

Senator Lincoln Fillmore proposes the following substitute bill:

INITIATIVE AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jason Kyle

Senate Sponsor: Lincoln Fillmore

LONG TITLE

General Description:

This bill modifies provisions relating to a statewide initiative.

Highlighted Provisions:

This bill:

- ▶ contingent on the passage of a constitutional amendment, modifies the vote percentage required to pass a statewide initiative that would increase taxes; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

This bill provides a coordination clause.

Utah Code Sections Affected:

AMENDS:

20A-1-303, as last amended by Laws of Utah 2018, Chapter 187

20A-4-304, as last amended by Laws of Utah 2022, Chapter 342

20A-7-211, as last amended by Laws of Utah 2022, Chapter 18

Utah Code Sections Affected by Coordination Clause:



26 **20A-7-211**, as last amended by Laws of Utah 2022, Chapter 18



27
28 *Be it enacted by the Legislature of the state of Utah:*

29 Section 1. Section **20A-1-303** is amended to read:

30 **20A-1-303. Determining results.**

31 (1) (a) Except as provided in [~~Title 20A,~~] Chapter 4, Part 6, Municipal Alternate
32 Voting Methods Pilot Project, when one person is to be elected or nominated, the person
33 receiving the highest number of votes at any:

- 34 (i) election for any office to be filled at that election is elected to that office; and
- 35 (ii) primary for nomination for any office is nominated for that office.

36 (b) Except as provided in [~~Title 20A,~~] Chapter 4, Part 6, Municipal Alternate Voting
37 Methods Pilot Project, when more than one person is to be elected or nominated, the persons
38 receiving the highest number of votes at any:

- 39 (i) election for any office to filled at that election are elected to that office; and
- 40 (ii) primary for nomination for any office are nominated for that office.

41 (2) [~~Any~~] Except as provided in Subsection (3), a ballot proposition submitted to voters
42 for [~~their~~] approval or rejection:

43 (a) passes if the number of "yes" votes is greater than the number of "no" votes; and

44 (b) fails if:

- 45 (i) the number of "yes" votes equal the number of "no" votes; or
- 46 (ii) the number of "no" votes is greater than the number of "yes" votes.

47 (3) A statewide initiative submitted to voters for approval or rejection that would
48 increase taxes:

49 (a) passes if the number of "yes" votes is greater than 60% of the total votes cast for or
50 against the initiative; and

51 (b) fails if the number of "yes" votes is equal to or fewer than 60% of the total votes
52 cast for or against the initiative.

53 Section 2. Section **20A-4-304** is amended to read:

54 **20A-4-304. Declaration of results -- Canvassers' report.**

55 [~~(1) Each board of canvassers shall:~~]

56 (1) (a) [~~except~~] Except as provided in Part 6, Municipal Alternate Voting Methods

57 Pilot Project, a board of canvassers shall declare "elected" or "nominated" those persons who:

58 (i) had the highest number of votes; and

59 (ii) sought election or nomination to an office completely within the board's
60 jurisdiction[;].

61 (b) Except as provided in Subsection (1)(c), a board of canvassers shall declare:

62 (i) "approved" [~~those ballot propositions~~] a ballot proposition that:

63 (A) [~~had~~] receives more "yes" votes than "no" votes; and

64 (B) [~~were~~] was submitted only to the voters within the board's jurisdiction; or

65 (ii) "rejected" [~~those ballot propositions~~] a ballot proposition that:

66 (A) [~~had~~] receives more "no" votes than "yes" votes or an equal number of "no" votes
67 and "yes" votes; and

68 (B) [~~were~~] was submitted only to the voters within the board's jurisdiction[;].

69 (c) For a statewide initiative that would increase taxes, the state board of canvassers
70 shall declare the initiative:

71 (i) "approved" if the number of "yes" votes is greater than 60% of the total votes cast
72 for or against the initiative; or

73 (ii) "rejected" if the number of "yes" votes is equal to or fewer than 60% of the total
74 votes cast for or against the initiative.

75 [~~(c)~~] (d) A board of canvassers shall:

76 (i) certify the vote totals for persons₂ and for and against ballot propositions that were
77 submitted to voters within and beyond the board's jurisdiction₂ and transmit those vote totals to
78 the lieutenant governor; and

79 [~~(d)~~] (ii) if applicable, certify the results of each local district election to the local
80 district clerk.

81 (2) As soon as the result is declared, the election officer shall prepare a report of the
82 result, which shall contain:

83 (a) the total number of votes cast in the board's jurisdiction;

84 (b) the names of each candidate whose name appeared on the ballot;

85 (c) the title of each ballot proposition that appeared on the ballot;

86 (d) each office that appeared on the ballot;

87 (e) from each voting precinct:

- 88 (i) the number of votes for each candidate;
- 89 (ii) for each race conducted by instant runoff voting under Part 6, Municipal Alternate
- 90 Voting Methods Pilot Project, the number of valid votes cast for each candidate for each
- 91 potential ballot-counting phase and the name of the candidate excluded in each ballot-counting
- 92 phase; and
- 93 (iii) the number of votes for and against each ballot proposition;
- 94 (f) the total number of votes given in the board's jurisdiction to each candidate, and for
- 95 and against each ballot proposition;
- 96 (g) the number of ballots that were rejected; and
- 97 (h) a statement certifying that the information contained in the report is accurate.
- 98 (3) The election officer and the board of canvassers shall:
- 99 (a) review the report to ensure that it is correct; and
- 100 (b) sign the report.
- 101 (4) The election officer shall:
- 102 (a) record or file the certified report in a book kept for that purpose;
- 103 (b) prepare and transmit a certificate of nomination or election under the officer's seal
- 104 to each nominated or elected candidate;
- 105 (c) publish a copy of the certified report in accordance with Subsection (5); and
- 106 (d) file a copy of the certified report with the lieutenant governor.
- 107 (5) Except as provided in Subsection (6), the election officer shall, no later than seven
- 108 days after the day on which the board of canvassers declares the election results, publicize the
- 109 certified report described in Subsection (2):
- 110 (a) (i) by publishing notice at least once in a newspaper of general circulation within
- 111 the jurisdiction;
- 112 (ii) by posting one notice, and at least one additional notice per 2,000 population of the
- 113 jurisdiction, in places within the jurisdiction that are most likely to give notice to the residents
- 114 of the jurisdiction, subject to a maximum of 10 notices; or
- 115 (iii) by mailing notice to each residence within the jurisdiction;
- 116 (b) by posting notice on the Utah Public Notice Website, created in Section
- 117 [63A-16-601](#), for one week; and
- 118 (c) if the jurisdiction has a website, by posting notice on the jurisdiction's website for

119 one week.

120 (6) Instead of including a copy of the entire certified report, a notice required under
121 Subsection (5) may contain a statement that:

122 (a) includes the following: "The Board of Canvassers for [indicate name of
123 jurisdiction] has prepared a report of the election results for the [indicate type and date of
124 election]."; and

125 (b) specifies the following sources where an individual may view or obtain a copy of
126 the entire certified report:

127 (i) if the jurisdiction has a website, the jurisdiction's website;

128 (ii) the physical address for the jurisdiction; and

129 (iii) a mailing address and telephone number.

130 (7) When there has been a regular general or a statewide special election for statewide
131 officers, for officers that appear on the ballot in more than one county, or for a statewide or two
132 or more county ballot proposition, each board of canvassers shall:

133 (a) prepare a separate report detailing the number of votes for each candidate and the
134 number of votes for and against each ballot proposition; and

135 (b) transmit the separate report by registered mail to the lieutenant governor.

136 (8) In each county election, municipal election, school election, local district election,
137 and local special election, the election officer shall transmit the reports to the lieutenant
138 governor within 14 days after the date of the election.

139 (9) In a regular primary election and in a presidential primary election, the board shall
140 transmit to the lieutenant governor:

141 (a) the county totals for multi-county races, to be telephoned or faxed to the lieutenant
142 governor not later than the second Tuesday after the election; and

143 (b) a complete tabulation showing voting totals for all primary races, precinct by
144 precinct, to be mailed to the lieutenant governor on or before the third Friday following the
145 primary election.

146 Section 3. Section **20A-7-211** is amended to read:

147 **20A-7-211. Return and canvass -- Conflicting measures -- Law effective on**
148 **proclamation.**

149 (1) The votes on the law proposed by the initiative petition shall be counted,

150 canvassed, and delivered as provided in [~~Title 20A,~~] Chapter 4, Part 3, Canvassing Returns.

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

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

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

156 (ii) (A) except as provided in Subsection (3)(a)(ii)(B), declares [~~those laws~~] a law
157 proposed by an initiative petition that [~~were~~] is approved by majority vote to be in full force
158 and effect on the date described in Subsection 20A-7-212(2)[~~;~~]; or

159 (B) for a law proposed by an initiative petition that would increase taxes, declares that
160 law to be in full force and effect on the date described in Subsection 20A-7-212(2), if the
161 initiative is approved by more than 60% of the total votes cast for or against the initiative.

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

166 (c) Within 10 days after the governor's proclamation, any qualified voter who signed
167 the initiative petition proposing the law that is declared by the governor to be superseded by
168 another measure approved at the same election may bring an action in the appropriate court to
169 review the governor's decision.

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

172 (a) proclaim all those measures approved by the people as law that the court determines
173 are not entirely in conflict; and

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

178 Section 4. **Contingent effective date.**

179 This bill takes effect on January 1, 2025, if the amendment to the Utah Constitution
180 proposed by H.J.R. 17, Proposal to Amend Utah Constitution - Statewide Initiatives, 2023

181 General Session, passes the Legislature and is approved by a majority of those voting on the
182 proposed amendment at the 2024 regular general election.

183 Section 5. **Coordinating H.B. 422 with H.B. 38 -- Technical amendments.**

184 If this H.B. 422 and H.B. 38, Initiative and Referendum Modifications, both pass and
185 become law, it is the intent of the Legislature that the Office of Legislative Research and
186 General Counsel shall prepare the Utah Code database for publication on January 1, 2025, so
187 that the changes to Subsection [20A-7-211\(3\)\(a\)](#) in H.B. 422 supersede the changes to
188 Subsection [20A-7-211\(3\)\(a\)](#) in H.B. 38.