

# HB0038S01 compared with HB0038

~~{deleted text}~~ shows text that was in HB0038 but was deleted in HB0038S01.

inserted text shows text that was not in HB0038 but was inserted into HB0038S01.

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

Senator Daniel W. Thatcher proposes the following substitute bill:

## INITIATIVE AND REFERENDUM MODIFICATIONS

2023 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Calvin R. Musselman**

Senate Sponsor: ~~{\_\_\_\_\_}~~ Daniel W. Thatcher

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### LONG TITLE

~~{Committee Note:~~

~~\_\_\_\_\_The Government Operations Interim Committee recommended this bill.~~

~~\_\_\_\_\_Legislative Vote: 10 voting for 0 voting against \_\_\_\_\_ 4 absent~~

~~{General Description:~~

This bill amends provisions relating to initiatives and referenda.

### Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ amends provisions relating to initiatives and referenda to clarify provisions and requirements, to clarify who is responsible for certain requirements, and to use consistent terms;
- ▶ revises provisions relating to initiatives and referenda to create consistency;

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- ▶ modifies and adds criminal provisions to create consistency;
- ▶ amends forms and procedures;
- ▶ provides and modifies deadlines for certain requirements;
- ▶ modifies requirements relating to public hearings held by sponsors in relation to a statewide initiative;
- ▶ modifies certain public notice requirements; and
- ▶ makes technical and conforming changes.

### Money Appropriated in this Bill:

None

### Other Special Clauses:

~~{ None }~~ This bill coordinates with S.B. 43, Public Notice Requirements, by providing Substantive and technical amendments

### Utah Code Sections Affected:

AMENDS:

- 20A-7-101, as last amended by Laws of Utah 2022, Chapters 288, 325
- 20A-7-201, as last amended by Laws of Utah 2019, Chapter 217
- 20A-7-202, as last amended by Laws of Utah 2021, Chapter 140
- 20A-7-202.5, as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 20
- 20A-7-202.7, as enacted by Laws of Utah 2021, Chapter 418
- 20A-7-203, as last amended by Laws of Utah 2022, Chapter 325
- 20A-7-204, as last amended by Laws of Utah 2022, Chapter 325
- 20A-7-204.1, as last amended by Laws of Utah 2021, Chapters 84, 345
- 20A-7-205, as last amended by Laws of Utah 2022, Chapter 325
- 20A-7-206, as last amended by Laws of Utah 2022, Chapter 325
- 20A-7-206.1, as enacted by Laws of Utah 2021, Chapter 140
- 20A-7-206.3, as last amended by Laws of Utah 2022, Chapter 325
- 20A-7-207, as last amended by Laws of Utah 2022, Chapter 325
- 20A-7-208, as last amended by Laws of Utah 2019, Chapter 275
- 20A-7-209, as last amended by Laws of Utah 2022, Chapter 251
- 20A-7-211, as last amended by Laws of Utah 2022, Chapter 18
- 20A-7-213, as last amended by Laws of Utah 2022, Chapter 325

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**20A-7-214**, as last amended by Laws of Utah 2019, Chapter 275  
**20A-7-215**, as enacted by Laws of Utah 2022, Chapter 325  
**20A-7-216**, as enacted by Laws of Utah 2022, Chapter 325  
**20A-7-217**, as enacted by Laws of Utah 2022, Chapter 325  
**20A-7-301**, as last amended by Laws of Utah 2021, Chapter 140  
**20A-7-302**, as last amended by Laws of Utah 2021, Chapter 140  
**20A-7-303**, as last amended by Laws of Utah 2022, Chapter 325  
**20A-7-304**, as last amended by Laws of Utah 2022, Chapter 325  
**20A-7-304.5**, as last amended by Laws of Utah 2022, Chapter 325  
**20A-7-305**, as last amended by Laws of Utah 2022, Chapter 325  
**20A-7-306**, as last amended by Laws of Utah 2022, Chapter 325  
**20A-7-306.3**, as last amended by Laws of Utah 2022, Chapter 325  
**20A-7-307**, as last amended by Laws of Utah 2022, Chapters 274, 325  
**20A-7-308**, as last amended by Laws of Utah 2022, Chapter 251  
**20A-7-309**, as last amended by Laws of Utah 2021, Chapter 140  
**20A-7-310**, as last amended by Laws of Utah 2020, Chapter 166  
**20A-7-311**, as last amended by Laws of Utah 2021, Chapter 140  
**20A-7-312**, as last amended by Laws of Utah 2022, Chapter 325  
**20A-7-313**, as enacted by Laws of Utah 2022, Chapter 325  
**20A-7-314**, as enacted by Laws of Utah 2022, Chapter 325  
**20A-7-315**, as enacted by Laws of Utah 2022, Chapter 325  
**20A-7-501**, as last amended by Laws of Utah 2019, Chapter 203  
**20A-7-502**, as last amended by Laws of Utah 2021, Chapter 140  
**20A-7-502.5**, as last amended by Laws of Utah 2019, Chapter 203  
**20A-7-502.6**, as last amended by Laws of Utah 2022, Chapter 325  
**20A-7-502.7**, as last amended by Laws of Utah 2022, Chapter 325  
**20A-7-503**, as last amended by Laws of Utah 2022, Chapter 325  
**20A-7-504**, as last amended by Laws of Utah 2022, Chapter 325  
**20A-7-505**, as last amended by Laws of Utah 2022, Chapter 325  
**20A-7-506**, as last amended by Laws of Utah 2022, Chapter 325  
**20A-7-506.3**, as last amended by Laws of Utah 2022, Chapter 325

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20A-7-507, as last amended by Laws of Utah 2022, Chapter 325  
20A-7-508, as last amended by Laws of Utah 2022, Chapter 251  
20A-7-510, as last amended by Laws of Utah 2021, Chapter 140  
20A-7-512, as last amended by Laws of Utah 2022, Chapter 325  
20A-7-513, as last amended by Laws of Utah 2019, Chapter 203  
20A-7-514, as enacted by Laws of Utah 2022, Chapter 325  
20A-7-515, as enacted by Laws of Utah 2022, Chapter 325  
20A-7-516, as enacted by Laws of Utah 2022, Chapter 325  
20A-7-601, as last amended by Laws of Utah 2022, Chapter 406  
20A-7-602, as last amended by Laws of Utah 2021, Chapter 140  
20A-7-602.5, as last amended by Laws of Utah 2019, Chapter 203  
20A-7-602.7, as last amended by Laws of Utah 2022, Chapter 325  
20A-7-602.8, as last amended by Laws of Utah 2022, Chapters 325, 406  
20A-7-603, as last amended by Laws of Utah 2022, Chapter 325  
20A-7-604, as last amended by Laws of Utah 2022, Chapter 325  
20A-7-604.5, as last amended by Laws of Utah 2022, Chapter 325  
20A-7-605, as last amended by Laws of Utah 2022, Chapter 325  
20A-7-606, as last amended by Laws of Utah 2022, Chapter 325  
20A-7-606.3, as last amended by Laws of Utah 2022, Chapter 325  
20A-7-607, as last amended by Laws of Utah 2022, Chapters 274, 325  
20A-7-608, as last amended by Laws of Utah 2022, Chapter 251  
20A-7-609, as last amended by Laws of Utah 2014, Chapter 396  
20A-7-610, as last amended by Laws of Utah 2021, Chapter 140  
20A-7-611, as last amended by Laws of Utah 2022, Chapters 18, 325  
20A-7-612, as last amended by Laws of Utah 2022, Chapter 325  
20A-7-614, as enacted by Laws of Utah 2022, Chapter 325  
20A-7-615, as enacted by Laws of Utah 2022, Chapter 325  
20A-7-616, as enacted by Laws of Utah 2022, Chapter 325  
20A-7-702, as last amended by Laws of Utah 2022, Chapter 11

### **Utah Code Sections Affected by Coordination Clause:**

**20A-7-204.1, as last amended by Laws of Utah 2021, Chapters 84 and 345**

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

Section 1. 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.

(2) "Budget officer" means:

(a) for a county, the person designated as finance officer as defined in Section 17-36-3;

(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 (2)(a) for the county in which the metro township is located.

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

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

(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.

(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.

(8) "Final fiscal impact statement" means a financial statement prepared after voters

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approve an initiative that contains the information required by Subsection 20A-7-202.5(2) or 20A-7-502.5(2).

(9) "Initial fiscal impact [~~estimate~~] statement" means[~~:~~]

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

~~[(b)]~~ (10) "Initial fiscal impact and legal statement" means a financial and legal statement prepared under Section 20A-7-502.5 or 20A-7-602.5 for [~~an~~] a local initiative or a local referendum [~~petition~~].

~~[(10)]~~ (11) "Initiative" means a new law proposed for adoption by the public as provided in this chapter.

(12) "Initiative application" means:

(a) for a statewide initiative, an application described in Subsection 20A-7-202(2) that includes all the information, statements, documents, and notarized signatures required under Subsection 20A-7-202(2); or

(b) for a local initiative, an application described in Subsection 20A-7-502(2) that includes all the information, statements, documents, and notarized signatures required under Subsection 20A-7-502(2).

~~[(11)]~~ (13) "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.

(14) "Initiative petition":

(a) as it relates to a statewide initiative, using the manual initiative process:

(i) means the form described in Subsection 20A-7-203(2)(a), petitioning for submission of the initiative to the Legislature or the legal voters; and

(ii) if the initiative proposes a tax increase, includes the statement described in Subsection 20A-7-203(2)(b);

(b) as it relates to a statewide initiative, using the electronic initiative process:

(i) means the form described in Subsections 20A-7-215(2) and (3), petitioning for submission of the initiative to the Legislature or the legal voters; and

(ii) if the initiative proposes a tax increase, includes the statement described in Subsection 20A-7-215(5)(b);

(c) as it relates to a local initiative, using the manual initiative process:

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(i) means the form described in Subsection 20A-7-503(2)(a), petitioning for submission of the initiative to the legislative body or the legal voters; and

(ii) if the initiative proposes a tax increase, includes the statement described in Subsection 20A-7-503(2)(b); or

(d) as it relates to a local initiative, using the electronic initiative process:

(i) means the form described in Subsection 20A-7-514(2)(a), petitioning for submission of the initiative to the legislative body or the legal voters; and

(ii) if the initiative proposes a tax increase, includes the statement described in Subsection 20A-7-514(4)(a).

~~[(12)]~~ (15) (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.

~~[(13)]~~ (16) "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.

~~[(14)]~~ (17) "Legal voter" means ~~[a person]~~ an individual who is registered to vote in Utah.

~~[(15)]~~ (18) "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.

~~[(16)]~~ (19) "Local attorney" means the county attorney, city attorney, or town attorney in whose jurisdiction a local initiative or referendum petition is circulated.

~~[(17)]~~ (20) "Local clerk" means the county clerk, city recorder, or town clerk in whose jurisdiction a local initiative or referendum petition is circulated.

~~[(18)]~~ (21) (a) "Local law" includes:

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- (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.

~~[(19)]~~ (22) "Local legislative body" means the legislative body of a county, city, town, or metro township.

~~[(20)]~~ (23) "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.

~~[(21)]~~ (24) "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)]~~ (25) "Manual initiative process" means the process for gathering signatures for an initiative using paper signature packets that a signer physically signs.

~~[(23)]~~ (26) "Manual referendum process" means the process for gathering signatures for a referendum using paper signature packets that a signer physically signs.

~~[(24)]~~ (27) "Measure" means a proposed constitutional amendment, an initiative, or referendum.

~~[(25)]~~ (28) "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.

(29) "Referendum application" means:

(a) for a statewide referendum, an application described in Subsection 20A-7-302(2) that includes all the information, statements, documents, and notarized signatures required under Subsection 20A-7-302(2); or

(b) for a local referendum, an application described in Subsection 20A-7-602(2) that includes all the information, statements, documents, and notarized signatures required under Subsection 20A-7-602(2).

~~[(26)]~~ (30) "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.

(31) "Referendum petition" means:



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(a) as it relates to a statewide referendum, using the manual referendum process, the form described in Subsection 20A-7-303(2)(a), petitioning for submission of a law passed by the Legislature to legal voters for their approval or rejection;

(b) as it relates to a statewide referendum, using the electronic referendum process, the form described in Subsection 20A-7-313(2), petitioning for submission of a law passed by the Legislature to legal voters for their approval or rejection;

(c) as it relates to a local referendum, using the manual referendum process, the form described in Subsection 20A-7-603(2)(a), petitioning for submission of a local law to legal voters for their approval or rejection; or

(d) as it relates to a local referendum, using the electronic referendum process, the form described in Subsection 20A-7-614(2), petitioning for submission of a local law to legal voters for their approval or rejection.

~~[(27)]~~ (32) "Signature":

(a) for a statewide initiative:

(i) as it relates to the electronic initiative process, means an electronic signature collected under Section 20A-7-215 and Subsection 20A-21-201(6)(c); 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 an electronic signature collected under Section 20A-7-313 and Subsection 20A-21-201(6)(c); 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;

(c) for a local initiative:

(i) as it relates to the electronic initiative process, means an electronic signature collected under Section 20A-7-514 and Subsection 20A-21-201(6)(c); or

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

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

~~[(28)]~~ (33) "Signature sheets" means sheets in the form required by this chapter that are used under the manual initiative process or the manual referendum process to collect signatures in support of an initiative or referendum.

~~[(29)]~~ (34) "Special local ballot proposition" means a local ballot proposition that is not a standard local ballot proposition.

~~[(30)]~~ (35) "Sponsors" means the legal voters who support the initiative or referendum and who sign the initiative application or referendum application [~~for petition copies~~].

~~[(31)]~~ (36) (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.

~~[(32)]~~ (37) "Tax percentage difference" means the difference between the tax rate proposed by an initiative or an initiative petition and the current tax rate.

~~[(33)]~~ (38) "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.

~~[(34)]~~ (39) "Verified" means acknowledged by the person circulating the petition as required in Sections 20A-7-205 and 20A-7-305.

Section 2. Section **20A-7-201** is amended to read:

**20A-7-201. Statewide initiatives -- Signature requirements -- Submission to the Legislature or to a vote of the people.**

(1) (a) A person seeking to have an initiative submitted to the Legislature for approval

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or rejection shall, after filing an initiative application, obtain:

(i) legal signatures equal to 4% of the number of active voters in the state on January 1 immediately following the last regular general election; and

(ii) from at least 26 Utah State Senate districts, legal signatures equal to 4% of the number of active voters in that district on January 1 immediately following the last regular general election.

(b) If, at any time not less than 10 days before the beginning of the next annual general session of the Legislature, [~~immediately after the application is filed under Section 20A-7-202 and specified on the petition under Section 20A-7-203~~] the lieutenant governor declares [~~sufficient any~~] that an initiative petition [~~that~~] designated under Subsection 20A-7-202(2)(c)(i) for submission to the Legislature is signed by [~~enough~~] a sufficient number of voters to meet the requirements of [~~this~~] Subsection (1)(a), the lieutenant governor shall deliver a copy of the initiative petition, the text of the proposed law, and the cover sheet [~~required by~~] described in Subsection (1)(c) to the president of the Senate, the speaker of the House, and the director of the Office of Legislative Research and General Counsel.

(c) [~~In delivering a copy of the petition, the~~] The lieutenant governor shall [~~include~~] prepare a cover sheet for a petition declared sufficient under Subsection (1)(b) that contains:

(i) the number of active voters in the state on January 1 immediately following the last regular general election;

(ii) the number of active voters in each Utah State Senate district on January 1 immediately following the last regular general election;

(iii) the total number of certified signatures [~~received~~] obtained for the [~~submitted~~] initiative petition; and

(iv) the total number of certified signatures [~~received~~] obtained from each Utah State Senate district for the [~~submitted~~] initiative petition.

(2) (a) A person seeking to have an initiative submitted to a vote of the people for approval or rejection shall, after filing an initiative application, obtain:

(i) legal signatures equal to 8% of the number of active voters in the state on January 1 immediately following the last regular general election; and

(ii) from at least 26 Utah State Senate districts, legal signatures equal to 8% of the number of active voters in that district on January 1 immediately following the last regular

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general election.

(b) If an initiative petition meets the requirements of this part and the lieutenant governor declares that the initiative petition [to be] is signed by a sufficient number of voters to meet the requirements of Subsection (2)(a), the lieutenant governor shall submit the proposed law to a vote of the people at the next regular general election:

(i) immediately after the application is filed under Section 20A-7-202; and

(ii) specified on the petition under Section 20A-7-203.

(3) The lieutenant governor shall provide the following information to any interested person:

(a) the number of active voters in the state on January 1 immediately following the last regular general election; and

(b) for each Utah State Senate district, the number of active voters in that district on January 1 immediately following the last regular general election.

Section 3. Section **20A-7-202** is amended to read:

**20A-7-202. Statewide initiative process -- Initiative application procedures -- Time to gather signatures -- Grounds for rejection.**

(1) Individuals wishing to circulate an initiative petition shall file an initiative application with the lieutenant governor.

(2) The initiative application shall [~~contain~~] include:

(a) the name and residence address of at least five sponsors of the initiative petition;

(b) a statement indicating that each of the sponsors is registered to vote in Utah;

(c) a statement indicating whether the initiative will be presented to:

(i) the Legislature under Subsection 20A-7-201(1); or

(ii) a vote of the people under Subsection 20A-7-201(2);

[~~(c)~~] (d) the signature of each of the sponsors, attested to by a notary public;

[~~(d)~~] (e) a copy of the proposed law that includes, in the following order:

(i) the title of the proposed law, that clearly expresses the subject of the law;

(ii) 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; and

(iii) the text of the proposed law;

[~~(e)~~] (f) if the initiative [~~petition~~] proposes a tax increase, the following statement,

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"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

~~[(f)]~~ (g) a statement indicating whether persons gathering signatures for the initiative petition may be paid for gathering signatures.

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

(b) The initiative application and the initiative application's contents are public when filed with the lieutenant governor.

(4) If the initiative petition fails to qualify for the ballot of the election described in Subsection 20A-7-201(2)(b), the sponsors shall:

- (a) submit a new initiative application;
- (b) obtain new signature sheets; and
- (c) collect signatures again.

(5) The lieutenant governor shall reject [~~the~~] an initiative application or an initiative application addendum filed under Subsection [~~20A-7-204.1(5)~~] 20A-7-204.1(6) and not issue [~~circulation~~] signature sheets if:

(a) the proposed law:

~~[(a)]~~ (i) [~~the law proposed by the initiative~~] is patently unconstitutional;

~~[(b)]~~ (ii) [~~the law proposed by the initiative~~] is nonsensical;

~~[(c)]~~ (iii) [~~the proposed law~~] could not become law if passed;

~~[(d)]~~ (iv) [~~the proposed law~~] contains more than one subject as evaluated in accordance with Subsection (6); or

~~[(e)]~~ the subject of the proposed law is not clearly expressed in the law's title; or

~~[(f)]~~ (v) [~~the law proposed by the initiative~~] is identical or substantially similar to a law proposed by an initiative for which signatures were submitted to the county clerks and lieutenant governor for certification within two years preceding the date on which the initiative application for the new initiative is filed[:]; or

(b) the subject of the proposed law is not clearly expressed in the law's title.

(6) To evaluate whether the proposed law contains more than one subject under Subsection [~~(5)(d)~~] (5)(a)(iv), the lieutenant governor shall apply the same standard provided in

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Utah Constitution, Article VI, Section 22, which prohibits a bill from passing that contains more than one subject.

Section 4. Section **20A-7-202.5** is amended to read:

### **20A-7-202.5. Initial fiscal impact statement -- Preparation of statement -- Challenge to statement.**

(1) Within three working days after the day on which the lieutenant governor receives an initiative application [~~for an initiative petition~~], the lieutenant governor shall submit a copy of the initiative application to the Office of the Legislative Fiscal Analyst.

(2) (a) The Office of the Legislative Fiscal Analyst shall prepare an unbiased, good faith initial fiscal impact [~~estimate of~~] statement for the proposed law [~~proposed by the initiative~~], not exceeding 100 words plus 100 words per revenue source created or impacted by the proposed law, that contains:

(i) a description of the total estimated fiscal impact of the proposed law over the time period or time periods determined by the Office of the Legislative Fiscal Analyst to be most useful in understanding the estimated fiscal impact of the proposed law;

(ii) if the proposed law would increase taxes, decrease taxes, or impose a new tax, a dollar amount representing the total estimated increase or decrease for each type of tax affected under the proposed law, a dollar amount showing the estimated amount of a new tax, and a dollar amount representing the total estimated increase or decrease in taxes under the proposed law;

(iii) if the proposed law would increase a particular tax or tax rate, the tax percentage difference and the tax percentage increase for each tax or tax rate increased;

(iv) if the proposed law would result in the issuance or a change in the status of bonds, notes, or other debt instruments, a dollar amount representing the total estimated increase or decrease in public debt under the proposed law;

(v) a dollar amount representing the estimated cost or savings, if any, to state or local government entities under the proposed law;

(vi) if the proposed law would increase costs to state government, a listing of all sources of funding for the estimated costs; and

(vii) a concise description and analysis titled "Funding Source," not to exceed 100 words for each funding source, of the funding source information described in Subsection

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[~~20A-7-202(2)(d)(ii)~~] 20A-7-202(2)(e)(ii).

(b) If the proposed law is estimated to have no fiscal impact, the Office of the Legislative Fiscal Analyst shall include a summary statement in the initial fiscal impact statement in substantially the following form:

"The Office of the Legislative Fiscal Analyst estimates that the law proposed by this initiative would have no significant fiscal impact and would not result in either an increase or decrease in taxes or debt."

(3) Within 25 calendar days after the day on which the lieutenant governor delivers a copy of the initiative application, the Office of the Legislative Fiscal Analyst shall:

(a) deliver a copy of the initial fiscal impact [~~estimate~~] statement to the lieutenant governor's office; and

(b) mail a copy of the initial fiscal impact [~~estimate~~] statement to the first five sponsors named in the initiative application.

(4) (a) (i) Three or more of the sponsors of the initiative petition may, within 20 calendar days after the day on which the Office of the Legislative Fiscal Analyst delivers the initial fiscal impact [~~estimate~~] statement to the lieutenant governor's office, file a petition with the appropriate court, alleging that the initial fiscal impact [~~estimate~~] statement, taken as a whole, is an inaccurate estimate of the fiscal impact of the initiative.

(ii) After receipt of the appeal, the court shall direct the lieutenant governor to send notice of the petition filed with the court to:

(A) any person or group that has filed an argument with the lieutenant governor's office for or against the [~~measure~~] initiative that is the subject of the challenge; and

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

(b) (i) There is a presumption that the initial fiscal impact [~~estimate~~] statement prepared by the Office of the Legislative Fiscal Analyst is based upon reasonable assumptions, uses reasonable data, and applies accepted analytical methods to present the estimated fiscal impact of the initiative.

(ii) The court may not revise the contents of, or direct the revision of, the initial fiscal

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impact [~~estimate~~] statement unless the plaintiffs rebut the presumption by clear and convincing evidence that establishes that the initial fiscal [~~estimate~~] impact statement, taken as a whole, is an inaccurate statement of the estimated fiscal impact of the initiative.

(iii) The court may refer an issue related to the initial fiscal impact [~~estimate~~] statement to a master to examine the issue and make a report in accordance with Utah Rules of Civil Procedure, Rule 53.

(c) The court shall certify to the lieutenant governor a fiscal impact [~~estimate~~] statement for the [~~measure~~] initiative that meets the requirements of this section.

Section 5. Section **20A-7-202.7** is amended to read:

### **20A-7-202.7. Posting initiative information.**

(1) Within one business day after the day on which the lieutenant governor receives the initial fiscal impact statement under Subsection 20A-7-202.5(3)(a), the lieutenant governor shall post the following information together in a conspicuous place on the lieutenant governor's website:

(a) the initiative application;

~~[(a)]~~ (b) the initiative petition;

~~[(b)]~~ (c) the [~~initiative~~] text of the proposed law;

~~[(c)]~~ (d) the initial fiscal impact statement; and

~~[(d)]~~ (e) information describing how an individual may remove the individual's signature from the [~~signature packet~~] initiative 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 initiative fails to qualify for the ballot or is passed or defeated at an election.

Section 6. 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.

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



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"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 initiative petition;

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

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

I am registered to vote in Utah; and

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

NOTICE TO SIGNERS:

Public hearings to discuss this [petition] initiative 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 (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.

(3) Each initiative 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;

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(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;

(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 initiative petition, you are stating that you have read and understand the law proposed by this initiative petition." in 12-point type;

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

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

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(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 (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)~~] 20A-7-204.1(6), 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~~] initiative petition, or to sign an initiative petition when the individual knows that the individual is not a registered voter.

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."

(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 initiative 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

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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.

Each individual who signed the initiative 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~~] initiative packet to encourage that individual to sign it.

---

(Name)	(Residence Address)	(Date)
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(5) If the initial fiscal impact [~~estimate~~] statement described in Subsection (3)(f)(ii), as updated in accordance with Subsection [~~20A-7-204.1(5)~~] 20A-7-204.1(6), exceeds 200 words, the Office of the Legislative Fiscal Analyst shall prepare a shorter summary statement, for the purpose of inclusion on [~~a~~] an initiative signature sheet, that does not exceed 200 words.

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

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

Section 7. 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.

(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 (3), circulate initiative packets that meet the form requirements of this part.

(3) The lieutenant governor shall [~~furnish to~~] provide the sponsors[:] with [~~(a)~~] a copy of the initiative petition[~~, with any change submitted under Subsection 20A-7-204.1(5); and~~]

[~~(b)~~] and a signature sheet[:] within three days after the day on which the following conditions are fulfilled:

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(a) the sponsors hold the final hearing required under Section 20A-7-204.1;

(b) the sponsors provide to the Office of the Lieutenant Governor the video tape, audio tape, or comprehensive minutes described in Subsection 20A-7-204.1(5) for each public hearing described in Section 20A-7-204.1;

(c) (i) the sponsors give written notice to the Office of the Lieutenant Governor that the sponsors waive the opportunity to change the text of the proposed law under Subsection 20A-7-204.1(6);

(ii) the deadline, described in Subsection 20A-7-204.1(6)(a), for changing the text of the proposed law passes without the sponsors filing an application addendum in accordance with Subsection 20A-7-204.1(6); or

(iii) if the sponsors file an application addendum in accordance with Subsection 20A-7-204.1(6), the Office of the Legislative Fiscal Analyst provides to the Office of the Lieutenant Governor:

(A) an updated initial fiscal impact statement, in accordance with Subsection 20A-7-204.1(6)(b); or

(B) a written notice indicating that no changes to the initial fiscal impact statement are necessary; and

(d) the sponsors sign an agreement, under Subsection (6)(a), with the Office of the Lieutenant Governor specifying the range of numbers that the sponsors will use to number the initiative packets.

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

(a) arrange and pay for the printing of all [~~additional copies of the petition and signature sheets~~] documents that are part of the initiative packets; and

(b) ensure that the [~~copies of the petition and signature sheets~~] initiative packets and the documents described in Subsection (4)(a) meet the [~~form~~] requirements of this [~~section~~] part.

(5) (a) The sponsors or an agent of the sponsors may prepare the initiative packets 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 with the text of the proposed law, including any modification made under Subsection 20A-7-204.1(6) and no more than 50 signature sheets

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together at the top in a manner that the initiative packets may be conveniently opened for signing.

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

(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]~~ initiative packets; ~~[and]~~

(ii) sign an agreement with the Office of the Lieutenant Governor, specifying the range of numbers that the sponsors will use to number the initiative packets; and

~~[(ii)]~~ (iii) number each ~~[signature]~~ initiative 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]~~ an initiative packet in a manner not directed by the lieutenant governor's office; or

(ii) circulate or submit ~~[a signature]~~ an initiative 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 (6)(a):]~~

Section 8. Section **20A-7-204.1** is amended to read:

**20A-7-204.1. Public hearings to be held before initiative packets are circulated -- Changes to a proposed law or an initial fiscal impact statement.**

(1) (a) After issuance of the initial fiscal impact ~~[estimate]~~ statement by the Office of the Legislative Fiscal Analyst and before circulating initiative ~~[petitions]~~ packets for signature statewide, sponsors of the initiative ~~[petition]~~ shall hold at least seven public hearings throughout Utah as follows:

(i) one in the Bear River region -- Box Elder, Cache, or Rich County;

(ii) one in the Southwest region -- Beaver, Garfield, Iron, Kane, or Washington County;

(iii) one in the Mountain region -- Summit, Utah, or Wasatch County;

(iv) one in the Central region -- Juab, Millard, Piute, Sanpete, Sevier, or Wayne County;

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- (v) one in the Southeast region -- Carbon, Emery, Grand, or San Juan County;
- (vi) one in the Uintah Basin region -- Daggett, Duchesne, or Uintah County; and
- (vii) one in the Wasatch Front region -- Davis, Morgan, Salt Lake, Tooele, or Weber

County.

(b) Of the seven public hearings, the sponsors of the initiative shall hold at least two of the public hearings in a first or second class county, but not in the same county.

(c) The sponsors may not hold a public hearing described in this section until the later of:

(i) one day after the day on which a sponsor receives a copy of the initial fiscal impact [~~estimate~~] statement under Subsection 20A-7-202.5(3)(b); or

(ii) if three or more sponsors file a petition for an action challenging the accuracy of the initial fiscal impact statement under Section 20A-7-202.5, the day after the day on which the action is final.

(2) The sponsors shall:

(a) before 5 p.m. at least [~~three~~] 10 calendar days before the date of the public hearing, provide written notice of the public hearing to:

(i) the lieutenant governor for posting on the state's website; and

(ii) each state senator, state representative, and county commission or county council member who is elected in whole or in part from the region where the public hearing will be held; and

(b) publish written notice of the public hearing, including the time, date, and location of the public hearing, in each county in the region where the public hearing will be held:

(i) (A) at least three calendar days before the day of the public hearing, in a newspaper of general circulation in the county;

(B) if there is no newspaper of general circulation in the county, at least three calendar days before the day of the public hearing, by posting one copy of the notice, and at least one additional copy of the notice per 2,000 population of the county, in places within the county that are most likely to give notice to the residents of the county; or

(C) at least seven days before the day of the public hearing, by mailing notice to each residence in the county; and

~~[(ii) on the Utah Public Notice Website created in Section 63A-16-601, for at least~~

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~~three calendar days before the day of the public hearing;~~

(ii) in accordance with Section 45-1-101, for at least three calendar days before the day of the public hearing.

(3) The election officer for each county in the region where the public hearing is held shall ensure that written notice of the public hearing, including the time, date, and location of the public hearing, is published:

~~[(iii) in accordance with Section 45-1-101, for at least three calendar days before the day of the public hearing; and]~~

(a) on the Utah Public Notice Website created in Section 63A-16-601, for at least three calendar days before the day of the public hearing; and

~~[(iv)]~~ (b) on the county's website for at least three calendar days before the day of the public hearing.

~~[(3)]~~ (4) If the initiative [~~petition~~] proposes a tax increase, the written notice described in Subsection (2) shall include the following statement, in bold, in the same font and point size as the largest font and point size appearing in the notice:

"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."

~~[(4)]~~ (5) (a) During the public hearing, the sponsors shall either:

(i) video tape or audio tape the public hearing [~~and, when the hearing is complete, deposit the complete audio or video tape of the meeting with the lieutenant governor~~]; or

(ii) take comprehensive minutes of the public hearing, detailing the names and titles of each speaker and summarizing each speaker's comments.

(b) The lieutenant governor shall make copies of the tapes or minutes available to the public.

(c) For each public hearing, the sponsors shall:

(i) during the entire time that the public hearing is held, post a copy of the initial fiscal impact statement in a conspicuous location at the entrance to the room where the sponsors hold the public hearing; and

(ii) place at least 50 copies of the initial fiscal impact statement, for distribution to public hearing attendees, in a conspicuous location at the entrance to the room where the



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sponsors hold the public hearing.

(d) Regardless of whether an individual is present to observe or speak at a public hearing:

(i) the sponsors may not end the public hearing until at least one hour after the public hearing begins; and

(ii) the sponsors shall provide at least one hour at the public hearing that is open for public comment.

~~[(5)]~~ (6) (a) Before 5 p.m. within 14 days after the day on which the sponsors conduct the seventh public hearing described in Subsection (1)(a), and before circulating an initiative [~~petition~~] signature packet for signatures, the sponsors of the initiative [~~petition~~] may change the text of the proposed law if:

(i) a change to the text is:

(A) germane to the text of the proposed law filed with the lieutenant governor under Section 20A-7-202; and

(B) consistent with the requirements of Subsection 20A-7-202(5); and

(ii) each sponsor signs, attested to by a notary public, an application addendum to change the text of the proposed law.

(b) (i) Within three working days after the day on which the lieutenant governor receives an application addendum to change the text of the proposed law [~~in~~] for an initiative [~~petition~~], the lieutenant governor shall submit a copy of the application addendum to the Office of the Legislative Fiscal Analyst.

(ii) The Office of the Legislative Fiscal Analyst shall:

(A) update the initial fiscal impact [~~estimate~~] statement, by following the procedures and requirements of Section 20A-7-202.5 to reflect a change to the text of the proposed law[-];  
or

(B) provide written notice to the Office of the Lieutenant Governor indicating that no changes to the initial fiscal impact statement are necessary.

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.

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

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

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

(ii) verifies each [~~signature sheet~~] initiative packet 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.

(4) (a) A voter who has signed an initiative petition may have the voter's signature removed from the initiative 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); 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).

(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 (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 (4)(a).

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(e) A person may only remove a signature from an initiative petition in accordance with this Subsection (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 initiative packets --  
Certification of signatures by the county clerks -- Transfer to lieutenant governor.**

(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 initiative 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 initiative application [~~for the initiative petition~~] is filed; or

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

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

(c) Before delivering [~~a~~] an initiative 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-7-203(3)(d) that includes the following:

(i) the subject of the email shall include the following statement, "Notice Regarding 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~~] initiative packet to the county clerk,

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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~~] an initiative packet submitted to the county clerk in relation to the initiative [~~petition~~], the email described in Utah Code Subsection 20A-7-206(2)(c).

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(Name)

(Residence Address)

(Date)

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

(3) The county clerk shall, within 21 days after the day on which the county clerk receives [~~the~~] an initiative 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~~] initiative packet whether each name is that of a registered voter;

(c) except as provided in Subsection (4), post the name, voter identification number, and date of signature of each registered voter certified under Subsection (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 lieutenant governor.

(4) (a) If the county clerk timely receives a statement requesting signature removal under Subsection 20A-7-205(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 (3)(c); and

(ii) remove the voter's signature from the [~~signature packets and signature packet~~] initiative petition and the signature totals.

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

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

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

(5) The county clerk may not certify a signature under Subsection (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.

(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-7-206.1** is amended to read:

**20A-7-206.1. Provisions relating only to process for submitting an initiative to the Legislature for approval or rejection.**

(1) This section relates only to the process, described in Subsection 20A-7-201(1), for submitting an initiative to the Legislature for approval or rejection.

(2) Notwithstanding Section 20A-7-205, in order to qualify an initiative petition for submission to the Legislature, the sponsors, or an agent of the sponsors, shall deliver each signed and verified initiative packet to the county clerk of the county in which the initiative packet was circulated before 5 p.m. no later than November 15 before the next annual general session of the Legislature immediately after the initiative application is filed under Section 20A-7-202.

(3) Notwithstanding Section 20A-7-205, no later than December 15 before the annual general session of the Legislature, the county clerk shall, for an initiative for submission to the Legislature:

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

(b) certify on the [~~petition~~] initiative packet whether each name is that of a registered voter; and

(c) deliver the verified packets to the lieutenant governor.

(4) The county clerk may not certify a signature under Subsection (3) on an initiative packet that is not verified in accordance with Section 20A-7-205.

(5) 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

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county clerk.

Section 12. 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~~], the surname [shown on the petition], or both, provided by the individual with the individual's petition signature, 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~~] provided by the individual with the individual's petition signature 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~~] provided by the individual with the individual's petition signature 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;

(iv) the surname [~~shown on the petition~~] provided by the individual with the individual's petition signature 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~~] provided by the individual with the individual's petition signature that does not match a different initial or middle name shown on the official register.

(2) 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~~] provided by the individual with the individual's petition signature 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;

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(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~~] provided by the individual with the individual's petition signature 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~~] provided by the individual with the individual's petition signature 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) 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~~] an initiative 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 initiative petition exactly match a name and address shown on the official register and the signer's [~~signature~~] signatures on both the statement and the initiative petition [~~appears~~] appear substantially similar to the signature on the statewide voter registration database, the county clerk shall remove the signature from the initiative petition;

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

(i) the address on the statement and the [~~petition matches~~] address provided by the individual with the individual's petition signature match the address of an individual on the official register with a substantially similar name; and

(ii) the signer's [~~signature~~] signatures on both the statement and the initiative petition

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[appears] appear 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 initiative petition if:

(i) the birth date or age on the statement and [~~petition~~] the birth date or age provided by the individual with the individual's petition signature match the birth date or age of an individual on the official register with a substantially similar name; and

(ii) the signer's [~~signature~~] signatures on both the statement and the initiative petition [~~appears~~] appear 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 initiative petition.

Section 13. Section **20A-7-207** is amended to read:

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

(1) 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) The county clerk shall:

(a) in relation to the manual initiative process:

(i) post the names, voter identification numbers, and dates of signatures described in Subsection 20A-7-206(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 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



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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.

(3) The lieutenant governor:

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

(b) may declare the initiative petition to be insufficient before the day described in Subsection (3)(a) if:

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

(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

(iii) a requirement of this part has not been met.

(4) (a) If the total number of names certified under Subsection (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 initiative petition the word "sufficient."

(b) If the total number of names certified under Subsection (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 initiative petition the word

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"insufficient."

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

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

(6) (a) If the lieutenant governor refuses to [~~accept and file~~] declare an initiative petition sufficient 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~~] order finding the initiative petition legally sufficient.

(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,~~] mark the petition "sufficient" and consider the declaration of sufficiency effective as of the date on which the initiative petition [~~was originally offered for filing in~~] should have been declared sufficient by the lieutenant governor's office.

(c) If the court determines that [~~a~~] the initiative 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.

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

Section 14. Section **20A-7-208** is amended to read:

### **20A-7-208. Disposition of initiative petitions by the Legislature.**

(1) (a) Except as provided in Subsection (1)(b), when the lieutenant governor delivers an initiative petition to the Legislature, the law proposed by that initiative petition shall be either enacted or rejected without change or amendment by the Legislature.

(b) The speaker of the House and the president of the Senate may direct legislative staff to make technical corrections authorized by Section 36-12-12.

(c) If any law proposed by an initiative petition is enacted by the Legislature, the law is subject to referendum the same as other laws.

(2) If any law proposed by [~~a~~] an initiative petition is not enacted by the Legislature, that proposed law shall be submitted to a vote of the people at the next regular general election if:

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(a) sufficient additional signatures to the petition are first obtained to bring the total number of signatures up to the number required by Subsection 20A-7-201(2); and

(b) those additional signatures are verified, certified by the county clerks, and declared sufficient by the lieutenant governor as provided in this part.

Section 15. 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~~] statewide initiative that has qualified for the ballot "Proposition Number \_\_\_" and give it a number as assigned under Section 20A-6-107;

(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~~] initiative, not exceeding 125 words; and

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

(b) The short title and summary may be distinct from the title of the proposed law[ ~~attached to the initiative petition~~].

(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 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."

(d) For each [~~state~~] statewide initiative, the official ballot shall show, in the following order:

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

(ii) the short title; and

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(iii) the initial fiscal impact [~~estimate~~] statement prepared under Section 20A-7-202.5, as updated under Section 20A-7-204.1.

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

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

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

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

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

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

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

(A) any person or group that has filed an argument for or against the [~~measure~~] initiative that is the subject of the challenge; or

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

(b) (i) There is a presumption that the short title prepared by the Office of Legislative Research and General Counsel is an impartial description of the contents of the initiative.

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(ii) The court may not revise the wording of the short title unless the plaintiffs rebut the presumption by clearly and convincingly establishing that the short title is false or biased.

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

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

(c) The court shall:

(i) examine the short title and summary;

(ii) hear arguments; and

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

(d) The lieutenant governor shall, in accordance with the court's order, certify the short title and summary to the county clerks for inclusion in the ballot and ballot proposition insert, as required by this section.

Section 16. Section **20A-7-211** is amended to read:

**20A-7-211. Return and canvass -- Conflicting measures -- Law effective on proclamation.**

(1) The votes on the law proposed by the initiative petition shall be counted, canvassed, and delivered as provided in Title 20A, Chapter 4, Part 3, Canvassing Returns.

(2) After the state board of canvassers completes the canvass, the lieutenant governor shall certify to the governor the vote for and against the law proposed by the initiative petition.

(3) (a) The governor shall immediately issue a proclamation that:

(i) gives the total number of votes cast in the state for and against each law proposed by an initiative petition; and

(ii) declares those laws proposed by an initiative petition that [~~were~~] are approved by majority vote to be in full force and effect on the date described in Subsection 20A-7-212(2).

(b) When the governor believes that two proposed laws, or that parts of two proposed laws approved by the people at the same election are entirely in conflict, the governor shall proclaim [~~that measure to be law~~] as law the initiative that receives the greatest number of affirmative votes, regardless of the difference in the majorities which those [~~measures~~] initiatives receive.

(c) Within 10 days after the day of the governor's proclamation, any qualified voter

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who signed the initiative petition proposing the law that is declared by the governor to be superseded by another [~~measure~~] initiative approved at the same election may bring an action in the appropriate court to review the governor's decision.

(4) Within 10 days after the day on which the court issues an order in an action described in Subsection (3)(c), the governor shall:

(a) proclaim as law all [~~those measures~~] initiatives approved by the people [~~as law~~] that the court determines are not entirely in conflict; and

(b) of [~~all those measures~~] the initiatives approved by the people [~~as law~~] that the court determines to be entirely in conflict, proclaim as law, regardless of the difference in majorities, the law that receives the greatest number of affirmative votes, to be in full force and effect on the date described in Subsection 20A-7-212(2).

Section 17. Section **20A-7-213** is amended to read:

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

(1) It is unlawful for [~~any person~~] an individual to:

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

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

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

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

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

(2) It is unlawful for [~~any person~~] an 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 [~~person~~] individual does not meet the residency requirements of Section 20A-2-105;

(b) the signature date associated with the [~~person's~~] individual's signature for the initiative petition is not the date that the [~~person~~] individual signed the initiative petition;

(c) the [~~person~~] individual has not witnessed the signatures of those [~~persons~~]

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individuals whose signatures the ~~[person]~~ individual collects or submits; or

(d) one or more individuals who signed the initiative petition are not registered to vote in Utah.

(3) It is unlawful for ~~[any person]~~ an individual to:

(a) pay ~~[a person]~~ an individual to sign an initiative petition;

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

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

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

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

Section 18. Section **20A-7-214** is amended to read:

### **20A-7-214. Fiscal review -- Repeal, amendment, or resubmission.**

(1) No later than 60 days after the date of an election in which the voters approve an initiative ~~[petition]~~, the Office of the Legislative Fiscal Analyst shall:

(a) for each initiative approved by the voters, prepare a final fiscal impact statement, using current financial information and containing the information required by Subsection 20A-7-202.5(2); and

(b) deliver a copy of the final fiscal impact statement to:

(i) the president of the Senate;

(ii) the minority leader of the Senate;

(iii) the speaker of the House of Representatives;

(iv) the minority leader of the House of Representatives; and

(v) the first five sponsors listed on the initiative application.

(2) If the final fiscal impact statement exceeds the estimate in the initial fiscal impact ~~[estimate]~~ statement by 25% or more, the Legislature shall review the final fiscal impact statement and may, in any legislative session following the election in which the voters ~~[approved]~~ approve the initiative ~~[petition]~~:

(a) repeal the law established by passage of the initiative;

(b) amend the law established by passage of the initiative; or

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(c) pass a joint or concurrent resolution informing the voters that they may file an initiative petition to repeal the law enacted by [the] passage of the initiative.

Section 19. Section **20A-7-215** is amended 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:

"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~~] initiative 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)~~] 20A-7-202(2)(e)(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



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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 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)~~] 20A-7-204.1(6);

(d) a statement indicating whether persons gathering signatures for the initiative 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 initiative 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~~] initiative petition, 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 initiative petition will be made public.

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Do you wish to continue and sign this initiative 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 initiative petition through the signature process described in Section 20A-21-201.

Section 20. Section **20A-7-216** is amended 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 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 proposed by the initiative.

(4) A voter who has signed an initiative petition may have the voter's signature removed from the initiative 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:

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- (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 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 21. Section **20A-7-217** is amended 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 initiative application [~~for the initiative petition~~] is filed; or

(b) the February 15 immediately before the next regular general election immediately after the initiative 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 text of the law proposed by the initiative, the fiscal impact statement, and information on the deadline for removing your signature from

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the initiative 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] an initiative 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:

(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 initiative petition and the initiative 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 22. Section **20A-7-301** is amended to read:

### **20A-7-301. Referendum -- Signature requirements -- Submission to voters.**

(1) (a) A person seeking to have a law passed by the Legislature submitted to a vote of the people shall, after filing a referendum application, obtain:

(i) legal signatures equal to 8% of the number of active voters in the state on January 1 immediately following the last regular general election; and

(ii) from at least 15 Senate districts, legal signatures equal to 8% of the number of active voters in that Senate district on January 1 immediately following the last regular general election.

(b) When the lieutenant governor declares that a referendum petition is signed by a sufficient [under this part] number of voters to meet the requirements of Subsection (1)(a), the governor shall issue an executive order that:

(i) directs that the referendum be submitted to the voters at the next regular general

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election; or

(ii) calls a special election according to the requirements of Section 20A-1-203 and directs that the referendum be submitted to the voters at that special election.

(2) When the lieutenant governor declares that a referendum petition [~~has been declared~~] is signed by a sufficient number of voters, the law that is the subject of the petition does not take effect unless and until it is approved by a vote of the people at a regular general election or a statewide special election.

(3) The lieutenant governor shall provide the following information to any interested person:

(a) the number of active voters in the state on January 1 immediately following the last regular general election; and

(b) for each county, the number of active voters in that Senate district on January 1 immediately following the last regular general election.

Section 23. Section **20A-7-302** is amended to read:

### **20A-7-302. Referendum process -- Application procedures.**

(1) Individuals wishing to circulate a referendum petition shall file [~~an~~] a referendum application with the lieutenant governor before 5 p.m. within five calendar days after the day on which the legislative session at which the law passed ends.

(2) The referendum application shall [~~contain~~] include:

(a) the name and residence address of at least five sponsors of the referendum petition;

(b) a statement indicating that each of the sponsors is registered to vote in Utah;

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

(d) the signature of each of the sponsors, attested to by a notary public; and

(e) a copy of the law that is the subject of the proposed referendum.

Section 24. 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.

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

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"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 referendum petition;

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

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

I am registered to vote in Utah; 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.

(3) Each referendum 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, 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;

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(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 referendum petition, you are stating that you have read and understand the law that this referendum petition seeks to overturn." in 12-point type;

(e) the table described in Subsection (3)(d) shall be repeated, leaving sufficient room at the bottom of the sheet for the information described in Subsection (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~~] referendum petition, or to sign a referendum petition when the individual knows that the individual is not a registered voter.

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."

(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 referendum 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 vote in Utah.

Each individual who signed the referendum 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] referendum packet to encourage that individual to sign it.

---

(Name)

(Residence Address)

(Date).

(5) If the forms described in this section are substantially followed, the referendum petitions are sufficient, notwithstanding clerical and merely technical errors.

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

Section 25. Section **20A-7-304** is amended to read:

**20A-7-304. Manual referendum process -- Circulation requirements --  
Lieutenant governor to provide sponsors with materials.**



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

(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 (3), circulate referendum packets that meet the form requirements of this part.

(3) The lieutenant governor shall ~~[furnish to]~~ provide the sponsors~~[-]~~ with

~~[(a)]~~ a copy of the referendum petition~~[-]~~ and

~~[(b)]~~ a signature sheet~~[-]~~ within three days after the day on which the sponsors sign an agreement, under Subsection (6)(a), with the Office of the Lieutenant Governor specifying the range of numbers that the sponsors will use to number the referendum packets.

(4) The sponsors of the referendum petition shall:

(a) arrange and pay for the printing of ~~[all additional copies of the petition and signature sheets]~~ all documents that are part of the referendum packets; and

(b) ensure that the ~~[copies of the petition and signature sheets]~~ referendum packets and the documents described in Subsection (4)(a) meet the form requirements of this section.

(5) (a) The sponsors or an agent of the sponsors may prepare the referendum packets 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 with the text of the law that is the subject of the referendum and no more than 50 signature sheets together at the top in a manner that the referendum packets may be conveniently opened for signing.

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

(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]~~ referendum packets; ~~[and]~~

(ii) sign an agreement with the Office of the Lieutenant Governor, specifying the range of numbers that the sponsor will use to number the referendum packets; and

~~[(ii)]~~ (iii) number each [signature] referendum 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]~~ referendum packet in a manner not directed by the lieutenant

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governor's office; or

(ii) circulate or submit a ~~[signature]~~ referendum 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 (6)(a).]~~

Section 26. 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(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) a copy of the law that is the subject of the referendum petition; and

(c) information describing how an individual may remove the individual's signature from the referendum 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.

Section 27. 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.

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

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

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

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(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.

(4) (a) A voter who has signed a referendum petition may have the voter's signature removed from the referendum 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).

(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 (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).

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

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

Section 28. 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.

(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 referendum packet was

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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 (2)(a).

(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~~] referendum packet whether each name is that of a registered voter;

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

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

(4) (a) If the county clerk timely receives a statement requesting signature removal under Subsection 20A-7-305(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 (3)(c); and

(ii) remove the voter's signature from the [~~signature packets and signature packet~~] referendum petition and the signature totals.

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

(i) the deadline described in Subsection (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(4).

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

(a) on [~~an initiative~~] a referendum 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.

(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

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the county clerk.

Section 29. 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~~], the surname [~~shown on the petition~~], or both, provided by the individual with the individual's petition signature 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~~] provided by the individual with the individual's petition signature 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~~] provided by the individual with the individual's petition signature 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;

(iv) the surname [~~shown on the petition~~] provided by the individual with the individual's petition signature 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~~] provided by the individual with the individual's petition signature that does not match a different initial or middle name shown on the official register.

(2) 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~~] if a signer's name and address [~~shown on the petition~~] provided by the individual with the individual's petition signature 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[-];

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(b) [~~When~~] 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~~] provided by the individual with the individual's petition signature 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~~] 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~~] provided by the individual with the individual's petition signature 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)[~~;~~]; and

(d) [~~If~~] 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) 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 referendum 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 referendum petition exactly match a name and address shown on the official register and the signer's [~~signature~~] signatures on both the statement and the referendum petition [~~appears~~] appear substantially similar to the signature on the statewide voter registration database, the county clerk shall remove the signature from the referendum petition;

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

(i) the address on the statement and the [~~petition matches~~] address provided by the individual with the individual's petition signature match the address of an individual on the official register with a substantially similar name; and

(ii) the signer's [~~signature~~] signatures on both the statement and the referendum petition

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[appears] appear 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 referendum petition if:

(i) the birth date or age on the statement and [petition] the birth date or age provided by the individual with the individual's petition signature match the birth date or age of an individual on the official register with a substantially similar name; and

(ii) the signer's [signature] signatures on both the statement and the referendum petition [appears] appear 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 referendum petition.

Section 30. Section **20A-7-307** is amended to read:

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

(1) 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) The county clerk shall:

(a) in relation to the manual referendum process:

(i) post the names, voter identification numbers, and dates of signatures described in Subsection [~~20A-7-306(2)(c)~~] 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.

(3) The lieutenant governor:

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

(b) may declare the referendum petition to be insufficient before the day described in Subsection (3)(a) if:

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

(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

(iii) a requirement of this part has not been met.

(4) (a) If the total number of names certified under Subsection (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 referendum petition the word "sufficient."

(b) If the total number of names certified under Subsection (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 referendum petition the word "insufficient."

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

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

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



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appropriate court for [~~an extraordinary writ to compel the lieutenant governor to accept and file~~] an order finding the referendum petition legally sufficient.

(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,~~] mark the referendum petition "sufficient" and consider the declaration of sufficiency effective as of the date on which the referendum petition [~~was originally offered for filing in~~] should have been declared sufficient by the lieutenant governor's office.

(c) If the court determines that a referendum 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.

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

Section 31. Section **20A-7-308** is amended to read:

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

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

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

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

(ii) prepare for each referendum:

(A) an impartial short title, not exceeding 25 words, that generally describes the [~~measure~~] law to which the referendum relates; and

(B) an impartial summary of the contents of the [~~measure~~] law to which the referendum relates, not exceeding 125 words; and

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

(b) The short title and summary may be distinct from the title of the law that is the

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subject of the [~~petition~~] referendum.

(c) For each [~~state~~] statewide referendum, the official ballot shall show, in the following order:

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

(ii) the short title described in this section.

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

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

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

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

(3) Immediately after the Office of Legislative Research and General Counsel submits the short title and summary to the lieutenant governor, the lieutenant governor shall mail or email a copy of the short title and summary to any of the sponsors of the referendum petition.

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

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

(A) any person or group that has filed an argument for or against the [~~measure that is the subject of the challenge~~] law to which the referendum relates; and

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

(b) (i) There is a presumption that the short title prepared by the Office of Legislative Research and General Counsel is an impartial description of the contents of the referendum.

(ii) The court may not revise the wording of the short title unless the plaintiffs rebut the presumption by clearly and convincingly establishing that the short title is false or biased.

(iii) There is a presumption that the summary prepared by the Office of Legislative Research and General Counsel is an impartial summary of the contents of the [measure] law to which the referendum relates.

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

(c) The court shall:

(i) examine the short title and summary;

(ii) hear arguments; and

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

(d) The lieutenant governor shall, in accordance with the court's order, certify the short title and summary to the county clerks for inclusion in the ballot or ballot proposition insert, as required by this section.

Section 32. Section **20A-7-309** is amended to read:

### **20A-7-309. Form of ballot -- Manner of voting.**

(1) A county clerk shall ensure that the number and ballot title certified by the lieutenant governor are presented upon the official ballot with, immediately adjacent to the number and ballot title, the words "For" and "Against," each word presented with an adjacent square in which a voter may indicate the voter's vote.

(2) (a) (i) A voter desiring to vote in favor of the law that is the subject of the referendum shall mark the square adjacent to the word "For."

(ii) The law that is the subject of the referendum takes effect if a majority of voters mark "For."

(b) (i) A voter desiring to vote against the law that is the subject of the referendum

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[petition] shall mark the square adjacent to the word "Against."

(ii) The law that is the subject of the referendum does not take effect if a majority of voters mark "Against."

Section 33. Section **20A-7-310** is amended to read:

### **20A-7-310. Return and canvass -- Conflicting measures.**

(1) The votes on the law [~~proposed by~~] that is the subject of the referendum petition shall be counted, canvassed, and delivered as provided in Title 20A, Chapter 4, Part 3, Canvassing Returns.

(2) After the state board of canvassers completes its canvass, the lieutenant governor shall certify to the governor the vote for and against the law [~~proposed by~~] that is the subject of the referendum petition.

(3) (a) The governor shall immediately issue a proclamation that:

(i) gives the total number of votes cast in the state for and against each law [~~proposed by~~] that is the subject of a referendum petition; and

(ii) declares those laws [~~proposed by~~] that are the subject of a referendum petition that [~~were~~] are approved by majority vote to be in full force and effect as the law of Utah on the effective date described in Section 20A-7-311.

(b) When the governor [~~believes~~] determines that two [~~proposed~~] laws, or that parts of two [~~proposed~~] laws approved by the people at the same election are entirely in conflict, the governor shall proclaim [~~that measure~~] to be law the law that [~~has~~] received the greatest number of affirmative votes, regardless of the difference in the majorities which those [~~measures have~~] approved laws received.

(4) (a) Within 10 days after the [~~governor's~~] day on which the governor issues the proclamation described in Subsection (3), any qualified voter who signed the referendum petition [~~proposing~~] for the law that is declared by the governor to be superseded by another [~~measure~~] law approved at the same election may apply to the appropriate court to review the governor's decision.

(b) The court shall:

(i) consider the matter and decide whether the [~~proposed~~] approved laws are in conflict; and

(ii) enter an order consistent with the court's decision.

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(5) Within 10 days after the day on which the court enters an order described in Subsection (4)(b)(ii), the governor shall:

(a) proclaim as law all those [~~measures~~] laws approved by the people [~~as law~~] that the court determines are not in conflict; and

(b) of all those [~~measures~~] laws approved by the people as law that the court determines to be in conflict, proclaim as law the one that receives the greatest number of affirmative votes, regardless of difference in majorities.

Section 34. Section **20A-7-311** is amended to read:

### **20A-7-311. Temporary stay -- Effective date -- Effect of repeal by Legislature.**

(1) If, at the time during the counting period described in Section 20A-7-307, the lieutenant governor determines that, at that point in time, an adequate number of signatures are certified to comply with the signature requirements, the lieutenant governor shall:

(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.

(2) The temporary stay described in Subsection (1) remains in effect, regardless of whether a future count falls below the signature threshold, until the day on which:

(a) if the lieutenant governor declares the referendum petition insufficient, five days after the day on which the lieutenant governor declares the referendum petition insufficient; or

(b) if the lieutenant governor declares the referendum petition sufficient, the day on which governor issues the proclamation described in Section 20A-7-310.

(3) 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 governor; or

(b) the effective date specified in the [~~proposed~~] approved law.

(4) If, after the lieutenant governor issues a temporary stay order under Subsection (1)(a), the lieutenant governor declares the referendum petition insufficient, the [~~proposed~~] law that is the subject of the referendum petition takes effect the later of:

(a) five days after the day on which the lieutenant governor declares the referendum petition insufficient; or

(b) the effective date specified in the [~~proposed~~] law that is the subject of the

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### referendum petition.

(5) (a) The governor may not veto a law [~~adopted~~] approved by the people.

(b) The Legislature may amend any laws approved by the people at any legislative session after the people approve the law.

(6) If the Legislature 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 35. 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~~]

referendum petition at one election;

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

(d) sign a referendum 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 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 associated with the person's signature for the referendum petition is not the date that the person signed the referendum petition;

(c) the person has not witnessed the signatures of those persons whose signatures the person collects or submits; or

(d) one or more individuals who sign the referendum petition are not 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.

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

Section 36. Section **20A-7-313** is amended 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 referendum 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 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;

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I am personally signing this referendum 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] referendum petition, 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 referendum petition will be made public.

Do you wish to continue and sign this referendum 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 referendum petition through the signature process described in Section 20A-21-201.

Section 37. Section **20A-7-314** is amended to read:

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

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

(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.



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(4) A voter who has signed a referendum petition may have the voter's signature removed from the referendum 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 38. Section **20A-7-315** is amended to read:

**20A-7-315. 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., 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:

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"You signed a petition for the following referendum:

[insert title of [initiative] referendum]

To access a copy of the referendum petition, the law that is the subject of the referendum petition, and information on the deadline for removing your signature from the referendum 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 referendum 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 referendum 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 39. Section **20A-7-501** is amended to read:

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

(1) As used in this section:

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

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

(2) An eligible voter seeking to have an initiative submitted to a local legislative body or to a vote of the people for approval or rejection shall, after filing an initiative application,

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obtain legal signatures equal to:

(a) for a county of the first class:

(i) 7.75% of the number of active voters in the county; and

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

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

(i) 7.5% of the number of active voters in the metro township or city; and

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

(c) for a county of the second class:

(i) 8% of the number of active voters in the county; and

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

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

(i) 8.25% of the number of active voters in the metro township or city; and

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

(e) for a county of the third class:

(i) 9.5% of the number of active voters in the county; and

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

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

(i) 10% of the number of active voters in the metro township or city; and

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

(g) for a county of the fourth class:

(i) 11.5% of the number of active voters in the county; and

(ii) beginning on January 1, 2020, 11.5% of the number of active voters in at least 75%

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of the county's voter participation areas;

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

(i) 11.5% of the number of active voters in the metro township or city; and

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

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

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

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

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

(b) The local legislative body may:

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

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

(iii) reject the proposed law.

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

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

(ii) If a local legislative body of a municipality rejects a proposed law, or takes no action on a proposed law, the municipal recorder or clerk shall submit the proposed law to the voters of the municipality at the next municipal general election immediately after the

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[~~petition~~] initiative application is filed under Section 20A-7-502.

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

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

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

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

Section 40. Section **20A-7-502** is amended to read:

### **20A-7-502. Local initiative process -- Application procedures.**

(1) Individuals wishing to circulate an initiative petition shall file an initiative application with the local clerk.

(2) The initiative application shall [~~contain~~] include:

(a) the name and residence address of at least five sponsors of the initiative petition;

(b) a statement indicating that each of the sponsors is registered to vote in Utah;

(c) the signature of each of the sponsors, acknowledged by a notary public;

(d) a copy of the proposed law that includes:

(i) the title of the proposed law that clearly expresses the subject of the law;

(ii) 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; and

(iii) the text of the proposed law;

(e) 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."; and

(f) a statement indicating whether persons gathering signatures for the initiative petition may be paid for gathering signatures.

(3) A proposed law submitted under this section may not contain more than one subject

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to the same extent that a bill may not pass containing more than one subject as provided in Utah Constitution, Article VI, Section 22.

Section 41. Section **20A-7-502.5** is amended to read:

### **20A-7-502.5. Initial fiscal and legal impact statement -- Preparation of statement.**

(1) Within three business days after the day on which the local clerk receives an initiative application [~~for an initiative petition~~], the local clerk shall submit a copy of the [~~proposed law~~] initiative application to the county, city, or town's budget officer.

(2) (a) The budget officer, together with legal counsel, shall prepare an unbiased, good faith [~~estimate of the~~] initial fiscal and legal impact [~~of~~] statement for the proposed law [~~proposed by the initiative~~] that contains:

(i) a dollar amount representing the total estimated fiscal impact of the proposed law;

(ii) if the proposed law would increase or decrease taxes, a dollar amount representing the total estimated increase or decrease for each type of tax affected under the proposed law and a dollar amount representing the total estimated increase or decrease in taxes under the proposed law;

(iii) if the proposed law would increase taxes, the tax percentage difference and the tax percentage increase;

(iv) if the proposed law would result in the issuance or a change in the status of bonds, notes, or other debt instruments, a dollar amount representing the total estimated increase or decrease in public debt under the proposed law;

(v) a listing of all sources of funding for the estimated costs associated with the proposed law showing each source of funding and the percentage of total funding provided from each source;

(vi) a dollar amount representing the estimated costs or savings, if any, to state and local government entities under the proposed law;

(vii) the proposed law's legal impact, including:

(A) any significant effects on a person's vested property rights;

(B) any significant effects on other laws or ordinances;

(C) any significant legal liability the city, county, or town may incur; and

(D) any other significant legal impact as determined by the budget officer and the legal counsel; and

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(viii) a concise explanation, not exceeding 100 words, of the ~~[above]~~ information described in this Subsection (2)(a) and of the estimated fiscal impact, if any, under the proposed law.

(b) (i) If the proposed law is estimated to have no fiscal impact, the local budget officer shall include a summary statement in the initial fiscal impact and legal statement in substantially the following form:

"The (title of the local budget officer) estimates that the law proposed by this initiative would have no significant fiscal impact and would not result in either an increase or decrease in taxes or debt."

(ii) If the proposed law is estimated to have a fiscal impact, the local budget officer shall include a summary statement in the initial fiscal impact ~~[estimate]~~ and legal statement in substantially the following form:

"The (title of the local budget officer) estimates that the law proposed by this initiative would result in a total fiscal expense/savings of \$\_\_\_\_\_, which includes a (type of tax or taxes) tax increase/decrease of \$\_\_\_\_\_ and a \$\_\_\_\_\_ increase/decrease in public debt."

(iii) If the estimated fiscal impact of the proposed law is highly variable or is otherwise difficult to reasonably express in a summary statement, the local budget officer may include in the summary statement a brief explanation that identifies those factors affecting the variability or difficulty of the estimate.

(iv) If the proposed law would increase taxes, the local budget officer shall include a summary statement in the initial fiscal impact and legal statement in substantially the following form:

"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."

(3) The budget officer shall prepare an unbiased, good faith estimate of the cost of printing and distributing information related to the initiative petition in the voter information pamphlet as required by Section 20A-7-402.

(4) Within 20 calendar days after the day on which the local clerk submits a copy of the proposed law under Subsection (1), the budget officer shall:

(a) deliver a copy of the initial fiscal impact ~~[estimate, including the legal impact~~

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~~estimate,~~] and legal statement to the local clerk's office; and

(b) mail a copy of the initial fiscal impact [~~estimate, including the legal impact estimate,~~] and legal statement to the first three sponsors named in the initiative application.

Section 42. 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~~] and legal statement under Subsection 20A-7-502.5(4)(a), the local clerk shall post the following information together in a conspicuous place on the local clerk's website:

(a) the initiative application;

~~[(a)]~~ (b) the initiative petition;

~~[(b)]~~ (c) the [~~initiative~~] text of the proposed law;

~~[(c)]~~ (d) the initial fiscal impact [~~estimate~~] and legal statement; and

~~[(d)]~~ (e) information describing how an individual may remove the individual's signature from the [~~signature~~] initiative 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 43. 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 initiative 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 [~~m~~] that is the subject of 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 [~~m~~] that is the subject of an initiative application is legally



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referable to voters unless:

(a) the proposed law;

~~(i)~~ (i) is patently unconstitutional;

~~(b)~~ ~~(ii)~~ ~~[the proposed law]~~ is nonsensical;

~~(c)~~ ~~(iii)~~ ~~[the proposed law]~~ is administrative, rather than legislative, in nature;

~~(d)~~ ~~(iv)~~ ~~[the proposed law]~~ could not become law if passed;

~~(e)~~ ~~(v)~~ ~~[the proposed law]~~ contains more than one subject as evaluated in accordance with Subsection 20A-7-502(3); or

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

~~(g)~~ ~~(b)~~ ~~[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, within two years before the day on which the initiative application for the current proposed ~~[initiative]~~ law is filed; ~~[or]~~

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

~~(h)~~ ~~(d)~~ the initiative 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]~~ by the initiative ~~[petition]~~ application is legally referable to voters, the local clerk shall comply with Subsection 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.

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Section 44. Section **20A-7-503** is amended to read:

### **20A-7-503. Manual initiative process -- Form of initiative petition and signature sheet.**

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

(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.

Each signer says:

I have personally signed initiative 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; 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 (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.

(3) Each initiative 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;

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- (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;
  - (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,

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

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

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

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

(ii) the summary statement in the initial fiscal impact [~~estimate's summary~~] and legal 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;

(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~~] initiative petition, or to sign an initiative petition when the individual knows that the individual is not a registered voter.

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."

(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:

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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.

---

(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)".
--------	---------------------	----------

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

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

Section 45. 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.

(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 (3) and 20A-7-401.5(4)(b), circulate initiative packets that meet the form requirements of this part.

(3) Within five days after the day on which a county, city, town, metro township, or

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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]~~ provide to the sponsors:

(a) a copy of the initiative petition; and

(b) a signature sheet.

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

(a) arrange and pay for the printing of all ~~[additional copies of the petition and signature sheets]~~ documents that are part of the initiative packets; and

(b) ensure that the ~~[copies of the petition and signature sheets]~~ initiative packets and the documents described in Subsection (4)(a) meet the ~~[form]~~ requirements of this ~~[section]~~ part.

(5) (a) The sponsors or an agent of the sponsors may prepare the initiative packets 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 with the text of the proposed law and no more than 50 signature sheets together at the top in a manner that the initiative 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 initiative packet, a copy of the proposition information pamphlet provided to the sponsors under Subsection 20A-7-401.5(4)(b).

(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]~~ initiative packets; and

(ii) number each ~~[signature]~~ initiative 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]~~ an initiative packet in a manner not directed by the county clerk; or

(ii) circulate or submit ~~[a signature]~~ an initiative 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

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Subsection (6)(a).

Section 46. 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.

(2) A Utah voter may sign a local initiative petition if the voter is a legal voter and resides in the local jurisdiction.

(3) (a) The sponsors shall ensure that the individual in whose presence each initiative 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~~] initiative packet 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 individual signed a signature sheet in the initiative packet.

(4) (a) A voter who has signed an initiative petition may have the voter's signature removed from the initiative 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);

(iii) 316 days after the day on which the initiative application is filed; or

(iv) (A) for a county initiative, April 15 immediately before the next regular general election immediately after the initiative 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 initiative 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

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(D) the date of the signature described in Subsection (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 (4)(a).

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

Section 47. 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 initiative 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 initiative application is filed; or

(iii) (A) for a county initiative, April 15 immediately before the next regular general election immediately after the initiative 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 initiative 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~~] an initiative 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(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:



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"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 and legal 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~~] initiative 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-7-506(2)(c).

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

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

(3) The county clerk shall, within 21 days after the day on which the county clerk receives [~~the~~] an initiative 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~~] initiative packet whether each name is that of a registered voter;

(c) except as provided in Subsection (4), post the name, voter identification number, and date of signature of each registered voter certified under Subsection (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.

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(4) (a) If the county clerk timely receives a statement requesting signature removal under Subsection 20A-7-505(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 (3)(c); and

(ii) remove the voter's signature from the [~~signature packets and signature packet~~] initiative petition and the signature totals.

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

(i) the deadline described in Subsection (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(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 (3)(c) during the period of time described in Subsection 20A-7-507(3)(a).

(5) The county clerk may not certify a signature under Subsection (3) on an initiative packet that is not verified in accordance with Section 20A-7-505.

(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 48. 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~~], the surname [~~shown on the petition~~], or both, provided by the individual with the individual's petition signature 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~~] provided by the individual with the individual's petition signature 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~~] provided by the individual with the individual's petition signature exactly matches the surname shown on the official register, and

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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~~] provided by the individual with the individual's petition signature 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~~] provided by the individual with the individual's petition signature that does not match a different initial or middle name shown on the official register.

(2) 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~~] if a signer's name and address [~~shown on the petition~~] provided by the individual with the individual's petition signature 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~~] 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~~] provided by the individual with the individual's petition signature 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~~] 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~~] provided by the individual with the individual's petition signature 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

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(d) [Hf] 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) 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] an initiative 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 initiative petition exactly match a name and address shown on the official register and the signer's [signature] signatures on both the statement and the initiative petition [appears] appear substantially similar to the signature on the statewide voter registration database, the county clerk shall remove the signature from the initiative petition;

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

(i) the address on the statement and the [~~petition matches~~] address provided by the individual with the individual's petition signature match the address of an individual on the official register with a substantially similar name; and

(ii) the signer's [signature] signatures on both the statement and the initiative petition [appears] appear 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 initiative petition if:

(i) the birth date or age on the statement and [~~petition~~] the birth date or age provided by the individual with the individual's petition signature match the birth date or age of an individual on the official register with a substantially similar name; and

(ii) the signer's [signature] signatures on both the statement and the initiative petition [appears] appear 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 initiative petition.

Section 49. Section **20A-7-507** is amended to read:

**20A-7-507. Evaluation by the local clerk.**

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(1) 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) The county clerk shall:

(a) in relation to the manual initiative process:

(i) post the names, voter identification numbers, and dates of signatures described in Subsection 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.

(3) The local clerk:

(a) shall, except as provided in Subsection (3)(b), declare the initiative petition 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(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

(b) may declare the initiative petition to be insufficient before the day described in Subsection (3)(a) if:

(i) in relation to the manual initiative process, the total of all valid signatures on timely and lawfully submitted [signature] initiative packets that have been certified by the county clerks, plus the number of signatures on timely and lawfully submitted [signature] initiative packets that have not yet been evaluated for certification, is less than the number of names required under Section 20A-7-501;

(ii) in relation to the electronic initiative process, the total of all timely and lawfully

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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

(iii) a requirement of this part has not been met.

(4) (a) If the total number of names certified 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 initiative petition the word "sufficient."

(b) If the total number of names certified 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 initiative petition the word "insufficient."

(c) The local clerk shall immediately notify any one of the sponsors of the local clerk's finding.

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

(5) If the local clerk finds the total number of certified signatures [~~from each verified signature sheet to~~] for the initiative petition to be insufficient, any sponsor may file a written demand with the local clerk for a recount of the signatures [~~appearing on~~] collected for the initiative petition in the presence of any sponsor.

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

Section 50. Section **20A-7-508** is amended to read:

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

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

(2) The local attorney shall:

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

(b) prepare for [~~the~~] each initiative:

(i) an impartial short title, not exceeding 25 words, that generally describes the subject

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of the initiative; and

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

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

(d) promptly provide notice of the filing of the proposed short title and summary to:

(i) the sponsors of the [petition] initiative; and

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

(3) (a) The short title and summary may be distinct from the title of the proposed law [~~attached to the initiative petition~~].

(b) In preparing a short title, the local attorney shall, to the best of the local attorney's ability, give a true and impartial description of the subject of the initiative.

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

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

(e) If the initiative proposes a tax increase, the local attorney shall include the following statement, in bold, in the 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."

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

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

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

(ii) prepare a final short title and summary that meets the requirements of Subsection

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(3); and

(iii) return the initiative petition and file the short title and summary with the local clerk.

(c) Subject to Subsection (6):

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

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

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

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

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

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

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

(i) at least three sponsors of the initiative [~~petition~~]; or

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



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(b) The court:

(i) shall examine the short title and summary and consider arguments; and

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

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

Section 51. Section **20A-7-510** is amended to read:

### **20A-7-510. Return and canvass -- Conflicting measures -- Law effective on proclamation.**

(1) The votes on the law proposed by the initiative petition shall be counted, canvassed, and delivered as provided in Title 20A, Chapter 4, Part 3, Canvassing Returns.

(2) After the local board of canvassers completes the canvass, the local clerk shall certify to the local legislative body the vote for and against the law proposed by the initiative petition.

(3) (a) The local legislative body shall immediately issue a proclamation that:

(i) gives the total number of votes cast in the local jurisdiction for and against each law proposed by an initiative petition; and

(ii) declares those laws proposed by an initiative petition that [~~were~~ are] approved by majority vote to be in full force and effect as the law of the local jurisdiction.

(b) When the local legislative body determines that two proposed laws, or that parts of two proposed laws approved by the people at the same election are entirely in conflict, the local legislative body shall proclaim [~~that measure to be~~] as law the initiative that received the greatest number of affirmative votes, regardless of the difference in the majorities which those [~~measures~~] initiatives have received.

(c) (i) Within 10 days after the day on which the local legislative body issues the proclamation, any qualified voter who signed the initiative petition proposing the law that is declared by the local legislative body to be superseded by another [~~measure~~] initiative approved at the same election may bring an action in the appropriate court to review the decision.

(ii) The court shall:

(A) consider the matter and decide whether the proposed laws are entirely in conflict; and

(B) issue an order, consistent with the court's decision, to the local legislative body.

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(4) Within 10 days after the day on which the court enters an order under Subsection (3)(c)(ii), the local legislative body shall:

(a) proclaim as law all [~~measures~~] initiatives approved by the people that the court determines are not in conflict; and

(b) for the [~~measures~~] initiatives approved by the people as law that the court determines to be in conflict, proclaim as law the [~~measure~~] initiative that received the greatest number of affirmative votes, regardless of the difference in majorities.

Section 52. 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~~] an initiative petition or a statement described in Subsection 20A-7-505(4) or 20A-7-515(4);

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

(c) knowingly indicate that an individual who signed an initiative petition signed the initiative petition on a date other than the date that the individual signed the initiative petition;

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

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

(2) It is unlawful for [~~any~~] an 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 signature date associated with the individual's signature for the initiative petition is not the date that the individual signed the initiative petition;

~~(b)~~ (c) the individual has not witnessed the signatures of the individuals whose signatures the individual collects or submits; or

~~(c)~~ (d) one or more individuals who signed the initiative petition are not registered to vote in Utah.

(3) It is unlawful for an individual to:

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

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

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

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

~~[(3)]~~ (4) ~~[An individual who violates this part is guilty of]~~ A violation of this section is

a class A misdemeanor.

Section 53. Section **20A-7-513** is amended to read:

### **20A-7-513. Fiscal review -- Repeal, amendment, or resubmission.**

(1) No later than 60 days after the date of an election in which the voters approve an initiative [~~petition~~], the budget officer shall:

(a) for each initiative approved by the voters, prepare a final fiscal impact statement, using current financial information and containing the information required by Subsection 20A-7-502.5(2), except for the information required by Subsection 20A-7-502.5(2)(a)(vii); and

(b) deliver a copy of the final fiscal impact statement to:

(i) the local legislative body of the jurisdiction where the initiative was circulated;

(ii) the local clerk; and

(iii) the first three sponsors listed on the initiative application.

(2) If the final fiscal impact statement exceeds the estimate in the initial fiscal impact [~~estimate~~] and legal statement by 25% or more, the local legislative body shall review the final fiscal impact statement and may, by a majority vote:

(a) repeal the law established by passage of the initiative;

(b) amend the law established by the passage of the initiative; or

(c) pass a resolution informing the voters that they may file an initiative petition to repeal the law enacted by [~~the~~] passage of the initiative.

Section 54. Section **20A-7-514** is amended 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

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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."

(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 from the initial fiscal impact and legal 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 initiative 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;

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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] initiative petition, 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 initiative petition will be made public.

Do you wish to continue and sign this initiative 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 55. Section **20A-7-515** is amended 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

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the initiative.

(4) (a) A voter who has signed an initiative petition may have the voter's signature removed from the initiative 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 initiative application is filed; or

(iv) (A) for a county initiative, April 15 immediately before the next regular general election immediately after the initiative 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 initiative 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 56. Section **20A-7-516** is amended 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:

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

(b) (i) for a county initiative, April 15 immediately before the next regular general election immediately after the initiative 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 initiative 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 text of the law proposed by the initiative, the initial fiscal impact and legal statement, and information on the deadline for removing your signature from the initiative 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] an initiative 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 initiative petition and the initiative 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

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requesting signature removal under Subsection 20A-7-515(4).

Section 57. Section **20A-7-601** is amended to read:

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

(1) As used in this section:

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

(b) "Qualifying county" means a county that has created a small public transit district, as defined in Section 17B-2a-802, on or before January 1, 2022.

(c) "Qualifying transit area" means:

(i) a station area, as defined in Section 10-9a-403.1, for which the municipality with jurisdiction over the station area has satisfied the requirements of Subsection 10-9a-403.1(2)(a), as demonstrated by the adoption of a station area plan or resolution under Subsection 10-9a-403.1(2); or

(ii) a housing and transit reinvestment zone, as defined in Section 63N-3-602, created within a qualifying county.

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

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

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

(f) "Transit area land use law" means a land use law that relates to the use of land within a qualifying transit area.

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

(2) Except as provided in Subsections (3) through (5), an eligible voter seeking to have a local law passed by the local legislative body submitted to a vote of the people shall, after filing a referendum application, obtain legal signatures equal to:



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(a) for a county of the first class:

(i) 7.75% of the number of active voters in the county; and

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

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

(i) 7.5% of the number of active voters in the metro township or city; and

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

(c) for a county of the second class:

(i) 8% of the number of active voters in the county; and

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

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

(i) 8.25% of the number of active voters in the metro township or city; and

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

(e) for a county of the third class:

(i) 9.5% of the number of active voters in the county; and

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

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

(i) 10% of the number of active voters in the metro township or city; and

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

(g) for a county of the fourth class:

(i) 11.5% of the number of active voters in the county; and

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

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

(i) 11.5% of the number of active voters in the metro township or city; and

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

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

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

(3) Except as provided in Subsection (4) or (5), an eligible voter seeking to have a land use law or local obligation law passed by the local legislative body submitted to a vote of the people shall, after filing a referendum application, obtain legal signatures equal to:

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

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

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

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

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

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

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

(i) 15% of the number of active voters in the metro township or city; and

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

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

(i) 16% of the number of active voters in the metro township or city; and

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

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

(i) 27.5% of the number of active voters in the metro township or city; and

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

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

(i) 29% of the number of active voters in the metro township or city; and

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

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

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

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

(a) 10% of the number of active voters in the subjurisdiction if the number of active voters exceeds 25,000;

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

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

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

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

(f) 30% of the number of active voters in the subjurisdiction if the number of active voters does not exceed 250.

(5) An eligible voter seeking to have a transit area land use law passed by the local legislative body submitted to a vote of the people shall, after filing a referendum application,

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obtain legal signatures equal to:

(a) for a county:

(i) 20% of the number of active voters in the county; and

(ii) 21% of the number of active voters in at least 75% of the county's voter

participation areas;

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

class:

(i) 20% of the number of active voters in the metro township or city; and

(ii) 20% of the number of active voters in at least 75% of the metro township's or city's

voter participation areas;

(c) for a metro township with a population of 65,000 or more but less than 100,000, or

a city of the second class:

(i) 20% of the number of active voters in the metro township or city; and

(ii) 21% of the number of active voters in at least 75% of the metro township's or city's

voter participation areas;

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

city of the third class:

(i) 34% of the number of active voters in the metro township or city; and

(ii) 34% of the number of active voters in at least 75% of the metro township's or city's

voter participation areas;

(e) for a metro township with a population of 10,000 or more but less than 30,000, or a

city of the fourth class:

(i) 36% of the number of active voters in the metro township or city; and

(ii) 36% of the number of active voters in at least 75% of the metro township's or city's

voter participation areas; or

(f) for a metro township with a population less than 10,000, a city of the fifth class, or a

town, 40% of the number of active voters in the metro township, city, or town.

(6) Sponsors of any referendum petition challenging, under Subsection (2), (3), (4), or (5), any local law passed by a local legislative body shall file the application before 5 p.m.

within seven days after the day on which the local law was passed.

(7) Nothing in this section authorizes a local legislative body to impose a tax or other

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payment obligation on a subjurisdiction in order to benefit an area outside of the subjurisdiction.

Section 58. Section **20A-7-602** is amended to read:

### **20A-7-602. Local referendum process -- Application procedures.**

- (1) Individuals wishing to circulate a referendum petition shall file ~~[an]~~ a referendum application with the local clerk.
- (2) The referendum application shall ~~[contain]~~ include:
  - (a) the name and residence address of at least five sponsors of the referendum petition;
  - (b) a statement indicating that each of the sponsors is registered to vote in Utah;
  - (c) a statement indicating whether persons gathering signatures for the referendum petition may be paid for gathering signatures;
  - (d) the signature of each of the sponsors, acknowledged by a notary public; and
  - (e) (i) if the referendum challenges an ordinance or resolution, ~~[one copy of the law]~~ a copy of the ordinance or resolution; or
  - (ii) if the referendum challenges a local law that is not an ordinance or resolution, a written description of the local law, including the result of the vote on the local law.

Section 59. Section **20A-7-602.5** is amended to read:

### **20A-7-602.5. Initial fiscal and legal impact statement -- Preparation of statement.**

- (1) Within three business days after the day on which the local clerk receives ~~[an]~~ a referendum application ~~[for a referendum petition]~~, the local clerk shall submit a copy of the referendum application to the county, city, or town's budget officer.
- (2) (a) The budget officer, together with legal counsel, shall prepare an unbiased, good faith ~~[estimate of the]~~ initial fiscal and legal impact ~~[of]~~ statement for repealing the law the referendum proposes to repeal that contains:
  - (i) a dollar amount representing the total estimated fiscal impact of repealing the law;
  - (ii) if repealing the law would increase or decrease taxes, a dollar amount representing the total estimated increase or decrease for each type of tax that would be impacted by the law's repeal and a dollar amount representing the total estimated increase or decrease in taxes that would result from the law's repeal;
  - (iii) if repealing the law would result in the issuance or a change in the status of bonds, notes, or other debt instruments, a dollar amount representing the total estimated increase or

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decrease in public debt that would result;

(iv) a listing of all sources of funding for the estimated costs that would be associated with the law's repeal, showing each source of funding and the percentage of total funding that would be provided from each source;

(v) a dollar amount representing the estimated costs or savings, if any, to state and local government entities if the law were repealed;

(vi) the legal impacts that would result from repealing the law, including:

(A) any significant effects on a person's vested property rights;

(B) any significant effects on other laws or ordinances;

(C) any significant legal liability the city, county, or town may incur; and

(D) any other significant legal impact as determined by the budget officer and the legal counsel; and

(vii) a concise explanation, not exceeding 100 words, of the ~~[above]~~ information described in this Subsection (2)(a) and of the estimated fiscal impact, if any, if the law were repealed.

(b) (i) If repealing the law would have no fiscal impact, the local budget officer shall include a summary statement in the initial fiscal impact and legal statement in substantially the following form:

"The (title of the local budget officer) estimates that repealing the law this referendum proposes to repeal would have no significant fiscal impact and would not result in either an increase or decrease in taxes or debt."

(ii) If repealing the law is estimated to have a fiscal impact, the local budget officer shall include a summary statement in the initial fiscal and legal impact statement describing the fiscal impact.

(iii) If the estimated fiscal impact of repealing the law is highly variable or is otherwise difficult to reasonably express in a summary statement, the local budget officer may include in the summary statement a brief explanation that identifies those factors impacting the variability or difficulty of the estimate.

(3) Within 20 calendar days after the day on which the local clerk submits a copy of the application under Subsection (1), the budget officer shall:

(a) deliver a copy of the initial fiscal impact [~~estimate, including the legal impact~~

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~~estimate,] and legal statement~~ to the local clerk's office; and

(b) [~~deliver~~] mail a copy of the initial fiscal impact [~~estimate, including the legal impact estimate,] and legal statement~~ to the first three sponsors named in the referendum application.

Section 60. Section **20A-7-602.7** is amended to read:

### **20A-7-602.7. Referability to voters of local law other than land use law.**

(1) Within 20 days after the day on which an eligible voter files [~~an~~] a referendum 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 referendum 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 referendum 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

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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 (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(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 61. 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~~] a referendum 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 referendum 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) (a) Subject to Subsection (2)(b), for a land use law, a proposed referendum is legally referable to voters unless:

(i) the proposed referendum challenges an action that is administrative, rather than legislative, in nature;

(ii) 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;

(iii) the proposed referendum challenges more than one law passed by the local legislative body; or

(iv) the referendum application [~~for the proposed referendum~~] was not timely filed or



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does not comply with the requirements of this part.

(b) In addition to the limitations of Subsection (2)(a), a proposed referendum is not legally referable to voters for a transit area land use law, as defined in Section 20A-7-601, if the transit area land use law was passed by a two-thirds vote of the local legislative body.

(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.

(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(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 62. Section **20A-7-603** is amended to read:

**20A-7-603. Manual referendum process -- Form of referendum petition and signature sheet.**

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

(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:

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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 referendum 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; 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.

(3) Each referendum 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

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"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 referendum petition, you are stating that you have read and understand the law that this referendum petition seeks to overturn." in 12-point type;

(e) the table described in Subsection (3)(d) shall be repeated, leaving sufficient room at the bottom of the sheet or the information described in Subsection (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] referendum petition, or to sign a referendum petition when the individual knows that the individual is not a registered voter.

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

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or if the information you provide does not match your voter registration records."

(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 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.

---

(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]referendum packet to encourage that individual to sign it.

---

(Name)

(Residence Address)

(Date)".

(5) If the forms described in this section are substantially followed, the referendum petitions are sufficient, notwithstanding clerical and merely technical errors.

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

Section 63. Section **20A-7-604** is amended to read:

**20A-7-604. Manual referendum process -- Circulation requirements -- Local clerk to provide sponsors with materials.**

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

(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 (3) and 20A-7-401.5(4)(b), circulate referendum packets that meet the form requirements of this part.

(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 legally referable to voters, the local clerk shall ~~[furnish to]~~ provide the sponsors~~[-]~~ with

~~[(a)]~~ a copy of the referendum petition~~[-and (b)]~~ and a signature sheet.

(4) The sponsors of the referendum petition shall:

(a) arrange and pay for the printing of all ~~[additional copies of the petition and signature sheets]~~ documents that are part of the referendum packets; and

(b) ensure that the ~~[copies of the petition and signature sheets]~~ referendum packets and the documents described in Subsection (4)(a) meet the form requirements of this section.

(5) (a) The sponsors or an agent of the sponsors may prepare the referendum packets 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 with the text of the law that is the subject of the referendum and no more than 50 signature sheets together at the top in a manner that the referendum 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).

(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]~~ referendum packets; ~~[and]~~

(ii) sign an agreement with the local clerk, specifying the range of numbers that the sponsor will use to number the referendum packets; and

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

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

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

(ii) circulate or submit a [signature] referendum 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 (6)(a).]~~

Section 64. 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(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) a copy of the law that is the subject of the referendum petition; and

(c) information describing how an individual may remove the individual's signature from the referendum 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 65. 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.

(2) A Utah voter may sign a local referendum petition if the voter is a legal voter and resides in the local jurisdiction.

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

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

(ii) verifies each [signature sheet] referendum packet by completing the verification

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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.

(4) (a) A voter who has signed a referendum petition may have the voter's signature removed from the referendum 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

(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 (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 (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 66. 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.

(2) (a) The sponsors, or an agent of the sponsors, shall submit a signed and verified

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referendum packet to the county clerk of the county in which the referendum 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(3) or from the local clerk.

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

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

(a) determine whether each signer is a registered voter according to the requirements of Section 20A-7-606.3;

(b) certify on the [~~petition~~] referendum packet whether each name is that of a registered voter;

(c) provide the name, voter identification number, and date of signature of each registered voter certified under Subsection (3)(b); and

(d) deliver the verified referendum packet to the local clerk.

(4) (a) If the county clerk timely receives a statement requesting signature removal under Subsection 20A-7-605(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 20A-7-607(2)(a); and

(ii) remove the voter's signature from the [~~signature packets and signature packet~~] referendum petition and the signature totals.

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

(i) the deadline described in Subsection (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(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).

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

(a) on a referendum packet that is not verified in accordance with Section 20A-7-605;



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or

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

(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 67. 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~~], the surname [shown on the petition], or both, provided by the individual with the individual's petition signature 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]~~ provided by the individual with the individual's petition signature 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]~~ provided by the individual with the individual's petition signature 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]~~ provided by the individual with the individual's petition signature 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]~~ provided by the individual with the individual's petition signature that does not match a different initial or middle name shown on the official register.

(2) 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:

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(a) [~~When~~] if a signer's name and address [~~shown on the petition~~] provided by the individual with the individual's petition signature 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~~] 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~~] provided by the individual with the individual's petition signature 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~~] 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~~] provided by the individual with the individual's petition signature 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~~] 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) 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 referendum 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 referendum petition exactly match a name and address shown on the official register and the signer's [~~signature~~] signatures on both the statement and the referendum petition [~~appears~~] appear substantially similar to the signature on the statewide voter registration database, the county clerk shall remove the signature from the referendum petition;

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

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(i) the address on the statement and the [~~petition matches~~] address provided by the individual with the individual's petition signature match the address of an individual on the official register with a substantially similar name; and

(ii) the signer's [~~signature~~] signatures on both the statement and the referendum petition [~~appears~~] appear 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 referendum petition if:

(i) the birth date or age on the statement and [~~petition~~] the birth date or age provided by the individual with the individual's petition signature match the birth date or age of an individual on the official register with a substantially similar name; and

(ii) the signer's [~~signature~~] signatures on both the statement and the referendum petition [~~appears~~] appear 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 68. Section **20A-7-607** is amended to read:

**20A-7-607. Evaluation by the local clerk -- Determination of election for vote on referendum.**

(1) 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) The county clerk shall:

(a) in relation to the manual referendum process:

(i) post the names, 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

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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.

(3) The local clerk:

(a) shall, except as provided in Subsection (3)(b), declare the referendum 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(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

(b) may declare the referendum petition to be insufficient before the day described in Subsection (3)(a) if:

(i) in relation to the manual referendum process, the total of all valid signatures on timely and lawfully submitted [~~signature~~] referendum packets that have been certified by the county clerk, plus the number of signatures on timely and lawfully submitted [~~signature~~] referendum packets that have not yet been evaluated for certification, is less than the number of names required under Section 20A-7-601;

(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

(iii) a requirement of this part has not been met.

(4) (a) If the total number of names certified under 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 referendum petition the word "sufficient."<sup>[5]</sup>

(b) If the total number of names certified under Subsection (3) does not equal or exceed the number of names required under Section 20A-7-601 or a requirement of this part is

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not met, the local clerk shall mark upon the front of the referendum petition the word "insufficient."

(c) The local clerk shall immediately notify any one of the sponsors of the local clerk's finding.

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

(5) (a) If the local clerk refuses to [~~accept and file any~~] declare a referendum petition sufficient, any voter may, no later than 10 days after the day on which the local clerk declares the referendum petition insufficient, apply to [~~a~~] the appropriate court for an [~~extraordinary writ to compel the local clerk to do so within 10 days after the refusal~~] order finding the referendum petition legally sufficient.

(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,~~] mark the referendum petition "sufficient" and consider the declaration of sufficiency effective as of the date on which the referendum petition [~~was originally offered for filing in~~] should have been declared sufficient by the local clerk's office.

(c) If the court determines that [~~any~~] a referendum 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~~] referendum 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~~] referendum under Section 20A-7-609.5.

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

(7) (a) Except as provided in Subsection (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 (7)(a) on the ballot for a special, primary, or general election held during the year that the legislative action

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

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

(1) Upon receipt of a referendum petition, the local clerk shall deliver a copy of the referendum petition and the [~~proposed~~] law to which the referendum relates to the local attorney.

(2) The local attorney shall:

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

"Proposition Number \_\_\_" and give the referendum a number assigned in accordance with Section 20A-6-107;

(b) prepare for the referendum:

(i) an impartial short title, not exceeding 25 words, that generally describes the subject of the [~~measure~~] law to which the referendum relates; and

(ii) an impartial summary of the contents of the [~~measure~~] law to which the referendum relates, not exceeding 125 words;

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

(d) promptly provide notice of the filing of the proposed short title and summary to:

(i) the sponsors of the petition; and

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

(3) (a) The short title and summary may be distinct from the title of the law that is the subject of the referendum petition.

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

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

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

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

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

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

(ii) prepare a final short title and summary that meets the requirements of Subsection (3); and

(iii) return the referendum petition and file the short title and summary with the local clerk.

(c) Subject to Subsection (6):

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

(ii) for each ballot that includes an initiative or referendum, the election officer shall

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include with the ballot a separate ballot proposition insert that includes the short title and summary for each initiative and referendum on the ballot and a link to a location on the election officer's website where a voter may review additional information relating to each initiative or referendum, including:

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

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

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

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

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

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

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

(b) The court:

(i) shall examine the short title and summary and consider the arguments; and

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

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

Section 70. Section **20A-7-609** is amended to read:

**20A-7-609. Form of ballot -- Manner of voting.**



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(1) The local clerk shall ensure that the number and ballot title are presented upon the official ballot with, immediately adjacent to them, the words "For" and "Against," each word presented with an adjacent square in which the elector may indicate the elector's vote.

(2) (a) Except as provided in Subsection (2)(c)(i) or Section 20A-7-609.5, and unless the county legislative body calls a special election, the county clerk shall ensure that county referenda that have qualified for the ballot appear on the next regular general election ballot.

(b) Except as provided in Subsection (2)(c)(ii) or Section 20A-7-609.5, and unless the municipal legislative body calls a special election, the municipal recorder or clerk shall ensure that municipal referenda that have qualified for the ballot appear on the next regular municipal election ballot.

(c) (i) Except as provided in Section 20A-7-609.5, if a local law passes after January 30 of the year in which there is a regular general election, the county clerk shall ensure that a county referendum that has qualified for the ballot appears on the ballot at the second regular general election immediately following the passage of the local law unless the county legislative body calls a special election.

(ii) Except as provided in Section 20A-7-609.5, if a local law passes after January 30 of the year in which there is a municipal general election, the municipal recorder or clerk shall ensure that a municipal referendum that has qualified for the ballot appears on the ballot at the second municipal general election immediately following the passage of the local law unless the municipal legislative body calls a special election.

(3) (a) (i) A voter desiring to vote in favor of the law that is the subject of the referendum shall mark the square adjacent to the word "For."

(ii) The law that is the subject of the referendum is effective if a majority of voters mark "For."

(b) (i) A voter desiring to vote against the law that is the subject of the referendum [~~petition~~] shall mark the square following the word "Against."

(ii) The law that is the subject of the referendum is not effective if a majority of voters mark "Against."

Section 71. Section **20A-7-610** is amended to read:

**20A-7-610. Return and canvass -- Conflicting measures -- Law effective on proclamation.**

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(1) The votes on the [proposed] law that is the subject of the referendum petition shall be counted, canvassed, and delivered as provided in Title 20A, Chapter 4, Part 3, Canvassing Returns.

(2) After the local board of canvassers completes the canvass, the local clerk shall certify to the local legislative body the vote for and against the [proposed] law that is the subject of the referendum petition.

(3) (a) The local legislative body shall immediately issue a proclamation that:

(i) gives the total number of votes cast in the local jurisdiction for and against each [proposed] law that is the subject of a referendum petition; and

(ii) in accordance with Section 20A-7-611, declares those laws that are the subject of a referendum petition that [were] are approved by majority vote to be in full force and effect as the law of the local jurisdiction.

(b) When the local legislative body determines that two [proposed] laws, or that parts of two [proposed] laws approved by the people at the same election are entirely in conflict, the local legislative body shall proclaim [~~that measure~~] to be law the law that received the greatest number of affirmative votes, regardless of the difference in the majorities which those [~~measures have~~] approved laws received.

(4) (a) Within 10 days after the day on which the local legislative body issues the proclamation described in Subsection (3), any qualified voter residing in the jurisdiction for a law that is declared by the local legislative body to be superseded by another [measure] law approved at the same election may bring an action in the appropriate court to review the decision.

(b) The court shall:

(i) consider the matter and decide whether the [proposed] approved laws are entirely in conflict; and

(ii) issue an order, consistent with the court's decision, to the local legislative body.

(5) Within 10 days after the day on which the court enters an order under Subsection (4)(b)(ii), the local legislative body shall:

(a) proclaim as law all [~~measures~~] those laws approved by the people that the court determines are not in conflict; and

(b) [~~for the measures~~] of all those laws approved by the people as law that the court

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determines to be in conflict, proclaim as law the [~~measure that received~~] one that receives the greatest number of affirmative votes, regardless of the difference in majorities.

Section 72. 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-7-607(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:

(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 referendum petition insufficient, five days after the day on which the local clerk declares the referendum petition insufficient; or

(b) if the local clerk declares the referendum 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~~] approved law.

(5) If, after the local clerk issues a temporary stay order under Subsection (2)(a), the local clerk declares the referendum petition insufficient, the [~~proposed~~] law that is the subject of the referendum petition 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~~] approved 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

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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 73. 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~~] a name other than the individual's own name to any referendum petition;

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

(c) knowingly indicate that an individual who signed a referendum petition signed the referendum petition on a date other than the date that the individual signed the referendum petition;

~~(b)~~ (d) sign a referendum petition knowing that the individual is not a legal voter;

~~(c)~~ (e) 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 document is not an official government document; or

~~(d)~~ (f) 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 signature date associated with the individual's signature for the referendum petition is not the date that the individual signed the referendum petition;

~~(b)~~ (c) the individual has not witnessed the signatures the individual collects or submits; or

~~(c)~~ (d) one or more individuals whose signatures appear in the referendum packet is not registered to vote in Utah.

(3) It is unlawful for an individual to:

(a) pay an individual to sign a referendum petition;

(b) pay an individual to remove the individual's signature from a referendum petition;

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(c) accept payment to sign a referendum petition; or

(d) accept payment to have the individual's name removed from a referendum petition.

~~[(3) An individual who violates this part is guilty of]~~

(4) A violation of this section is a class A misdemeanor.

~~[(4)]~~ (5) The county attorney or municipal attorney shall prosecute any violation of this section.

Section 74. Section **20A-7-614** is amended 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:

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 referendum 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

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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 referendum 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] referendum petition, 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 referendum 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 referendum petition through the signature process described in Section 20A-21-201.

Section 75. Section **20A-7-615** is amended 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

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(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 referendum 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 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~~] a referendum 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 76. Section **20A-7-616** is amended 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:

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(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~~] referendum]

To access a copy of the referendum petition, the law that is the subject of the referendum petition, and information on the deadline for removing your signature from the referendum 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 referendum 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.

(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 referendum 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 77. Section **20A-7-702** is amended to read:

### **20A-7-702. Voter information pamphlet -- Form -- Contents.**

The voter information pamphlet shall contain the following items in this order:

(1) a cover title page;

(2) an introduction to the pamphlet by the lieutenant governor;

(3) a table of contents;



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- (4) a list of all candidates for constitutional offices;
- (5) a list of candidates for each legislative district;
- (6) a 100-word statement of qualifications for each candidate for the office of governor, lieutenant governor, attorney general, state auditor, or state treasurer, if submitted by the candidate to the lieutenant governor's office before 5 p.m. on the first business day in August before the date of the election;
- (7) information pertaining to all measures to be submitted to the voters, beginning a new page for each measure and containing, in the following order for each measure:
  - (a) a copy of the number and ballot title of the measure;
  - (b) the final vote cast by the Legislature on the measure if it is a measure submitted by the Legislature or by referendum;
  - (c) the impartial analysis of the measure prepared by the Office of Legislative Research and General Counsel;
  - (d) the arguments in favor of the measure, the rebuttal to the arguments in favor of the measure, the arguments against the measure, and the rebuttal to the arguments against the measure, with the name and title of the authors at the end of each argument or rebuttal;
  - (e) for each constitutional amendment, a complete copy of the text of the constitutional amendment, with all new language underlined, and all deleted language placed within brackets;
  - (f) for each initiative qualified for the ballot:
    - (i) a copy of the ~~[measure]~~ initiative as certified by the lieutenant governor and a copy of the initial fiscal impact ~~[estimate]~~ statement prepared according to Section 20A-7-202.5; and
    - (ii) if the initiative proposes a tax increase, the following statement in bold type:

"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."; and
  - (g) for each referendum qualified for the ballot, a complete copy of the text of the law being submitted to the voters for their approval or rejection, with all new language underlined and all deleted language placed within brackets, as applicable;
- (8) a description provided by the Judicial Performance Evaluation Commission of the selection and retention process for judges, including, in the following order:
  - (a) a description of the judicial selection process;

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- (b) a description of the judicial performance evaluation process;
- (c) a description of the judicial retention election process;
- (d) a list of the criteria of the judicial performance evaluation and the certification standards;
- (e) the names of the judges standing for retention election; and
- (f) for each judge:
  - (i) a list of the counties in which the judge is subject to retention election;
  - (ii) a short biography of professional qualifications and a recent photograph;
  - (iii) a narrative concerning the judge's performance;
  - (iv) for each certification standard under Section 78A-12-205, a statement identifying whether, under Section 78A-12-205, the judge met the standard and, if not, the manner in which the judge failed to meet the standard;
  - (v) a statement that the Judicial Performance Evaluation Commission:
    - (A) has determined that the judge meets or exceeds minimum performance standards;
    - (B) has determined that the judge does not meet or exceed minimum performance standards; or
    - (C) has not made a determination regarding whether the judge meets or exceeds minimum performance standards;
  - (vi) any statement, described in Subsection 78A-12-206(3)(b), provided by a judge whom the Judicial Performance Evaluation Commission determines does not meet or exceed minimum performance standards;
  - (vii) in a bar graph, the average of responses to each survey category, displayed with an identification of the minimum acceptable score as set by Section 78A-12-205 and the average score of all judges of the same court level; and
  - (viii) a website address that contains the Judicial Performance Evaluation Commission's report on the judge's performance evaluation;
- (9) for each judge, a statement provided by the Utah Supreme Court identifying the cumulative number of informal reprimands, when consented to by the judge in accordance with Title 78A, Chapter 11, Judicial Conduct Commission, formal reprimands, and all orders of censure and suspension issued by the Utah Supreme Court under Utah Constitution, Article VIII, Section 13, during the judge's current term and the immediately preceding term, and a

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detailed summary of the supporting reasons for each violation of the Code of Judicial Conduct that the judge has received;

(10) an explanation of ballot marking procedures prepared by the lieutenant governor, indicating the ballot marking procedure used by each county and explaining how to mark the ballot for each procedure;

(11) voter registration information, including information on how to obtain a ballot;

(12) a list of all county clerks' offices and phone numbers;

(13) the address of the Statewide Electronic Voter Information Website, with a statement indicating that the election officer will post on the website any changes to the location of a polling place and the location of any additional polling place;

(14) a phone number that a voter may call to obtain information regarding the location of a polling place; and

(15) on the back cover page, a printed copy of the following statement signed by the lieutenant governor:

"I, \_\_\_\_\_ (print name), Lieutenant Governor of Utah, certify that the measures contained in this pamphlet will be submitted to the voters of Utah at the election to be held throughout the state on \_\_\_\_ (date of election), and that this pamphlet is complete and correct according to law.

SEAL

Witness my hand and the Great Seal of the State, at Salt Lake City, Utah this \_\_\_\_ day of \_\_\_\_ (month), \_\_\_\_ (year)

(signed) \_\_\_\_\_

Lieutenant Governor".

### Section 78. Coordinating H.B. 38 with S.B. 43 -- Substantive and technical amendments.

If this H.B. 38 and S.B. 43, Public Notice Requirements, both pass and become law, it is the intent of the Legislature that the Office of Legislative Research and General Counsel shall prepare the Utah Code database for publication by amending Subsections 20A-7-204.1(2) through (3) to read:

"(2) (a) The sponsors shall[:(a)], before 5 p.m. at least [three] 10 calendar days before the date of the public hearing, provide written notice of the public hearing [to:], including the

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date, time, and location of the public hearing:

(i) to the lieutenant governor [~~for posting on the state's website, and~~];

(ii) to the county clerk of each county in the region where the public hearing will be held;

~~[(ii)] (iii) each state senator, state representative, and county commission or county council member who is elected in whole or in part from the region where the public hearing will be held; and~~

~~[(b) publish written notice of the public hearing, including the time, date, and location of the public hearing, in each county in the region where the public hearing will be held:]~~

~~[(i) (A) at least three calendar days before the day of the public hearing, in a newspaper of general circulation in the county;]~~

~~[(B) if there is no newspaper of general circulation in the county, at least three calendar days before the day of the public hearing, by posting one copy of the notice, and at least one additional copy of the notice per 2,000 population of the county, in places within the county that are most likely to give notice to the residents of the county; or]~~

~~[(C) at least seven days before the day of the public hearing, by mailing notice to each residence in the county;]~~

~~[(ii) on the Utah Public Notice Website created in Section 63A-16-601, for at least three calendar days before the day of the public hearing;]~~

~~[(iii)] (iv) in accordance with Section 45-1-101, for at least three calendar days before the day of the public hearing[; and].~~

~~[(iv) on the county's website for at least three calendar days before the day of the public hearing.]~~

(b) The lieutenant governor shall post the notice described in Subsection (2)(a) on the lieutenant governor's website for at least three days before the day of the public hearing.

(c) The county clerk of each county in the region where the public hearing will be held:

(i) shall post the notice described in Subsection (2)(a) for the county, as a class A notice under Section 63G-28-102, for at least three days before the day of the public hearing;

and

(ii) may bill the sponsors of the initiative for the cost of preparing, printing, and posting the notice described in Subsection (2)(c)(i).

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~~(3)~~ (4) If the initiative [petition] proposes a tax increase, the written notice described in Subsection (2) shall include the following statement, in bold, in the same font and point size as the largest font and point size appearing in the notice:

"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."."