

BALLOT AMENDMENTS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Daniel W. Thatcher

House Sponsor: Melissa G. Ballard

LONG TITLE

Committee Note:

The Government Operations Interim Committee recommended this bill.

Legislative Vote: 13 voting for 0 voting against 3 absent

General Description:

This bill amends provisions relating 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:



- 28 20A-7-209, as last amended by Laws of Utah 2021, Chapter 140
- 29 20A-7-308, as last amended by Laws of Utah 2021, Chapter 140
- 30 20A-7-508, as last amended by Laws of Utah 2021, Chapter 140
- 31 20A-7-608, as last amended by Laws of Utah 2021, Chapter 140



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

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

35 **20A-7-209. Short title and summary of initiative -- Duties of lieutenant governor**
 36 **and Office of Legislative Research and General Counsel.**

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

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

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

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

45 (ii) prepare for each initiative:

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

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

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

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

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

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

59 (d) For each state initiative, the official ballot shall show, in the following order:

60 (i) the number of the initiative, determined in accordance with Section 20A-6-107;

61 (ii) the short title; and

62 ~~[(ii)]~~ (iii) the initial fiscal impact estimate prepared under Section 20A-7-202.5, as

63 updated under Section 20A-7-204.1~~;~~and].

64 ~~[(iii) the ballot title described in this section.]~~

65 (e) For each ballot that includes an initiative or referendum, the election officer shall

66 include with the ballot a separate ballot proposition insert that includes the short title and

67 summary for each initiative and referendum on the ballot and a link to a website where a voter

68 may review additional information relating to each initiative or referendum.

69 (f) For each ballot that includes an initiative or referendum, the ballot shall include the

70 following statement at the beginning of the portion of the ballot that includes ballot measures,

71 "The ballot proposition sheet included with this ballot contains an impartial summary of each

72 initiative and referendum on this ballot."

73 (3) On or before June 27, the lieutenant governor shall mail a copy of the ~~[ballot title]~~

74 short title and summary to any sponsor of the petition.

75 (4) (a) (i) At least three of the sponsors of the petition may, on or before July 6,

76 challenge the wording of the ~~[ballot title]~~ short title and summary prepared by the Office of

77 Legislative Research and General Counsel to the appropriate court.

78 (ii) After receipt of the challenge, the court shall direct the lieutenant governor to send

79 notice of the challenge to:

80 (A) any person or group that has filed an argument for or against the measure that is the

81 subject of the challenge; or

82 (B) any political issues committee established under Section 20A-11-801 that has filed

83 written or electronic notice with the lieutenant governor that identifies the name, mailing or

84 email address, and telephone number of the individual designated to receive notice about any

85 issues relating to the initiative.

86 (b) (i) There is a presumption that the ~~[ballot]~~ short title prepared by the Office of

87 Legislative Research and General Counsel is an impartial ~~[summary]~~ description of the

88 contents of the initiative.

89 (ii) The court may not revise the wording of the ~~[ballot]~~ short title unless the plaintiffs

90 rebut the presumption by clearly and convincingly establishing that the [~~ballot~~] short title is
 91 [~~patently~~] false or biased.

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

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

96 (c) The court shall:

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

98 (ii) hear arguments; and

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

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

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

106 **20A-7-308. Short title and summary of referendum -- Duties of lieutenant**
 107 **governor and Office of Legislative Research and General Counsel.**

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

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

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

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

116 (ii) prepare for each referendum:

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

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

120 (iii) submit the [~~ballot title~~] short title and summary to the lieutenant governor within

121 15 days after the day on which the Office of Legislative Research and General Counsel receives
122 the petition under Subsection (1).

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

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

126 (i) the number of the referendum, determined in accordance with Section [20A-6-107](#);

127 and

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

129 (d) For each ballot that includes an initiative or referendum, the election officer shall
130 include with the ballot a separate ballot proposition insert that includes the short title and
131 summary for each initiative and referendum on the ballot and a link to a website where a voter
132 may review additional information relating to each initiative or referendum.

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

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

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

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

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

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

152 (b) (i) There is a presumption that the [~~ballot~~] short title prepared by the Office of
 153 Legislative Research and General Counsel is an impartial [~~summary~~] description of the
 154 contents of the referendum.

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

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

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

162 (c) The court shall:

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

164 (ii) hear arguments; and

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

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

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

171 **20A-7-508. Short title and summary of initiative -- Duties of local clerk and local**
 172 **attorney.**

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

175 (2) The local attorney shall:

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

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

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

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

182 (c) file the proposed [~~ballot title~~] short title, summary, and the numbered initiative

183 titles with the local clerk within 20 days after the day on which an eligible voter submits the
184 initiative petition to the local clerk; and

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

187 (i) the sponsors of the petition; and

188 (ii) the local legislative body for the jurisdiction where the initiative petition was
189 circulated.

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

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

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

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

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

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

205 (4) (a) Within five calendar days after the date the local attorney files a proposed
206 [~~ballot title~~] short title and summary under Subsection (2)(c), the local legislative body for the
207 jurisdiction where the initiative petition was circulated and the sponsors of the petition may file
208 written comments in response to the proposed [~~ballot title~~] short title and summary with the
209 local clerk.

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

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

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

214 Subsection (3); and

215 (iii) return the petition and file the [ballot title] short title and summary with the local
216 clerk.

217 (c) Subject to Subsection (6)~~[, the ballot]~~;

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

220 (ii) for each ballot that includes an initiative or referendum, the election officer shall
221 include with the ballot a separate ballot proposition insert that includes the short title and
222 summary for each initiative and referendum on the ballot and a link to a website where a voter
223 may review additional information relating to each initiative or referendum.

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

228 (5) Immediately after the local attorney files a copy of the ballot title with the local
229 clerk, the local clerk shall serve a copy of the [ballot title] short title and summary by mail
230 upon the sponsors of the petition and the local legislative body for the jurisdiction where the
231 initiative petition was circulated.

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

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

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

238 (b) The court:

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

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

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

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

244 (c) The local clerk shall include the short title and summary in the ballot or ballot

245 proposition insert, as required by this section.

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

247 **20A-7-608. Short title and summary of referendum -- Duties of local clerk and**
 248 **local attorney.**

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

251 (2) The local attorney shall:

252 (a) entitle each county or municipal referendum that qualifies for the ballot
 253 "Proposition Number ___" and give the referendum a number assigned in accordance with
 254 Section [20A-6-107](#);

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

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

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

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

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

264 (i) the sponsors of the petition; and

265 (ii) the local legislative body for the jurisdiction where the referendum petition was
 266 circulated.

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

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

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

275 ~~[(c)]~~ (d) The ~~[ballot title]~~ short title and summary may not intentionally be an

276 argument, or likely to create prejudice, for or against the measure.

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

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

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

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

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

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

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

291 (ii) for each ballot that includes an initiative or referendum, the election officer shall
292 include with the ballot a separate ballot proposition insert that includes the short title and
293 summary for each initiative and referendum on the ballot and a link to a website where a voter
294 may review additional information relating to each initiative or referendum.

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

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

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

306 (i) at least three sponsors of the referendum petition; or

307 (ii) a majority of the local legislative body for the jurisdiction where the referendum
308 petition was circulated.

309 (b) The court:

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

311 and

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

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

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

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