling differences when compared to the given name and surname shown on the official

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register;

(ii) the surname shown on the petition exactly matches the surname shown on the official register, and the given names differ only because one of the given names shown is a commonly used abbreviation or variation of the other;

(iii) the surname shown on the petition exactly matches the surname shown on the official register, and the given names differ only because one of the given names shown is accompanied by a first or middle initial or a middle name which is not shown on the other record; or

(iv) the surname shown on the petition exactly matches the surname shown on the official register, and the given names differ only because one of the given names shown is an alphabetically corresponding initial that has been provided in the place of a given name shown on the other record.

(b) "Substantially similar name" does not mean a name having an initial or a middle name shown on the petition that does not match a different initial or middle name shown on the official register.

(2) [The] In relation to an individual who signs a referendum petition with a holographic signature, the county clerk shall use the following procedures in determining whether a signer is a registered voter:

(a) When a signer's name and address shown on the petition exactly match a name and address shown on the official register and the signer's signature appears substantially similar to the signature on the statewide voter registration database, the county clerk shall declare the signature valid.

(b) When there is no exact match of an address and a name, the county clerk shall declare the signature valid if:

(i) the address on the petition matches the address of an individual on the official register with a substantially similar name; and

(ii) the signer's signature appears substantially similar to the signature on the statewide voter registration database of the individual described in Subsection (2)(b)(i).

(c) When there is no match of an address and a substantially similar name, the county clerk shall declare the signature valid if:

(i) the birth date or age on the petition matches the birth date or age of an individual on

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the official register with a substantially similar name; and

(ii) the signer's signature appears substantially similar to the signature on the statewide voter registration database of the individual described in Subsection (2)(c)(i).

(d) If a signature is not declared valid under Subsection (2)(a), (b), or (c), the county clerk shall declare the signature to be invalid.

(3) ~~[The]~~ In relation to an individual who, with a holographic signature, signs a statement to remove the individual's signature from a referendum petition, the county clerk shall use the following procedures in determining whether to remove a signature from a petition after receiving a timely, valid statement requesting removal of the signature:

(a) if a signer's name and address shown on the statement and the petition exactly match a name and address shown on the official register and the signer's signature on both the statement and the petition appears substantially similar to the signature on the statewide voter registration database, the county clerk shall remove the signature from the petition;

(b) if there is no exact match of an address and a name, the county clerk shall remove the signature from the petition if:

(i) the address on the statement and the petition matches the address of an individual on the official register with a substantially similar name; and

(ii) the signer's signature on both the statement and the petition appears substantially similar to the signature on the statewide voter registration database of the individual described in Subsection (3)(b)(i);

(c) if there is no match of an address and a substantially similar name, the county clerk shall remove the signature from the petition if:

(i) the birth date or age on the statement and petition match the birth date or age of an individual on the official register with a substantially similar name; and

(ii) the signer's signature on both the statement and the petition appears substantially similar to the signature on the statewide voter registration database of the individual described in Subsection (3)(c)(i); and

(d) if a signature does not qualify for removal under Subsection (3)(a), (b), or (c), the county clerk may not remove the signature from the petition.

Section 48. Section **20A-7-607** is amended to read:

20A-7-607. Evaluation by the local clerk -- Determination of election for vote on

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referendum.

(1) [~~When~~] In relation to the manual referendum process, when the local clerk receives a referendum packet from a county clerk, the local clerk shall record the number of the referendum packet received.

(2) [~~(a)~~] The county clerk shall:

(a) in relation to the manual referendum process:

(i) post the names [~~and~~], voter identification numbers, and dates of signatures described in Subsection 20A-7-606(3)(c) on the lieutenant governor's website, in a conspicuous location designated by the lieutenant governor, for at least 45 days; and

(ii) update on the local clerk's website the number of signatures certified as of the date of the update[-]; or

(b) in relation to the electronic referendum process:

(i) post the names, voter identification numbers, and dates of signatures described in Subsection 20A-7-616(3) on the lieutenant governor's website, in a conspicuous location designated by the lieutenant governor, for at least 45 days; and

(ii) update on the lieutenant governor's website the number of signatures certified as of the date of the update.

[~~(b)~~] (3) The local clerk:

[~~(i)~~] (a) shall, except as provided in Subsection [~~(2)(b)(ii)~~] (3)(b), declare the petition to be sufficient or insufficient;

(i) in relation to the manual referendum process, no later than 111 days after the day of the deadline, described in Subsection 20A-7-606[~~(1)~~](2), to submit a referendum packet to the county clerk; or

(ii) in relation to the electronic referendum process, no later than 111 days after the day of the deadline, described in Subsection 20A-7-616(2), to collect a signature; or

[~~(ii)~~] (b) may declare the petition to be insufficient before the day described in Subsection [~~(2)(b)(i)~~] (3)(a) if:

[~~(A)~~] (i) in relation to the manual referendum process, the total of all valid signatures on timely and lawfully submitted signature packets that have been certified by the county clerk, plus the number of signatures on timely and lawfully submitted signature packets that have not yet been evaluated for certification, is less than the number of names required under Section

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20A-7-601; [or]

(ii) in relation to the electronic referendum process, the total of all timely and lawfully submitted valid signatures that have been certified by the county clerks, plus the number of timely and lawfully submitted valid signatures received under Subsection 20A-21-201(6)(b) that have not yet been evaluated for certification, is less than the number of names required under Section 20A-7-601; or

[~~(B)~~] (iii) a requirement of this part has not been met.

[~~(c)~~] (4) (a) If the total number of names certified under [~~this~~] Subsection (2) equals or exceeds the number of names required under Section 20A-7-601, and the requirements of this part are met, the local clerk shall mark upon the front of the petition the word "sufficient";

[~~(d)~~] (b) If the total number of names certified under this Subsection [~~(2)~~] (3) does not equal or exceed the number of names required under Section 20A-7-601 or a requirement of this part is not met, the local clerk shall mark upon the front of the petition the word "insufficient."

[~~(e)~~] (c) The local clerk shall immediately notify any one of the sponsors of the local clerk's finding.

[~~(f)~~] (d) After a petition is declared insufficient, a person may not submit additional signatures to qualify the petition for the ballot.

[~~(3)~~] (5) (a) If the local clerk refuses to accept and file any referendum petition, any voter may apply to a court for an extraordinary writ to compel the local clerk to do so within 10 days after the refusal.

(b) If the court determines that the referendum petition is legally sufficient, the local clerk shall file the petition, with a verified copy of the judgment attached to the petition, as of the date on which the petition was originally offered for filing in the local clerk's office.

(c) If the court determines that any petition filed is not legally sufficient, the court may enjoin the local clerk and all other officers from:

(i) certifying or printing the ballot title and numbers of that measure on the official ballot for the next election; or

(ii) as it relates to a local tax law that is conducted entirely by mail, certifying, printing, or mailing the ballot title and numbers of that measure under Section 20A-7-609.5.

[~~(4)~~] (6) A petition determined to be sufficient in accordance with this section is

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qualified for the ballot.

~~[(5)]~~ (7) (a) Except as provided in Subsection ~~[(6)]~~ (7)(b) or (c), if a referendum relates to legislative action taken after April 15, the election officer may not place the referendum on an election ballot until a primary election, a general election, or a special election the following year.

(b) The election officer may place a referendum described in Subsection ~~[(6)]~~ (7)(a) on the ballot for a special, primary, or general election held during the year that the legislative action was taken if the following agree, in writing, on a timeline to place the referendum on that ballot:

- (i) the local clerk;
- (ii) the county clerk; and
- (iii) the attorney for the county or municipality that took the legislative action.

(c) For a referendum on a land use law, if, before August 30, the local clerk or a court determines that the total number of certified names equals or exceeds the number of signatures required in Section 20A-7-601, the election officer shall place the referendum on the election ballot for:

- (i) the next general election; or
- (ii) another election, if the following agree, in writing, on a timeline to place the

referendum on that ballot:

- (A) the affected owners, as defined in Section 10-9a-103 or 17-27a-103, as applicable;
- (B) the local clerk;
- (C) the county clerk; and
- (D) the attorney for the county or municipality that took the legislative action.

Section 49. Section **20A-7-611** is amended to read:

20A-7-611. Temporary stay -- Effective date -- Effect of repeal by local legislative body.

(1) Any proposed law submitted to the people by referendum petition that is rejected by the voters at any election is repealed as of the date of the election.

(2) If, at the time during the process described in Subsection ~~[20A-7-307(2)]~~ 20A-7-607(2), the local clerk determines that, at that point in time, an adequate number of signatures are certified to comply with the signature requirements, the local clerk shall:

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(a) issue an order temporarily staying the law from going into effect; and
(b) continue the process of certifying signatures and removing signatures as required by this part.

(3) The temporary stay described in Subsection (2) remains in effect, regardless of whether a future count falls below the signature threshold, until the day on which:

(a) if the local clerk declares the petition insufficient, five days after the day on which the local clerk declares the petition insufficient; or

(b) if the local clerk declares the petition sufficient, the day on which the local legislative body issues the proclamation described in Section 20A-7-610.

(4) A proposed law submitted to the people by referendum petition that is approved by the voters at an election takes effect the later of:

(a) five days after the date of the official proclamation of the vote by the local legislative body; or

(b) the effective date specified in the proposed law.

(5) If, after the local clerk issues a temporary stay order under Subsection (2)(a), the local clerk declares the petition insufficient, the proposed law takes effect the later of:

(a) five days after the day on which the local clerk declares the petition insufficient; or

(b) the effective date specified in the proposed law.

(6) (a) A law adopted by the people under this part is not subject to veto.

(b) The local legislative body may amend any laws approved by the people under this part after the people approve the law.

(7) If the local legislative body repeals a law challenged by referendum petition under this part, the referendum petition is void and no further action on the referendum petition is required.

Section 50. Section **20A-7-612** is amended to read:

20A-7-612. Misconduct of electors and officers -- Penalty.

(1) It is unlawful for an individual to:

(a) sign any name other than the individual's own name to any referendum petition;

(b) sign a referendum knowing that the individual is not a legal voter;

(c) in connection with circulating a referendum petition, represent that a document is an official government document if the individual knows or has reason to know that the

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document is not an official government document; or

(d) knowingly and willfully violate any provision of this part.

(2) It is unlawful for an individual to sign the verification for a referendum packet, or to electronically sign the verification for a signature under Subsection 20A-21-201(9), knowing that:

(a) the individual does not meet the residency requirements of Section 20A-2-105;

(b) the individual has not witnessed the signatures [~~of the individuals whose names appear in the referendum packet~~] the individual collects or submits; or

(c) one or more individuals whose signatures appear in the referendum packet [~~:(i) is either: (A) is not registered to vote in Utah[; or].~~

~~[(B) does not intend to become registered to vote in Utah; or]~~

~~[(ii) appears next to an inaccurate date of signature.]~~

(3) An individual who violates this part is guilty of a class A misdemeanor.

(4) The county attorney or municipal attorney shall prosecute any violation of this section.

Section 51. Section **20A-7-613** is amended to read:

20A-7-613. Property tax referendum petition.

(1) As used in this section, "certified tax rate" means the same as that term is defined in Section 59-2-924.

(2) Except as provided in this section, the requirements of this part apply to a referendum petition challenging a taxing entity's legislative body's vote to impose a tax rate that exceeds the certified tax rate.

(3) Notwithstanding Subsection [~~20A-7-606(1)~~] 20A-7-606(2), the sponsors or an agent of the sponsors shall deliver a signed and verified referendum packet to the county clerk of the county in which the packet was circulated before 5 p.m. no later than the earlier of:

(a) 30 days after the day on which the first individual signs the packet; or

(b) 40 days after the day on which the local clerk complies with Subsection [~~20A-7-604(2)~~] 20A-7-604(3).

(4) Notwithstanding Subsections [~~20A-7-606(2) and (3)~~] 20A-7-606(3) and (4), the county clerk shall take the actions required in Subsections [~~20A-7-606(2) and (3)~~] 20A-7-606(3) and (4) within 10 working days after the day on which the county clerk receives

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the signed and verified referendum packet as described in Subsection (3).

(5) The local clerk shall take the actions required by Section 20A-7-607 within two working days after:

(a) in relation to the manual referendum process, the day on which the local clerk receives the referendum packets from the county clerk[-]; or

(b) in relation to the electronic referendum process, the deadline described in Subsection 20A-7-616(2).

(6) Notwithstanding Subsection 20A-7-608(2), the local attorney shall prepare the ballot title within two working days after the day on which the referendum petition is declared sufficient for submission to a vote of the people.

(7) (a) Notwithstanding Subsection 20A-7-609(2)(c), a referendum that qualifies for the ballot under this section shall appear on the ballot for the earlier of the next regular general election or the next municipal general election unless a special election is called.

(8) The election officer shall mail manual ballots on a referendum under this section the later of:

(a) the time provided in Section 20A-3a-202 or 20A-16-403; or

(b) the time that ballots are prepared for mailing under this section.

(9) Section 20A-7-402 does not apply to a referendum described in this section.

(10) (a) If a majority of voters does not vote against imposing the tax at a rate calculated to generate the increased revenue budgeted, adopted, and approved by the taxing entity's legislative body:

(i) the certified tax rate for the fiscal year during which the referendum petition is filed is its most recent certified tax rate; and

(ii) the proposed increased revenues for purposes of establishing the certified tax rate for the fiscal year after the fiscal year described in Subsection (10)(a)(i) are the proposed increased revenues budgeted, adopted, and approved by the taxing entity's legislative body before the filing of the referendum petition.

(b) If a majority of voters votes against imposing a tax at the rate established by the vote of the taxing entity's legislative body, the certified tax rate for the taxing entity is the taxing entity's most recent certified tax rate.

(c) If the tax rate is set in accordance with Subsection (10)(a)(ii), a taxing entity is not

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required to comply with the notice and public hearing requirements of Section 59-2-919 if the taxing entity complies with those notice and public hearing requirements before the referendum petition is filed.

(11) The ballot title shall, at a minimum, include in substantially this form the following: "Shall the [name of the taxing entity] be authorized to levy a tax rate in the amount sufficient to generate an increased property tax revenue of [amount] for fiscal year [year] as budgeted, adopted, and approved by the [name of the taxing entity].".

(12) A taxing entity shall pay the county the costs incurred by the county that are directly related to meeting the requirements of this section and that the county would not have incurred but for compliance with this section.

(13) (a) An election officer shall include on a ballot a referendum that has not yet qualified for placement on the ballot, if:

(i) sponsors file an application for a referendum described in this section;

(ii) the ballot will be used for the election for which the sponsors are attempting to qualify the referendum; and

(iii) the deadline for qualifying the referendum for placement on the ballot occurs after the day on which the ballot will be printed.

(b) If an election officer includes on a ballot a referendum described in Subsection (13)(a), the ballot title shall comply with Subsection (11).

(c) If an election officer includes on a ballot a referendum described in Subsection (13)(a) that does not qualify for placement on the ballot, the election officer shall inform the voters by any practicable method that the referendum has not qualified for the ballot and that votes cast in relation to the referendum will not be counted.

Section 52. Section **20A-7-614** is enacted to read:

20A-7-614. Electronic referendum process -- Form of referendum petition --

Circulation requirements -- Signature collection.

(1) This section applies only to the electronic referendum process.

(2) (a) The first screen presented on the approved device shall include the following statement:

"This REFERENDUM PETITION is addressed to the Honorable _____, County Clerk/City Recorder/Town Clerk:

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The citizens of Utah who sign this petition respectfully order that (description of local law or portion of local law being challenged), passed by the _____ be referred to the voters for their approval or rejection at the regular/municipal general election to be held on _____ (month\day\year)."

(b) An individual may not advance to the second screen until the individual clicks a link at the bottom of the first screen stating, "By clicking here, I attest that I have read and understand the information presented on this screen."

(3) (a) The second screen presented on the approved device shall include the entire text of the law that is the subject of the referendum petition.

(b) An individual may not advance to the third screen until the individual clicks a link at the bottom of the second screen stating, "By clicking here, I attest that I have read and understand the entire text of the law that is the subject of the referendum petition."

(4) (a) The third screen presented on the approved device shall include a statement indicating whether persons gathering signatures for the petition may be paid for gathering signatures.

(b) An individual may not advance to the fourth screen until the individual clicks a link at the bottom of the third screen stating, "By clicking here, I attest that I have read and understand the information presented on this screen."

(5) The fourth screen presented on the approved device shall include the following statement, followed by links where the individual may click "yes" or "no":

"I have personally reviewed the entirety of each statement presented on this device;

I am personally signing this petition;

I am registered to vote in Utah; and

All information I enter on this device, including my residence and post office address, is accurate.

It is a class A misdemeanor for an individual to sign a referendum petition with a name other than the individual's own name, or to knowingly sign the individual's name more than once for the same measure, or to sign a referendum petition when the individual knows that the individual is not a registered voter.

Do you wish to continue and sign this petition?"

(6) (a) If the individual clicks "no" in response to the question described in Subsection

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(5), the next screen shall include the following statement, "Thank you for your time. Please return this device to the signature-gatherer."

(b) If the individual clicks "yes" in response to the question described in Subsection (5), the website, or the application that accesses the website, shall take the signature-gatherer and the individual signing the petition through the signature process described in Section 20A-21-201.

Section 53. Section **20A-7-615** is enacted to read:

20A-7-615. Electronic referendum process -- Obtaining signatures -- Request to remove signature.

(1) This section applies to the electronic referendum process described in Section 20A-21-201.

(2) A Utah voter may sign a local referendum petition if the voter is a legal voter and resides in the local jurisdiction.

(3) The sponsors shall ensure that the signature-gatherer who collects a signature from an individual:

(a) verifies that the individual is at least 18 years old and meets the residency requirements of Section 20A-2-105; and

(b) is informed that each signer is required to read and understand the law that is the subject of the referendum petition.

(4) (a) A voter who has signed a referendum petition may have the voter's signature removed from the petition by submitting to the county clerk a statement requesting that the voter's signature be removed before 5 p.m. no later than the earlier of:

(i) 30 days after the day on which the voter signs the statement requesting removal; or

(ii) 45 days after the day on which the local clerk posts the voter's name under Subsection 20A-7-616(3).

(b) The statement shall include:

(i) the name of the voter;

(ii) the resident address at which the voter is registered to vote;

(iii) the signature of the voter; and

(iv) the date of the signature described in Subsection (4)(b)(iii).

(c) To increase the likelihood of the voter's signature being identified and removed, the

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statement may include the voter's birth date or age.

(d) A voter may not submit a signature removal statement by email or other electronic means, unless the lieutenant governor establishes a signature removal process that is consistent with the requirements of this section and Section 20A-21-201.

(e) A person may only remove an electronic signature from an initiative petition in accordance with this section.

(f) A county clerk shall analyze a holographic signature, for purposes of removing an electronic signature from a referendum petition, in accordance with Section 20A-7-606.3.

Section 54. Section **20A-7-616** is enacted to read:

20A-7-616. Electronic referendum process -- Collecting signatures -- Removal of signatures.

(1) This section applies only to the electronic referendum process.

(2) A signature-gatherer may not collect a signature after 5 p.m. 45 days after the day on which the first three sponsors receive notice, under Section 20A-7-602.7 or 20A-7-602.8, that the referendum is legally referable to voters.

(3) The local clerk shall send to each individual who provides a valid email address during the signature-gathering process an email that includes the following:

(a) the subject of the email shall include the following statement, "Notice Regarding Your Petition Signature"; and

(b) the body of the email shall include the following statement in 12-point type:

"You signed a petition for the following referendum:

[insert title of initiative]

To access a copy of the referendum petition, the referendum, and information on the deadline for removing your signature from the petition, please visit the following link: [insert a uniform resource locator that takes the individual directly to the page on the lieutenant governor's website that includes the information referred to in the email]."

(4) Except as provided in Subsection (5), the county clerk shall, within two business days after the day on which the signature of an individual who signs a petition is certified under Section 20A-21-201, post the name, voter identification number, and date of signature of the individual on the lieutenant governor's website, in a conspicuous location designated by the lieutenant governor, for at least 45 days.

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(5) (a) If the local clerk timely receives a statement requesting signature removal under Subsection 20A-7-615(4), the local clerk shall:

(i) ensure that the voter's name, voter identification number, and date of signature are not included in the posting described in Subsection (4); and

(ii) remove the voter's signature from the petition and the petition signature totals.

(b) The local clerk shall comply with Subsection (5)(a) before the later of:

(i) the deadline described in Subsection (4); or

(ii) two business days after the day on which the county clerk receives a statement requesting signature removal under Subsection 20A-7-615(4).

Section 55. Section **20A-9-101** is amended to read:

20A-9-101. Definitions.

As used in this chapter:

(1) (a) "Candidates for elective office" means persons who file a declaration of candidacy under Section 20A-9-202 to run in a regular general election for a federal office, constitutional office, multicounty office, or county office.

(b) "Candidates for elective office" does not mean candidates for:

(i) justice or judge of court of record or not of record;

(ii) presidential elector;

(iii) any political party offices; and

(iv) municipal or local district offices.

(2) "Constitutional office" means the state offices of governor, lieutenant governor, attorney general, state auditor, and state treasurer.

(3) "Continuing political party" means the same as that term is defined in Section 20A-8-101.

(4) (a) "County office" means an elective office where the officeholder is selected by voters entirely within one county.

(b) "County office" does not mean:

(i) the office of justice or judge of any court of record or not of record;

(ii) the office of presidential elector;

(iii) any political party offices;

(iv) any municipal or local district offices; and

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(v) the office of United States Senator and United States Representative.

(5) "Electronic candidate qualification process" means:

(a) as it relates to a registered political party that is not a qualified political party, the process for gathering signatures electronically to seek the nomination of a registered political party, described in:

(i) Section 20A-9-403;

(ii) Section 20a-9-405, except Subsections 20A-9-405(3) and (5); and

(iii) Section 20A-21-201; and

(b) as it relates to a qualified political party, the process, for gathering signatures electronically to seek the nomination of a registered political party, described in:

(i) Section 20A-9-405, except Subsections 20A-9-405(3) and (5);

(ii) Section 20A-9-408; and

(iii) Section 20A-21-201.

~~(5)~~ (6) "Federal office" means an elective office for United States Senator and United States Representative.

~~(6)~~ (7) "Filing officer" means:

(a) the lieutenant governor, for:

(i) the office of United States Senator and United States Representative; and

(ii) all constitutional offices;

(b) for the office of a state senator or state representative, the lieutenant governor or the applicable clerk described in Subsection ~~(6)~~ (7)(c) or (d);

(c) the county clerk, for county offices and local school district offices;

(d) the county clerk in the filer's county of residence, for multicounty offices;

(e) the city or town clerk, for municipal offices; or

(f) the local district clerk, for local district offices.

~~(7)~~ (8) "Local district office" means an elected office in a local district.

~~(8)~~ (9) "Local government office" includes county offices, municipal offices, and local district offices and other elective offices selected by the voters from a political division entirely within one county.

(10) "Manual candidate qualification process" means the process for gathering signatures to seek the nomination of a registered political party, using paper signature packets

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that a signer physically signs.

~~[(9)]~~ (11) (a) "Multicounty office" means an elective office where the officeholder is selected by the voters from more than one county.

(b) "Multicounty office" does not mean:

- (i) a county office;
- (ii) a federal office;
- (iii) the office of justice or judge of any court of record or not of record;
- (iv) the office of presidential elector;
- (v) any political party offices; or
- (vi) any municipal or local district offices.

~~[(10)]~~ (12) "Municipal office" means an elective office in a municipality.

~~[(11)]~~ (13) (a) "Political division" means a geographic unit from which an officeholder is elected and that an officeholder represents.

(b) "Political division" includes a county, a city, a town, a local district, a school district, a legislative district, and a county prosecution district.

~~[(12)]~~ (14) "Qualified political party" means a registered political party that:

(a) (i) permits a delegate for the registered political party to vote on a candidate nomination in the registered political party's convention remotely; or

(ii) provides a procedure for designating an alternate delegate if a delegate is not present at the registered political party's convention;

(b) does not hold the registered political party's convention before the fourth Saturday in March of an even-numbered year;

(c) permits a member of the registered political party to seek the registered political party's nomination for any elective office by the member choosing to seek the nomination by either or both of the following methods:

(i) seeking the nomination through the registered political party's convention process, in accordance with the provisions of Section 20A-9-407; or

(ii) seeking the nomination by collecting signatures, in accordance with the provisions of Section 20A-9-408; and

(d) (i) if the registered political party is a continuing political party, no later than 5 p.m. on September 30 of an odd-numbered year, certifies to the lieutenant governor that, for the

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election in the following year, the registered political party intends to nominate the registered political party's candidates in accordance with the provisions of Section 20A-9-406; or

(ii) if the registered political party is not a continuing political party, certifies at the time that the registered political party files the petition described in Section 20A-8-103 that, for the next election, the registered political party intends to nominate the registered political party's candidates in accordance with the provisions of Section 20A-9-406.

(15) "Signature," as it relates to a petition for a candidate to seek the nomination of a registered political party, means:

(a) when using the manual candidate qualification process, a holographic signature collected physically on a nomination petition described in Subsection 20A-9-405(3); or

(b) when using the electronic candidate qualification process:

(i) an electronic signature collected under Subsection 20A-21-201(6)(c)(ii)(A); or

(ii) a holographic signature collected electronically under Subsection 20A-21-201(5)(c)(ii)(B).

Section 56. Section **20A-9-403** is amended to read:

20A-9-403. Regular primary elections.

(1) (a) Candidates for elective office that are to be filled at the next regular general election shall be nominated in a regular primary election by direct vote of the people in the manner prescribed in this section. The regular primary election is held on the date specified in Section 20A-1-201.5. Nothing in this section shall affect a candidate's ability to qualify for a regular general election's ballot as an unaffiliated candidate under Section 20A-9-501 or to participate in a regular general election as a write-in candidate under Section 20A-9-601.

(b) Each registered political party that chooses to have the names of the registered political party's candidates for elective office featured with party affiliation on the ballot at a regular general election shall comply with the requirements of this section and shall nominate the registered political party's candidates for elective office in the manner described in this section.

(c) A filing officer may not permit an official ballot at a regular general election to be produced or used if the ballot denotes affiliation between a registered political party or any other political group and a candidate for elective office who is not nominated in the manner prescribed in this section or in Subsection 20A-9-202(4).

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(d) Unless noted otherwise, the dates in this section refer to those that occur in each even-numbered year in which a regular general election will be held.

(2) (a) Each registered political party, in a statement filed with the lieutenant governor, shall:

(i) either declare the registered political party's intent to participate in the next regular primary election or declare that the registered political party chooses not to have the names of the registered political party's candidates for elective office featured on the ballot at the next regular general election; and

(ii) if the registered political party participates in the upcoming regular primary election, identify one or more registered political parties whose members may vote for the registered political party's candidates and whether individuals identified as unaffiliated with a political party may vote for the registered political party's candidates.

(b) (i) A registered political party that is a continuing political party shall file the statement described in Subsection (2)(a) with the lieutenant governor no later than 5 p.m. on November 30 of each odd-numbered year.

(ii) An organization that is seeking to become a registered political party under Section 20A-8-103 shall file the statement described in Subsection (2)(a) at the time that the registered political party files the petition described in Section 20A-8-103.

(3) (a) Except as provided in Subsection (3)(e), an individual who submits a declaration of candidacy under Section 20A-9-202 shall appear as a candidate for elective office on the regular primary ballot of the registered political party listed on the declaration of candidacy only if the individual is certified by the appropriate filing officer as having submitted a [~~set of nomination petitions~~] nomination petition that was:

(i) circulated and completed in accordance with Section 20A-9-405; and

(ii) signed by at least 2% of the registered political party's members who reside in the political division of the office that the individual seeks.

(b) (i) A candidate for elective office shall submit [~~nomination petitions~~] signatures for a nomination petition to the appropriate filing officer for verification and certification no later than 5 p.m. on the final day in March.

(ii) A candidate may supplement the candidate's submissions at any time on or before the filing deadline.

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(c) (i) The lieutenant governor shall determine for each elective office the total number of signatures that must be submitted under Subsection (3)(a)(ii) or 20A-9-408(8) by counting the aggregate number of individuals residing in each elective office's political division who have designated a particular registered political party on the individuals' voter registration forms on or before November 15 of each odd-numbered year.

(ii) The lieutenant governor shall publish the determination for each elective office no later than November 30 of each odd-numbered year.

(d) The filing officer shall:

(i) except as otherwise provided in Section 20A-21-201, verify signatures on nomination petitions in a transparent and orderly manner, no later than 14 days after the day on which a candidate submits the signatures to the filing officer;

(ii) for all qualifying candidates for elective office who submit nomination petitions to the filing officer, issue certifications referenced in Subsection (3)(a) no later than the deadline described in Subsection 20A-9-202(1)(b);

(iii) consider active and inactive voters eligible to sign nomination petitions;

(iv) consider an individual who signs a nomination petition a member of a registered political party for purposes of Subsection (3)(a)(ii) if the individual has designated that registered political party as the individual's party membership on the individual's voter registration form; and

(v) except as otherwise provided in Section 20A-21-201, utilize procedures described in Section 20A-7-206.3 to verify submitted nomination petition signatures, or use statistical sampling procedures to verify submitted nomination petition signatures in accordance with rules made under Subsection (3)(f).

(e) Notwithstanding any other provision in this Subsection (3), a candidate for lieutenant governor may appear on the regular primary ballot of a registered political party without submitting nomination petitions if the candidate files a declaration of candidacy and complies with Subsection 20A-9-202(3).

(f) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the director of elections, within the Office of the Lieutenant Governor, may make rules that:

(i) provide for the use of statistical sampling procedures that:

(A) filing officers are required to use to verify signatures under Subsection (3)(d); and

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(B) reflect a bona fide effort to determine the validity of a candidate's entire submission, using widely recognized statistical sampling techniques; and

(ii) provide for the transparent, orderly, and timely submission, verification, and certification of nomination petition signatures.

(g) The county clerk shall:

(i) review the declarations of candidacy filed by candidates for local boards of education to determine if more than two candidates have filed for the same seat;

(ii) place the names of all candidates who have filed a declaration of candidacy for a local board of education seat on the nonpartisan section of the ballot if more than two candidates have filed for the same seat; and

(iii) determine the order of the local board of education candidates' names on the ballot in accordance with Section 20A-6-305.

(4) (a) Before the deadline described in Subsection 20A-9-409(4)(c), the lieutenant governor shall provide to the county clerks:

(i) a list of the names of all candidates for federal, constitutional, multi-county, single county, and county offices who have received certifications under Subsection (3), along with instructions on how those names shall appear on the primary election ballot in accordance with Section 20A-6-305; and

(ii) a list of unopposed candidates for elective office who have been nominated by a registered political party under Subsection (5)(c) and instruct the county clerks to exclude the unopposed candidates from the primary election ballot.

(b) A candidate for lieutenant governor and a candidate for governor campaigning as joint-ticket running mates shall appear jointly on the primary election ballot.

(c) After the county clerk receives the certified list from the lieutenant governor under Subsection (4)(a), the county clerk shall post or publish a primary election notice in substantially the following form:

"Notice is given that a primary election will be held Tuesday, June ____, _____(year), to nominate party candidates for the parties and candidates for nonpartisan local school board positions listed on the primary ballot. The polling place for voting precinct ____ is _____. The polls will open at 7 a.m. and continue open until 8 p.m. of the same day.

Attest: county clerk."

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(5) (a) A candidate who, at the regular primary election, receives the highest number of votes cast for the office sought by the candidate is:

- (i) nominated for that office by the candidate's registered political party; or
- (ii) for a nonpartisan local school board position, nominated for that office.

(b) If two or more candidates are to be elected to the office at the regular general election, those party candidates equal in number to positions to be filled who receive the highest number of votes at the regular primary election are the nominees of the candidates' party for those positions.

(c) (i) As used in this Subsection (5)(c), a candidate is "unopposed" if:

(A) no individual other than the candidate receives a certification under Subsection (3) for the regular primary election ballot of the candidate's registered political party for a particular elective office; or

(B) for an office where more than one individual is to be elected or nominated, the number of candidates who receive certification under Subsection (3) for the regular primary election of the candidate's registered political party does not exceed the total number of candidates to be elected or nominated for that office.

(ii) A candidate who is unopposed for an elective office in the regular primary election of a registered political party is nominated by the party for that office without appearing on the primary election ballot.

(6) (a) When a tie vote occurs in any primary election for any national, state, or other office that represents more than one county, the governor, lieutenant governor, and attorney general shall, at a public meeting called by the governor and in the presence of the candidates involved, select the nominee by lot cast in whatever manner the governor determines.

(b) When a tie vote occurs in any primary election for any county office, the district court judges of the district in which the county is located shall, at a public meeting called by the judges and in the presence of the candidates involved, select the nominee by lot cast in whatever manner the judges determine.

(7) The expense of providing all ballots, blanks, or other supplies to be used at any primary election provided for by this section, and all expenses necessarily incurred in the preparation for or the conduct of that primary election shall be paid out of the treasury of the county or state, in the same manner as for the regular general elections.

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(8) An individual may not file a declaration of candidacy for a registered political party of which the individual is not a member, except to the extent that the registered political party permits otherwise under the registered political party's bylaws.

Section 57. Section **20A-9-405** is amended to read:

20A-9-405. Nomination petitions for regular primary elections.

(1) This section [~~shall apply~~] applies to the form and circulation of nomination petitions for regular primary elections described in Subsection 20A-9-403(3)(a).

(2) A candidate for elective office, and the agents of the candidate, may not circulate nomination petitions until the candidate has submitted a declaration of candidacy in accordance with Subsection 20A-9-202(1).

(3) [~~The~~] For the manual candidate qualification process, the nomination petitions shall be in substantially the following form:

(a) the petition shall be printed on paper 8-1/2 inches long and 11 inches wide;

(b) the petition shall be ruled with a horizontal line 3/4 inch from the top, with the space above that line blank for purposes of binding;

(c) the petition shall be headed by a caption stating the purpose of the petition and the name of the proposed candidate;

(d) the petition shall feature the word "Warning" followed by the following statement in no less than eight-point, single leaded type: "It is a class A misdemeanor for anyone to knowingly sign a [~~certificate of nomination signature sheet~~] nomination petition with any name other than the person's own name, or more than once for the same candidate, or if the person is not registered to vote in this state [~~and does not intend to become registered to vote in this state before signatures are certified by a filing officer~~].";

(e) the petition shall feature 10 lines spaced one-half inch apart and consecutively numbered one through 10;

(f) the signature portion of the petition shall be divided into columns headed by the following titles:

(i) Registered Voter's Printed Name;

(ii) Signature of Registered Voter;

(iii) Party Affiliation of Registered Voter;

(iv) Birth Date or Age (Optional);

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- (v) Street Address, City, Zip Code; and
- (vi) Date of Signature; and
- (g) a photograph of the candidate may appear on the nomination petition.

(4) For the electronic candidate qualification process, the lieutenant governor shall design an electronic form, using progressive screens, that includes:

(a) the following warning:

"Warning: "It is a class A misdemeanor for anyone to knowingly sign a nomination petition with any name other than the person's own name, or more than once for the same candidate, or if the person is not registered to vote in this state."; and

(b) the following information for each individual who signs the petition:

(i) name;

(ii) party affiliation;

(iii) date of birth or age, (optional);

(iv) street address, city, zip code;

(v) date of signature;

(vi) other information required under Section 20A-21-201; and

(vii) other information required by the lieutenant governor.

~~[(4)]~~ (5) ~~[Hf]~~ For the manual candidate qualification process, if one or more nomination petitions are bound together, a page shall be bound to the nomination petition(s) that features the following printed verification statement to be signed and dated by the petition circulator:

"Verification

State of Utah, County of _____

I, _____, of _____, hereby state that:

I am a Utah resident and am at least 18 years old;

All the names that appear on the signature sheets bound to this page were, to the best of my knowledge, signed by the persons who professed to be the persons whose names appear on the signature sheets, and each of them signed the person's name on the signature sheets in my presence;

I believe that each has printed and signed the person's name and written the person's street address correctly, and that each signer is registered to vote in Utah [~~or will register to vote in Utah before the county clerk certifies the signatures on the signature sheet~~]."

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~~[(5)]~~ (6) The lieutenant governor shall prepare and make public model nomination petition forms and associated instructions.

~~[(6)]~~ (7) A nomination petition circulator must be at least 18 years old and a resident of the state, but may affiliate with any political party.

~~[(7)]~~ (8) It is unlawful for any person to:

(a) knowingly sign the nomination petition [~~sheet~~] described in [~~Subsection (3)]~~ this section or Section 20A-9-408:

(i) with any name other than the person's own name;

(ii) more than once for the same candidate; or

(iii) if the person is not registered to vote in this state [~~and does not intend to become registered to vote in this state prior to 5 p.m. on the final day in March~~];

(b) sign the verification of a [~~certificate of nomination signature sheet described in Subsection (4)]~~ signature for a nomination petition if the person:

(i) does not meet the residency requirements of Section 20A-2-105;

(ii) has not witnessed the signing by those persons whose names appear on the [~~certificate of nomination signature sheet~~] nomination petition; or

(iii) knows that a person whose signature appears on the [~~certificate of nomination signature sheet~~] nomination petition is not registered to vote in this state [~~and does not intend to become registered to vote in this state~~];

(c) pay compensation to any person to sign a nomination petition; or

(d) pay compensation to any person to circulate a nomination petition, if the compensation is based directly on the number of signatures submitted to a filing officer rather than on the number of signatures verified or on some other basis.

~~[(8)]~~ (9) Any person violating Subsection ~~[(7)]~~ (8) is guilty of a class A misdemeanor.

~~[(9)]~~ (10) Withdrawal of petition signatures [~~shall not be permitted~~] is prohibited.

Section 58. Section **20A-9-408** is amended to read:

20A-9-408. Signature-gathering process to seek the nomination of a qualified political party.

(1) This section describes the requirements for a member of a qualified political party who is seeking the nomination of the qualified political party for an elective office through the signature-gathering process described in this section.

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(2) Notwithstanding Subsection 20A-9-201(7)(a), the form of the declaration of candidacy for a member of a qualified political party who is nominated by, or who is seeking the nomination of, the qualified political party under this section shall be substantially as described in Section 20A-9-408.5.

(3) Notwithstanding Subsection 20A-9-202(1)(a), and except as provided in Subsection 20A-9-202(4), a member of a qualified political party who, under this section, is seeking the nomination of the qualified political party for an elective office that is to be filled at the next general election shall:

(a) within the period beginning on January 1 before the next regular general election and ending at 5 p.m. 52 days after the day on which the Legislature's general session begins, as provided in Section 36-3-201, and before gathering signatures under this section, file with the filing officer on a form approved by the lieutenant governor a notice of intent to gather signatures for candidacy that includes:

(i) the name of the member who will attempt to become a candidate for a registered political party under this section;

(ii) the name of the registered political party for which the member is seeking nomination;

(iii) the office for which the member is seeking to become a candidate;

(iv) the address and telephone number of the member; and

(v) other information required by the lieutenant governor;

(b) except as provided in Subsection 20A-9-202(1)(c), file a declaration of candidacy, in person, with the filing officer:

(i) on or after 48 days after the day on which the Legislature's general session begins, as provided in Section 36-3-201; and

(ii) before 5 p.m. 52 days after the day on which the Legislature's general session begins, as provided in Section 36-3-201; and

(c) pay the filing fee.

(4) Notwithstanding Subsection 20A-9-202(2)(a), a member of a qualified political party who, under this section, is seeking the nomination of the qualified political party for the office of district attorney within a multicounty prosecution district that is to be filled at the next general election shall:

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(a) on or after January 1 before the next regular general election, and before gathering signatures under this section, file with the filing officer on a form approved by the lieutenant governor a notice of intent to gather signatures for candidacy that includes:

(i) the name of the member who will attempt to become a candidate for a registered political party under this section;

(ii) the name of the registered political party for which the member is seeking nomination;

(iii) the office for which the member is seeking to become a candidate;

(iv) the address and telephone number of the member; and

(v) other information required by the lieutenant governor;

(b) except as provided in Subsection 20A-9-202(1)(c), file a declaration of candidacy, in person, with the filing officer:

(i) on or after 48 days after the day on which the Legislature's general session begins, as provided in Section 36-3-201; and

(ii) before 5 p.m. 52 days after the day on which the Legislature's general session begins, as provided in Section 36-3-201; and

(c) pay the filing fee.

(5) Notwithstanding Subsection 20A-9-202(3)(a)(iii), a lieutenant governor candidate who files as the joint-ticket running mate of an individual who is nominated by a qualified political party, under this section, for the office of governor shall, before the deadline described in Subsection 20A-9-202(1)(b), file a declaration of candidacy and submit a letter from the candidate for governor that names the lieutenant governor candidate as a joint-ticket running mate.

(6) The lieutenant governor shall ensure that the certification described in Subsection 20A-9-701(1) also includes the name of each candidate nominated by a qualified political party under this section.

(7) Notwithstanding Subsection 20A-9-701(2), the ballot shall, for each candidate who is nominated by a qualified political party under this section, designate the qualified political party that nominated the candidate.

(8) A member of a qualified political party may seek the nomination of the qualified political party for an elective office by:

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(a) complying with the requirements described in this section; and

(b) collecting signatures, on a form approved by the lieutenant governor that complies with Subsection 20A-9-405(3), during the period beginning on January 1 of an even-numbered year and ending at 5 p.m. 14 days before the day on which the qualified political party's convention for the office is held, in the following amounts:

(i) for a statewide race, 28,000 signatures of registered voters in the state who are permitted by the qualified political party to vote for the qualified political party's candidates in a primary election;

(ii) for a congressional district race, 7,000 signatures of registered voters who are residents of the congressional district and are permitted by the qualified political party to vote for the qualified political party's candidates in a primary election;

(iii) for a state Senate district race, 2,000 signatures of registered voters who are residents of the state Senate district and are permitted by the qualified political party to vote for the qualified political party's candidates in a primary election;

(iv) for a state House district race, 1,000 signatures of registered voters who are residents of the state House district and are permitted by the qualified political party to vote for the qualified political party's candidates in a primary election;

(v) for a State Board of Education race, the lesser of:

(A) 2,000 signatures of registered voters who are residents of the State Board of Education district and are permitted by the qualified political party to vote for the qualified political party's candidates in a primary election; or

(B) 3% of the registered voters of the qualified political party who are residents of the applicable State Board of Education district; and

(vi) for a county office race, signatures of 3% of the registered voters who are residents of the area permitted to vote for the county office and are permitted by the qualified political party to vote for the qualified political party's candidates in a primary election.

(9) (a) This Subsection (9) applies only to the manual candidate qualification process.

~~[(9)-(a)]~~ (b) In order for a member of the qualified political party to qualify as a candidate for the qualified political party's nomination for an elective office under this section, using the manual candidate qualification process, the member shall:

(i) collect the signatures on a form approved by the lieutenant governor, using the same

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circulation and verification requirements described in Sections 20A-7-204 and 20A-7-205; and

(ii) submit the signatures to the election officer before 5 p.m. no later than 14 days before the day on which the qualified political party holds the party's convention to select candidates, for the elective office, for the qualified political party's nomination.

~~[(b) An individual may not gather signatures under this section until after the individual files a notice of intent to gather signatures for candidacy described in this section.]~~

~~[(c) An individual who files a notice of intent to gather signatures for candidacy, described in Subsection (3)(a) or (4)(a), is, beginning on the day on which the individual files the notice of intent to gather signatures for candidacy:]~~

~~[(i) required to comply with the reporting requirements that a candidate for office is required to comply with; and]~~

~~[(ii) subject to the same enforcement provisions, and civil and criminal penalties, that apply to a candidate for office in relation to the reporting requirements described in Subsection (9)(c)(i).]~~

~~[(d)]~~ (c) Upon timely receipt of the signatures described in Subsections (8) and (9)~~[(a)]~~(b), the election officer shall, no later than the earlier of 14 days after the day on which the election officer receives the signatures, or one day before the day on which the qualified political party holds the convention to select a nominee for the elective office to which the signature packets relate:

(i) check the name of each individual who completes the verification for a signature packet to determine whether each individual is a resident of Utah and is at least 18 years old;

(ii) submit the name of each individual described in Subsection ~~[(9)(d)(i)]~~ (9)(c)(i) who is not a Utah resident or who is not at least 18 years old to the attorney general and the county attorney;

(iii) determine whether each signer is a registered voter who is qualified to sign the petition, using the same method, described in Section 20A-7-206.3, used to verify a signature on a petition; and

(iv) certify whether each name is that of a registered voter who is qualified to sign the signature packet.

(10) (a) This Subsection (10) applies only to the electronic candidate qualification process.

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(b) In order for a member of the qualified political party to qualify as a candidate for the qualified political party's nomination for an elective office under this section, the member shall, before 5 p.m. no later than 14 days before the day on which the qualified political party holds the party's convention to select candidates, for the elective office, for the qualified political party's nomination, collect signatures electronically:

(i) in accordance with Section 20A-21-201; and

(ii) using progressive screens, in a format approved by the lieutenant governor, that complies with Subsection 20A-9-405(4).

(c) Upon timely receipt of the signatures described in Subsections (8) and (9)(b), the election officer shall, no later than the earlier of 14 days after the day on which the election officer receives the signatures, or one day before the day on which the qualified political party holds the convention to select a nominee for the elective office to which the signature packets relate:

(i) check the name of each individual who completes the verification for a signature to determine whether each individual is a resident of Utah and is at least 18 years old; and

(ii) submit the name of each individual described in Subsection (10)(c)(i) who is not a Utah resident or who is not at least 18 years old to the attorney general and the county attorney.

(11) (a) An individual may not gather signatures under this section until after the individual files a notice of intent to gather signatures for candidacy described in this section.

(b) An individual who files a notice of intent to gather signatures for candidacy, described in Subsection (3)(a) or (4)(a), is, beginning on the day on which the individual files the notice of intent to gather signatures for candidacy:

(i) required to comply with the reporting requirements that a candidate for office is required to comply with; and

(ii) subject to the same enforcement provisions, and civil and criminal penalties, that apply to a candidate for office in relation to the reporting requirements described in Subsection (11)(b)(i).

~~(c)~~ (c) Upon timely receipt of the signatures described in Subsections (8) and ~~(9)(a)~~ (9)(b), or Subsections (8) and (10)(b), the election officer shall, no later than one day before the day on which the qualified political party holds the convention to select a nominee for the elective office to which the signature packets relate, notify the qualified political party and the

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lieutenant governor of the name of each member of the qualified political party who qualifies as a nominee of the qualified political party, under this section, for the elective office to which the convention relates.

~~[(f)]~~ (d) Upon receipt of a notice of intent to gather signatures for candidacy described in this section, the lieutenant governor shall post the notice of intent to gather signatures for candidacy on the lieutenant governor's website in the same location that the lieutenant governor posts a declaration of candidacy.

Section 59. Section **20A-21-101** is enacted to read:

20A-21-101. Definitions.

As used in this chapter:

(1) "Approved device" means a device described in Subsection 20A-21-201(4).

(2) "Candidate qualification process" means the process, described in Section 20A-9-403 or 20A-9-408, of gathering signatures to seek the nomination of a registered political party.

(3) "Electronic candidate qualification process" means the same as that term is defined in Section 20A-9-101.

(4) "Electronic initiative process" means the same as that term is defined in Section 20A-7-101.

(5) "Electronic referendum process" means the same as that term is defined in Section 20A-7-101.

(6) "Manual candidate qualification process" means the same as that term is defined in Section 20A-9-101.

(7) "Petition" means:

(a) as it relates to the electronic initiative process or the electronic referendum process, the electronic record that an individual signs to indicate the individual is in favor of placing the initiative or referendum on the ballot; or

(b) as it relates to electronic candidate qualification process, the electronic record that an individual signs to indicate the individual is in favor of placing an individual's name on the ballot to run for a particular elective office.

(8) "Signature" means:

(a) as it relates to a signature gathered for an initiative or referendum, the same as that

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term is defined in Section 20A-7-101; or

(b) as it relates to a signature gathered for the candidate qualification process, the same as that term is defined in Section 20A-9-101.

(9) "Website" means:

(a) as it relates to the electronic initiative process or the electronic referendum process, the website designated by the lieutenant governor for collecting the signatures and other information relating to the electronic initiative process or the electronic referendum process; or

(b) as it relates to the electronic candidate qualification process, a website designated by the lieutenant governor for collecting the signatures and other information relating to the electronic candidate qualification process.

Section 60. Section **20A-21-201** is enacted to read:

20A-21-201. Electronic signature gathering for an initiative, a referendum, or candidate qualification.

(1) (a) The lieutenant governor may require all signatures to be gathered electronically, in accordance with the requirements of this section, for a statewide initiative or referendum.

(b) If the lieutenant governor takes the action described in Subsection (1)(a):

(i) in relation to a statewide initiative, signatures for that initiative:

(A) may only be gathered and submitted electronically, in accordance with this section and Sections 20A-7-215, 20A-7-216, and 20A-7-217; and

(B) may not be gathered using the traditional signature-gathering process described in Sections 20A-7-204, 20A-7-205, and 20A-7-206; and

(ii) in relation to a statewide referendum, signatures for that referendum:

(A) may only be gathered and submitted electronically, in accordance with this section and Sections 20A-7-313, 20A-7-314, and 20A-7-315; and

(B) may not be gathered using the traditional signature-gathering process described in Sections 20A-7-304, 20A-7-305, and 20A-7-306.

(2) (a) A local clerk may require all signatures to be gathered electronically, in accordance with the requirements of this section, for a local initiative or referendum.

(b) If the local clerk takes the action described in Subsection (2)(a):

(i) in relation to a local initiative, signatures for that initiative:

(A) may only be gathered and submitted electronically, in accordance with this section

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and Sections 20A-7-514, 20A-7-515, and 20A-7-516; and

(B) may not be gathered using the traditional signature-gathering process described in Sections 20A-7-504, 20A-7-505, and 20A-7-506; and

(ii) in relation to a local referendum, signatures for that referendum:

(A) may only be gathered and submitted electronically, in accordance with this section and Sections 20A-7-614, 20A-7-615, and 20A-7-616; and

(B) may not be gathered using the traditional signature-gathering process described in Sections 20A-7-604, 20A-7-605, and 20A-7-606.

(3) (a) The lieutenant governor may require all signatures to be gathered electronically, in accordance with the requirements of this section, for the candidate qualification process.

(b) If the lieutenant governor takes the action described in Subsection (3)(a), signatures for the candidate qualification process:

(i) may only be gathered and submitted using the electronic candidate qualification process; and

(ii) may not be gathered using the manual candidate qualification process.

(4) To gather a signature electronically, a signature-gatherer shall:

(a) use a device provided by the signature-gatherer or a sponsor of the petition that:

(i) is approved by the lieutenant governor;

(ii) except as provided in Subsection (4)(a)(iii), does not store a signature or any other information relating to an individual signing the petition in any location other than the location used by the website to store the information;

(iii) does not, on the device, store a signature or any other information relating to an individual signing the petition except for the minimum time necessary to upload information to the website;

(iv) does not contain any applications, software, or data other than those approved by the lieutenant governor; and

(v) complies with cyber-security and other security protocols required by the lieutenant governor;

(b) use the approved device to securely access a website designated by the lieutenant governor, directly, or via an application designated by the lieutenant governor;

(c) while connected to the website, present the approved device to an individual

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considering signing the petition and, while the signature-gatherer is in the physical presence of the individual:

(i) wait for the individual to reach each screen presented to the individual on the approved device; and

(ii) wait for the individual to advance to each subsequent screen by clicking on the acknowledgement at the bottom of the screen.

(5) Each screen shown on an approved device as part of the signature-gathering process shall appear as a continuous electronic document that, if the entire document does not appear on the screen at once, requires the individual viewing the screen to, before advancing to the next screen, scroll through the document until the individual reaches the end of the document.

(6) After advancing through each screen required for the petition, the signature process shall proceed as follows:

(a) except as provided in Subsection (6)(b):

(i) the individual desiring to sign the petition shall present the individual's driver license or state identification card to the signature-gatherer;

(ii) the signature-gatherer shall verify that the individual pictured on the driver license or state identification card is the individual signing the petition;

(iii) the signature-gatherer shall scan or enter the driver license number or state identification card number through the approved device; and

(iv) immediately after the signature-gatherer complies with Subsection (6)(a)(iii), the website shall determine whether the individual desiring to sign the petition is eligible to sign the petition;

(b) if the individual desiring to sign the petition is unable to provide a driver license or state identification card to the signature gatherer:

(i) the individual may present other valid voter identification;

(ii) if the valid voter identification contains a picture of the individual, the signature-gatherer shall verify that the individual pictured is the individual signing the petition;

(iii) if the valid voter identification does not contain a picture of the individual, the signature-gatherer shall, to the extent reasonably practicable, use the individual's address or other available means to determine whether the identification relates to the individual presenting the identification;

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(iv) the signature-gatherer shall scan an image of the valid voter identification and immediately upload the image to the website; and

(v) the individual:

(A) shall enter the individual's address; and

(B) may, at the discretion of the individual, enter the individual's date of birth or age after the individual clicks on the screen acknowledging that they have read and understand the following statement, "Birth date or age information is not required, but may be used to verify your identity with voter registration records. If you choose not to provide it, your signature may not be verified as a valid signature if you change your address before your signature is verified or if the information you provide does not match your voter registration records."; and

(c) after completing the process described in Subsection (6)(a) or (b), the screen shall:

(i) except for a petition to qualify a candidate for the ballot, give the individual signing the petition the opportunity to enter the individual's email address after the individual reads the following statement, "If you provide your email address, you may receive an email with additional information relating to the petition you are signing."; and

(ii) (A) if the website determines, under Subsection (6)(a)(iv), that the individual is eligible to sign the petition, permit the individual to enter the individual's name as the individual's electronic signature and, immediately after the signature-gatherer timely complies with Subsection (10), certify the signature; or

(B) if the individual provides valid voter identification under Subsection (6)(b), permit the individual to ~~sign the petition with a holographic signature uploaded to the website via the approved device~~ enter the individual's name as the individual's electronic signature.

(7) If an individual provides valid voter identification under Subsection (6)(b), the county clerk shall, within seven days after the day on which the individual submits the valid voter identification ~~and provides the individual's holographic signature~~, certify the signature if:

(a) the individual is eligible to sign the petition;

(b) the ~~signature~~ identification provided matches the ~~signature~~ information on file;

and

(c) the signature-gatherer timely complies with Subsection (10).

(8) For each signature submitted under this section, the website shall record:

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(a) the information identifying the individual who signs;

(b) the date the signature was collected; and

(c) the name of the signature-gatherer.

(9) An individual who is a signature-gatherer may not sign a petition unless another individual acts as the signature-gatherer when the individual signs the petition.

(10) Except for a petition for a candidate to seek the nomination of a registered political party, each individual who gathers a signature under this section shall, within one business day after the day on which the individual gathers a signature, electronically sign and submit the following statement to the website:

"VERIFICATION OF SIGNATURE-GATHERER

State of Utah, County of _____

I, _____, of _____, hereby state, under penalty of perjury, that:

I am a resident of Utah and am at least 18 years old;

All the signatures that I collected on [Date signatures were gathered] were signed by individuals who professed to be the individuals whose signatures I gathered, and each of the individuals signed the petition in my presence;

I did not knowingly make a misrepresentation of fact concerning the law or proposed law to which the petition relates;

I believe that each individual has signed the individual's name and written the individual's residence correctly, that each signer has read and understands the law to which the petition relates, and that each signer is registered to vote in Utah;

Each signature correctly reflects the date on which the individual signed the petition;
and

I have not paid or given anything of value to any individual who signed this petition to encourage that individual to sign it."

(11) Except for a petition for a candidate to seek the nomination of a registered political party:

(a) the county clerk may not certify a signature that is not timely verified in accordance with Subsection (10); and

(b) if a signature certified by a county clerk under Subsection (6)(c)(ii)(A) is not timely verified in accordance with Subsection (10), the county clerk shall:

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(i) revoke the certification;

(ii) remove the signature from the posting described in Subsection 20A-7-217(4), 20A-7-315(3), 20A-7-516(4), or 20A-7-616(3); and

(iii) update the totals described in Subsections 20A-7-217(5)(a)(ii), 20A-7-315(5)(a)(ii), 20A-7-516(5)(a)(ii), and 20A-7-616(5)(a)(ii).

(12) For a petition for a candidate to seek the nomination of a registered political party, each individual who gathers a signature under this section shall, within one business day after the day on which the individual gathers a signature, electronically sign and submit the following statement to the lieutenant governor in the manner specified by the lieutenant governor:

"VERIFICATION OF SIGNATURE-GATHERER

State of Utah, County of _____

I, _____, of _____, hereby state that:

I am a resident of Utah and am at least 18 years old;

All the signatures that I collected on [Date signatures were gathered] were signed by individuals who professed to be the individuals whose signatures I gathered, and each of the individuals signed the petition in my presence;

I believe that each individual has signed the individual's name and written the individual's residence correctly and that each signer is registered to vote in Utah; and

Each signature correctly reflects the date on which the individual signed the petition."

(13) For a petition for a candidate to seek the nomination of a registered political party, the election officer may not certify a signature that is not timely verified in accordance with Subsection (12).