

BALLOT AMENDMENTS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Daniel W. Thatcher

House Sponsor: Melissa G. Ballard

LONG TITLE

General Description:

This bill amends provisions relating to initiatives and referenda on ballots.

Highlighted Provisions:

This bill:

- ▶ replaces a ballot title for an initiative or referendum with a short title and summary;
- ▶ establishes requirements for the short title and summary;
- ▶ provides for the ballot to include the short title of initiatives and referenda and to refer to a ballot proposition insert, included with the ballot, for a voter to review information relating to the initiatives and referenda;
- ▶ describes the content of a ballot proposition insert; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

20A-7-209, as last amended by Laws of Utah 2021, Chapter 140

20A-7-308, as last amended by Laws of Utah 2021, Chapter 140

20A-7-508, as last amended by Laws of Utah 2021, Chapter 140

20A-7-608, as last amended by Laws of Utah 2021, Chapter 140

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

Section 1. Section **20A-7-209** is amended to read:

20A-7-209. Short title and summary of initiative -- Duties of lieutenant governor and Office of Legislative Research and General Counsel.

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

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

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

~~[(ii) prepare an impartial ballot title for each initiative summarizing the contents of the measure; and]~~

(ii) prepare for each initiative:

(A) an impartial short title, not exceeding 25 words, that generally describes the subject of the initiative; and

(B) an impartial summary of the contents of the measure, not exceeding 125 words; and

(iii) return each petition [~~and ballot title~~], short title, and summary to the lieutenant governor on or before June 26.

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

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

"This initiative 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."

56 (d) For each state initiative, the official ballot shall show, in the following order:
57 (i) the number of the initiative, determined in accordance with Section 20A-6-107;
58 (ii) the short title; and
59 ~~[(ii)] (iii) the initial fiscal impact estimate prepared under Section 20A-7-202.5, as~~
60 ~~updated under Section 20A-7-204.1[; and].~~
61 ~~[(iii) the ballot title described in this section.]~~

62 (e) For each ballot that includes an initiative or referendum, the election officer shall
63 include with the ballot a separate ballot proposition insert that includes the short title and
64 summary for each initiative and referendum on the ballot and a link to a location on the
65 lieutenant governor's website where a voter may review additional information relating to each
66 initiative or referendum, including:

67 (i) for an initiative, the information described in Subsection 20A-7-202(2), the fiscal
68 impact estimate described in Section 20A-7-202.5, as updated, and the arguments relating to
69 the initiative that are included in the voter information pamphlet; or

70 (ii) for a referendum, the information described in Subsection 20A-7-302(2) and the
71 arguments relating to the referendum that are included in the voter information pamphlet.

72 (f) For each ballot that includes an initiative or referendum, the ballot shall include the
73 following statement at the beginning of the portion of the ballot that includes ballot measures,
74 "The ballot proposition sheet included with this ballot contains an impartial summary of each
75 initiative and referendum on this ballot."

76 (3) On or before June 27, the lieutenant governor shall mail a copy of the ~~[ballot title]~~
77 short title and summary to any sponsor of the petition.

78 (4) (a) (i) At least three of the sponsors of the petition may, on or before July 6,
79 challenge the wording of the ~~[ballot title]~~ short title and summary prepared by the Office of
80 Legislative Research and General Counsel to the appropriate court.

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

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

85 (B) any political issues committee established under Section 20A-11-801 that has filed
86 written or electronic notice with the lieutenant governor that identifies the name, mailing or
87 email address, and telephone number of the individual designated to receive notice about any
88 issues relating to the initiative.

89 (b) (i) There is a presumption that the ~~[ballot]~~ short title prepared by the Office of
90 Legislative Research and General Counsel is an impartial ~~[summary]~~ description of the
91 contents of the initiative.

92 (ii) The court may not revise the wording of the ~~[ballot]~~ short title unless the plaintiffs
93 rebut the presumption by clearly and convincingly establishing that the ~~[ballot]~~ short title is
94 ~~[patently]~~ false or biased.

95 (iii) There is a presumption that the summary prepared by the Office of Legislative
96 Research and General Counsel is an impartial summary of the contents of the initiative.

97 (iv) The court may not revise the wording of the summary unless the plaintiffs rebut
98 the presumption by clearly and convincingly establishing that the summary is false or biased.

99 (c) The court shall:

100 (i) examine the ~~[ballot]~~ short title and summary;

101 (ii) hear arguments; and

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

104 (d) The lieutenant governor shall, in accordance with the court's order, certify the ~~[title~~
105 ~~verified by the court to the county clerks to be printed on the official ballot]~~ short title and
106 summary to the county clerks for inclusion in the ballot and ballot proposition insert, as
107 required by this section.

108 Section 2. Section 20A-7-308 is amended to read:

109 **20A-7-308. Short title and summary of referendum -- Duties of lieutenant**

110 **governor and Office of Legislative Research and General Counsel.**

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

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

115 (i) entitle each state referendum that qualifies for the ballot "Proposition Number ___"
 116 and assign a number to the referendum in accordance with Section 20A-6-107;

117 ~~[(ii) prepare an impartial ballot title for the referendum summarizing the contents of the~~
 118 ~~measure; and]~~

119 (ii) prepare for each referendum:

120 (A) an impartial short title, not exceeding 25 words, that generally describes the
 121 measure; and

122 (B) an impartial summary of the contents of the measure, not exceeding 125 words;

123 (iii) submit the ~~[ballot title]~~ short title and summary to the lieutenant governor within
 124 15 days after the day on which the Office of Legislative Research and General Counsel receives
 125 the petition under Subsection (1).

126 (b) The ~~[ballot title]~~ short title and summary may be distinct from the title of the law
 127 that is the subject of the petition~~[-, and may not exceed 100 words].~~

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

129 (i) the number of the referendum, determined in accordance with Section 20A-6-107;
 130 and

131 (ii) the ~~[ballot]~~ short title described in this section.

132 (d) For each ballot that includes an initiative or referendum, the election officer shall
 133 include with the ballot a separate ballot proposition insert that includes the short title and
 134 summary for each initiative and referendum on the ballot and a link to a location on the
 135 lieutenant governor's website where a voter may review additional information relating to each
 136 initiative or referendum, including:

137 (i) for an initiative, the information described in Subsection 20A-7-202(2), the fiscal
138 impact estimate described in Section 20A-7-202.5, as updated, and the arguments relating to
139 the initiative that are included in the voter information pamphlet; or

140 (ii) for a referendum, the information described in Subsection 20A-7-302(2) and the
141 arguments relating to the referendum that are included in the voter information pamphlet.

142 (e) For each ballot that includes an initiative or referendum, the ballot shall include the
143 following statement at the beginning of the portion of the ballot that includes ballot measures,
144 "The ballot proposition sheet included with this ballot contains an impartial summary of each
145 initiative and referendum on this ballot."

146 (3) Immediately after the Office of Legislative Research and General Counsel submits
147 the [ballot title] short title and summary to the lieutenant governor, the lieutenant governor
148 shall mail or email a copy of the [ballot title] short title and summary to any of the sponsors of
149 the petition.

150 (4) (a) (i) At least three of the sponsors of the petition may, within 15 days after the day
151 on which the lieutenant governor mails the [ballot title] short title and summary, challenge the
152 wording of the [ballot title] short title and summary prepared by the Office of Legislative
153 Research and General Counsel to the appropriate court.

154 (ii) After receipt of the appeal, the court shall direct the lieutenant governor to send
155 notice of the appeal to:

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

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

162 (b) (i) There is a presumption that the [ballot] short title prepared by the Office of
163 Legislative Research and General Counsel is an impartial [summary] description of the

164 contents of the referendum.

165 (ii) The court may not revise the wording of the ~~[ballot]~~ short title unless the plaintiffs
166 rebut the presumption by clearly and convincingly establishing that the ~~[ballot]~~ short title is
167 ~~[patently]~~ false or biased.

168 (iii) There is a presumption that the summary prepared by the Office of Legislative
169 Research and General Counsel is an impartial summary of the contents of the measure.

170 (iv) The court may not revise the wording of the summary unless the plaintiffs rebut
171 the presumption by clearly and convincingly establishing that the summary is false or biased.

172 (c) The court shall:

173 (i) examine the ~~[ballot]~~ short title and summary;

174 (ii) hear arguments; and

175 (iii) enter an order consistent with the requirements of this section.

176 (d) The lieutenant governor shall, in accordance with the court's order, certify the
177 ~~[ballot title to the county clerks to be printed on the official ballot]~~ short title and summary to
178 the county clerks for inclusion in the ballot or ballot proposition insert, as required by this
179 section.

180 Section 3. Section **20A-7-508** is amended to read:

181 **20A-7-508. Short title and summary of initiative -- Duties of local clerk and local**
182 **attorney.**

183 (1) Upon receipt of an initiative petition, the local clerk shall deliver a copy of the
184 petition and the proposed law to the local attorney.

185 (2) The local attorney shall:

186 (a) entitle each county or municipal initiative that has qualified for the ballot
187 "Proposition Number ___" and give it a number as assigned under Section **20A-6-107**;

188 (b) prepare ~~[a proposed ballot title]~~ for the initiative[;]:

189 (i) an impartial short title, not exceeding 25 words, that generally describes the subject
190 of the initiative; and

191 (ii) an impartial summary of the contents of the measure, not exceeding 125 words;

192 (c) file the proposed [~~ballot title~~] short title, summary, and the numbered initiative
193 titles with the local clerk within 20 days after the day on which an eligible voter submits the
194 initiative petition to the local clerk; and

195 (d) promptly provide notice of the filing of the proposed [~~ballot title~~] short title and
196 summary to:

197 (i) the sponsors of the petition; and

198 (ii) the local legislative body for the jurisdiction where the initiative petition was
199 circulated.

200 (3) (a) The [~~ballot title~~] short title and summary may be distinct from the title of the
201 proposed law attached to the initiative petition~~[, and shall express, in not exceeding 100 words,~~
202 ~~the purpose of the measure].~~

203 (b) In preparing a [~~ballot~~] short title, the local attorney shall, to the best of the local
204 attorney's ability, give a true and impartial [~~statement of the purpose of the measure:]~~
205 description of the subject of the initiative.

206 (c) In preparing a summary, the local attorney shall, to the best of the local attorney's
207 ability, give a true and impartial summary of the contents of the measure.

208 [~~(c)~~] (d) The [~~ballot title~~] short title and summary may not intentionally be an
209 argument, or likely to create prejudice, for or against the measure.

210 [~~(d)~~] (e) If the initiative proposes a tax increase, the local attorney shall include the
211 following statement, in bold, in the [~~ballot title~~] summary:

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

215 (4) (a) Within five calendar days after the date the local attorney files a proposed
216 [~~ballot title~~] short title and summary under Subsection (2)(c), the local legislative body for the
217 jurisdiction where the initiative petition was circulated and the sponsors of the petition may file

218 written comments in response to the proposed [~~ballot title~~] short title and summary with the
219 local clerk.

220 (b) Within five calendar days after the last date to submit written comments under
221 Subsection (4)(a), the local attorney shall:

222 (i) review any written comments filed in accordance with Subsection (4)(a);

223 (ii) prepare a final [~~ballot title~~] short title and summary that meets the requirements of
224 Subsection (3); and

225 (iii) return the petition and file the [~~ballot title~~] short title and summary with the local
226 clerk.

227 (c) Subject to Subsection (6)[~~, the ballot~~]:

228 (i) the short title, as determined by the local attorney, shall be printed on the official
229 ballot[~~;~~]; and

230 (ii) for each ballot that includes an initiative or referendum, the election officer shall
231 include with the ballot a separate ballot proposition insert that includes the short title and
232 summary for each initiative and referendum on the ballot and a link to a location on the
233 election officer's website where a voter may review additional information relating to each
234 initiative or referendum, including:

235 (A) for an initiative, the information described in Subsection 20A-7-502(2), the fiscal
236 impact estimate described in Section 20A-7-502.5, as updated, and the arguments relating to
237 the initiative that are included in the local voter information pamphlet; or

238 (B) for a referendum, the information described in Subsection 20A-7-602(2) and the
239 arguments relating to the referendum that are included in the local voter information pamphlet.

240 (d) For each ballot that includes an initiative or referendum, the ballot shall include the
241 following statement at the beginning of the portion of the ballot that includes ballot measures,
242 "The ballot proposition sheet included with this ballot contains an impartial summary of each
243 initiative and referendum on this ballot."

244 (5) Immediately after the local attorney files a copy of the [~~ballot title~~] short title and

245 summary with the local clerk, the local clerk shall serve a copy of the [~~ballot title~~] short title
246 and summary by mail upon the sponsors of the petition and the local legislative body for the
247 jurisdiction where the initiative petition was circulated.

248 (6) (a) If the [~~ballot title~~] short title or summary furnished by the local attorney is
249 unsatisfactory or does not comply with the requirements of this section, the decision of the
250 local attorney may be appealed to the appropriate court by:

251 (i) at least three sponsors of the initiative petition; or

252 (ii) a majority of the local legislative body for the jurisdiction where the initiative
253 petition was circulated.

254 (b) The court:

255 (i) shall examine the [~~measures~~] short title and summary and consider arguments; and

256 [~~(ii) may certify to the local clerk a ballot title for the measure that fulfills the intent of~~
257 ~~this section.~~]

258 [~~(c) The local clerk shall print the title certified by the court on the official ballot.~~]

259 (ii) enter an order consistent with the requirements of this section.

260 (c) The local clerk shall include the short title and summary in the ballot or ballot
261 proposition insert, as required by this section.

262 Section 4. Section **20A-7-608** is amended to read:

263 **20A-7-608. Short title and summary of referendum -- Duties of local clerk and**
264 **local attorney.**

265 (1) Upon receipt of a referendum petition, the local clerk shall deliver a copy of the
266 petition and the proposed law to the local attorney.

267 (2) The local attorney shall:

268 (a) entitle each county or municipal referendum that qualifies for the ballot

269 "Proposition Number ___" and give the referendum a number assigned in accordance with
270 Section **20A-6-107**;

271 (b) prepare [~~a proposed ballot title~~] for the referendum[;]:

272 (i) an impartial short title, not exceeding 25 words, that generally describes the subject
273 of the measure; and

274 (ii) an impartial summary of the contents of the measure, not exceeding 125 words;

275 (c) file the proposed [~~ballot title~~] short title, summary, and the numbered referendum
276 title with the local clerk within 20 days after the day on which an eligible voter submits the
277 referendum petition to the local clerk; and

278 (d) promptly provide notice of the filing of the proposed [~~ballot title~~] short title and
279 summary to:

280 (i) the sponsors of the petition; and

281 (ii) the local legislative body for the jurisdiction where the referendum petition was
282 circulated.

283 (3) (a) The [~~ballot title~~] short title and summary may be distinct from the title of the
284 law that is the subject of the petition[~~, and shall express, in not exceeding 100 words, the~~
285 ~~purpose of the measure~~].

286 (b) In preparing a [~~ballot~~] short title, the local attorney shall, to the best of the local
287 attorney's ability, give a true and impartial [~~statement of the purpose~~] description of the subject
288 of the measure.

289 (c) In preparing a summary, the local attorney shall, to the best of the local attorney's
290 ability, give a true and impartial summary of the contents of the measure.

291 [~~(e)~~] (d) The [~~ballot title~~] short title and summary may not intentionally be an
292 argument, or likely to create prejudice, for or against the measure.

293 (4) (a) Within five calendar days after the day on which the local attorney files a
294 proposed [~~ballot title~~] short title and summary under Subsection (2)(c), the local legislative
295 body for the jurisdiction where the referendum petition was circulated and the sponsors of the
296 petition may file written comments in response to the proposed [~~ballot title~~] short title and
297 summary with the local clerk.

298 (b) Within five calendar days after the last date to submit written comments under

299 Subsection (4)(a), the local attorney shall:

300 (i) review any written comments filed in accordance with Subsection (4)(a);

301 (ii) prepare a final [~~ballot title~~] short title and summary that meets the requirements of

302 Subsection (3); and

303 (iii) return the petition and file the [~~ballot title~~] short title and summary with the local
304 clerk.

305 (c) Subject to Subsection (6)[~~, the ballot~~]:

306 (i) the short title, as determined by the local attorney, shall be printed on the official
307 ballot[-]; and

308 (ii) for each ballot that includes an initiative or referendum, the election officer shall
309 include with the ballot a separate ballot proposition insert that includes the short title and
310 summary for each initiative and referendum on the ballot and a link to a location on the
311 election officer's website where a voter may review additional information relating to each
312 initiative or referendum, including:

313 (A) for an initiative, the information described in Subsection [20A-7-502\(2\)](#), the fiscal
314 impact estimate described in Section [20A-7-502.5](#), as updated, and the arguments relating to
315 the initiative that are included in the local voter information pamphlet; or

316 (B) for a referendum, the information described in Subsection [20A-7-602\(2\)](#) and the
317 arguments relating to the referendum that are included in the local voter information pamphlet.

318 (d) For each ballot that includes an initiative or referendum, the ballot shall include the
319 following statement at the beginning of the portion of the ballot that includes ballot measures,
320 "The ballot proposition sheet included with this ballot contains an impartial summary of each
321 initiative and referendum on this ballot."

322 (5) Immediately after the local attorney files a copy of the [~~ballot title~~] short title and
323 summary with the local clerk, the local clerk shall serve a copy of the [~~ballot title~~] short title
324 and summary by mail upon the sponsors of the petition and the local legislative body for the
325 jurisdiction where the referendum petition was circulated.

326 (6) (a) If the [~~ballot title~~] short title or summary furnished by the local attorney is
327 unsatisfactory or does not comply with the requirements of this section, the decision of the
328 local attorney may be appealed to the appropriate court by:

329 (i) at least three sponsors of the referendum petition; or
330 (ii) a majority of the local legislative body for the jurisdiction where the referendum
331 petition was circulated.

332 (b) The court:

333 (i) shall examine the [~~measures~~] short title and summary and consider the arguments;
334 and

335 [~~(ii) may issue an order to the local clerk that includes a ballot title for the measure that~~
336 ~~fulfills the intent of this section.~~]

337 [~~(c) The local clerk shall print the title, as directed by the court, on the official ballot.~~]

338 (ii) enter an order consistent with the requirements of this section.

339 (c) The local clerk shall include the short title and summary in the ballot or ballot
340 proposition insert, as required by this section.