

**LOCAL SCHOOL BOARD AMENDMENTS**

2024 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Candice B. Pierucci**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill addresses actions of a school district that may be subject to a referendum.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ subject to certain exceptions, provides that a law passed by a local school board, including a law imposing a new tax or a tax increase, may be referred to the voters of the school district for their approval or rejection; and
- ▶ makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**10-9a-103**, as last amended by Laws of Utah 2023, Chapters 16, 327 and 478

**10-9a-509**, as last amended by Laws of Utah 2023, Chapter 478

**17-27a-103**, as last amended by Laws of Utah 2023, Chapters 15, 327 and 478

**17-27a-508**, as last amended by Laws of Utah 2023, Chapter 478

**20A-1-102**, as last amended by Laws of Utah 2023, Chapters 15, 234 and 297



- 28            **20A-4-301**, as last amended by Laws of Utah 2023, Chapter 15
- 29            **20A-7-101**, as last amended by Laws of Utah 2023, Chapters 107, 116
- 30            **20A-7-102**, as last amended by Laws of Utah 1994, Chapter 272
- 31            **20A-7-401.3**, as enacted by Laws of Utah 2019, Chapter 203
- 32            **20A-7-401.5**, as last amended by Laws of Utah 2023, Chapter 116
- 33            **20A-7-402**, as last amended by Laws of Utah 2023, Chapter 435
- 34            **20A-7-405**, as enacted by Laws of Utah 2019, Chapter 203
- 35            **20A-7-601**, as last amended by Laws of Utah 2023, Chapters 107, 219
- 36            **20A-7-602.5**, as last amended by Laws of Utah 2023, Chapter 107
- 37            **20A-7-602.7**, as last amended by Laws of Utah 2023, Chapter 107
- 38            **20A-7-603**, as last amended by Laws of Utah 2023, Chapter 107
- 39            **20A-7-604**, as last amended by Laws of Utah 2023, Chapter 107
- 40            **20A-7-607**, as last amended by Laws of Utah 2023, Chapters 107, 116
- 41            **20A-7-608**, as last amended by Laws of Utah 2023, Chapters 45, 107
- 42            **20A-7-609**, as last amended by Laws of Utah 2023, Chapter 107
- 43            **20A-7-609.5**, as last amended by Laws of Utah 2020, Chapter 31
- 44            **20A-7-610**, as last amended by Laws of Utah 2023, Chapter 107
- 45            **20A-7-611**, as last amended by Laws of Utah 2023, Chapter 107
- 46            **20A-7-613**, as last amended by Laws of Utah 2023, Chapter 116
- 47            **20A-7-614**, as last amended by Laws of Utah 2023, Chapter 107
- 48            **63G-30-102**, as enacted by Laws of Utah 2023, Chapter 435



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

51            Section 1. Section **10-9a-103** is amended to read:

52            **10-9a-103. Definitions.**

53            As used in this chapter:

54            (1) "Accessory dwelling unit" means a habitable living unit added to, created within, or  
55 detached from a primary single-family dwelling and contained on one lot.

56            (2) "Adversely affected party" means a person other than a land use applicant who:

57            (a) owns real property adjoining the property that is the subject of a land use  
58 application or land use decision; or

59 (b) will suffer a damage different in kind than, or an injury distinct from, that of the  
60 general community as a result of the land use decision.

61 (3) "Affected entity" means a county, municipality, special district, special service  
62 district under Title 17D, Chapter 1, Special Service District Act, school district, interlocal  
63 cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act, specified  
64 public utility, property owner, property owners association, or the Department of  
65 Transportation, if:

66 (a) the entity's services or facilities are likely to require expansion or significant  
67 modification because of an intended use of land;

68 (b) the entity has filed with the municipality a copy of the entity's general or long-range  
69 plan; or

70 (c) the entity has filed with the municipality a request for notice during the same  
71 calendar year and before the municipality provides notice to an affected entity in compliance  
72 with a requirement imposed under this chapter.

73 (4) "Affected owner" means the owner of real property that is:

74 (a) a single project;

75 (b) the subject of a land use approval that sponsors of a referendum timely challenged  
76 in accordance with Subsection [~~20A-7-601(6)~~] 20A-7-601(7); and

77 (c) determined to be legally referable under Section 20A-7-602.8.

78 (5) "Appeal authority" means the person, board, commission, agency, or other body  
79 designated by ordinance to decide an appeal of a decision of a land use application or a  
80 variance.

81 (6) "Billboard" means a freestanding ground sign located on industrial, commercial, or  
82 residential property if the sign is designed or intended to direct attention to a business, product,  
83 or service that is not sold, offered, or existing on the property where the sign is located.

84 (7) (a) "Charter school" means:

85 (i) an operating charter school;

86 (ii) a charter school applicant that a charter school authorizer approves in accordance  
87 with Title 53G, Chapter 5, Part 3, Charter School Authorization; or

88 (iii) an entity that is working on behalf of a charter school or approved charter  
89 applicant to develop or construct a charter school building.

90 (b) "Charter school" does not include a therapeutic school.

91 (8) "Conditional use" means a land use that, because of the unique characteristics or  
92 potential impact of the land use on the municipality, surrounding neighbors, or adjacent land  
93 uses, may not be compatible in some areas or may be compatible only if certain conditions are  
94 required that mitigate or eliminate the detrimental impacts.

95 (9) "Constitutional taking" means a governmental action that results in a taking of  
96 private property so that compensation to the owner of the property is required by the:

97 (a) Fifth or Fourteenth Amendment of the Constitution of the United States; or

98 (b) Utah Constitution Article I, Section 22.

99 (10) "Culinary water authority" means the department, agency, or public entity with  
100 responsibility to review and approve the feasibility of the culinary water system and sources for  
101 the subject property.

102 (11) "Development activity" means:

103 (a) any construction or expansion of a building, structure, or use that creates additional  
104 demand and need for public facilities;

105 (b) any change in use of a building or structure that creates additional demand and need  
106 for public facilities; or

107 (c) any change in the use of land that creates additional demand and need for public  
108 facilities.

109 (12) (a) "Development agreement" means a written agreement or amendment to a  
110 written agreement between a municipality and one or more parties that regulates or controls the  
111 use or development of a specific area of land.

112 (b) "Development agreement" does not include an improvement completion assurance.

113 (13) (a) "Disability" means a physical or mental impairment that substantially limits  
114 one or more of a person's major life activities, including a person having a record of such an  
115 impairment or being regarded as having such an impairment.

116 (b) "Disability" does not include current illegal use of, or addiction to, any federally  
117 controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C.  
118 802.

119 (14) "Educational facility":

120 (a) means:

121 (i) a school district's building at which pupils assemble to receive instruction in a  
122 program for any combination of grades from preschool through grade 12, including  
123 kindergarten and a program for children with disabilities;

124 (ii) a structure or facility:

125 (A) located on the same property as a building described in Subsection (14)(a)(i); and

126 (B) used in support of the use of that building; and

127 (iii) a building to provide office and related space to a school district's administrative  
128 personnel; and

129 (b) does not include:

130 (i) land or a structure, including land or a structure for inventory storage, equipment  
131 storage, food processing or preparing, vehicle storage or maintenance, or similar use that is:

132 (A) not located on the same property as a building described in Subsection (14)(a)(i);

133 and

134 (B) used in support of the purposes of a building described in Subsection (14)(a)(i); or

135 (ii) a therapeutic school.

136 (15) "Fire authority" means the department, agency, or public entity with responsibility  
137 to review and approve the feasibility of fire protection and suppression services for the subject  
138 property.

139 (16) "Flood plain" means land that:

140 (a) is within the 100-year flood plain designated by the Federal Emergency

141 Management Agency; or

142 (b) has not been studied or designated by the Federal Emergency Management Agency  
143 but presents a likelihood of experiencing chronic flooding or a catastrophic flood event because  
144 the land has characteristics that are similar to those of a 100-year flood plain designated by the  
145 Federal Emergency Management Agency.

146 (17) "General plan" means a document that a municipality adopts that sets forth general  
147 guidelines for proposed future development of the land within the municipality.

148 (18) "Geologic hazard" means:

149 (a) a surface fault rupture;

150 (b) shallow groundwater;

151 (c) liquefaction;

- 152 (d) a landslide;
- 153 (e) a debris flow;
- 154 (f) unstable soil;
- 155 (g) a rock fall; or
- 156 (h) any other geologic condition that presents a risk:
- 157 (i) to life;
- 158 (ii) of substantial loss of real property; or
- 159 (iii) of substantial damage to real property.
- 160 (19) "Historic preservation authority" means a person, board, commission, or other
- 161 body designated by a legislative body to:
  - 162 (a) recommend land use regulations to preserve local historic districts or areas; and
  - 163 (b) administer local historic preservation land use regulations within a local historic
  - 164 district or area.
- 165 (20) "Hookup fee" means a fee for the installation and inspection of any pipe, line,
- 166 meter, or appurtenance that connects to a municipal water, sewer, storm water, power, or other
- 167 utility system.
- 168 (21) "Identical plans" means building plans submitted to a municipality that:
  - 169 (a) are clearly marked as "identical plans";
  - 170 (b) are substantially identical to building plans that were previously submitted to and
  - 171 reviewed and approved by the municipality; and
  - 172 (c) describe a building that:
    - 173 (i) is located on land zoned the same as the land on which the building described in the
    - 174 previously approved plans is located;
    - 175 (ii) is subject to the same geological and meteorological conditions and the same law
    - 176 as the building described in the previously approved plans;
    - 177 (iii) has a floor plan identical to the building plan previously submitted to and reviewed
    - 178 and approved by the municipality; and
    - 179 (iv) does not require any additional engineering or analysis.
- 180 (22) "Impact fee" means a payment of money imposed under Title 11, Chapter 36a,
- 181 Impact Fees Act.
- 182 (23) "Improvement completion assurance" means a surety bond, letter of credit,

183 financial institution bond, cash, assignment of rights, lien, or other equivalent security required  
184 by a municipality to guaranty the proper completion of landscaping or an infrastructure  
185 improvement required as a condition precedent to:

- 186 (a) recording a subdivision plat; or
- 187 (b) development of a commercial, industrial, mixed use, or multifamily project.

188 (24) "Improvement warranty" means an applicant's unconditional warranty that the  
189 applicant's installed and accepted landscaping or infrastructure improvement:

- 190 (a) complies with the municipality's written standards for design, materials, and  
191 workmanship; and

192 (b) will not fail in any material respect, as a result of poor workmanship or materials,  
193 within the improvement warranty period.

194 (25) "Improvement warranty period" means a period:

- 195 (a) no later than one year after a municipality's acceptance of required landscaping; or
- 196 (b) no later than one year after a municipality's acceptance of required infrastructure,

197 unless the municipality:

- 198 (i) determines for good cause that a one-year period would be inadequate to protect the  
199 public health, safety, and welfare; and

200 (ii) has substantial evidence, on record:

- 201 (A) of prior poor performance by the applicant; or
- 202 (B) that the area upon which the infrastructure will be constructed contains suspect soil  
203 and the municipality has not otherwise required the applicant to mitigate the suspect soil.

204 (26) "Infrastructure improvement" means permanent infrastructure that is essential for  
205 the public health and safety or that:

206 (a) is required for human occupation; and

207 (b) an applicant must install:

- 208 (i) in accordance with published installation and inspection specifications for public  
209 improvements; and

210 (ii) whether the improvement is public or private, as a condition of:

211 (A) recording a subdivision plat;

212 (B) obtaining a building permit; or

213 (C) development of a commercial, industrial, mixed use, condominium, or multifamily

214 project.

215 (27) "Internal lot restriction" means a platted note, platted demarcation, or platted  
216 designation that:

217 (a) runs with the land; and

218 (b) (i) creates a restriction that is enclosed within the perimeter of a lot described on  
219 the plat; or

220 (ii) designates a development condition that is enclosed within the perimeter of a lot  
221 described on the plat.

222 (28) "Land use applicant" means a property owner, or the property owner's designee,  
223 who submits a land use application regarding the property owner's land.

224 (29) "Land use application":

225 (a) means an application that is:

226 (i) required by a municipality; and

227 (ii) submitted by a land use applicant to obtain a land use decision; and

228 (b) does not mean an application to enact, amend, or repeal a land use regulation.

229 (30) "Land use authority" means:

230 (a) a person, board, commission, agency, or body, including the local legislative body,  
231 designated by the local legislative body to act upon a land use application; or

232 (b) if the local legislative body has not designated a person, board, commission,  
233 agency, or body, the local legislative body.

234 (31) "Land use decision" means an administrative decision of a land use authority or  
235 appeal authority regarding:

236 (a) a land use permit; or

237 (b) a land use application.

238 (32) "Land use permit" means a permit issued by a land use authority.

239 (33) "Land use regulation":

240 (a) means a legislative decision enacted by ordinance, law, code, map, resolution,  
241 specification, fee, or rule that governs the use or development of land;

242 (b) includes the adoption or amendment of a zoning map or the text of the zoning code;  
243 and

244 (c) does not include:



245 (i) a land use decision of the legislative body acting as the land use authority, even if  
246 the decision is expressed in a resolution or ordinance; or

247 (ii) a temporary revision to an engineering specification that does not materially:

248 (A) increase a land use applicant's cost of development compared to the existing  
249 specification; or

250 (B) impact a land use applicant's use of land.

251 (34) "Legislative body" means the municipal council.

252 (35) "Local historic district or area" means a geographically definable area that:

253 (a) contains any combination of buildings, structures, sites, objects, landscape features,  
254 archeological sites, or works of art that contribute to the historic preservation goals of a  
255 legislative body; and

256 (b) is subject to land use regulations to preserve the historic significance of the local  
257 historic district or area.

258 (36) "Lot" means a tract of land, regardless of any label, that is created by and shown  
259 on a subdivision plat that has been recorded in the office of the county recorder.

260 (37) (a) "Lot line adjustment" means a relocation of a lot line boundary between  
261 adjoining lots or between a lot and adjoining parcels in accordance with Section [10-9a-608](#):

262 (i) whether or not the lots are located in the same subdivision; and

263 (ii) with the consent of the owners of record.

264 (b) "Lot line adjustment" does not mean a new boundary line that:

265 (i) creates an additional lot; or

266 (ii) constitutes a subdivision or a subdivision amendment.

267 (c) "Lot line adjustment" does not include a boundary line adjustment made by the  
268 Department of Transportation.

269 (38) "Major transit investment corridor" means public transit service that uses or  
270 occupies:

271 (a) public transit rail right-of-way;

272 (b) dedicated road right-of-way for the use of public transit, such as bus rapid transit;

273 or

274 (c) fixed-route bus corridors subject to an interlocal agreement or contract between a  
275 municipality or county and:

- 276 (i) a public transit district as defined in Section [17B-2a-802](#); or
- 277 (ii) an eligible political subdivision as defined in Section [59-12-2219](#).
- 278 (39) "Moderate income housing" means housing occupied or reserved for occupancy
- 279 by households with a gross household income equal to or less than 80% of the median gross
- 280 income for households of the same size in the county in which the city is located.
- 281 (40) "Municipal utility easement" means an easement that:
- 282 (a) is created or depicted on a plat recorded in a county recorder's office and is
- 283 described as a municipal utility easement granted for public use;
- 284 (b) is not a protected utility easement or a public utility easement as defined in Section
- 285 [54-3-27](#);
- 286 (c) the municipality or the municipality's affiliated governmental entity uses and
- 287 occupies to provide a utility service, including sanitary sewer, culinary water, electrical, storm
- 288 water, or communications or data lines;
- 289 (d) is used or occupied with the consent of the municipality in accordance with an
- 290 authorized franchise or other agreement;
- 291 (e) (i) is used or occupied by a specified public utility in accordance with an authorized
- 292 franchise or other agreement; and
- 293 (ii) is located in a utility easement granted for public use; or
- 294 (f) is described in Section [10-9a-529](#) and is used by a specified public utility.
- 295 (41) "Nominal fee" means a fee that reasonably reimburses a municipality only for time
- 296 spent and expenses incurred in:
- 297 (a) verifying that building plans are identical plans; and
- 298 (b) reviewing and approving those minor aspects of identical plans that differ from the
- 299 previously reviewed and approved building plans.
- 300 (42) "Noncomplying structure" means a structure that:
- 301 (a) legally existed before the structure's current land use designation; and
- 302 (b) because of one or more subsequent land use ordinance changes, does not conform
- 303 to the setback, height restrictions, or other regulations, excluding those regulations, which
- 304 govern the use of land.
- 305 (43) "Nonconforming use" means a use of land that:
- 306 (a) legally existed before its current land use designation;

307 (b) has been maintained continuously since the time the land use ordinance governing  
308 the land changed; and

309 (c) because of one or more subsequent land use ordinance changes, does not conform  
310 to the regulations that now govern the use of the land.

311 (44) "Official map" means a map drawn by municipal authorities and recorded in a  
312 county recorder's office that:

313 (a) shows actual and proposed rights-of-way, centerline alignments, and setbacks for  
314 highways and other transportation facilities;

315 (b) provides a basis for restricting development in designated rights-of-way or between  
316 designated setbacks to allow the government authorities time to purchase or otherwise reserve  
317 the land; and

318 (c) has been adopted as an element of the municipality's general plan.

319 (45) "Parcel" means any real property that is not a lot.

320 (46) (a) "Parcel boundary adjustment" means a recorded agreement between owners of  
321 adjoining parcels adjusting the mutual boundary, either by deed or by a boundary line  
322 agreement in accordance with Section 10-9a-524, if no additional parcel is created and:

323 (i) none of the property identified in the agreement is a lot; or

324 (ii) the adjustment is to the boundaries of a single person's parcels.

325 (b) "Parcel boundary adjustment" does not mean an adjustment of a parcel boundary  
326 line that:

327 (i) creates an additional parcel; or

328 (ii) constitutes a subdivision.

329 (c) "Parcel boundary adjustment" does not include a boundary line adjustment made by  
330 the Department of Transportation.

331 (47) "Person" means an individual, corporation, partnership, organization, association,  
332 trust, governmental agency, or any other legal entity.

333 (48) "Plan for moderate income housing" means a written document adopted by a  
334 municipality's legislative body that includes:

335 (a) an estimate of the existing supply of moderate income housing located within the  
336 municipality;

337 (b) an estimate of the need for moderate income housing in the municipality for the

338 next five years;

339 (c) a survey of total residential land use;

340 (d) an evaluation of how existing land uses and zones affect opportunities for moderate  
341 income housing; and

342 (e) a description of the municipality's program to encourage an adequate supply of  
343 moderate income housing.

344 (49) "Plat" means an instrument subdividing property into lots as depicted on a map or  
345 other graphical representation of lands that a licensed professional land surveyor makes and  
346 prepares in accordance with Section 10-9a-603 or 57-8-13.

347 (50) "Potential geologic hazard area" means an area that:

348 (a) is designated by a Utah Geological Survey map, county geologist map, or other  
349 relevant map or report as needing further study to determine the area's potential for geologic  
350 hazard; or

351 (b) has not been studied by the Utah Geological Survey or a county geologist but  
352 presents the potential of geologic hazard because the area has characteristics similar to those of  
353 a designated geologic hazard area.

354 (51) "Public agency" means:

355 (a) the federal government;

356 (b) the state;

357 (c) a county, municipality, school district, special district, special service district, or  
358 other political subdivision of the state; or

359 (d) a charter school.

360 (52) "Public hearing" means a hearing at which members of the public are provided a  
361 reasonable opportunity to comment on the subject of the hearing.

362 (53) "Public meeting" means a meeting that is required to be open to the public under  
363 Title 52, Chapter 4, Open and Public Meetings Act.

364 (54) "Public street" means a public right-of-way, including a public highway, public  
365 avenue, public boulevard, public parkway, public road, public lane, public alley, public  
366 viaduct, public subway, public tunnel, public bridge, public byway, other public transportation  
367 easement, or other public way.

368 (55) "Receiving zone" means an area of a municipality that the municipality

369 designates, by ordinance, as an area in which an owner of land may receive a transferable  
370 development right.

371 (56) "Record of survey map" means a map of a survey of land prepared in accordance  
372 with Section 10-9a-603, 17-23-17, 17-27a-603, or 57-8-13.

373 (57) "Residential facility for persons with a disability" means a residence:

374 (a) in which more than one person with a disability resides; and

375 (b) which is licensed or certified by the Department of Health and Human Services  
376 under:

377 (i) Title 26B, Chapter 2, Part 1, Human Services Programs and Facilities; or

378 (ii) Title 26B, Chapter 2, Part 2, Health Care Facility Licensing and Inspection.

379 (58) "Residential roadway" means a public local residential road that:

380 (a) will serve primarily to provide access to adjacent primarily residential areas and  
381 property;

382 (b) is designed to accommodate minimal traffic volumes or vehicular traffic;

383 (c) is not identified as a supplementary to a collector or other higher system classified  
384 street in an approved municipal street or transportation master plan;

385 (d) has a posted speed limit of 25 miles per hour or less;

386 (e) does not have higher traffic volumes resulting from connecting previously separated  
387 areas of the municipal road network;

388 (f) cannot have a primary access, but can have a secondary access, and does not abut  
389 lots intended for high volume traffic or community centers, including schools, recreation  
390 centers, sports complexes, or libraries; and

391 (g) primarily serves traffic within a neighborhood or limited residential area and is not  
392 necessarily continuous through several residential areas.

393 (59) "Rules of order and procedure" means a set of rules that govern and prescribe in a  
394 public meeting:

395 (a) parliamentary order and procedure;

396 (b) ethical behavior; and

397 (c) civil discourse.

398 (60) "Sanitary sewer authority" means the department, agency, or public entity with  
399 responsibility to review and approve the feasibility of sanitary sewer services or onsite

400 wastewater systems.

401 (61) "Sending zone" means an area of a municipality that the municipality designates,  
402 by ordinance, as an area from which an owner of land may transfer a transferable development  
403 right.

404 (62) "Special district" means an entity under Title 17B, Limited Purpose Local  
405 Government Entities - Special Districts, and any other governmental or quasi-governmental  
406 entity that is not a county, municipality, school district, or the state.

407 (63) "Specified public agency" means:

- 408 (a) the state;
- 409 (b) a school district; or
- 410 (c) a charter school.

411 (64) "Specified public utility" means an electrical corporation, gas corporation, or  
412 telephone corporation, as those terms are defined in Section [54-2-1](#).

413 (65) "State" includes any department, division, or agency of the state.

414 (66) (a) "Subdivision" means any land that is divided, resubdivided, or proposed to be  
415 divided into two or more lots or other division of land for the purpose, whether immediate or  
416 future, for offer, sale, lease, or development either on the installment plan or upon any and all  
417 other plans, terms, and conditions.

418 (b) "Subdivision" includes:

419 (i) the division or development of land, whether by deed, metes and bounds  
420 description, devise and testacy, map, plat, or other recorded instrument, regardless of whether  
421 the division includes all or a portion of a parcel or lot; and

422 (ii) except as provided in Subsection (65)(c), divisions of land for residential and  
423 nonresidential uses, including land used or to be used for commercial, agricultural, and  
424 industrial purposes.

425 (c) "Subdivision" does not include:

426 (i) a bona fide division or partition of agricultural land for the purpose of joining one of  
427 the resulting separate parcels to a contiguous parcel of unsubdivided agricultural land, if  
428 neither the resulting combined parcel nor the parcel remaining from the division or partition  
429 violates an applicable land use ordinance;

430 (ii) a boundary line agreement recorded with the county recorder's office between

431 owners of adjoining parcels adjusting the mutual boundary in accordance with Section  
432 10-9a-524 if no new parcel is created;

433 (iii) a recorded document, executed by the owner of record:

434 (A) revising the legal descriptions of multiple parcels into one legal description  
435 encompassing all such parcels; or

436 (B) joining a lot to a parcel;

437 (iv) a boundary line agreement between owners of adjoining subdivided properties  
438 adjusting the mutual lot line boundary in accordance with Sections 10-9a-524 and 10-9a-608 if:

439 (A) no new dwelling lot or housing unit will result from the adjustment; and  
440 (B) the adjustment will not violate any applicable land use ordinance;

441 (v) a bona fide division of land by deed or other instrument if the deed or other  
442 instrument states in writing that the division:

443 (A) is in anticipation of future land use approvals on the parcel or parcels;  
444 (B) does not confer any land use approvals; and  
445 (C) has not been approved by the land use authority;

446 (vi) a parcel boundary adjustment;  
447 (vii) a lot line adjustment;  
448 (viii) a road, street, or highway dedication plat;  
449 (ix) a deed or easement for a road, street, or highway purpose; or  
450 (x) any other division of land authorized by law.

451 (67) (a) "Subdivision amendment" means an amendment to a recorded subdivision in  
452 accordance with Section 10-9a-608 that:

453 (i) vacates all or a portion of the subdivision;  
454 (ii) alters the outside boundary of the subdivision;  
455 (iii) changes the number of lots within the subdivision;  
456 (iv) alters a public right-of-way, a public easement, or public infrastructure within the  
457 subdivision; or

458 (v) alters a common area or other common amenity within the subdivision.

459 (b) "Subdivision amendment" does not include a lot line adjustment, between a single  
460 lot and an adjoining lot or parcel, that alters the outside boundary of the subdivision.

461 (68) "Substantial evidence" means evidence that:

- 462 (a) is beyond a scintilla; and
- 463 (b) a reasonable mind would accept as adequate to support a conclusion.
- 464 (69) "Suspect soil" means soil that has:
- 465 (a) a high susceptibility for volumetric change, typically clay rich, having more than a
- 466 3% swell potential;
- 467 (b) bedrock units with high shrink or swell susceptibility; or
- 468 (c) gypsiferous silt and clay, gypsum, or bedrock units containing abundant gypsum
- 469 commonly associated with dissolution and collapse features.
- 470 (70) "Therapeutic school" means a residential group living facility:
- 471 (a) for four or more individuals who are not related to:
- 472 (i) the owner of the facility; or
- 473 (ii) the primary service provider of the facility;
- 474 (b) that serves students who have a history of failing to function:
- 475 (i) at home;
- 476 (ii) in a public school; or
- 477 (iii) in a nonresidential private school; and
- 478 (c) that offers:
- 479 (i) room and board; and
- 480 (ii) an academic education integrated with:
- 481 (A) specialized structure and supervision; or
- 482 (B) services or treatment related to a disability, an emotional development, a
- 483 behavioral development, a familial development, or a social development.
- 484 (71) "Transferable development right" means a right to develop and use land that
- 485 originates by an ordinance that authorizes a land owner in a designated sending zone to transfer
- 486 land use rights from a designated sending zone to a designated receiving zone.
- 487 (72) "Unincorporated" means the area outside of the incorporated area of a city or
- 488 town.
- 489 (73) "Water interest" means any right to the beneficial use of water, including:
- 490 (a) each of the rights listed in Section 73-1-11; and
- 491 (b) an ownership interest in the right to the beneficial use of water represented by:
- 492 (i) a contract; or



493 (ii) a share in a water company, as defined in Section 73-3-3.5.

494 (74) "Zoning map" means a map, adopted as part of a land use ordinance, that depicts  
495 land use zones, overlays, or districts.

496 Section 2. Section 10-9a-509 is amended to read:

497 **10-9a-509. Applicant's entitlement to land use application approval --**  
498 **Municipality's requirements and limitations -- Vesting upon submission of development**  
499 **plan and schedule.**

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

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

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

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

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

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

515 (b) The municipality shall process an application without regard to proceedings the  
516 municipality initiated to amend the municipality's ordinances as described in Subsection

517 (1)(a)(ii)(B) if:

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

519 (ii) (A) the proceedings have not resulted in an enactment that prohibits approval of the  
520 application as submitted; or

521 (B) during the 12 months prior to the municipality processing the application, or  
522 multiple applications of the same type, are impaired or prohibited under the terms of a  
523 temporary land use regulation adopted under Section 10-9a-504.

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

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

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

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

534 (i) this chapter;

535 (ii) a municipal ordinance in effect on the date that the applicant submits a complete  
536 application, subject to Subsection [10-9a-509\(1\)\(a\)\(ii\)](#); or

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

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

541 (i) in a land use permit;

542 (ii) on the subdivision plat;

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

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

546 (v) in this chapter;

547 (vi) in a municipal ordinance; or

548 (vii) in a municipal specification for residential roadways in effect at the time a  
549 residential subdivision was approved.

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

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

555 subdivision plat; or

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

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

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

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

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

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

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

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

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

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

581 (b) Upon delivery of a written notice described in Subsection (5)(a) the following are  
582 rescinded and are of no further force or effect:

583 (i) the relevant land use approval; and

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

585 Section 3. Section **17-27a-103** is amended to read:

586 **17-27a-103. Definitions.**

587 As used in this chapter:

588 (1) "Accessory dwelling unit" means a habitable living unit added to, created within, or  
589 detached from a primary single-family dwelling and contained on one lot.

590 (2) "Adversely affected party" means a person other than a land use applicant who:

591 (a) owns real property adjoining the property that is the subject of a land use  
592 application or land use decision; or593 (b) will suffer a damage different in kind than, or an injury distinct from, that of the  
594 general community as a result of the land use decision.595 (3) "Affected entity" means a county, municipality, special district, special service  
596 district under Title 17D, Chapter 1, Special Service District Act, school district, interlocal  
597 cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act, specified  
598 property owner, property owner's association, public utility, or the Department of  
599 Transportation, if:600 (a) the entity's services or facilities are likely to require expansion or significant  
601 modification because of an intended use of land;602 (b) the entity has filed with the county a copy of the entity's general or long-range plan;  
603 or604 (c) the entity has filed with the county a request for notice during the same calendar  
605 year and before the county provides notice to an affected entity in compliance with a  
606 requirement imposed under this chapter.

607 (4) "Affected owner" means the owner of real property that is:

608 (a) a single project;

609 (b) the subject of a land use approval that sponsors of a referendum timely challenged  
610 in accordance with Subsection [~~20A-7-601(6)~~] [20A-7-601\(7\)](#); and611 (c) determined to be legally referable under Section [20A-7-602.8](#).612 (5) "Appeal authority" means the person, board, commission, agency, or other body  
613 designated by ordinance to decide an appeal of a decision of a land use application or a  
614 variance.615 (6) "Billboard" means a freestanding ground sign located on industrial, commercial, or  
616 residential property if the sign is designed or intended to direct attention to a business, product,

617 or service that is not sold, offered, or existing on the property where the sign is located.

618 (7) (a) "Charter school" means:

619 (i) an operating charter school;

620 (ii) a charter school applicant that a charter school authorizer approves in accordance  
621 with Title 53G, Chapter 5, Part 3, Charter School Authorization; or

622 (iii) an entity that is working on behalf of a charter school or approved charter  
623 applicant to develop or construct a charter school building.

624 (b) "Charter school" does not include a therapeutic school.

625 (8) "Chief executive officer" means the person or body that exercises the executive  
626 powers of the county.

627 (9) "Conditional use" means a land use that, because of the unique characteristics or  
628 potential impact of the land use on the county, surrounding neighbors, or adjacent land uses,  
629 may not be compatible in some areas or may be compatible only if certain conditions are  
630 required that mitigate or eliminate the detrimental impacts.

631 (10) "Constitutional taking" means a governmental action that results in a taking of  
632 private property so that compensation to the owner of the property is required by the:

633 (a) Fifth or Fourteenth Amendment of the Constitution of the United States; or

634 (b) Utah Constitution, Article I, Section 22.

635 (11) "County utility easement" means an easement that:

636 (a) a plat recorded in a county recorder's office described as a county utility easement  
637 or otherwise as a utility easement;

638 (b) is not a protected utility easement or a public utility easement as defined in Section  
639 [54-3-27](#);

640 (c) the county or the county's affiliated governmental entity owns or creates; and

641 (d) (i) either:

642 (A) no person uses or occupies; or

643 (B) the county or the county's affiliated governmental entity uses and occupies to  
644 provide a utility service, including sanitary sewer, culinary water, electrical, storm water, or  
645 communications or data lines; or

646 (ii) a person uses or occupies with or without an authorized franchise or other  
647 agreement with the county.

648 (12) "Culinary water authority" means the department, agency, or public entity with  
649 responsibility to review and approve the feasibility of the culinary water system and sources for  
650 the subject property.

651 (13) "Development activity" means:

652 (a) any construction or expansion of a building, structure, or use that creates additional  
653 demand and need for public facilities;

654 (b) any change in use of a building or structure that creates additional demand and need  
655 for public facilities; or

656 (c) any change in the use of land that creates additional demand and need for public  
657 facilities.

658 (14) (a) "Development agreement" means a written agreement or amendment to a  
659 written agreement between a county and one or more parties that regulates or controls the use  
660 or development of a specific area of land.

661 (b) "Development agreement" does not include an improvement completion assurance.

662 (15) (a) "Disability" means a physical or mental impairment that substantially limits  
663 one or more of a person's major life activities, including a person having a record of such an  
664 impairment or being regarded as having such an impairment.

665 (b) "Disability" does not include current illegal use of, or addiction to, any federally  
666 controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C.  
667 Sec. 802.

668 (16) "Educational facility":

669 (a) means:

670 (i) a school district's building at which pupils assemble to receive instruction in a  
671 program for any combination of grades from preschool through grade 12, including  
672 kindergarten and a program for children with disabilities;

673 (ii) a structure or facility:

674 (A) located on the same property as a building described in Subsection (16)(a)(i); and

675 (B) used in support of the use of that building; and

676 (iii) a building to provide office and related space to a school district's administrative  
677 personnel; and

678 (b) does not include:

679 (i) land or a structure, including land or a structure for inventory storage, equipment  
680 storage, food processing or preparing, vehicle storage or maintenance, or similar use that is:

681 (A) not located on the same property as a building described in Subsection (16)(a)(i);  
682 and

683 (B) used in support of the purposes of a building described in Subsection (16)(a)(i); or  
684 (ii) a therapeutic school.

685 (17) "Fire authority" means the department, agency, or public entity with responsibility  
686 to review and approve the feasibility of fire protection and suppression services for the subject  
687 property.

688 (18) "Flood plain" means land that:

689 (a) is within the 100-year flood plain designated by the Federal Emergency  
690 Management Agency; or

691 (b) has not been studied or designated by the Federal Emergency Management Agency  
692 but presents a likelihood of experiencing chronic flooding or a catastrophic flood event because  
693 the land has characteristics that are similar to those of a 100-year flood plain designated by the  
694 Federal Emergency Management Agency.

695 (19) "Gas corporation" has the same meaning as defined in Section [54-2-1](#).

696 (20) "General plan" means a document that a county adopts that sets forth general  
697 guidelines for proposed future development of:

698 (a) the unincorporated land within the county; or

699 (b) for a mountainous planning district, the land within the mountainous planning  
700 district.

701 (21) "Geologic hazard" means:

702 (a) a surface fault rupture;

703 (b) shallow groundwater;

704 (c) liquefaction;

705 (d) a landslide;

706 (e) a debris flow;

707 (f) unstable soil;

708 (g) a rock fall; or

709 (h) any other geologic condition that presents a risk:

- 710 (i) to life;
- 711 (ii) of substantial loss of real property; or
- 712 (iii) of substantial damage to real property.
- 713 (22) "Hookup fee" means a fee for the installation and inspection of any pipe, line,
- 714 meter, or appurtenance to connect to a county water, sewer, storm water, power, or other utility
- 715 system.
- 716 (23) "Identical plans" means building plans submitted to a county that:
- 717 (a) are clearly marked as "identical plans";
- 718 (b) are substantially identical building plans that were previously submitted to and
- 719 reviewed and approved by the county; and
- 720 (c) describe a building that:
- 721 (i) is located on land zoned the same as the land on which the building described in the
- 722 previously approved plans is located;
- 723 (ii) is subject to the same geological and meteorological conditions and the same law
- 724 as the building described in the previously approved plans;
- 725 (iii) has a floor plan identical to the building plan previously submitted to and reviewed
- 726 and approved by the county; and
- 727 (iv) does not require any additional engineering or analysis.
- 728 (24) "Impact fee" means a payment of money imposed under Title 11, Chapter 36a,
- 729 Impact Fees Act.
- 730 (25) "Improvement completion assurance" means a surety bond, letter of credit,
- 731 financial institution bond, cash, assignment of rights, lien, or other equivalent security required
- 732 by a county to guaranty the proper completion of landscaping or an infrastructure improvement
- 733 required as a condition precedent to:
- 734 (a) recording a subdivision plat; or
- 735 (b) development of a commercial, industrial, mixed use, or multifamily project.
- 736 (26) "Improvement warranty" means an applicant's unconditional warranty that the
- 737 applicant's installed and accepted landscaping or infrastructure improvement:
- 738 (a) complies with the county's written standards for design, materials, and
- 739 workmanship; and
- 740 (b) will not fail in any material respect, as a result of poor workmanship or materials,



741 within the improvement warranty period.

742 (27) "Improvement warranty period" means a period:

743 (a) no later than one year after a county's acceptance of required landscaping; or

744 (b) no later than one year after a county's acceptance of required infrastructure, unless

745 the county:

746 (i) determines for good cause that a one-year period would be inadequate to protect the  
747 public health, safety, and welfare; and

748 (ii) has substantial evidence, on record:

749 (A) of prior poor performance by the applicant; or

750 (B) that the area upon which the infrastructure will be constructed contains suspect soil

751 and the county has not otherwise required the applicant to mitigate the suspect soil.

752 (28) "Infrastructure improvement" means permanent infrastructure that is essential for  
753 the public health and safety or that:

754 (a) is required for human consumption; and

755 (b) an applicant must install:

756 (i) in accordance with published installation and inspection specifications for public  
757 improvements; and

758 (ii) as a condition of:

759 (A) recording a subdivision plat;

760 (B) obtaining a building permit; or

761 (C) developing a commercial, industrial, mixed use, condominium, or multifamily  
762 project.

763 (29) "Internal lot restriction" means a platted note, platted demarcation, or platted  
764 designation that:

765 (a) runs with the land; and

766 (b) (i) creates a restriction that is enclosed within the perimeter of a lot described on  
767 the plat; or

768 (ii) designates a development condition that is enclosed within the perimeter of a lot  
769 described on the plat.

770 (30) "Interstate pipeline company" means a person or entity engaged in natural gas  
771 transportation subject to the jurisdiction of the Federal Energy Regulatory Commission under

772 the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.

773 (31) "Intrastate pipeline company" means a person or entity engaged in natural gas  
774 transportation that is not subject to the jurisdiction of the Federal Energy Regulatory  
775 Commission under the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.

776 (32) "Land use applicant" means a property owner, or the property owner's designee,  
777 who submits a land use application regarding the property owner's land.

778 (33) "Land use application":

779 (a) means an application that is:

780 (i) required by a county; and

781 (ii) submitted by a land use applicant to obtain a land use decision; and

782 (b) does not mean an application to enact, amend, or repeal a land use regulation.

783 (34) "Land use authority" means:

784 (a) a person, board, commission, agency, or body, including the local legislative body,  
785 designated by the local legislative body to act upon a land use application; or

786 (b) if the local legislative body has not designated a person, board, commission,  
787 agency, or body, the local legislative body.

788 (35) "Land use decision" means an administrative decision of a land use authority or  
789 appeal authority regarding:

790 (a) a land use permit;

791 (b) a land use application; or

792 (c) the enforcement of a land use regulation, land use permit, or development  
793 agreement.

794 (36) "Land use permit" means a permit issued by a land use authority.

795 (37) "Land use regulation":

796 (a) means a legislative decision enacted by ordinance, law, code, map, resolution,  
797 specification, fee, or rule that governs the use or development of land;

798 (b) includes the adoption or amendment of a zoning map or the text of the zoning code;  
799 and

800 (c) does not include:

801 (i) a land use decision of the legislative body acting as the land use authority, even if  
802 the decision is expressed in a resolution or ordinance; or

803 (ii) a temporary revision to an engineering specification that does not materially:

804 (A) increase a land use applicant's cost of development compared to the existing  
805 specification; or

806 (B) impact a land use applicant's use of land.

807 (38) "Legislative body" means the county legislative body, or for a county that has  
808 adopted an alternative form of government, the body exercising legislative powers.

809 (39) "Lot" means a tract of land, regardless of any label, that is created by and shown  
810 on a subdivision plat that has been recorded in the office of the county recorder.

811 (40) (a) "Lot line adjustment" means a relocation of a lot line boundary between  
812 adjoining lots or between a lot and adjoining parcels in accordance with Section [17-27a-608](#):

813 (i) whether or not the lots are located in the same subdivision; and

814 (ii) with the consent of the owners of record.

815 (b) "Lot line adjustment" does not mean a new boundary line that:

816 (i) creates an additional lot; or

817 (ii) constitutes a subdivision or a subdivision amendment.

818 (c) "Lot line adjustment" does not include a boundary line adjustment made by the  
819 Department of Transportation.

820 (41) "Major transit investment corridor" means public transit service that uses or  
821 occupies:

822 (a) public transit rail right-of-way;

823 (b) dedicated road right-of-way for the use of public transit, such as bus rapid transit;

824 or

825 (c) fixed-route bus corridors subject to an interlocal agreement or contract between a  
826 municipality or county and:

827 (i) a public transit district as defined in Section [17B-2a-802](#); or

828 (ii) an eligible political subdivision as defined in Section [59-12-2219](#).

829 (42) "Moderate income housing" means housing occupied or reserved for occupancy  
830 by households with a gross household income equal to or less than 80% of the median gross  
831 income for households of the same size in the county in which the housing is located.

832 (43) "Mountainous planning district" means an area designated by a county legislative  
833 body in accordance with Section [17-27a-901](#).

834 (44) "Nominal fee" means a fee that reasonably reimburses a county only for time spent  
835 and expenses incurred in:

- 836 (a) verifying that building plans are identical plans; and
- 837 (b) reviewing and approving those minor aspects of identical plans that differ from the  
838 previously reviewed and approved building plans.

839 (45) "Noncomplying structure" means a structure that:

- 840 (a) legally existed before the structure's current land use designation; and
- 841 (b) because of one or more subsequent land use ordinance changes, does not conform  
842 to the setback, height restrictions, or other regulations, excluding those regulations that govern  
843 the use of land.

844 (46) "Nonconforming use" means a use of land that:

- 845 (a) legally existed before the current land use designation;
- 846 (b) has been maintained continuously since the time the land use ordinance regulation  
847 governing the land changed; and
- 848 (c) because of one or more subsequent land use ordinance changes, does not conform  
849 to the regulations that now govern the use of the land.

850 (47) "Official map" means a map drawn by county authorities and recorded in the  
851 county recorder's office that:

- 852 (a) shows actual and proposed rights-of-way, centerline alignments, and setbacks for  
853 highways and other transportation facilities;
- 854 (b) provides a basis for restricting development in designated rights-of-way or between  
855 designated setbacks to allow the government authorities time to purchase or otherwise reserve  
856 the land; and
- 857 (c) has been adopted as an element of the county's general plan.

858 (48) "Parcel" means any real property that is not a lot.

859 (49) (a) "Parcel boundary adjustment" means a recorded agreement between owners of  
860 adjoining parcels adjusting the mutual boundary, either by deed or by a boundary line  
861 agreement in accordance with Section [17-27a-523](#), if no additional parcel is created and:

- 862 (i) none of the property identified in the agreement is a lot; or
  - 863 (ii) the adjustment is to the boundaries of a single person's parcels.
- 864 (b) "Parcel boundary adjustment" does not mean an adjustment of a parcel boundary

865 line that:

866 (i) creates an additional parcel; or

867 (ii) constitutes a subdivision.

868 (c) "Parcel boundary adjustment" does not include a boundary line adjustment made by  
869 the Department of Transportation.

870 (50) "Person" means an individual, corporation, partnership, organization, association,  
871 trust, governmental agency, or any other legal entity.

872 (51) "Plan for moderate income housing" means a written document adopted by a  
873 county legislative body that includes:

874 (a) an estimate of the existing supply of moderate income housing located within the  
875 county;

876 (b) an estimate of the need for moderate income housing in the county for the next five  
877 years;

878 (c) a survey of total residential land use;

879 (d) an evaluation of how existing land uses and zones affect opportunities for moderate  
880 income housing; and

881 (e) a description of the county's program to encourage an adequate supply of moderate  
882 income housing.

883 (52) "Planning advisory area" means a contiguous, geographically defined portion of  
884 the unincorporated area of a county established under this part with planning and zoning  
885 functions as exercised through the planning advisory area planning commission, as provided in  
886 this chapter, but with no legal or political identity separate from the county and no taxing  
887 authority.

888 (53) "Plat" means an instrument subdividing property into lots as depicted on a map or  
889 other graphical representation of lands that a licensed professional land surveyor makes and  
890 prepares in accordance with Section [17-27a-603](#) or [57-8-13](#).

891 (54) "Potential geologic hazard area" means an area that:

892 (a) is designated by a Utah Geological Survey map, county geologist map, or other  
893 relevant map or report as needing further study to determine the area's potential for geologic  
894 hazard; or

895 (b) has not been studied by the Utah Geological Survey or a county geologist but

896 presents the potential of geologic hazard because the area has characteristics similar to those of  
897 a designated geologic hazard area.

898 (55) "Public agency" means:

899 (a) the federal government;

900 (b) the state;

901 (c) a county, municipality, school district, special district, special service district, or  
902 other political subdivision of the state; or

903 (d) a charter school.

904 (56) "Public hearing" means a hearing at which members of the public are provided a  
905 reasonable opportunity to comment on the subject of the hearing.

906 (57) "Public meeting" means a meeting that is required to be open to the public under  
907 Title 52, Chapter 4, Open and Public Meetings Act.

908 (58) "Public street" means a public right-of-way, including a public highway, public  
909 avenue, public boulevard, public parkway, public road, public lane, public alley, public  
910 viaduct, public subway, public tunnel, public bridge, public byway, other public transportation  
911 easement, or other public way.

912 (59) "Receiving zone" means an unincorporated area of a county that the county  
913 designates, by ordinance, as an area in which an owner of land may receive a transferable  
914 development right.

915 (60) "Record of survey map" means a map of a survey of land prepared in accordance  
916 with Section [10-9a-603](#), [17-23-17](#), [17-27a-603](#), or [57-8-13](#).

917 (61) "Residential facility for persons with a disability" means a residence:

918 (a) in which more than one person with a disability resides; and

919 (b) which is licensed or certified by the Department of Health and Human Services  
920 under:

921 (i) Title 26B, Chapter 2, Part 1, Human Services Programs and Facilities; or

922 (ii) Title 26B, Chapter 2, Part 2, Health Care Facility Licensing and Inspection.

923 (62) "Residential roadway" means a public local residential road that:

924 (a) will serve primarily to provide access to adjacent primarily residential areas and  
925 property;

926 (b) is designed to accommodate minimal traffic volumes or vehicular traffic;

927 (c) is not identified as a supplementary to a collector or other higher system classified  
928 street in an approved municipal street or transportation master plan;

929 (d) has a posted speed limit of 25 miles per hour or less;

930 (e) does not have higher traffic volumes resulting from connecting previously separated  
931 areas of the municipal road network;

932 (f) cannot have a primary access, but can have a secondary access, and does not abut  
933 lots intended for high volume traffic or community centers, including schools, recreation  
934 centers, sports complexes, or libraries; and

935 (g) primarily serves traffic within a neighborhood or limited residential area and is not  
936 necessarily continuous through several residential areas.

937 (63) "Rules of order and procedure" means a set of rules that govern and prescribe in a  
938 public meeting:

939 (a) parliamentary order and procedure;

940 (b) ethical behavior; and

941 (c) civil discourse.

942 (64) "Sanitary sewer authority" means the department, agency, or public entity with  
943 responsibility to review and approve the feasibility of sanitary sewer services or onsite  
944 wastewater systems.

945 (65) "Sending zone" means an unincorporated area of a county that the county  
946 designates, by ordinance, as an area from which an owner of land may transfer a transferable  
947 development right.

948 (66) "Site plan" means a document or map that may be required by a county during a  
949 preliminary review preceding the issuance of a building permit to demonstrate that an owner's  
950 or developer's proposed development activity meets a land use requirement.

951 (67) (a) "Special district" means an entity under Title 17B, Limited Purpose Local  
952 Government Entities - Special Districts.

953 (b) "Special district" includes a governmental or quasi-governmental entity that is not a  
954 county, municipality, school district, or the state.

955 (68) "Specified public agency" means:

956 (a) the state;

957 (b) a school district; or

958 (c) a charter school.

959 (69) "Specified public utility" means an electrical corporation, gas corporation, or  
960 telephone corporation, as those terms are defined in Section 54-2-1.

961 (70) "State" includes any department, division, or agency of the state.

962 (71) (a) "Subdivision" means any land that is divided, resubdivided, or proposed to be  
963 divided into two or more lots or other division of land for the purpose, whether immediate or  
964 future, for offer, sale, lease, or development either on the installment plan or upon any and all  
965 other plans, terms, and conditions.

966 (b) "Subdivision" includes:

967 (i) the division or development of land, whether by deed, metes and bounds  
968 description, devise and testacy, map, plat, or other recorded instrument, regardless of whether  
969 the division includes all or a portion of a parcel or lot; and

970 (ii) except as provided in Subsection (70)(c), divisions of land for residential and  
971 nonresidential uses, including land used or to be used for commercial, agricultural, and  
972 industrial purposes.

973 (c) "Subdivision" does not include:

974 (i) a bona fide division or partition of agricultural land for agricultural purposes;

975 (ii) a boundary line agreement recorded with the county recorder's office between  
976 owners of adjoining parcels adjusting the mutual boundary in accordance with Section  
977 17-27a-523 if no new lot is created;

978 (iii) a recorded document, executed by the owner of record:

979 (A) revising the legal descriptions of multiple parcels into one legal description  
980 encompassing all such parcels; or

981 (B) joining a lot to a parcel;

982 (iv) a bona fide division or partition of land in a county other than a first class county  
983 for the purpose of siting, on one or more of the resulting separate parcels:

984 (A) an electrical transmission line or a substation;

985 (B) a natural gas pipeline or a regulation station; or

986 (C) an unmanned telecommunications, microwave, fiber optic, electrical, or other  
987 utility service regeneration, transformation, retransmission, or amplification facility;

988 (v) a boundary line agreement between owners of adjoining subdivided properties



989 adjusting the mutual lot line boundary in accordance with Sections 17-27a-523 and 17-27a-608  
990 if:

- 991 (A) no new dwelling lot or housing unit will result from the adjustment; and
- 992 (B) the adjustment will not violate any applicable land use ordinance;
- 993 (vi) a bona fide division of land by deed or other instrument if the deed or other  
994 instrument states in writing that the division:

- 995 (A) is in anticipation of future land use approvals on the parcel or parcels;
- 996 (B) does not confer any land use approvals; and
- 997 (C) has not been approved by the land use authority;
- 998 (vii) a parcel boundary adjustment;
- 999 (viii) a lot line adjustment;
- 1000 (ix) a road, street, or highway dedication plat;
- 1001 (x) a deed or easement for a road, street, or highway purpose; or
- 1002 (xi) any other division of land authorized by law.

1003 (72) (a) "Subdivision amendment" means an amendment to a recorded subdivision in  
1004 accordance with Section 17-27a-608 that:

- 1005 (i) vacates all or a portion of the subdivision;
- 1006 (ii) alters the outside boundary of the subdivision;
- 1007 (iii) changes the number of lots within the subdivision;
- 1008 (iv) alters a public right-of-way, a public easement, or public infrastructure within the  
1009 subdivision; or
- 1010 (v) alters a common area or other common amenity within the subdivision.
- 1011 (b) "Subdivision amendment" does not include a lot line adjustment, between a single  
1012 lot and an adjoining lot or parcel, that alters the outside boundary of the subdivision.

1013 (73) "Substantial evidence" means evidence that:

- 1014 (a) is beyond a scintilla; and
- 1015 (b) a reasonable mind would accept as adequate to support a conclusion.

1016 (74) "Suspect soil" means soil that has:

- 1017 (a) a high susceptibility for volumetric change, typically clay rich, having more than a  
1018 3% swell potential;
- 1019 (b) bedrock units with high shrink or swell susceptibility; or

1020 (c) gypsiferous silt and clay, gypsum, or bedrock units containing abundant gypsum  
1021 commonly associated with dissolution and collapse features.

1022 (75) "Therapeutic school" means a residential group living facility:

1023 (a) for four or more individuals who are not related to:

1024 (i) the owner of the facility; or

1025 (ii) the primary service provider of the facility;

1026 (b) that serves students who have a history of failing to function:

1027 (i) at home;

1028 (ii) in a public school; or

1029 (iii) in a nonresidential private school; and

1030 (c) that offers:

1031 (i) room and board; and

1032 (ii) an academic education integrated with:

1033 (A) specialized structure and supervision; or

1034 (B) services or treatment related to a disability, an emotional development, a  
1035 behavioral development, a familial development, or a social development.

1036 (76) "Transferable development right" means a right to develop and use land that  
1037 originates by an ordinance that authorizes a land owner in a designated sending zone to transfer  
1038 land use rights from a designated sending zone to a designated receiving zone.

1039 (77) "Unincorporated" means the area outside of the incorporated area of a  
1040 municipality.

1041 (78) "Water interest" means any right to the beneficial use of water, including:

1042 (a) each of the rights listed in Section 73-1-11; and

1043 (b) an ownership interest in the right to the beneficial use of water represented by:

1044 (i) a contract; or

1045 (ii) a share in a water company, as defined in Section 73-3-3.5.

1046 (79) "Zoning map" means a map, adopted as part of a land use ordinance, that depicts  
1047 land use zones, overlays, or districts.

1048 Section 4. Section 17-27a-508 is amended to read:

1049 **17-27a-508. Applicant's entitlement to land use application approval --**

1050 **Application relating to land in a high priority transportation corridor -- County's**

1051 **requirements and limitations -- Vesting upon submission of development plan and**  
1052 **schedule.**

1053 (1) (a) (i) An applicant who has submitted a complete land use application, including  
1054 the payment of all application fees, is entitled to substantive review of the application under the  
1055 land use regulations:

1056 (A) in effect on the date that the application is complete; and

1057 (B) applicable to the application or to the information shown on the submitted  
1058 application.

1059 (ii) An applicant is entitled to approval of a land use application if the application  
1060 conforms to the requirements of the applicable land use regulations, land use decisions, and  
1061 development standards in effect when the applicant submits a complete application and pays all  
1062 application fees, unless:

1063 (A) the land use authority, on the record, formally finds that a compelling,  
1064 countervailing public interest would be jeopardized by approving the application and specifies  
1065 the compelling, countervailing public interest in writing; or

1066 (B) in the manner provided by local ordinance and before the applicant submits the  
1067 application, the county formally initiates proceedings to amend the county's land use  
1068 regulations in a manner that would prohibit approval of the application as submitted.

1069 (b) The county shall process an application without regard to proceedings the county  
1070 initiated to amend the county's ordinances as described in Subsection (1)(a)(ii)(B) if:

1071 (i) 180 days have passed since the county initiated the proceedings; and

1072 (ii) (A) the proceedings have not resulted in an enactment that prohibits approval of the  
1073 application as submitted; or

1074 (B) during the 12 months prior to the county processing the application or multiple  
1075 applications of the same type, the application is impaired or prohibited under the terms of a  
1076 temporary land use regulation adopted under Section [17-27a-504](#).

1077 (c) A land use application is considered submitted and complete when the applicant  
1078 provides the application in a form that complies with the requirements of applicable ordinances  
1079 and pays all applicable fees.

1080 (d) The continuing validity of an approval of a land use application is conditioned upon  
1081 the applicant proceeding after approval to implement the approval with reasonable diligence.

- 1082 (e) A county may not impose on an applicant who has submitted a complete  
1083 application a requirement that is not expressed in:
- 1084 (i) this chapter;
  - 1085 (ii) a county ordinance in effect on the date that the applicant submits a complete  
1086 application, subject to Subsection 17-27a-508(1)(a)(ii); or
  - 1087 (iii) a county specification for public improvements applicable to a subdivision or  
1088 development that is in effect on the date that the applicant submits an application.
- 1089 (f) A county may not impose on a holder of an issued land use permit or a final,  
1090 unexpired subdivision plat a requirement that is not expressed:
- 1091 (i) in a land use permit;
  - 1092 (ii) on the subdivision plat;
  - 1093 (iii) in a document on which the land use permit or subdivision plat is based;
  - 1094 (iv) in the written record evidencing approval of the land use permit or subdivision  
1095 plat;
  - 1096 (v) in this chapter;
  - 1097 (vi) in a county ordinance; or
  - 1098 (vii) in a county specification for residential roadways in effect at the time a residential  
1099 subdivision was approved.
- 1100 (g) Except as provided in Subsection (1)(h), a county may not withhold issuance of a  
1101 certificate of occupancy or acceptance of subdivision improvements because of an applicant's  
1102 failure to comply with a requirement that is not expressed:
- 1103 (i) in the building permit or subdivision plat, documents on which the building permit  
1104 or subdivision plat is based, or the written record evidencing approval of the building permit or  
1105 subdivision plat; or
  - 1106 (ii) in this chapter or the county's ordinances.
- 1107 (h) A county may not unreasonably withhold issuance of a certificate of occupancy  
1108 where an applicant has met all requirements essential for the public health, public safety, and  
1109 general welfare of the occupants, in accordance with this chapter, unless:
- 1110 (i) the applicant and the county have agreed in a written document to the withholding  
1111 of a certificate of occupancy; or
  - 1112 (ii) the applicant has not provided a financial assurance for required and uncompleted

1113 public landscaping improvements or infrastructure improvements in accordance with an  
1114 applicable ordinance that the legislative body adopts under this chapter.

1115 (2) A county is bound by the terms and standards of applicable land use regulations and  
1116 shall comply with mandatory provisions of those regulations.

1117 (3) A county may not, as a condition of land use application approval, require a person  
1118 filing a land use application to obtain documentation regarding a school district's willingness,  
1119 capacity, or ability to serve the development proposed in the land use application.

1120 (4) Upon a specified public agency's submission of a development plan and schedule as  
1121 required in Subsection [17-27a-305](#)(8) that complies with the requirements of that subsection,  
1122 the specified public agency vests in the county's applicable land use maps, zoning map, hookup  
1123 fees, impact fees, other applicable development fees, and land use regulations in effect on the  
1124 date of submission.

1125 (5) (a) If sponsors of a referendum timely challenge a project in accordance with  
1126 Subsection [~~[20A-7-601](#)~~(6)] [20A-7-601](#)(7), the project's affected owner may rescind the  
1127 project's land use approval by delivering a written notice:

1128 (i) to the local clerk as defined in Section [20A-7-101](#); and

1129 (ii) no later than seven days after the day on which a petition for a referendum is  
1130 determined sufficient under Subsection [20A-7-607](#)(5).

1131 (b) Upon delivery of a written notice described in Subsection(5)(a) the following are  
1132 rescinded and are of no further force or effect:

1133 (i) the relevant land use approval; and

1134 (ii) any land use regulation enacted specifically in relation to the land use approval.

1135 Section 5. Section **20A-1-102** is amended to read:

1136 **20A-1-102. Definitions.**

1137 As used in this title:

1138 (1) "Active voter" means a registered voter who has not been classified as an inactive  
1139 voter by the county clerk.

1140 (2) "Automatic tabulating equipment" means apparatus that automatically examines  
1141 and counts votes recorded on ballots and tabulates the results.

1142 (3) (a) "Ballot" means the storage medium, including a paper, mechanical, or electronic  
1143 storage medium, that records an individual voter's vote.

- 1144 (b) "Ballot" does not include a record to tally multiple votes.
- 1145 (4) "Ballot proposition" means a question, issue, or proposal that is submitted to voters  
1146 on the ballot for their approval or rejection including:
- 1147 (a) an opinion question specifically authorized by the Legislature;
- 1148 (b) a constitutional amendment;
- 1149 (c) an initiative;
- 1150 (d) a referendum;
- 1151 (e) a bond proposition;
- 1152 (f) a judicial retention question;
- 1153 (g) an incorporation of a city or town; or
- 1154 (h) any other ballot question specifically authorized by the Legislature.
- 1155 (5) "Bind," "binding," or "bound" means securing more than one piece of paper  
1156 together using staples or another means in at least three places across the top of the paper in the  
1157 blank space reserved for securing the paper.
- 1158 (6) "Board of canvassers" means the entities established by Sections [20A-4-301](#) and  
1159 [20A-4-306](#) to canvass election returns.
- 1160 (7) "Bond election" means an election held for the purpose of approving or rejecting  
1161 the proposed issuance of bonds by a government entity.
- 1162 (8) "Business reply mail envelope" means an envelope that may be mailed free of  
1163 charge by the sender.
- 1164 (9) "Canvass" means the review of election returns and the official declaration of  
1165 election results by the board of canvassers.
- 1166 (10) "Canvassing judge" means a poll worker designated to assist in counting ballots at  
1167 the canvass.
- 1168 (11) "Contracting election officer" means an election officer who enters into a contract  
1169 or interlocal agreement with a provider election officer.
- 1170 (12) "Convention" means the political party convention at which party officers and  
1171 delegates are selected.
- 1172 (13) "Counting center" means one or more locations selected by the election officer in  
1173 charge of the election for the automatic counting of ballots.
- 1174 (14) "Counting judge" means a poll worker designated to count the ballots during

1175 election day.

1176 (15) "Counting room" means a suitable and convenient private place or room for use  
1177 by the poll workers and counting judges to count ballots.

1178 (16) "County officers" means those county officers that are required by law to be  
1179 elected.

1180 (17) "Date of the election" or "election day" or "day of the election":

1181 (a) means the day that is specified in the calendar year as the day that the election  
1182 occurs; and

1183 (b) does not include:

1184 (i) deadlines established for voting by mail, military-overseas voting, or emergency  
1185 voting; or

1186 (ii) any early voting or early voting period as provided under Chapter 3a, Part 6, Early  
1187 Voting.

1188 (18) "Elected official" means:

1189 (a) a person elected to an office under Section 20A-1-303 or Chapter 4, Part 6,  
1190 Municipal Alternate Voting Methods Pilot Project;

1191 (b) a person who is considered to be elected to a municipal office in accordance with  
1192 Subsection 20A-1-206(1)(c)(ii); or

1193 (c) a person who is considered to be elected to a special district office in accordance  
1194 with Subsection 20A-1-206(3)(b)(ii).

1195 (19) "Election" means a regular general election, a municipal general election, a  
1196 statewide special election, a local special election, a regular primary election, a municipal  
1197 primary election, and a special district election.

1198 (20) "Election Assistance Commission" means the commission established by the Help  
1199 America Vote Act of 2002, Pub. L. No. 107-252.

1200 (21) "Election cycle" means the period beginning on the first day persons are eligible to  
1201 file declarations of candidacy and ending when the canvass is completed.

1202 (22) "Election judge" means a poll worker that is assigned to:

1203 (a) preside over other poll workers at a polling place;

1204 (b) act as the presiding election judge; or

1205 (c) serve as a canvassing judge, counting judge, or receiving judge.

- 1206 (23) "Election officer" means:
- 1207 (a) the lieutenant governor, for all statewide ballots and elections;
- 1208 (b) the county clerk for:
- 1209 (i) a county ballot and election; and
- 1210 (ii) a ballot and election as a provider election officer as provided in Section
- 1211 [20A-5-400.1](#) or [20A-5-400.5](#);
- 1212 (c) the municipal clerk for:
- 1213 (i) a municipal ballot and election; and
- 1214 (ii) a ballot and election as a provider election officer as provided in Section
- 1215 [20A-5-400.1](#) or [20A-5-400.5](#);
- 1216 (d) the special district clerk or chief executive officer for:
- 1217 (i) a special district ballot and election; and
- 1218 (ii) a ballot and election as a provider election officer as provided in Section
- 1219 [20A-5-400.1](#) or [20A-5-400.5](#); or
- 1220 (e) the business administrator or superintendent of a school district for:
- 1221 (i) a school district ballot and election, including a ballot and election on a referendum
- 1222 under Subsection [20A-7-102\(4\)](#); and
- 1223 (ii) a ballot and election as a provider election officer as provided in Section
- 1224 [20A-5-400.1](#) or [20A-5-400.5](#).
- 1225 (24) "Election official" means any election officer, election judge, or poll worker.
- 1226 (25) "Election results" means:
- 1227 (a) for an election other than a bond election, the count of votes cast in the election and
- 1228 the election returns requested by the board of canvassers; or
- 1229 (b) for bond elections, the count of those votes cast for and against the bond
- 1230 proposition plus any or all of the election returns that the board of canvassers may request.
- 1231 (26) "Election returns" includes:
- 1232 (a) the pollbook, the military and overseas absentee voter registration and voting
- 1233 certificates, one of the tally sheets, any unprocessed ballots, all counted ballots, all excess
- 1234 ballots, all unused ballots, all spoiled ballots, the ballot disposition form, and the total votes
- 1235 cast form; and
- 1236 (b) the record, described in Subsection [20A-3a-401\(8\)\(c\)](#), of voters contacted to cure a



1237 ballot.

1238 (27) "Electronic signature" means an electronic sound, symbol, or process attached to  
1239 or logically associated with a record and executed or adopted by a person with the intent to sign  
1240 the record.

1241 (28) "Inactive voter" means a registered voter who is listed as inactive by a county  
1242 clerk under Subsection 20A-2-505(4)(c)(i) or (ii).

1243 (29) "Judicial office" means the office filled by any judicial officer.

1244 (30) "Judicial officer" means any justice or judge of a court of record or any county  
1245 court judge.

1246 (31) "Local election" means a regular county election, a regular municipal election, a  
1247 municipal primary election, a local special election, a special district election, and a bond  
1248 election.

1249 (32) "Local political subdivision" means a county, a municipality, a special district, or  
1250 a local school district.

1251 (33) "Local special election" means a special election called by the governing body of a  
1252 local political subdivision in which all registered voters of the local political subdivision may  
1253 vote.

1254 (34) "Manual ballot" means a paper document produced by an election officer on  
1255 which an individual records an individual's vote by directly placing a mark on the paper  
1256 document using a pen or other marking instrument.

1257 (35) "Mechanical ballot" means a record, including a paper record, electronic record, or  
1258 mechanical record, that:

1259 (a) is created via electronic or mechanical means; and

1260 (b) records an individual voter's vote cast via a method other than an individual directly  
1261 placing a mark, using a pen or other marking instrument, to record an individual voter's vote.

1262 (36) "Municipal executive" means:

1263 (a) the mayor in the council-mayor form of government defined in Section 10-3b-102;

1264 (b) the mayor in the council-manager form of government defined in Subsection  
1265 10-3b-103(7); or

1266 (c) the mayor of a metro township form of government defined in Section 10-3b-102.

1267 (37) "Municipal general election" means the election held in municipalities and, as

1268 applicable, special districts on the first Tuesday after the first Monday in November of each  
1269 odd-numbered year for the purposes established in Section [20A-1-202](#).

1270 (38) "Municipal legislative body" means:

1271 (a) the council of the city or town in any form of municipal government; or

1272 (b) the council of a metro township.

1273 (39) "Municipal office" means an elective office in a municipality.

1274 (40) "Municipal officers" means those municipal officers that are required by law to be  
1275 elected.

1276 (41) "Municipal primary election" means an election held to nominate candidates for  
1277 municipal office.

1278 (42) "Municipality" means a city, town, or metro township.

1279 (43) "Official ballot" means the ballots distributed by the election officer for voters to  
1280 record their votes.

1281 (44) "Official endorsement" means the information on the ballot that identifies:

1282 (a) the ballot as an official ballot;

1283 (b) the date of the election; and

1284 (c) (i) for a ballot prepared by an election officer other than a county clerk, the  
1285 facsimile signature required by Subsection [20A-6-401\(1\)\(a\)\(iii\)](#); or

1286 (ii) for a ballot prepared by a county clerk, the words required by Subsection  
1287 [20A-6-301\(1\)\(b\)\(iii\)](#).

1288 (45) "Official register" means the official record furnished to election officials by the  
1289 election officer that contains the information required by Section [20A-5-401](#).

1290 (46) "Political party" means an organization of registered voters that has qualified to  
1291 participate in an election by meeting the requirements of Chapter 8, Political Party Formation  
1292 and Procedures.

1293 (47) (a) "Poll worker" means a person assigned by an election official to assist with an  
1294 election, voting, or counting votes.

1295 (b) "Poll worker" includes election judges.

1296 (c) "Poll worker" does not include a watcher.

1297 (48) "Pollbook" means a record of the names of voters in the order that they appear to  
1298 cast votes.

- 1299 (49) "Polling place" means a building where voting is conducted.
- 1300 (50) "Position" means a square, circle, rectangle, or other geometric shape on a ballot  
1301 in which the voter marks the voter's choice.
- 1302 (51) "Presidential Primary Election" means the election established in Chapter 9, Part  
1303 8, Presidential Primary Election.
- 1304 (52) "Primary convention" means the political party conventions held during the year  
1305 of the regular general election.
- 1306 (53) "Protective counter" means a separate counter, which cannot be reset, that:  
1307 (a) is built into a voting machine; and  
1308 (b) records the total number of movements of the operating lever.
- 1309 (54) "Provider election officer" means an election officer who enters into a contract or  
1310 interlocal agreement with a contracting election officer to conduct an election for the  
1311 contracting election officer's local political subdivision in accordance with Section  
1312 [20A-5-400.1](#).
- 1313 (55) "Provisional ballot" means a ballot voted provisionally by a person:  
1314 (a) whose name is not listed on the official register at the polling place;  
1315 (b) whose legal right to vote is challenged as provided in this title; or  
1316 (c) whose identity was not sufficiently established by a poll worker.
- 1317 (56) "Provisional ballot envelope" means an envelope printed in the form required by  
1318 Section [20A-6-105](#) that is used to identify provisional ballots and to provide information to  
1319 verify a person's legal right to vote.
- 1320 (57) (a) "Public figure" means an individual who, due to the individual being  
1321 considered for, holding, or having held a position of prominence in a public or private capacity,  
1322 or due to the individual's celebrity status, has an increased risk to the individual's safety.
- 1323 (b) "Public figure" does not include an individual:  
1324 (i) elected to public office; or  
1325 (ii) appointed to fill a vacancy in an elected public office.
- 1326 (58) "Qualify" or "qualified" means to take the oath of office and begin performing the  
1327 duties of the position for which the individual was elected.
- 1328 (59) "Receiving judge" means the poll worker that checks the voter's name in the  
1329 official register at a polling place and provides the voter with a ballot.

1330 (60) "Registration form" means a form by which an individual may register to vote  
1331 under this title.

1332 (61) "Regular ballot" means a ballot that is not a provisional ballot.

1333 (62) "Regular general election" means the election held throughout the state on the first  
1334 Tuesday after the first Monday in November of each even-numbered year for the purposes  
1335 established in Section [20A-1-201](#).

1336 (63) "Regular primary election" means the election, held on the date specified in  
1337 Section [20A-1-201.5](#), to nominate candidates of political parties and candidates for nonpartisan  
1338 local school board positions to advance to the regular general election.

1339 (64) "Resident" means a person who resides within a specific voting precinct in Utah.

1340 (65) "Return envelope" means the envelope, described in Subsection [20A-3a-202\(4\)](#),  
1341 provided to a voter with a manual ballot:

1342 (a) into which the voter places the manual ballot after the voter has voted the manual  
1343 ballot in order to preserve the secrecy of the voter's vote; and

1344 (b) that includes the voter affidavit and a place for the voter's signature.

1345 (66) "Sample ballot" means a mock ballot similar in form to the official ballot,  
1346 published as provided in Section [20A-5-405](#).

1347 (67) "Special district" means a local government entity under Title 17B, Limited  
1348 Purpose Local Government Entities - Special Districts, and includes a special service district  
1349 under Title 17D, Chapter 1, Special Service District Act.

1350 (68) "Special district officers" means those special district board members who are  
1351 required by law to be elected.

1352 (69) "Special election" means an election held as authorized by Section [20A-1-203](#).

1353 (70) "Spoiled ballot" means each ballot that:

1354 (a) is spoiled by the voter;

1355 (b) is unable to be voted because it was spoiled by the printer or a poll worker; or

1356 (c) lacks the official endorsement.

1357 (71) "Statewide special election" means a special election called by the governor or the  
1358 Legislature in which all registered voters in Utah may vote.

1359 (72) "Tabulation system" means a device or system designed for the sole purpose of  
1360 tabulating votes cast by voters at an election.

- 1361 (73) "Ticket" means a list of:
- 1362 (a) political parties;
- 1363 (b) candidates for an office; or
- 1364 (c) ballot propositions.
- 1365 (74) "Transfer case" means the sealed box used to transport voted ballots to the
- 1366 counting center.
- 1367 (75) "Vacancy" means:
- 1368 (a) except as provided in Subsection (75)(b), the absence of an individual to serve in a
- 1369 position created by state constitution or state statute, whether that absence occurs because of
- 1370 death, disability, disqualification, resignation, or other cause; or
- 1371 (b) in relation to a candidate for a position created by state constitution or state statute,
- 1372 the removal of a candidate due to the candidate's death, resignation, or disqualification.
- 1373 (76) "Valid voter identification" means:
- 1374 (a) a form of identification that bears the name and photograph of the voter which may
- 1375 include:
- 1376 (i) a currently valid Utah driver license;
- 1377 (ii) a currently valid identification card that is issued by:
- 1378 (A) the state; or
- 1379 (B) a branch, department, or agency of the United States;
- 1380 (iii) a currently valid Utah permit to carry a concealed weapon;
- 1381 (iv) a currently valid United States passport; or
- 1382 (v) a currently valid United States military identification card;
- 1383 (b) one of the following identification cards, whether or not the card includes a
- 1384 photograph of the voter:
- 1385 (i) a valid tribal identification card;
- 1386 (ii) a Bureau of Indian Affairs card; or
- 1387 (iii) a tribal treaty card; or
- 1388 (c) two forms of identification not listed under Subsection (76)(a) or (b) but that bear
- 1389 the name of the voter and provide evidence that the voter resides in the voting precinct, which
- 1390 may include:
- 1391 (i) a current utility bill or a legible copy thereof, dated within the 90 days before the

- 1392 election;
- 1393 (ii) a bank or other financial account statement, or a legible copy thereof;
- 1394 (iii) a certified birth certificate;
- 1395 (iv) a valid social security card;
- 1396 (v) a check issued by the state or the federal government or a legible copy thereof;
- 1397 (vi) a paycheck from the voter's employer, or a legible copy thereof;
- 1398 (vii) a currently valid Utah hunting or fishing license;
- 1399 (viii) certified naturalization documentation;
- 1400 (ix) a currently valid license issued by an authorized agency of the United States;
- 1401 (x) a certified copy of court records showing the voter's adoption or name change;
- 1402 (xi) a valid Medicaid card, Medicare card, or Electronic Benefits Transfer Card;
- 1403 (xii) a currently valid identification card issued by:
- 1404 (A) a local government within the state;
- 1405 (B) an employer for an employee; or
- 1406 (C) a college, university, technical school, or professional school located within the
- 1407 state; or
- 1408 (xiii) a current Utah vehicle registration.
- 1409 (77) "Valid write-in candidate" means a candidate who has qualified as a write-in
- 1410 candidate by following the procedures and requirements of this title.
- 1411 (78) "Vote by mail" means to vote, using a manual ballot that is mailed to the voter, by:
- 1412 (a) mailing the ballot to the location designated in the mailing; or
- 1413 (b) depositing the ballot in a ballot drop box designated by the election officer.
- 1414 (79) "Voter" means an individual who:
- 1415 (a) meets the requirements for voting in an election;
- 1416 (b) meets the requirements of election registration;
- 1417 (c) is registered to vote; and
- 1418 (d) is listed in the official register book.
- 1419 (80) "Voter registration deadline" means the registration deadline provided in Section
- 1420 [20A-2-102.5](#).
- 1421 (81) "Voting area" means the area within six feet of the voting booths, voting
- 1422 machines, and ballot box.

- 1423 (82) "Voting booth" means:
- 1424 (a) the space or compartment within a polling place that is provided for the preparation
- 1425 of ballots, including the voting enclosure or curtain; or
- 1426 (b) a voting device that is free standing.
- 1427 (83) "Voting device" means any device provided by an election officer for a voter to
- 1428 vote a mechanical ballot.
- 1429 (84) "Voting precinct" means the smallest geographical voting unit, established under
- 1430 Chapter 5, Part 3, Duties of the County and Municipal Legislative Bodies.
- 1431 (85) "Watcher" means an individual who complies with the requirements described in
- 1432 Section [20A-3a-801](#) to become a watcher for an election.
- 1433 (86) "Write-in ballot" means a ballot containing any write-in votes.
- 1434 (87) "Write-in vote" means a vote cast for an individual, whose name is not printed on
- 1435 the ballot, in accordance with the procedures established in this title.
- 1436 Section 6. Section **20A-4-301** is amended to read:
- 1437 **20A-4-301. Board of canvassers.**
- 1438 (1) (a) Each county legislative body is the board of county canvassers for:
- 1439 (i) the county; and
- 1440 (ii) each special district whose election is conducted by the county if:
- 1441 (A) the election relates to the creation of the special district;
- 1442 (B) the county legislative body serves as the governing body of the special district; or
- 1443 (C) there is no duly constituted governing body of the special district.
- 1444 (b) The board of county canvassers shall meet to canvass the returns at the usual place
- 1445 of meeting of the county legislative body, at a date and time determined by the county clerk
- 1446 that is no sooner than seven days after the election and no later than 14 days after the election.
- 1447 (c) If one or more of the county legislative body fails to attend the meeting of the board
- 1448 of county canvassers, the remaining members shall replace the absent member by appointing in
- 1449 the order named:
- 1450 (i) the county treasurer;
- 1451 (ii) the county assessor; or
- 1452 (iii) the county sheriff.
- 1453 (d) Attendance of the number of persons equal to a simple majority of the county

1454 legislative body, but not less than three persons, shall constitute a quorum for conducting the  
1455 canvass.

1456 (e) The county clerk is the clerk of the board of county canvassers.

1457 (2) (a) The mayor and the municipal legislative body are the board of municipal  
1458 canvassers for the municipality.

1459 (b) The board of municipal canvassers shall meet to canvass the returns at the usual  
1460 place of meeting of the municipal legislative body:

1461 (i) for canvassing of returns from a municipal general election, no sooner than seven  
1462 days after the election and no later than 14 days after the election; or

1463 (ii) for canvassing of returns from a municipal primary election, no sooner than seven  
1464 days after the election and no later than 14 days after the election.

1465 (c) Attendance of a simple majority of the municipal legislative body shall constitute a  
1466 quorum for conducting the canvass.

1467 (3) (a) The legislative body of the entity authorizing a bond election is the board of  
1468 canvassers for each bond election.

1469 (b) The board of canvassers for the bond election shall comply with the canvassing  
1470 procedures and requirements of Section [11-14-207](#).

1471 (c) Attendance of a simple majority of the legislative body of the entity authorizing a  
1472 bond election shall constitute a quorum for conducting the canvass.

1473 (4) (a) The local school board of a school district is the board of school district  
1474 canvassers for a referendum election under Subsection [20A-7-102\(4\)](#).

1475 (b) The board of school district canvassers shall meet to canvass the returns at the usual  
1476 place of meeting of the local school board no sooner than seven days after the election and no  
1477 later than 14 days after the election.

1478 (c) Attendance of a simple majority of the local school board shall constitute a quorum  
1479 for conducting the canvass.

1480 Section 7. Section **20A-7-101** is amended to read:

1481 **20A-7-101. Definitions.**

1482 As used in this chapter:

1483 (1) "Approved device" means a device described in Subsection [20A-21-201\(4\)](#) used to  
1484 gather signatures for the electronic initiative process, the electronic referendum process, or the



1485 electronic candidate qualification process.

1486 (2) "Budget officer" means:

1487 (a) for a county, the person designated as finance officer as defined in Section [17-36-3](#);

1488 (b) for a city, the person designated as budget officer in Subsection [10-6-106\(4\)](#);

1489 (c) for a town, the town council; [~~or~~]

1490 (d) for a metro township, the person described in Subsection (2)(a) for the county in

1491 which the metro township is located[~~;~~]; or

1492 (e) for a school district, the person appointed business administrator under Section

1493 [53G-4-302](#).

1494 (3) "Certified" means that the county clerk has acknowledged a signature as being the  
1495 signature of a registered voter.

1496 (4) "Circulation" means the process of submitting an initiative petition or a referendum  
1497 petition to legal voters for their signature.

1498 (5) "Electronic initiative process" means:

1499 (a) as it relates to a statewide initiative, the process, described in Sections [20A-7-215](#)  
1500 and [20A-21-201](#), for gathering signatures; or

1501 (b) as it relates to a local initiative, the process, described in Sections [20A-7-514](#) and  
1502 [20A-21-201](#), for gathering signatures.

1503 (6) "Electronic referendum process" means:

1504 (a) as it relates to a statewide referendum, the process, described in Sections  
1505 [20A-7-313](#) and [20A-21-201](#), for gathering signatures; or

1506 (b) as it relates to a local referendum, the process, described in Sections [20A-7-614](#) and  
1507 [20A-21-201](#), for gathering signatures.

1508 (7) "Eligible voter" means a legal voter who resides in the jurisdiction of the county,  
1509 city, or town that is holding an election on a ballot proposition.

1510 (8) "Final fiscal impact statement" means a financial statement prepared after voters  
1511 approve an initiative that contains the information required by Subsection [20A-7-202.5\(2\)](#) or  
1512 [20A-7-502.5\(2\)](#).

1513 (9) "Initial fiscal impact statement" means

1514 a financial statement prepared under Section [20A-7-202.5](#) after the filing of a statewide  
1515 initiative application.

1516 (10) "Initial fiscal impact and legal statement" means a financial and legal statement  
1517 prepared under Section 20A-7-502.5 or 20A-7-602.5 for a local initiative or a local  
1518 referendum.

1519 (11) "Initiative" means a new law proposed for adoption by the public as provided in  
1520 this chapter.

1521 (12) "Initiative application" means:

1522 (a) for a statewide initiative, an application described in Subsection 20A-7-202(2) that  
1523 includes all the information, statements, documents, and notarized signatures required under  
1524 Subsection 20A-7-202(2); or

1525 (b) for a local initiative, an application described in Subsection 20A-7-502(2) that  
1526 includes all the information, statements, documents, and notarized signatures required under  
1527 Subsection 20A-7-502(2).

1528 (13) "Initiative packet" means a copy of the initiative petition, a copy of the proposed  
1529 law, and the signature sheets, all of which have been bound together as a unit.

1530 (14) "Initiative petition":

1531 (a) as it relates to a statewide initiative, using the manual initiative process:

1532 (i) means the form described in Subsection 20A-7-203(2)(a), petitioning for  
1533 submission of the initiative to the Legislature or the legal voters; and

1534 (ii) if the initiative proposes a tax increase, includes the statement described in  
1535 Subsection 20A-7-203(2)(b);

1536 (b) as it relates to a statewide initiative, using the electronic initiative process:

1537 (i) means the form described in Subsections 20A-7-215(2) and (3), petitioning for  
1538 submission of the initiative to the Legislature or the legal voters; and

1539 (ii) if the initiative proposes a tax increase, includes the statement described in  
1540 Subsection 20A-7-215(5)(b);

1541 (c) as it relates to a local initiative, using the manual initiative process:

1542 (i) means the form described in Subsection 20A-7-503(2)(a), petitioning for  
1543 submission of the initiative to the legislative body or the legal voters; and

1544 (ii) if the initiative proposes a tax increase, includes the statement described in  
1545 Subsection 20A-7-503(2)(b); or

1546 (d) as it relates to a local initiative, using the electronic initiative process:

1547 (i) means the form described in Subsection 20A-7-514(2)(a), petitioning for  
1548 submission of the initiative to the legislative body or the legal voters; and

1549 (ii) if the initiative proposes a tax increase, includes the statement described in  
1550 Subsection 20A-7-514(4)(a).

1551 (15) (a) "Land use law" means a law of general applicability, enacted based on the  
1552 weighing of broad, competing policy considerations, that relates to the use of land, including  
1553 land use regulation, a general plan, a land use development code, an annexation ordinance, the  
1554 rezoning of a single property or multiple properties, or a comprehensive zoning ordinance or  
1555 resolution.

1556 (b) "Land use law" does not include a land use decision, as defined in Section  
1557 10-9a-103 or 17-27a-103.

1558 (16) "Legal signatures" means the number of signatures of legal voters that:

1559 (a) meet the numerical requirements of this chapter; and

1560 (b) have been obtained, certified, and verified as provided in this chapter.

1561 (17) "Legal voter" means an individual who is registered to vote in Utah.

1562 (18) "Legally referable to voters" means:

1563 (a) for a proposed local initiative, that the proposed local initiative is legally referable  
1564 to voters under Section 20A-7-502.7; or

1565 (b) for a proposed local referendum, that the proposed local referendum is legally  
1566 referable to voters under Section 20A-7-602.7.

1567 (19) "Local attorney" means the county attorney, city attorney, ~~or~~ town attorney, or  
1568 local school district attorney in whose jurisdiction a local initiative or referendum petition is  
1569 circulated.

1570 (20) "Local clerk" means:

1571 (a) the county clerk, city recorder, or town clerk in whose jurisdiction a local initiative  
1572 or referendum petition is circulated~~[-];~~ or

1573 (b) for a referendum petition under Subsection 20A-7-102(4), the business  
1574 administrator or the superintendent of the school district in which the referendum petition is  
1575 circulated.

1576 (21) (a) "Local law" includes:

1577 (i) an ordinance;

- 1578 (ii) a resolution;
- 1579 (iii) a land use law;
- 1580 (iv) a land use regulation, as defined in Section 10-9a-103; ~~[or]~~
- 1581 (v) a local tax law; or
- 1582 ~~[(v)]~~ (vi) other legislative action of a local legislative body or a local school board.

- 1583 (b) "Local law" does not include:
- 1584 (i) a land use decision, as defined in Section 10-9a-103[-]; or
- 1585 (ii) a local school tax law.

1586 (22) "Local legislative body" means the legislative body of a county, city, town, or  
 1587 metro township.

1588 (23) "Local obligation law" means a local law passed by the local legislative body  
 1589 regarding a bond that was approved by a majority of qualified voters in an election.

1590 (24) "Local school board" means a board elected under Chapter 14, Part 2, Election of  
 1591 Members of Local Boards of Education.

1592 ~~[(24)]~~ (25) (a) "Local tax law" means a law, passed by a [political subdivision] county,  
 1593 city, town, or metro township with an annual or biannual calendar fiscal year, that increases a  
 1594 tax or imposes a new tax.

1595 (b) "Local tax law" does not include a local school tax law.

1596 (26) "Local school tax law" means a law passed by a school district that increases a tax  
 1597 or imposes a new tax.

1598 (a) "Local school tax law" includes:

- 1599 (i) a board local levy described in Section 53F-8-302;
- 1600 (ii) a capital local levy described in Section 53F-8-303;
- 1601 (iii) a judgment levy imposed by a school district under Section 59-2-1330; and
- 1602 (iv) any other tax or levy that is within a school district's discretion to impose.

1603 (b) "Local school tax law" does not include a law passed by a school district that  
 1604 increases a tax or levy or imposes a new tax or levy, if the increased tax or levy or new tax or  
 1605 levy:

- 1606 (i) relates to a voted local levy described in Section 53F-8-301, or to the issuance of a  
 1607 bond that was approved by a majority of the qualified voters within the school district; or
- 1608 (ii) is required by state law or rule, or is otherwise not subject to the discretion of the

1609 school district.

1610 [~~(25)~~] (27) "Manual initiative process" means the process for gathering signatures for  
1611 an initiative using paper signature packets that a signer physically signs.

1612 [~~(26)~~] (28) "Manual referendum process" means the process for gathering signatures  
1613 for a referendum using paper signature packets that a signer physically signs.

1614 [(27)] (29) "Measure" means a proposed constitutional amendment, an initiative, or  
1615 referendum.

1616 [(28)] (30) "Referendum" means a process by which a law passed by the Legislature  
1617 [~~or by a~~, a local legislative body, or a local school board is submitted or referred to the voters  
1618 for their approval or rejection.

1619 [(29)] (31) "Referendum application" means:

1620 (a) for a statewide referendum, an application described in Subsection 20A-7-302(2)  
1621 that includes all the information, statements, documents, and notarized signatures required  
1622 under Subsection 20A-7-302(2); or

1623 (b) for a local referendum, an application described in Subsection 20A-7-602(2) that  
1624 includes all the information, statements, documents, and notarized signatures required under  
1625 Subsection 20A-7-602(2).

1626 [(30)] (32) "Referendum packet" means a copy of the referendum petition, a copy of  
1627 the law being submitted or referred to the voters for their approval or rejection, and the  
1628 signature sheets, all of which have been bound together as a unit.

1629 [(31)] (33) "Referendum petition" means:

1630 (a) as it relates to a statewide referendum, using the manual referendum process, the  
1631 form described in Subsection 20A-7-303(2)(a), petitioning for submission of a law passed by  
1632 the Legislature to legal voters for their approval or rejection;

1633 (b) as it relates to a statewide referendum, using the electronic referendum process, the  
1634 form described in Subsection 20A-7-313(2), petitioning for submission of a law passed by the  
1635 Legislature to legal voters for their approval or rejection;

1636 (c) as it relates to a local referendum, using the manual referendum process, the form  
1637 described in Subsection 20A-7-603(2)(a), petitioning for submission of a local law or a local  
1638 school tax law to legal voters for their approval or rejection; or

1639 (d) as it relates to a local referendum, using the electronic referendum process, the form

1640 described in Subsection 20A-7-614(2), petitioning for submission of a local law or a local  
1641 school tax law to legal voters for their approval or rejection.

1642 [~~32~~] (34) "Signature":

1643 (a) for a statewide initiative:

1644 (i) as it relates to the electronic initiative process, means an electronic signature  
1645 collected under Section 20A-7-215 and Subsection 20A-21-201(6)(c); or

1646 (ii) as it relates to the manual initiative process:

1647 (A) means a holographic signature collected physically on a signature sheet described  
1648 in Section 20A-7-203; and

1649 (B) does not include an electronic signature;

1650 (b) for a statewide referendum:

1651 (i) as it relates to the electronic referendum process, means an electronic signature  
1652 collected under Section 20A-7-313 and Subsection 20A-21-201(6)(c); or

1653 (ii) as it relates to the manual referendum process:

1654 (A) means a holographic signature collected physically on a signature sheet described  
1655 in Section 20A-7-303; and

1656 (B) does not include an electronic signature;

1657 (c) for a local initiative:

1658 (i) as it relates to the electronic initiative process, means an electronic signature  
1659 collected under Section 20A-7-514 and Subsection 20A-21-201(6)(c); or

1660 (ii) as it relates to the manual initiative process:

1661 (A) means a holographic signature collected physically on a signature sheet described  
1662 in Section 20A-7-503; and

1663 (B) does not include an electronic signature; or

1664 (d) for a local referendum:

1665 (i) as it relates to the electronic referendum process, means an electronic signature  
1666 collected under Section 20A-7-614 and Subsection 20A-21-201(6)(c); or

1667 (ii) as it relates to the manual referendum process:

1668 (A) means a holographic signature collected physically on a signature sheet described  
1669 in Section 20A-7-603; and

1670 (B) does not include an electronic signature.

1671           ~~[(33)]~~ (35) "Signature sheets" means sheets in the form required by this chapter that are  
 1672 used under the manual initiative process or the manual referendum process to collect signatures  
 1673 in support of an initiative or referendum.

1674           ~~[(34)]~~ (36) "Special local ballot proposition" means a local ballot proposition that is  
 1675 not a standard local ballot proposition.

1676           ~~[(35)]~~ (37) "Sponsors" means the legal voters who support the initiative or referendum  
 1677 and who sign the initiative application or referendum application.

1678           ~~[(36)]~~ (38) (a) "Standard local ballot proposition" means a local ballot proposition for  
 1679 an initiative or a referendum.

1680           (b) "Standard local ballot proposition" does not include a property tax referendum  
 1681 described in Section [20A-7-613](#).

1682           ~~[(37)]~~ (39) "Tax percentage difference" means the difference between the tax rate  
 1683 proposed by an initiative or an initiative petition and the current tax rate.

1684           ~~[(38)]~~ (40) "Tax percentage increase" means a number calculated by dividing the tax  
 1685 percentage difference by the current tax rate and rounding the result to the nearest thousandth.

1686           ~~[(39)]~~ (41) "Verified" means acknowledged by the person circulating the petition as  
 1687 required in Section [20A-7-105](#).

1688           Section 8. Section **20A-7-102** is amended to read:

1689           **20A-7-102. Initiatives and referenda authorized -- Restrictions.**

1690           By following the procedures and requirements of this chapter, Utah voters may, subject  
 1691 to the restrictions of Utah Constitution, Article VI, Sec. 1, [~~Utah Constitution~~] and this chapter:

1692           (1) initiate any desired legislation and cause it to be submitted to:

1693           (a) the Legislature or to a vote of the people for approval or rejection if it is a proposed  
 1694 state law; or

1695           (b) a local legislative body or to a vote of the people if it is a local law;

1696           (2) require any law passed by the Legislature, except those laws passed by a two-thirds  
 1697 vote of the members elected to each house of the Legislature, to be referred to the voters for  
 1698 their approval or rejection before the law takes effect; [~~and~~]

1699           (3) require any [~~law or ordinance~~] local law passed by a local legislative body to be  
 1700 referred to the voters for their approval or rejection before the law takes effect[~~;~~]; and

1701           (4) require any local law or local school tax law passed by a local school board to be

1702 referred to the voters for their approval or rejection before the law takes effect.

1703 Section 9. Section **20A-7-401.3** is amended to read:

1704 **20A-7-401.3. Voter participation areas.**

1705 (1) (a) Except as provided in Subsection (2):

1706 (i) a metro township with a population of 65,000 or more, a city of the first or second  
1707 class, or a county of the first or second class shall, no later than January 1, 2020, again on  
1708 January 1, 2022, and January 1 each 10 years after 2022, divide the metro township, city, or  
1709 county into eight contiguous and compact voter participation areas of substantially equal  
1710 population; and

1711 (ii) a metro township with a population of 10,000 or more, a city of the third or fourth  
1712 class, or a county of the third or fourth class shall, no later than January 1, 2020, again on  
1713 January 1, 2022, and January 1 each 10 years after 2022, divide the metro township, city, or  
1714 county into four contiguous and compact voter participation areas of substantially equal  
1715 population.

1716 (b) A metro township, city, or county shall use the voter participation areas described  
1717 in Subsection (1)(a) or (2)(b) for the purpose described in Sections [20A-7-501](#) and [20A-7-601](#).

1718 (2) (a) This section does not apply to a metro township with a population of less than  
1719 10,000, a county of the fifth or sixth class, a city of the fifth class, ~~[or]~~ a town, or a school  
1720 district.

1721 (b) A metro township, city, or county that has established council districts that are not  
1722 at-large districts may, regardless of the number of council districts that are not at-large districts,  
1723 use the council districts as voter participation areas under this section.

1724 Section 10. Section **20A-7-401.5** is amended to read:

1725 **20A-7-401.5. Proposition information pamphlet.**

1726 (1) (a) (i) Within 15 days after the day on which an eligible voter files an application to  
1727 circulate an initiative petition under Section [20A-7-502](#) or an application to circulate a  
1728 referendum petition under Section [20A-7-602](#):

1729 (A) the sponsors of the proposed initiative or referendum may submit a written  
1730 argument in favor of the proposed initiative or referendum to the election officer of the county  
1731 ~~[or]~~, municipality, or school district to which the petition relates; and

1732 (B) the county ~~[or]~~, municipality, or school district to which the application relates may



1733 submit a written argument in favor of, or against, the proposed initiative or referendum to the  
1734 county's [or], municipality's, or school district's election officer.

1735 (ii) If a county [or], municipality, or school district submits more than one written  
1736 argument under Subsection (1)(a)(i)(B), the election officer shall select one of the written  
1737 arguments, giving preference to a written argument submitted by a member of a local  
1738 legislative body or a local school board, as applicable, if a majority of the local legislative body  
1739 or the local school board supports the written argument.

1740 (b) Within one business day after the day on which an election officer receives an  
1741 argument under Subsection (1)(a)(i)(A), the election officer shall provide a copy of the  
1742 argument to the county [or], municipality, or school district described in Subsection (1)(a)(i)(B)  
1743 or (1)(a)(ii), as applicable.

1744 (c) Within one business day after the date on which an election officer receives an  
1745 argument under Subsection (1)(a)(i)(B), the election officer shall provide a copy of the  
1746 argument to the first three sponsors of the proposed initiative or referendum described in  
1747 Subsection (1)(a)(i)(A).

1748 (d) The sponsors of the proposed initiative or referendum may submit a revised version  
1749 of the written argument described in Subsection (1)(a)(i)(A) to the election officer of the  
1750 county [or], municipality, or school district to which the petition relates within 20 days after the  
1751 day on which the eligible voter files an application to circulate an initiative petition under  
1752 Section [20A-7-502](#) or an application to circulate a referendum petition under Section  
1753 [20A-7-602](#).

1754 (e) The author of a written argument described in Subsection (1)(a)(i)(B) submitted by  
1755 a county [or], municipality, or school district may submit a revised version of the written  
1756 argument to the county's [or], municipality's, or school district's election officer within 20 days  
1757 after the day on which the eligible voter files an application to circulate an initiative petition  
1758 under Section [20A-7-502](#) or an application to circulate a referendum petition under Section  
1759 [20A-7-602](#).

1760 (2) (a) A written argument described in Subsection (1) may not exceed 500 words.

1761 (b) Except as provided in Subsection (2)(c), a person may not modify a written  
1762 argument described in Subsection (1)(d) or (e) after the written argument is submitted to the  
1763 election officer.

1764 (c) The election officer and the person that submits the written argument described in  
1765 Subsection (1)(d) or (e) may jointly agree to modify the written argument to:

- 1766 (i) correct factual, grammatical, or spelling errors; or
- 1767 (ii) reduce the number of words to come into compliance with Subsection (2)(a).

1768 (d) An election officer shall refuse to include a written argument in the proposition  
1769 information pamphlet described in this section if the person who submits the argument:

1770 (i) fails to negotiate, in good faith, to modify the argument in accordance with  
1771 Subsection (2)(c); or

1772 (ii) does not timely submit the written argument to the election officer.

1773 (e) An election officer shall make a good faith effort to negotiate a modification  
1774 described in Subsection (2)(c) in an expedited manner.

1775 (3) An election officer who receives a written argument described in Subsection (1)  
1776 shall prepare a proposition information pamphlet for publication that includes:

- 1777 (a) a copy of the application for the proposed initiative or referendum;
- 1778 (b) except as provided in Subsection (2)(d), immediately after the copy described in  
1779 Subsection (3)(a), the argument prepared by the sponsors of the proposed initiative or  
1780 referendum, if any;

1781 (c) except as provided in Subsection (2)(d), immediately after the argument described  
1782 in Subsection (3)(b), the argument prepared by the county or municipality, if any; and

1783 (d) a copy of the initial fiscal impact statement and legal impact statement described in  
1784 Section [20A-7-502.5](#) or [20A-7-602.5](#).

1785 (4) (a) A proposition information pamphlet is a draft for purposes of Title 63G,  
1786 Chapter 2, Government Records Access and Management Act, until the earlier of when the  
1787 election officer:

- 1788 (i) complies with Subsection (4)(b); or
- 1789 (ii) publishes the proposition information pamphlet under Subsection (5) or (6).

1790 (b) Within 21 days after the day on which the eligible voter files an application to  
1791 circulate an initiative petition under Section [20A-7-502](#), or an application to circulate a  
1792 referendum petition under Section [20A-7-602](#), the election officer shall provide a copy of the  
1793 proposition information pamphlet to the sponsors of the initiative or referendum and each  
1794 individual who submitted an argument included in the proposition information pamphlet.

1795 (5) An election officer for a municipality shall publish the proposition information  
1796 pamphlet as follows:

1797 (a) within the later of 10 days after the day on which the municipality or a court  
1798 determines that the proposed initiative or referendum is legally referable to voters, or, if the  
1799 election officer modifies an argument under Subsection (2)(c), three days after the day on  
1800 which the election officer and the person that submitted the argument agree on the  
1801 modification:

1802 (i) by sending the proposition information pamphlet electronically to each individual in  
1803 the municipality for whom the municipality has an email address, unless the individual has  
1804 indicated that the municipality is prohibited from using the individual's email address for that  
1805 purpose; and

1806 (ii) by posting the proposition information pamphlet on the Utah Public Notice  
1807 Website, created in Section 63A-16-601, and the home page of the municipality's website, if  
1808 the municipality has a website, until:

1809 (A) if the sponsors of the proposed initiative or referendum or an agent of the sponsors  
1810 do not timely deliver any verified initiative packets or any verified referendum packets under  
1811 Section 20A-7-105, the day after the date of the deadline for delivery of the verified initiative  
1812 packets or verified referendum packets;

1813 (B) the local clerk determines, under Section 20A-7-507 or 20A-7-607, that the  
1814 number of signatures necessary to qualify the proposed initiative or referendum for placement  
1815 on the ballot is insufficient and the determination is not timely appealed or is upheld after  
1816 appeal; or

1817 (C) the day after the date of the election at which the proposed initiative or referendum  
1818 appears on the ballot; and

1819 (b) if the municipality regularly mails a newsletter, utility bill, or other material to the  
1820 municipality's residents, including, in the next mailing, an Internet address[;] where a resident  
1821 may view the proposition information pamphlet[; ~~in the next mailing;~~] for which the  
1822 municipality has not begun preparation, that falls on or after the later of:

1823 (i) 10 days after the day on which the municipality or a court determines that the  
1824 proposed initiative or referendum is legally referable to voters; or

1825 (ii) if the election officer modifies an argument under Subsection (2)(c), three days

1826 after the day on which the election officer and the person that submitted the argument agree on  
1827 the modification.

1828 (6) An election officer for a county shall, within the later of 10 days after the day on  
1829 which the county or a court determines that the proposed initiative or referendum is legally  
1830 referable to voters, or, if the election officer modifies an argument under Subsection (2)(c),  
1831 three days after the day on which the election officer and the person that submitted the  
1832 argument agree on the modification, publish the proposition information pamphlet as follows:

1833 (a) by sending the proposition information pamphlet electronically to each individual  
1834 in the county for whom the county has an email address obtained via voter registration; and

1835 (b) by posting the proposition information pamphlet on the Utah Public Notice  
1836 Website, created in Section [63A-16-601](#), and the home page of the county's website, until:

1837 (i) if the sponsors of the proposed initiative or referendum or an agent of the sponsors  
1838 do not timely deliver any verified initiative packets or any verified referendum packets under  
1839 Section [20A-7-105](#), the day after the date of the deadline for delivery of the verified initiative  
1840 packets or verified referendum packets;

1841 (ii) the local clerk determines, under Section [20A-7-507](#) or [20A-7-607](#), that the number  
1842 of signatures necessary to qualify the proposed initiative or referendum for placement on the  
1843 ballot is insufficient and the determination is not timely appealed or is upheld after appeal; or

1844 (iii) the day after the date of the election at which the proposed initiative or referendum  
1845 appears on the ballot.

1846 (7) An election officer for a school district shall, within the later of 10 days after the  
1847 day on which the school district or a court determines that the proposed referendum is legally  
1848 referable to voters, or, if the election officer modifies an argument under Subsection (2)(c),  
1849 three days after the day on which the election officer and the person that submitted the  
1850 argument agree on the modification, publish the proposition information pamphlet as follows:

1851 (a) by sending the proposition information pamphlet electronically to each individual  
1852 in the school district for whom the school district has an email address, unless the individual  
1853 has indicated that the school district is prohibited from using the individual's email address for  
1854 that purpose; and

1855 (b) by posting the proposition information pamphlet on the Utah Public Notice  
1856 Website, created in Section [63A-16-601](#), and the home page of the school district's website, if

1857 the school district has a website, until:

1858 (i) if the sponsors of the proposed referendum or an agent of the sponsors do not timely  
 1859 deliver any verified referendum packets under Section 20A-7-105, the day after the date of the  
 1860 deadline for delivery of the verified referendum packets;

1861 (ii) the local clerk determines, under Section 20A-7-607, that the number of signatures  
 1862 necessary to qualify the proposed referendum for placement on the ballot is insufficient and the  
 1863 determination is not timely appealed or is upheld after appeal; or

1864 (iii) the day after the date of the election at which the proposed referendum appears on  
 1865 the ballot; and

1866 (c) if the school district regularly mails a newsletter or other material to the school  
 1867 district's residents, including, in the next mailing, an Internet address where a resident may  
 1868 view the proposition information pamphlet for which the school district has not begun  
 1869 preparation, that falls on or after the later of:

1870 (i) 10 days after the day on which the school district or a court determines that the  
 1871 proposed referendum is legally referable to voters; or

1872 (ii) if the election officer modifies an argument under Subsection (2)(c), three days  
 1873 after the day on which the election officer and the person that submitted the argument agree on  
 1874 the modification.

1875 Section 11. Section **20A-7-402** is amended to read:

1876 **20A-7-402. voter information pamphlet -- Notice -- Contents -- Limitations --**  
 1877 **Preparation -- Statement on front cover.**

1878 (1) The county [or],<sup>2</sup> municipality, or school district that is subject to a ballot  
 1879 proposition shall prepare a local voter information pamphlet that complies with the  
 1880 requirements of this part.

1881 (2) (a) [~~Within the time requirements described in Subsection (2)(c)(i), a~~] A county,  
 1882 municipality, or school district that is subject to a special local ballot proposition shall provide  
 1883 a notice that complies with the requirements of Subsection [~~(2)(c)(ii)~~] (2)(b)(ii) to the county's,  
 1884 municipality's, or school district's residents by publishing the notice for the municipality, as a  
 1885 class A notice under Section **63G-30-102**, for the time period set under Subsection [~~(2)(c)(i)~~]  
 1886 (2)(b)(i).

1887 [~~(b) A county that is subject to a special local ballot proposition shall publish a notice~~

1888 that complies with the requirements of Subsection (2)(c)(ii) for the county, as a class A notice  
 1889 under Section ~~63G-30-102~~.]

1890 ~~[(e)]~~ (b) A ~~[municipality or county]~~ county, municipality, or school district that  
 1891 publishes a notice under Subsection (2)(a) ~~[or (b)]~~ shall:

1892 (i) publish the notice:

1893 (A) not less than 90 days before the date of the election at which a special local ballot  
 1894 proposition will be voted upon; or

1895 (B) if the requirements of Subsection ~~[(2)(c)(i)(A)]~~ (2)(b)(i)(A) cannot be met, as soon  
 1896 as practicable after the special local ballot proposition is approved to be voted upon in an  
 1897 election; and

1898 (ii) ensure that the notice contains:

1899 (A) the ballot title for the special local ballot proposition;

1900 (B) instructions on how to file a request under Subsection ~~[(2)(d)]~~ (2)(c); and

1901 (C) the deadline described in Subsection ~~[(2)(d)]~~ (2)(c).

1902 ~~[(d)]~~ (c) To prepare a written argument for or against a special local ballot proposition,  
 1903 an eligible voter shall file a request with the election officer before 5 p.m. no later than 64 days  
 1904 before the day of the election at which the special local ballot proposition is to be voted on.

1905 ~~[(e)]~~ (d) If more than one eligible voter requests the opportunity to prepare a written  
 1906 argument for or against a special local ballot proposition, the election officer shall make the  
 1907 final designation in accordance with the following order of priority:

1908 (i) sponsors have priority in preparing an argument regarding a special local ballot  
 1909 proposition; and

1910 (ii) members of the local legislative body or the local school board have priority over  
 1911 others if a majority of the local legislative body or the local school board supports the written  
 1912 argument.

1913 ~~[(f)]~~ (e) The election officer shall grant a request described in Subsection ~~[(2)(d)]~~ (2)(c)  
 1914 or ~~[(e)]~~ (d) no later than 60 days before the day of the election at which the ballot proposition is  
 1915 to be voted on.

1916 ~~[(g)]~~ (f) (i) A sponsor of a special local ballot proposition may prepare a written  
 1917 argument in favor of the special local ballot proposition.

1918 (ii) Subject to Subsection ~~[(2)(e)]~~ (2)(d), an eligible voter opposed to the special local

1919 ballot proposition who submits a request under Subsection [~~(2)(d)~~] (2)(c) may prepare a written  
1920 argument against the special local ballot proposition.

1921 [~~(h)~~] (g) An eligible voter who submits a written argument under this section in  
1922 relation to a special local ballot proposition shall:

1923 (i) ensure that the written argument does not exceed 500 words in length, not counting  
1924 the information described in Subsection [~~(2)(h)(ii)~~] (2)(g)(ii) or (iv);

1925 (ii) list, at the end of the argument, at least one, but no more than five, names as  
1926 sponsors;

1927 (iii) submit the written argument to the election officer before 5 p.m. no later than 55  
1928 days before the election day on which the ballot proposition will be submitted to the voters;

1929 (iv) list in the argument, immediately after the eligible voter's name, the eligible voter's  
1930 residential address; and

1931 (v) submit with the written argument the eligible voter's name, residential address,  
1932 postal address, email address if available, and phone number.

1933 [~~(i)~~] (h) An election officer shall refuse to accept and publish an argument submitted  
1934 after the deadline described in Subsection [~~(2)(h)(iii)~~] (2)(g)(iii).

1935 (3) (a) An election officer who timely receives the written arguments in favor of and  
1936 against a special local ballot proposition shall, within one business day after the day on which  
1937 the election office receives both written arguments, send, via mail or email:

1938 (i) a copy of the written argument in favor of the special local ballot proposition to the  
1939 eligible voter who submitted the written argument against the special local ballot proposition;  
1940 and

1941 (ii) a copy of the written argument against the special local ballot proposition to the  
1942 eligible voter who submitted the written argument in favor of the special local ballot  
1943 proposition.

1944 (b) The eligible voter who submitted a timely written argument in favor of the special  
1945 local ballot proposition:

1946 (i) may submit to the election officer a written rebuttal argument of the written  
1947 argument against the special local ballot proposition;

1948 (ii) shall ensure that the written rebuttal argument does not exceed 250 words in length,  
1949 not counting the information described in Subsection [~~(2)(h)(ii)~~] (2)(g)(ii) or (iv); and

1950 (iii) shall submit the written rebuttal argument before 5 p.m. no later than 45 days  
1951 before the election day on which the special local ballot proposition will be submitted to the  
1952 voters.

1953 (c) The eligible voter who submitted a timely written argument against the special local  
1954 ballot proposition:

1955 (i) may submit to the election officer a written rebuttal argument of the written  
1956 argument in favor of the special local ballot proposition;

1957 (ii) shall ensure that the written rebuttal argument does not exceed 250 words in length,  
1958 not counting the information described in Subsection ~~[(2)(h)(ii)]~~ (2)(g)(ii) or (iv); and

1959 (iii) shall submit the written rebuttal argument before 5 p.m. no later than 45 days  
1960 before the election day on which the special local ballot proposition will be submitted to the  
1961 voters.

1962 (d) An election officer shall refuse to accept and publish a written rebuttal argument in  
1963 relation to a special local ballot proposition that is submitted after the deadline described in  
1964 Subsection (3)(b)(iii) or (3)(c)(iii).

1965 (4) (a) Except as provided in Subsection (4)(b), in relation to a special local ballot  
1966 proposition:

1967 (i) an eligible voter may not modify a written argument or a written rebuttal argument  
1968 after the eligible voter submits the written argument or written rebuttal argument to the election  
1969 officer; and

1970 (ii) a person other than the eligible voter described in Subsection (4)(a)(i) may not  
1971 modify a written argument or a written rebuttal argument.

1972 (b) The election officer, and the eligible voter who submits a written argument or  
1973 written rebuttal argument in relation to a special local ballot proposition, may jointly agree to  
1974 modify a written argument or written rebuttal argument in order to:

1975 (i) correct factual, grammatical, or spelling errors; and

1976 (ii) reduce the number of words to come into compliance with the requirements of this  
1977 section.

1978 (c) An election officer shall refuse to accept and publish a written argument or written  
1979 rebuttal argument in relation to a special local ballot proposition if the eligible voter who  
1980 submits the written argument or written rebuttal argument fails to negotiate, in good faith, to



1981 modify the written argument or written rebuttal argument in accordance with Subsection (4)(b).

1982 (5) In relation to a special local ballot proposition, an election officer may designate  
1983 another eligible voter to take the place of an eligible voter described in this section if the  
1984 original eligible voter is, due to injury, illness, death, or another circumstance, unable to  
1985 continue to fulfill the duties of an eligible voter described in this section.

1986 (6) Sponsors whose written argument in favor of a standard local ballot proposition is  
1987 included in a proposition information pamphlet under Section 20A-7-401.5:

1988 (a) may, if a written argument against the standard local ballot proposition is included  
1989 in the proposition information pamphlet, submit a written rebuttal argument to the election  
1990 officer;

1991 (b) shall ensure that the written rebuttal argument does not exceed 250 words in length;  
1992 and

1993 (c) shall submit the written rebuttal argument no later than 45 days before the election  
1994 day on which the standard local ballot proposition will be submitted to the voters.

1995 (7) (a) A county [or], municipality, or school district that submitted a written argument  
1996 against a standard local ballot proposition that is included in a proposition information  
1997 pamphlet under Section 20A-7-401.5:

1998 (i) may, if a written argument in favor of the standard local ballot proposition is  
1999 included in the proposition information pamphlet, submit a written rebuttal argument to the  
2000 election officer;

2001 (ii) shall ensure that the written rebuttal argument does not exceed 250 words in length;  
2002 and

2003 (iii) shall submit the written rebuttal argument no later than 45 days before the election  
2004 day on which the ballot proposition will be submitted to the voters.

2005 (b) If a county [or], municipality, or school district submits more than one written  
2006 rebuttal argument under Subsection (7)(a)(i), the election officer shall select one of the written  
2007 rebuttal arguments, giving preference to a written rebuttal argument submitted by a member of  
2008 a local legislative body or a local school board.

2009 (8) (a) An election officer shall refuse to accept and publish a written rebuttal argument  
2010 that is submitted after the deadline described in Subsection (6)(c) or (7)(a)(iii).

2011 (b) Before an election officer publishes a local voter information pamphlet under this

2012 section, a written rebuttal argument is a draft for purposes of Title 63G, Chapter 2, Government  
2013 Records Access and Management Act.

2014 (c) An election officer who receives a written rebuttal argument described in this  
2015 section may not, before publishing the local voter information pamphlet described in this  
2016 section, disclose the written rebuttal argument, or any information contained in the written  
2017 rebuttal argument, to any person who may in any way be involved in preparing an opposing  
2018 rebuttal argument.

2019 (9) (a) Except as provided in Subsection (9)(b), a person may not modify a written  
2020 rebuttal argument after the written rebuttal argument is submitted to the election officer.

2021 (b) The election officer, and the person who submits a written rebuttal argument, may  
2022 jointly agree to modify a written rebuttal argument in order to:

2023 (i) correct factual, grammatical, or spelling errors; or

2024 (ii) reduce the number of words to come into compliance with the requirements of this  
2025 section.

2026 (c) An election officer shall refuse to accept and publish a written rebuttal argument if  
2027 the person who submits the written rebuttal argument:

2028 (i) fails to negotiate, in good faith, to modify the written rebuttal argument in  
2029 accordance with Subsection (9)(b); or

2030 (ii) does not timely submit the written rebuttal argument to the election officer.

2031 (d) An election officer shall make a good faith effort to negotiate a modification  
2032 described in Subsection (9)(b) in an expedited manner.

2033 (10) An election officer may designate another person to take the place of a person who  
2034 submits a written rebuttal argument in relation to a standard local ballot proposition if the  
2035 person is, due to injury, illness, death, or another circumstance, unable to continue to fulfill the  
2036 person's duties.

2037 (11) (a) The local voter information pamphlet shall include a copy of the initial fiscal  
2038 impact estimate and the legal impact statement prepared for each initiative under Section  
2039 [20A-7-502.5](#).

2040 (b) If the initiative proposes a tax increase, the local voter information pamphlet shall  
2041 include the following statement in bold type:

2042 "This initiative seeks to increase the current (insert name of tax) rate by (insert the tax

2043 percentage difference) percent, resulting in a(n) (insert the tax percentage increase) percent  
2044 increase in the current tax rate."

2045 (12) (a) In preparing the local voter information pamphlet, the election officer shall:

2046 (i) ensure that the written arguments are printed on the same sheet of paper upon which  
2047 the ballot proposition is also printed;

2048 (ii) ensure that the following statement is printed on the front cover or the heading of  
2049 the first page of the printed written arguments:

2050 "The arguments for or against a ballot proposition are the opinions of the authors.";

2051 (iii) pay for the printing and binding of the local voter information pamphlet; and

2052 (iv) not less than 15 days before, but not more than 45 days before, the election at  
2053 which the ballot proposition will be voted on, distribute, by mail or carrier, to each registered  
2054 voter entitled to vote on the ballot proposition:

2055 (A) a voter information pamphlet; or

2056 (B) the notice described in Subsection (12)(c).

2057 (b) (i) If the language of the ballot proposition exceeds 500 words in length, the  
2058 election officer may summarize the ballot proposition in 500 words or less.

2059 (ii) The summary shall state where a complete copy of the ballot proposition is  
2060 available for public review.

2061 (c) (i) The election officer may distribute a notice printed on a postage prepaid,  
2062 preaddressed return form that a person may use to request delivery of a voter information  
2063 pamphlet by mail.

2064 (ii) The notice described in Subsection (12)(c)(i) shall include:

2065 (A) the address of the Statewide Electronic Voter Information Website authorized by  
2066 Section [20A-7-801](#); and

2067 (B) the phone number a voter may call to request delivery of a voter information  
2068 pamphlet by mail or carrier.

2069 Section 12. Section **20A-7-405** is amended to read:

2070 **20A-7-405. Public meeting.**

2071 (1) A county [~~or~~], municipality, or school district may not discuss a proposed initiative,  
2072 an initiative, a proposed referendum, or a referendum at a public meeting unless the county  
2073 [~~or~~], municipality, or school district complies with the requirements of this section.

2074 (2) The legislative body of a county [or], municipality, or school district may hold a  
2075 public meeting to discuss a proposed initiative, an initiative, a proposed referendum, or a  
2076 referendum if the legislative body:

2077 (a) allows equal time, within a reasonable limit, for presentations on both sides of the  
2078 proposed initiative, initiative, proposed referendum, or referendum;

2079 (b) provides interested parties an opportunity to present oral testimony within  
2080 reasonable time limits; and

2081 (c) holds the public meeting:

2082 (i) during the legislative body's normal meeting time; or

2083 (ii) for a meeting time other than the legislative body's normal meeting time, beginning  
2084 at or after 6 p.m.

2085 (3) This section does not prohibit a working group meeting from being held before 6  
2086 p.m.

2087 Section 13. Section **20A-7-601** is amended to read:

2088 **20A-7-601. Referenda -- General signature requirements -- Signature**  
2089 **requirements for land use laws, subjurisdictional laws, and transit area land use laws --**  
2090 **Time requirements.**

2091 (1) As used in this section:

2092 (a) "Number of active voters" means the number of active voters in the county, city,  
2093 [or] town, or school district on the immediately preceding January 1.

2094 (b) "Qualifying county" means a county that has created a small public transit district,  
2095 as defined in Section **17B-2a-802**, on or before January 1, 2022.

2096 (c) "Qualifying transit area" means:

2097 (i) a station area, as defined in Section **10-9a-403.1**, for which the municipality with  
2098 jurisdiction over the station area has satisfied the requirements of Subsection  
2099 **10-9a-403.1(2)(a)(i)**, as demonstrated by the adoption of a station area plan or resolution under  
2100 Subsection **10-9a-403.1(2)**; or

2101 (ii) a housing and transit reinvestment zone, as defined in Section **63N-3-602**, created  
2102 within a qualifying county.

2103 (d) "Subjurisdiction" means an area comprised of all precincts and subprecincts in the  
2104 jurisdiction of a county, city, or town that are subject to a subjurisdictional law.

2105 (e) (i) "Subjurisdictional law" means a local law or local obligation law passed by a  
2106 local legislative body that imposes a tax or other payment obligation on property in an area that  
2107 does not include all precincts and subprecincts under the jurisdiction of the county, city, town,  
2108 or metro township.

2109 (ii) "Subjurisdictional law" does not include a land use law.

2110 (f) "Transit area land use law" means a land use law that relates to the use of land  
2111 within a qualifying transit area.

2112 (g) "Voter participation area" means an area described in Subsection 20A-7-401.3(1)(a)  
2113 or (2)(b).

2114 (2) Except as provided in Subsections (3) through (5), an eligible voter seeking to have  
2115 a local law passed by the local legislative body submitted to a vote of the people shall, after  
2116 filing a referendum application, obtain legal signatures equal to:

2117 (a) for a county of the first class:

2118 (i) 7.75% of the number of active voters in the county; and

2119 (ii) [~~beginning on January 1, 2020;~~] 7.75% of the number of active voters in at least  
2120 75% of the county's voter participation areas;

2121 (b) for a metro township with a population of 100,000 or more, or a city of the first  
2122 class:

2123 (i) 7.5% of the number of active voters in the metro township or city; and

2124 (ii) [~~beginning on January 1, 2020;~~] 7.5% of the number of active voters in at least 75%  
2125 of the metro township's or city's voter participation areas;

2126 (c) for a county of the second class:

2127 (i) 8% of the number of active voters in the county; and

2128 (ii) [~~beginning on January 1, 2020;~~] 8% of the number of active voters in at least 75%  
2129 of the county's voter participation areas;

2130 (d) for a metro township with a population of 65,000 or more but less than 100,000, or  
2131 a city of the second class:

2132 (i) 8.25% of the number of active voters in the metro township or city; and

2133 (ii) [~~beginning on January 1, 2020;~~] 8.25% of the number of active voters in at least  
2134 75% of the metro township's or city's voter participation areas;

2135 (e) for a county of the third class:

- 2136 (i) 9.5% of the number of active voters in the county; and
- 2137 (ii) [~~beginning on January 1, 2020;~~] 9.5% of the number of active voters in at least 75%
- 2138 of the county's voter participation areas;
- 2139 (f) for a metro township with a population of 30,000 or more but less than 65,000, or a
- 2140 city of the third class:
- 2141 (i) 10% of the number of active voters in the metro township or city; and
- 2142 (ii) [~~beginning on January 1, 2020;~~] 10% of the number of active voters in at least 75%
- 2143 of the metro township's or city's voter participation areas;
- 2144 (g) for a county of the fourth class:
- 2145 (i) 11.5% of the number of active voters in the county; and
- 2146 (ii) [~~beginning on January 1, 2020;~~] 11.5% of the number of active voters in at least
- 2147 75% of the county's voter participation areas;
- 2148 (h) for a metro township with a population of 10,000 or more but less than 30,000, or a
- 2149 city of the fourth class:
- 2150 (i) 11.5% of the number of active voters in the metro township or city; and
- 2151 (ii) [~~beginning on January 1, 2020;~~] 11.5% of the number of active voters in at least
- 2152 75% of the metro township's or city's voter participation areas;
- 2153 (i) for a metro township with a population of 1,000 or more but less than 10,000, a city
- 2154 of the fifth class, or a county of the fifth class, 25% of the number of active voters in the metro
- 2155 township, city, or county; or
- 2156 (j) for a metro township with a population of less than 1,000, a town, or a county of the
- 2157 sixth class, 35% of the number of active voters in the metro township, town, or county.
- 2158 (3) Except as provided in Subsection (4) or (5), an eligible voter seeking to have a land
- 2159 use law or local obligation law passed by the local legislative body submitted to a vote of the
- 2160 people shall, after filing a referendum application, obtain legal signatures equal to:
- 2161 (a) for a county of the first, second, third, or fourth class:
- 2162 (i) 16% of the number of active voters in the county; and
- 2163 (ii) [~~beginning on January 1, 2020;~~] 16% of the number of active voters in at least 75%
- 2164 of the county's voter participation areas;
- 2165 (b) for a county of the fifth or sixth class:
- 2166 (i) 16% of the number of active voters in the county; and

2167 (ii) [~~beginning on January 1, 2020;~~] 16% of the number of active voters in at least 75%  
2168 of the county's voter participation areas;

2169 (c) for a metro township with a population of 100,000 or more, or a city of the first  
2170 class:

2171 (i) 15% of the number of active voters in the metro township or city; and

2172 (ii) [~~beginning on January 1, 2020;~~] 15% of the number of active voters in at least 75%  
2173 of the metro township's or city's voter participation areas;

2174 (d) for a metro township with a population of 65,000 or more but less than 100,000, or  
2175 a city of the second class:

2176 (i) 16% of the number of active voters in the metro township or city; and

2177 (ii) [~~beginning on January 1, 2020;~~] 16% of the number of active voters in at least 75%  
2178 of the metro township's or city's voter participation areas;

2179 (e) for a metro township with a population of 30,000 or more but less than 65,000, or a  
2180 city of the third class:

2181 (i) 27.5% of the number of active voters in the metro township or city; and

2182 (ii) [~~beginning on January 1, 2020;~~] 27.5% of the number of active voters in at least  
2183 75% of the metro township's or city's voter participation areas;

2184 (f) for a metro township with a population of 10,000 or more but less than 30,000, or a  
2185 city of the fourth class:

2186 (i) 29% of the number of active voters in the metro township or city; and

2187 (ii) [~~beginning on January 1, 2020;~~] 29% of the number of active voters in at least 75%  
2188 of the metro township's or city's voter participation areas;

2189 (g) for a metro township with a population of 1,000 or more but less than 10,000, or a  
2190 city of the fifth class, 35% of the number of active voters in the metro township or city; or

2191 (h) for a metro township with a population of less than 1,000 or a town, 40% of the  
2192 number of active voters in the metro township or town.

2193 (4) A person seeking to have a subjurisdictional law passed by the local legislative  
2194 body submitted to a vote of the people shall, after filing a referendum application, obtain legal  
2195 signatures of the residents in the subjurisdiction equal to:

2196 (a) 10% of the number of active voters in the subjurisdiction if the number of active  
2197 voters exceeds 25,000;

2198 (b) 12-1/2% of the number of active voters in the subjurisdiction if the number of  
2199 active voters does not exceed 25,000 but is more than 10,000;

2200 (c) 15% of the number of active voters in the subjurisdiction if the number of active  
2201 voters does not exceed 10,000 but is more than 2,500;

2202 (d) 20% of the number of active voters in the subjurisdiction if the number of active  
2203 voters does not exceed 2,500 but is more than 500;

2204 (e) 25% of the number of active voters in the subjurisdiction if the number of active  
2205 voters does not exceed 500 but is more than 250; [~~and~~] or

2206 (f) 30% of the number of active voters in the subjurisdiction if the number of active  
2207 voters does not exceed 250.

2208 (5) An eligible voter seeking to have a transit area land use law passed by the local  
2209 legislative body submitted to a vote of the people shall, after filing a referendum application,  
2210 obtain legal signatures equal to:

2211 (a) for a county:

2212 (i) 20% of the number of active voters in the county; and

2213 (ii) 21% of the number of active voters in at least 75% of the county's voter  
2214 participation areas;

2215 (b) for a metro township with a population of 100,000 or more, or a city of the first  
2216 class:

2217 (i) 20% of the number of active voters in the metro township or city; and

2218 (ii) 20% of the number of active voters in at least 75% of the metro township's or city's  
2219 voter participation areas;

2220 (c) for a metro township with a population of 65,000 or more but less than 100,000, or  
2221 a city of the second class:

2222 (i) 20% of the number of active voters in the metro township or city; and

2223 (ii) 21% of the number of active voters in at least 75% of the metro township's or city's  
2224 voter participation areas;

2225 (d) for a metro township with a population of 30,000 or more but less than 65,000, or a  
2226 city of the third class:

2227 (i) 34% of the number of active voters in the metro township or city; and

2228 (ii) 34% of the number of active voters in at least 75% of the metro township's or city's



2229 voter participation areas;

2230 (e) for a metro township with a population of 10,000 or more but less than 30,000, or a  
2231 city of the fourth class:

2232 (i) 36% of the number of active voters in the metro township or city; and

2233 (ii) 36% of the number of active voters in at least 75% of the metro township's or city's  
2234 voter participation areas; or

2235 (f) for a metro township with a population less than 10,000, a city of the fifth class, or a  
2236 town, 40% of the number of active voters in the metro township, city, or town.

2237 (6) An eligible voter seeking to have a local law or a local school tax law passed by the  
2238 local school board of a school district submitted to a vote of the people shall, after filing a  
2239 referendum application, obtain legal signatures equal to:

2240 (a) 10% of the number of active voters in the school district if the number of active  
2241 voters exceeds 25,000;

2242 (b) 12-1/2% of the number of active voters in the school district if the number of active  
2243 voters does not exceed 25,000 but is more than 10,000;

2244 (c) 15% of the number of active voters in the school district if the number of active  
2245 voters does not exceed 10,000 but is more than 2,500;

2246 (d) 20% of the number of active voters in the school district if the number of active  
2247 voters does not exceed 2,500 but is more than 500;

2248 (e) 25% of the number of active voters in the school district if the number of active  
2249 voters does not exceed 500 but is more than 250; or

2250 (f) 30% of the number of active voters in the school district if the number of active  
2251 voters does not need 250.

2252 [~~6~~] (7) Sponsors of any referendum petition challenging, under Subsection (2), (3),  
2253 (4), [~~or~~] (5), or (6), any local law or any local school tax law passed by a local legislative body  
2254 or a local school board shall file the application before 5 p.m. within seven days after the day  
2255 on which the local law or the local school tax law was passed.

2256 [~~7~~] (8) Nothing in this section authorizes a local legislative body to impose a tax or  
2257 other payment obligation on a subjurisdiction in order to benefit an area outside of the  
2258 subjurisdiction.

2259 Section 14. Section **20A-7-602.5** is amended to read:

2260           **20A-7-602.5. Initial fiscal and legal impact statement -- Preparation of statement.**

2261           (1) Within three business days after the day on which the local clerk receives a  
2262 referendum application, the local clerk shall submit a copy of the referendum application to the  
2263 county, city, [~~or town's~~] town, or school district's budget officer.

2264           (2) (a) The budget officer, together with legal counsel, shall prepare an unbiased, good  
2265 faith initial fiscal and legal impact statement for repealing the law the referendum proposes to  
2266 repeal that contains:

2267           (i) a dollar amount representing the total estimated fiscal impact of repealing the law;

2268           (ii) if repealing the law would increase or decrease taxes, a dollar amount representing  
2269 the total estimated increase or decrease for each type of tax that would be impacted by the law's  
2270 repeal and a dollar amount representing the total estimated increase or decrease in taxes that  
2271 would result from the law's repeal;

2272           (iii) if repealing the law would result in the issuance or a change in the status of bonds,  
2273 notes, or other debt instruments, a dollar amount representing the total estimated increase or  
2274 decrease in public debt that would result;

2275           (iv) a listing of all sources of funding for the estimated costs that would be associated  
2276 with the law's repeal, showing each source of funding and the percentage of total funding that  
2277 would be provided from each source;

2278           (v) a dollar amount representing the estimated costs or savings, if any, to state and  
2279 local government entities if the law were repealed;

2280           (vi) the legal impacts that would result from repealing the law, including:

2281           (A) any significant effects on a person's vested property rights;

2282           (B) any significant effects on other laws or ordinances;

2283           (C) any significant legal liability the city, county, [~~or~~], town, or school district may  
2284 incur; and

2285           (D) any other significant legal impact as determined by the budget officer and the legal  
2286 counsel; and

2287           (vii) a concise explanation, not exceeding 100 words, of the information described in  
2288 this Subsection (2)(a) and of the estimated fiscal impact, if any, if the law were repealed.

2289           (b) (i) If repealing the law would have no fiscal impact, the local budget officer shall  
2290 include a summary statement in the initial fiscal impact and legal statement in substantially the

2291 following form:

2292 "The (title of the local budget officer) estimates that repealing the law this referendum  
2293 proposes to repeal would have no significant fiscal impact and would not result in either an  
2294 increase or decrease in taxes or debt."

2295 (ii) If repealing the law is estimated to have a fiscal impact, the local budget officer  
2296 shall include a summary statement in the initial fiscal and legal impact statement describing the  
2297 fiscal impact.

2298 (iii) If the estimated fiscal impact of repealing the law is highly variable or is otherwise  
2299 difficult to reasonably express in a summary statement, the local budget officer may include in  
2300 the summary statement a brief explanation that identifies those factors impacting the variability  
2301 or difficulty of the estimate.

2302 (3) Within 20 calendar days after the day on which the local clerk submits a copy of the  
2303 application under Subsection (1), the budget officer shall:

2304 (a) deliver a copy of the initial fiscal impact and legal statement to the local clerk's  
2305 office; and

2306 (b) mail a copy of the initial fiscal impact and legal statement to the first three sponsors  
2307 named in the referendum application.

2308 Section 15. Section **20A-7-602.7** is amended to read:

2309 **20A-7-602.7. Referability to voters of a local school tax law, or a local law other**  
2310 **than land use law.**

2311 (1) Within 20 days after the day on which an eligible voter files a referendum  
2312 application under Section [20A-7-602](#) for a local school tax law, or a local law other than a land  
2313 use law, counsel for the county, city, town, [or] metro township, or school district to which the  
2314 referendum pertains shall:

2315 (a) review the referendum application to determine whether the proposed referendum is  
2316 legally referable to voters; and

2317 (b) notify the first three sponsors, in writing, whether the proposed referendum is:

2318 (i) legally referable to voters; or

2319 (ii) rejected as not legally referable to voters.

2320 (2) For a local school tax law, or a local law other than a land use law, a proposed  
2321 referendum is legally referable to voters unless:

2322 (a) the proposed referendum challenges an action that is administrative, rather than  
2323 legislative, in nature;

2324 (b) the proposed referendum challenges more than one law passed by the local  
2325 legislative body or the local school board; or

2326 (c) the referendum application was not timely filed or does not comply with the  
2327 requirements of this part.

2328 (3) After the end of the 20-day period described in Subsection (1), a county, city, town,  
2329 [~~or~~] metro township, or school district may not, for a local school tax law, or a local law other  
2330 than a land use law:

2331 (a) reject a proposed referendum as not legally referable to voters; or

2332 (b) except as provided in Subsection (4), challenge, in a legal action or otherwise, a  
2333 proposed referendum on the grounds that the proposed referendum is not legally referable to  
2334 voters.

2335 (4) (a) If, under Subsection (1)(b)(ii), a county, city, town, [~~or~~], metro township, or  
2336 school district rejects a proposed referendum concerning a local school tax law, or a local law  
2337 other than a land use law, a sponsor of the proposed referendum may, within 10 days after the  
2338 day on which a sponsor is notified under Subsection (1)(b), challenge or appeal the decision to:

2339 (i) the Supreme Court, by means of an extraordinary writ, if possible; or

2340 (ii) a district court, if the sponsor is prohibited from pursuing an extraordinary writ  
2341 under Subsection (4)(a)(i).

2342 (b) Failure of a sponsor to timely challenge or appeal a rejection under Subsection  
2343 (4)(a) terminates the referendum.

2344 (5) If, on a challenge or appeal, the court determines that the proposed referendum  
2345 described in Subsection (4) is legally referable to voters, the local clerk shall comply with  
2346 Subsection [20A-7-604\(3\)](#), or give the sponsors access to the website defined in Section  
2347 [20A-21-101](#), within five days after the day on which the determination, and any challenge or  
2348 appeal of the determination, is final.

2349 Section 16. Section [20A-7-603](#) is amended to read:

2350 **[20A-7-603. Manual referendum process -- Form of referendum petition and](#)**  
2351 **[signature sheet.](#)**

2352 (1) This section applies only to the manual referendum process.

2353 (2) (a) Each proposed referendum petition shall be printed in substantially the  
2354 following form:

2355 "REFERENDUM PETITION To the Honorable \_\_\_\_\_, County Clerk/City  
2356 Recorder/Town Clerk/Business Administrator/Superintendent:

2357 We, the undersigned citizens of Utah, respectfully order that (description of the local  
2358 law or the local school tax law, or portion of the local law or the local school tax law, being  
2359 challenged), passed by the \_\_\_\_\_ be referred to the voters for their approval or rejection at the  
2360 regular/municipal general election to be held on \_\_\_\_\_ (month\day\year);

2361 Each signer says:

2362 I have personally signed this referendum petition;

2363 The date next to my signature correctly reflects the date that I actually signed the  
2364 petition;

2365 I have personally reviewed the entire statement included with this packet;

2366 I am registered to vote in Utah; and

2367 My residence and post office address are written correctly after my name."

2368 (b) The sponsors of a referendum or an agent of the sponsors shall attach a copy of the  
2369 law that is the subject of the referendum to each referendum petition.

2370 (3) Each referendum signature sheet shall:

2371 (a) be printed on sheets of paper 8-1/2 inches long and 11 inches wide;

2372 (b) be ruled with a horizontal line three-fourths inch from the top, with the space above  
2373 that line blank for the purpose of binding;

2374 (c) include the title of the referendum printed below the horizontal line, in at least  
2375 14-point type;

2376 (d) include a table immediately below the title of the referendum, and beginning .5 inch  
2377 from the left side of the paper, as follows:

2378 (i) the first column shall be .5 inch wide and include three rows;

2379 (ii) the first row of the first column shall be .85 inch tall and contain the words "For  
2380 Office Use Only" in 10-point type;

2381 (iii) the second row of the first column shall be .35 inch tall;

2382 (iv) the third row of the first column shall be .5 inch tall;

2383 (v) the second column shall be 2.75 inches wide;

2384 (vi) the first row of the second column shall be .35 inch tall and contain the words  
2385 "Registered Voter's Printed Name (must be legible to be counted)" in 10-point type;  
2386 (vii) the second row of the second column shall be .5 inch tall;  
2387 (viii) the third row of the second column shall be .35 inch tall and contain the words  
2388 "Street Address, City, Zip Code" in 10-point type;  
2389 (ix) the fourth row of the second column shall be .5 inch tall;  
2390 (x) the third column shall be 2.75 inches wide;  
2391 (xi) the first row of the third column shall be .35 inch tall and contain the words  
2392 "Signature of Registered Voter" in 10-point type;  
2393 (xii) the second row of the third column shall be .5 inch tall;  
2394 (xiii) the third row of the third column shall be .35 inch tall and contain the words  
2395 "Email Address (optional, to receive additional information)" in 10-point type;  
2396 (xiv) the fourth row of the third column shall be .5 inch tall;  
2397 (xv) the fourth column shall be one inch wide;  
2398 (xvi) the first row of the fourth column shall be .35 inch tall and contain the words  
2399 "Date Signed" in 10-point type;  
2400 (xvii) the second row of the fourth column shall be .5 inch tall;  
2401 (xviii) the third row of the fourth column shall be .35 inch tall and contain the words  
2402 "Birth Date or Age (optional)" in 10-point type;  
2403 (xix) the fourth row of the third column shall be .5 inch tall; and  
2404 (xx) the fifth row of the entire table shall be the width of the entire table, .4 inch tall,  
2405 and contain the following words, "By signing this referendum petition, you are stating that you  
2406 have read and understand the law that this referendum petition seeks to overturn." in 12-point  
2407 type;  
2408 (e) the table described in Subsection (3)(d) shall be repeated, leaving sufficient room at  
2409 the bottom of the sheet or the information described in Subsection (3)(f); and  
2410 (f) at the bottom of the sheet, include the word "Warning," in 12-point, bold type,  
2411 followed by the following statement in not less than eight-point type:  
2412 "It is a class A misdemeanor for an individual to sign a referendum petition with a name  
2413 other than the individual's own name, or to knowingly sign the individual's name more than  
2414 once for the same referendum petition, or to sign a referendum petition when the individual

2415 knows that the individual is not a registered voter.

2416 Birth date or age information is not required, but it may be used to verify your identity  
2417 with voter registration records. If you choose not to provide it, your signature may not be  
2418 verified as a valid signature if you change your address before petition signatures are verified  
2419 or if the information you provide does not match your voter registration records."

2420 (4) The final page of each referendum packet shall contain the following printed or  
2421 typed statement:

2422 "Verification of signature collector

2423 State of Utah, County of \_\_\_\_

2424 I, \_\_\_\_\_, of \_\_\_\_\_, hereby state, under penalty of perjury, that:

2425 I am a resident of Utah and am at least 18 years old;

2426 All the names that appear in this packet were signed by individuals who professed to be  
2427 the individuals whose names appear in it, and each of the individuals signed the individual's  
2428 name on it in my presence;

2429 I did not knowingly make a misrepresentation of fact concerning the law this petition  
2430 seeks to overturn;

2431 I believe that each individual has printed and signed the individual's name and written  
2432 the individual's post office address and residence correctly, that each signer has read and  
2433 understands the law that the referendum seeks to overturn, and that each signer is registered to  
2434 vote in Utah.

2435 \_\_\_\_\_  
2436 (Name) (Residence Address) (Date)

2437 Each individual who signed the packet wrote the correct date of signature next to the  
2438 individual's name.

2439 I have not paid or given anything of value to any individual who signed this referendum  
2440 packet to encourage that individual to sign it.

2441 \_\_\_\_\_  
2442 (Name) (Residence Address) (Date)".

2443 (5) If the forms described in this section are substantially followed, the referendum  
2444 petitions are sufficient, notwithstanding clerical and merely technical errors.

2445 (6) An individual's status as a resident, under Subsection (4), is determined in

2446 accordance with Section 20A-2-105.

2447 Section 17. Section 20A-7-604 is amended to read:

2448 **20A-7-604. Manual referendum process -- Circulation requirements -- Local**  
2449 **clerk to provide sponsors with materials.**

2450 (1) This section applies only to the manual referendum process.

2451 (2) In order to obtain the necessary number of signatures required by this part, the  
2452 sponsors or an agent of the sponsors shall, after the sponsors receive the documents described  
2453 in Subsections (3) and 20A-7-401.5(4)(b), circulate referendum packets that meet the form  
2454 requirements of this part.

2455 (3) Within five days after the day on which a county, city, town, metro township,  
2456 school district, or court determines, in accordance with Section 20A-7-602.7, that a proposed  
2457 referendum is legally referable to voters, the local clerk shall provide the sponsors with  
2458 a copy of the referendum petition and a signature sheet.

2459 (4) The sponsors of the referendum petition shall:

2460 (a) arrange and pay for the printing of all documents that are part of the referendum  
2461 packets; and

2462 (b) ensure that the referendum packets and the documents described in Subsection  
2463 (4)(a) meet the form requirements of this section.

2464 (5) (a) The sponsors or an agent of the sponsors may prepare the referendum packets  
2465 for circulation by creating multiple referendum packets.

2466 (b) The sponsors or an agent of the sponsors shall create referendum packets by  
2467 binding a copy of the referendum petition with the text of the law that is the subject of the  
2468 referendum and no more than 50 signature sheets together at the top in a manner that the  
2469 referendum packets may be conveniently opened for signing.

2470 (c) A referendum packet is not required to have a uniform number of signature sheets.

2471 (d) The sponsors or an agent of the sponsors shall include, with each packet, a copy of  
2472 the proposition information pamphlet provided to the sponsors under Subsection  
2473 20A-7-401.5(4)(b).

2474 (6) (a) The sponsors or an agent of the sponsors shall, before gathering signatures:

2475 (i) contact the county clerk to receive a range of numbers that the sponsors may use to  
2476 number referendum packets;



2477 (ii) sign an agreement with the local clerk, specifying the range of numbers that the  
2478 sponsor will use to number the referendum packets; and

2479 (iii) number each referendum packet, sequentially, within the range of numbers  
2480 provided by the county clerk, starting with the lowest number in the range.

2481 (b) The sponsors or an agent of the sponsors may not:

2482 (i) number a referendum packet in a manner not directed by the county clerk; or

2483 (ii) circulate or submit a referendum packet that is not numbered in the manner  
2484 directed by the county clerk.

2485 Section 18. Section **20A-7-607** is amended to read:

2486 **20A-7-607. Evaluation by the local clerk -- Determination of election for vote on**  
2487 **referendum.**

2488 (1) In relation to the manual referendum process, when the local clerk receives a  
2489 referendum packet from a county clerk, the local clerk shall record the number of the  
2490 referendum packet received.

2491 (2) The county clerk shall:

2492 (a) in relation to the manual referendum process:

2493 (i) post the names, voter identification numbers, and dates of signatures described in  
2494 Subsection [20A-7-105\(6\)\(a\)\(iii\)](#) on the lieutenant governor's website, in a conspicuous location  
2495 designated by the lieutenant governor, for at least 45 days; and

2496 (ii) update on the local clerk's website the number of signatures certified as of the date  
2497 of the update; or

2498 (b) in relation to the electronic referendum process:

2499 (i) post the names, voter identification numbers, and dates of signatures described in  
2500 Subsection [20A-7-616\(3\)](#) on the lieutenant governor's website, in a conspicuous location  
2501 designated by the lieutenant governor, for at least 45 days; and

2502 (ii) update on the lieutenant governor's website the number of signatures certified as of  
2503 the date of the update.

2504 (3) The local clerk:

2505 (a) shall, except as provided in Subsection (3)(b), declare the referendum petition to be  
2506 sufficient or insufficient:

2507 (i) in relation to the manual referendum process, no later than 111 days after the day of

2508 the deadline, described in Subsection 20A-7-105(5)(a)(iv), to submit a referendum packet to  
2509 the county clerk; or

2510 (ii) in relation to the electronic referendum process, no later than 111 days after the day  
2511 of the deadline, described in Subsection 20A-7-616(2), to collect a signature; or

2512 (b) may declare the referendum petition to be insufficient before the day described in  
2513 Subsection (3)(a) if:

2514 (i) in relation to the manual referendum process, the total of all valid signatures on  
2515 timely and lawfully submitted referendum packets that have been certified by the county clerk,  
2516 plus the number of signatures on timely and lawfully submitted referendum packets that have  
2517 not yet been evaluated for certification, is less than the number of names required under  
2518 Section 20A-7-601;

2519 (ii) in relation to the electronic referendum process, the total of all timely and lawfully  
2520 submitted valid signatures that have been certified by the county clerks, plus the number of  
2521 timely and lawfully submitted valid signatures received under Subsection 20A-21-201(6)(b)  
2522 that have not yet been evaluated for certification, is less than the number of names required  
2523 under Section 20A-7-601; or

2524 (iii) a requirement of this part has not been met.

2525 (4) (a) If the total number of names certified under Subsection (3) equals or exceeds  
2526 the number of names required under Section 20A-7-601, and the requirements of this part are  
2527 met, the local clerk shall mark upon the front of the referendum petition the word "sufficient."

2528 (b) If the total number of names certified under Subsection (3) does not equal or  
2529 exceed the number of names required under Section 20A-7-601 or a requirement of this part is  
2530 not met, the local clerk shall mark upon the front of the referendum petition the word  
2531 "insufficient."

2532 (c) The local clerk shall immediately notify any one of the sponsors of the local clerk's  
2533 finding.

2534 (d) After a referendum petition is declared insufficient, a person may not submit  
2535 additional signatures to qualify the referendum for the ballot.

2536 (5) (a) If the local clerk refuses to declare a referendum petition sufficient, any voter  
2537 may, no later than 10 days after the day on which the local clerk declares the referendum  
2538 petition insufficient, apply to the appropriate court for an order finding the referendum petition

2539 legally sufficient.

2540 (b) If the court determines that the referendum petition is legally sufficient, the local  
2541 clerk shall mark the referendum petition "sufficient" and consider the declaration of sufficiency  
2542 effective as of the date on which the referendum petition should have been declared sufficient  
2543 by the local clerk's office.

2544 (c) If the court determines that a referendum petition filed is not legally sufficient, the  
2545 court may enjoin the local clerk and all other officers from:

2546 (i) certifying or printing the ballot title and numbers of that referendum on the official  
2547 ballot for the next election; or

2548 (ii) as it relates to a local tax law or a local school tax law that is conducted entirely by  
2549 mail, certifying, printing, or mailing the ballot title and numbers of that referendum under  
2550 Section [20A-7-609.5](#).

2551 (6) A referendum petition determined to be sufficient in accordance with this section is  
2552 qualified for the ballot.

2553 (7) (a) Except as provided in Subsection (7)(b) or (c), if a referendum relates to  
2554 legislative action taken after April 15, the election officer may not place the referendum on an  
2555 election ballot until a primary election, a general election, or a special election the following  
2556 year.

2557 (b) The election officer may place a referendum described in Subsection (7)(a) on the  
2558 ballot for a special, primary, or general election held during the year that the legislative action  
2559 was taken if the following agree, in writing, on a timeline to place the referendum on that  
2560 ballot:

2561 (i) the local clerk;

2562 (ii) the county clerk; and

2563 (iii) the attorney for the county ~~[or]~~, municipality, or school district that took the  
2564 legislative action.

2565 (c) For a referendum on a land use law, if, before August 30, the local clerk or a court  
2566 determines that the total number of certified names equals or exceeds the number of signatures  
2567 required in Section [20A-7-601](#), the election officer shall place the referendum on the election  
2568 ballot for:

2569 (i) the next general election; or

2570 (ii) another election, if the following agree, in writing, on a timeline to place the  
2571 referendum on that ballot:

2572 (A) the affected owners, as defined in Section 10-9a-103 or 17-27a-103, as applicable;

2573 (B) the local clerk;

2574 (C) the county clerk; and

2575 (D) the attorney for the county or municipality that took the legislative action.

2576 Section 19. Section 20A-7-608 is amended to read:

2577 **20A-7-608. Short title and summary of referendum -- Duties of local clerk and**  
2578 **local attorney.**

2579 (1) Upon receipt of a referendum petition, the local clerk shall deliver a copy of the  
2580 referendum petition and the law to which the referendum relates to the local attorney.

2581 (2) The local attorney shall:

2582 (a) entitle each county [or], municipal, or school district referendum that qualifies for  
2583 the ballot "Proposition Number \_\_\_" and give the referendum a number assigned in accordance  
2584 with Section 20A-6-107;

2585 (b) prepare for the referendum:

2586 (i) an impartial short title, not exceeding 25 words, that generally describes the subject  
2587 of the law to which the referendum relates; and

2588 (ii) an impartial summary of the contents of the law to which the referendum relates,  
2589 not exceeding 125 words;

2590 (c) file the proposed short title, summary, and the numbered referendum title with the  
2591 local clerk within 20 days after the day on which an eligible voter submits the referendum  
2592 petition to the local clerk; and

2593 (d) promptly provide notice of the filing of the proposed short title and summary to:

2594 (i) the sponsors of the petition; and

2595 (ii) the local legislative body or the local school board for the jurisdiction where the  
2596 referendum petition was circulated.

2597 (3) (a) The short title and summary may be distinct from the title of the law that is the  
2598 subject of the referendum petition.

2599 (b) In preparing a short title, the local attorney shall, to the best of the local attorney's  
2600 ability, give a true and impartial description of the subject of the referendum.

2601 (c) In preparing a summary, the local attorney shall, to the best of the local attorney's  
2602 ability, give a true and impartial summary of the contents of the referendum.

2603 (d) The short title and summary may not intentionally be an argument, or likely to  
2604 create prejudice, for or against the referendum.

2605 (4) (a) Within five calendar days after the day on which the local attorney files a  
2606 proposed short title and summary under Subsection (2)(c), the local legislative body or local  
2607 school board for the jurisdiction where the referendum petition was circulated and the sponsors  
2608 of the referendum petition may file written comments in response to the proposed short title  
2609 and summary with the local clerk.

2610 (b) Within five calendar days after the last date to submit written comments under  
2611 Subsection (4)(a), the local attorney shall:

2612 (i) review any written comments filed in accordance with Subsection (4)(a);

2613 (ii) prepare a final short title and summary that meets the requirements of Subsection  
2614 (3); and

2615 (iii) return the referendum petition and file the short title and summary with the local  
2616 clerk.

2617 (c) Subject to Subsection (6), for each county [~~or~~], municipal, or school district  
2618 referendum, the following shall be printed on the official ballot:

2619 (i) the short title; and

2620 (ii) except as provided in Subsection (4)(d):

2621 (A) the summary;

2622 (B) a copy of the ordinance, resolution, or written description of the local law or the  
2623 local school tax law; and

2624 (C) a link to a location on the election officer's website where a voter may review  
2625 additional information relating to each referendum, including the information described in  
2626 Subsection [20A-7-602\(2\)](#) and the arguments relating to the referendum that are included in the  
2627 local voter information pamphlet.

2628 (d) Unless the information described in Subsection (4)(c)(ii) is printed on the official  
2629 ballot, the election officer shall include with the ballot a separate ballot proposition insert that  
2630 includes the short title and summary for each referendum on the ballot and a link to a location  
2631 on the election officer's website where a voter may review the additional information described

2632 in Subsection (4)(c)(ii)(C).

2633 (e) Unless the information described in Subsection 20A-7-508(4)(c)(ii) for all  
2634 initiatives on the ballot, and the information described in Subsection (4)(c)(ii) for all referenda  
2635 on the ballot, is printed on the ballot, the ballot shall include the following statement at the  
2636 beginning of the portion of the ballot that includes ballot measures, "The ballot proposition  
2637 sheet included with this ballot contains an impartial summary of each initiative and referendum  
2638 on this ballot, unless the summary is printed directly on the ballot."

2639 (5) Immediately after the local attorney files a copy of the short title and summary with  
2640 the local clerk, the local clerk shall serve a copy of the short title and summary by mail upon  
2641 the sponsors of the referendum petition and the local legislative body or the local school board  
2642 for the jurisdiction or school district where the referendum petition was circulated.

2643 (6) (a) If the short title or summary provided by the local attorney is unsatisfactory or  
2644 does not comply with the requirements of this section, the decision of the local attorney may be  
2645 appealed to the appropriate court by:

2646 (i) at least three sponsors of the referendum petition; or

2647 (ii) a majority of the local legislative body or the local school board for the jurisdiction  
2648 where the referendum petition was circulated.

2649 (b) The court:

2650 (i) shall examine the short title and summary and consider the arguments; and

2651 (ii) enter an order consistent with the requirements of this section.

2652 (c) The local clerk shall include the short title and summary in the ballot or ballot  
2653 proposition insert, as required by this section.

2654 Section 20. Section 20A-7-609 is amended to read:

2655 **20A-7-609. Form of ballot -- Manner of voting.**

2656 (1) The local clerk shall ensure that the number and ballot title are presented upon the  
2657 official ballot with, immediately adjacent to them, the words "For" and "Against," each word  
2658 presented with an adjacent square in which the elector may indicate the elector's vote.

2659 (2) (a) Except as provided in Subsection [~~(2)(c)(i)~~] (2)(d)(i) or Section 20A-7-609.5,  
2660 and unless the county legislative body calls a special election, the county clerk shall ensure that  
2661 a county referenda that [have] has qualified for the ballot [appear] appears on the next regular  
2662 general election ballot.

2663 (b) Except as provided in Subsection ~~[(2)(c)(i)]~~ (2)(d)(ii) or Section [20A-7-609.5](#), and  
2664 unless the municipal legislative body calls a special election, the municipal recorder or clerk  
2665 shall ensure that a municipal referenda that ~~have~~ has qualified for the ballot ~~appear~~ appears  
2666 on the next regular municipal election ballot.

2667 (c) Except as provided in Subsection (2)(d)(iii) or Section [20A-7-609.5](#), and unless the  
2668 local school board calls a special election, the business administrator or superintendent shall  
2669 ensure that a school district referenda that has qualified for the ballot appears on the next  
2670 regular general election ballot.

2671 ~~[(c)]~~ (d) [(i)] Except as provided in Section [20A-7-609.5](#)[-];

2672 (i) if a local law passes after January 30 of the year in which there is a regular general  
2673 election, the county clerk shall ensure that a county referendum that has qualified for the ballot  
2674 appears on the ballot at the second regular general election immediately following the passage  
2675 of the local law unless the county legislative body calls a special election.

2676 (ii) ~~[Except as provided in Section [20A-7-609.5](#)]~~ if a local law passes after January 30  
2677 of the year in which there is a municipal general election, the municipal recorder or clerk shall  
2678 ensure that a municipal referendum that has qualified for the ballot appears on the ballot at the  
2679 second municipal general election immediately following the passage of the local law unless  
2680 the municipal legislative body calls a special election.

2681 (iii) if a local law or a local school tax law passes after January 30 of the year in which  
2682 there is a regular general election, the business administrator or superintendent shall ensure that  
2683 a school district referendum that has qualified for the ballot appears on the ballot at the second  
2684 regular general election immediately following passage of the local law or the local school tax  
2685 law unless the local school board calls a special election.

2686 (3) (a) (i) A voter desiring to vote in favor of the law that is the subject of the  
2687 referendum shall mark the square adjacent to the word "For."

2688 (ii) The law that is the subject of the referendum is effective if a majority of voters  
2689 mark "For."

2690 (b) (i) A voter desiring to vote against the law that is the subject of the referendum  
2691 shall mark the square following the word "Against."

2692 (ii) The law that is the subject of the referendum is not effective if a majority of voters  
2693 mark "Against."

2694 Section 21. Section **20A-7-609.5** is amended to read:

2695 **20A-7-609.5. Election on referendum challenging a local tax law or a local school**  
2696 **tax law conducted entirely by mail.**

2697 (1) An election officer may administer an election on a referendum challenging a local  
2698 tax law or a local school tax law entirely by mail.

2699 (2) For purposes of an election conducted under this section, the election officer shall:

2700 (a) designate as the election day the day that is 30 days after the day on which the  
2701 election officer complies with Subsection (2)(b); and

2702 (b) within 30 days after the day on which the referendum described in Subsection (1)  
2703 qualifies for the ballot, mail to each registered voter within the voting precincts or school  
2704 district to which the local tax law or the local school tax law applies:

2705 (i) a manual ballot;

2706 (ii) a statement that there will be no polling place for the election;

2707 (iii) a statement specifying the election day described in Subsection (2)(a);

2708 (iv) a business reply mail envelope;

2709 (v) instructions for returning the ballot that include an express notice about any  
2710 relevant deadlines that the voter must meet in order for the voter's vote to be counted;

2711 (vi) a warning, on a separate page of colored paper in boldface print, indicating that if  
2712 the voter fails to follow the instructions included with the manual ballot, the voter will be  
2713 unable to vote in that election because there will be no polling place for the election; and

2714 (vii) (A) a copy of the proposition information pamphlet relating to the referendum if a  
2715 proposition information pamphlet relating to the referendum was published under Section  
2716 **20A-7-401.5**; or

2717 (B) a website address where an individual may view a copy of the proposition  
2718 information pamphlet described in Subsection (2)(b)(vii)(A).

2719 (3) An election officer who administers an election under this section shall:

2720 (a) (i) obtain, in person, the signatures of each voter within that voting precinct or  
2721 school district before the election; or

2722 (ii) obtain the signature of each voter within the voting precinct or school district from  
2723 the county clerk; and

2724 (b) maintain the signatures on file in the election officer's office.



2725 (4) (a) Upon receiving a returned manual ballot under this section, the election officer  
2726 shall compare the signature on each return envelope with the voter's signature that is  
2727 maintained on file and verify that the signatures are the same.

2728 (b) If the election officer questions the authenticity of the signature on the return  
2729 envelope, the election officer shall immediately contact the voter to verify the signature.

2730 (c) If there is not a signature on the return envelope or if the election officer determines  
2731 that the signature on the return envelope does not match the voter's signature that is maintained  
2732 on file, the election officer shall:

2733 (i) disqualify the ballot; and

2734 (ii) notify the voter of the disqualification and the reason for the disqualification.

2735 Section 22. Section **20A-7-610** is amended to read:

2736 **20A-7-610. Return and canvass -- Conflicting measures -- Law effective on**  
2737 **proclamation.**

2738 (1) The votes on the law that is the subject of the referendum petition shall be counted,  
2739 canvassed, and delivered as provided in Title 20A, Chapter 4, Part 3, Canvassing Returns.

2740 (2) After the local board of canvassers completes the canvass, the local clerk shall  
2741 certify to the local legislative body or the local school board the vote for and against the law  
2742 that is the subject of the referendum petition.

2743 (3) (a) The local legislative body or the local school board shall immediately issue a  
2744 proclamation that:

2745 (i) gives the total number of votes cast in the local jurisdiction for and against each law  
2746 that is the subject of a referendum petition; and

2747 (ii) in accordance with Section **20A-7-611**, declares those laws that are the subject of a  
2748 referendum petition that are approved by majority vote to be in full force and effect as the law  
2749 of the local jurisdiction.

2750 (b) When the local legislative body or the local school board determines that two laws,  
2751 or that parts of two laws approved by the people at the same election are entirely in conflict, the  
2752 local legislative body or local school board shall proclaim to be law the law that received the  
2753 greatest number of affirmative votes, regardless of the difference in the majorities which those  
2754 approved laws received.

2755 (4) (a) Within 10 days after the day on which the local legislative body or the local

2756 school board issues the proclamation described in Subsection (3), any qualified voter residing  
2757 in the jurisdiction for a law that is declared by the local legislative body or the local school  
2758 board to be superseded by another law approved at the same election may bring an action in the  
2759 appropriate court to review the decision.

2760 (b) The court shall:

2761 (i) consider the matter and decide whether the approved laws are entirely in conflict;  
2762 and

2763 (ii) issue an order, consistent with the court's decision, to the local legislative body or  
2764 the local school board.

2765 (5) Within 10 days after the day on which the court enters an order under Subsection  
2766 (4)(b)(ii), the local legislative body or the local school board shall:

2767 (a) proclaim as law all those laws approved by the people that the court determines are  
2768 not in conflict; and

2769 (b) of all those laws approved by the people as law that the court determines to be in  
2770 conflict, proclaim as law the one that receives the greatest number of affirmative votes,  
2771 regardless of the difference in majorities.

2772 Section 23. Section **20A-7-611** is amended to read:

2773 **20A-7-611. Temporary stay -- Effective date -- Effect of repeal by local legislative**  
2774 **body.**

2775 (1) Any law submitted to the people by referendum petition that is rejected by the  
2776 voters at any election is repealed as of the date of the election.

2777 (2) If, at the time during the process described in Subsection [20A-7-607\(2\)](#), the local  
2778 clerk determines that, at that point in time, an adequate number of signatures are certified to  
2779 comply with the signature requirements, the local clerk shall:

2780 (a) issue an order temporarily staying the law from going into effect; and

2781 (b) continue the process of certifying signatures and removing signatures as required by  
2782 this part.

2783 (3) The temporary stay described in Subsection (2) remains in effect, regardless of  
2784 whether a future count falls below the signature threshold, until the day on which:

2785 (a) if the local clerk declares the referendum petition insufficient, five days after the  
2786 day on which the local clerk declares the referendum petition insufficient; or

2787 (b) if the local clerk declares the referendum petition sufficient, the day on which the  
2788 local legislative body or the local school board issues the proclamation described in Section  
2789 [20A-7-610](#).

2790 (4) A law submitted to the people by referendum that is approved by the voters at an  
2791 election takes effect the later of:

2792 (a) five days after the date of the official proclamation of the vote by the local  
2793 legislative body or the local school board; or

2794 (b) the effective date specified in the approved law.

2795 (5) If, after the local clerk issues a temporary stay order under Subsection (2)(a), the  
2796 local clerk declares the referendum petition insufficient, the law that is the subject of the  
2797 referendum petition takes effect the later of:

2798 (a) five days after the day on which the local clerk declares the petition insufficient; or

2799 (b) the effective date specified in the proposed law.

2800 (6) (a) A law approved by the people under this part is not subject to veto.

2801 (b) The local legislative body or the local school board may amend any laws approved  
2802 by the people under this part after the people approve the law.

2803 (7) If the local legislative body or the local school board repeals a law challenged by  
2804 referendum petition under this part, the referendum petition is void and no further action on the  
2805 referendum petition is required.

2806 Section 24. Section [20A-7-613](#) is amended to read:

2807 **[20A-7-613](#). Property tax referendum petition.**

2808 (1) As used in this section[;]:

2809 (a) [~~"certified tax rate"~~] "Certified tax rate" means the same as that term is defined in  
2810 Section [59-2-924](#).

2811 (b) "Taxing entity" means a county, city, town, metro township, or school district with  
2812 the authority to levy a tax on property.

2813 (2) Except as provided in this section, the requirements of this part apply to a  
2814 referendum petition challenging a taxing entity's legislative body's vote to impose a tax rate that  
2815 exceeds the certified tax rate.

2816 (3) Notwithstanding Subsection [20A-7-105\(5\)\(a\)\(iv\)](#), the sponsors or an agent of the  
2817 sponsors shall deliver a signed and verified referendum packet to the county clerk of the county

2818 in which the packet was circulated before 5 p.m. no later than the earlier of:

2819 (a) 30 days after the day on which the first individual signs the packet; or

2820 (b) 40 days after the day on which the local clerk complies with Subsection

2821 [20A-7-604](#)(3).

2822 (4) Notwithstanding Subsections [20A-7-105](#)(6)(a) and (9), the county clerk shall take

2823 the actions required in Subsections [20A-7-105](#)(6)(a) and (9) within 10 working days after the

2824 day on which the county clerk receives the signed and verified referendum packet as described

2825 in Subsection (3).

2826 (5) The local clerk shall take the actions required by Section [20A-7-607](#) within two

2827 working days after:

2828 (a) in relation to the manual referendum process, the day on which the local clerk

2829 receives the referendum packets from the county clerk; or

2830 (b) in relation to the electronic referendum process, the deadline described in

2831 Subsection [20A-7-616](#)(2).

2832 (6) Notwithstanding Subsection [20A-7-608](#)(2), the local attorney shall prepare the

2833 ballot title within two working days after the day on which the referendum petition is declared

2834 sufficient for submission to a vote of the people.

2835 (7) Notwithstanding Subsection [~~[20A-7-609](#)(2)(e)] [20A-7-609](#)(2)(d), a referendum that~~

2836 qualifies for the ballot under this section shall appear on the ballot for the earlier of the next

2837 regular general election or the next municipal general election unless a special election is

2838 called.

2839 (8) The election officer shall mail manual ballots on a referendum under this section

2840 the later of:

2841 (a) the time provided in Section [20A-3a-202](#) or [20A-16-403](#); or

2842 (b) the time that ballots are prepared for mailing under this section.

2843 (9) Section [20A-7-402](#) does not apply to a referendum described in this section.

2844 (10) (a) If a majority of voters does not vote against imposing the tax at a rate

2845 calculated to generate the increased revenue budgeted, adopted, and approved by the taxing

2846 entity's legislative body:

2847 (i) the certified tax rate for the fiscal year during which the referendum petition is filed

2848 is its most recent certified tax rate; and

2849 (ii) the proposed increased revenues for purposes of establishing the certified tax rate  
2850 for the fiscal year after the fiscal year described in Subsection (10)(a)(i) are the proposed  
2851 increased revenues budgeted, adopted, and approved by the taxing entity's legislative body  
2852 before the filing of the referendum petition.

2853 (b) If a majority of voters votes against imposing a tax at the rate established by the  
2854 vote of the taxing entity's legislative body, the certified tax rate for the taxing entity is the  
2855 taxing entity's most recent certified tax rate.

2856 (c) If the tax rate is set in accordance with Subsection (10)(a)(ii), a taxing entity is not  
2857 required to comply with the notice and public hearing requirements of Section 59-2-919 if the  
2858 taxing entity complies with those notice and public hearing requirements before the referendum  
2859 petition is filed.

2860 (11) The ballot title shall, at a minimum, include in substantially this form the  
2861 following: "Shall the [name of the taxing entity] be authorized to levy a tax rate in the amount  
2862 sufficient to generate an increased property tax revenue of [amount] for fiscal year [year] as  
2863 budgeted, adopted, and approved by the [name of the taxing entity].".

2864 (12) A taxing entity shall pay the county the costs incurred by the county that are  
2865 directly related to meeting the requirements of this section and that the county would not have  
2866 incurred but for compliance with this section.

2867 (13) (a) An election officer shall include on a ballot a referendum that has not yet  
2868 qualified for placement on the ballot, if:

2869 (i) sponsors file an application for a referendum described in this section;

2870 (ii) the ballot will be used for the election for which the sponsors are attempting to  
2871 qualify the referendum; and

2872 (iii) the deadline for qualifying the referendum for placement on the ballot occurs after  
2873 the day on which the ballot will be printed.

2874 (b) If an election officer includes on a ballot a referendum described in Subsection  
2875 (13)(a), the ballot title shall comply with Subsection (11).

2876 (c) If an election officer includes on a ballot a referendum described in Subsection  
2877 (13)(a) that does not qualify for placement on the ballot, the election officer shall inform the  
2878 voters by any practicable method that the referendum has not qualified for the ballot and that  
2879 votes cast in relation to the referendum will not be counted.

2880 Section 25. Section **20A-7-614** is amended to read:

2881 **20A-7-614. Electronic referendum process -- Form of referendum petition --**

2882 **Circulation requirements -- Signature collection.**

2883 (1) This section applies only to the electronic referendum process.;

2884 (2) (a) The first screen presented on the approved device shall include the following  
2885 statement:

2886 "This REFERENDUM PETITION is addressed to the Honorable \_\_\_\_, County  
2887 Clerk/City Recorder/Town Clerk/Business Administrator/Superintendent:

2888 The citizens of Utah who sign this petition respectfully order that (description of the  
2889 local law or the local school tax law, or portion of the local law or the local school tax law,  
2890 being challenged), passed by the \_\_\_\_ be referred to the voters for their approval or rejection at  
2891 the regular/municipal general election to be held on \_\_\_\_\_(month\day\year)."

2892 (b) An individual may not advance to the second screen until the individual clicks a  
2893 link at the bottom of the first screen stating, "By clicking here, I attest that I have read and  
2894 understand the information presented on this screen."

2895 (3) (a) The second screen presented on the approved device shall include the entire text  
2896 of the law that is the subject of the referendum petition.

2897 (b) An individual may not advance to the third screen until the individual clicks a link  
2898 at the bottom of the second screen stating, "By clicking here, I attest that I have read and  
2899 understand the entire text of the law that is the subject of the referendum petition."

2900 (4) (a) The third screen presented on the approved device shall include a statement  
2901 indicating whether persons gathering signatures for the referendum petition may be paid for  
2902 gathering signatures.

2903 (b) An individual may not advance to the fourth screen until the individual clicks a link  
2904 at the bottom of the third screen stating, "By clicking here, I attest that I have read and  
2905 understand the information presented on this screen."

2906 (5) The fourth screen presented on the approved device shall include the following  
2907 statement, followed by links where the individual may click "yes" or "no":

2908 "I have personally reviewed the entirety of each statement presented on this device;

2909 I am personally signing this referendum petition;

2910 I am registered to vote in Utah; and

2911 All information I enter on this device, including my residence and post office address, is  
2912 accurate.

2913 It is a class A misdemeanor for an individual to sign a referendum petition with a name  
2914 other than the individual's own name, or to knowingly sign the individual's name more than  
2915 once for the same referendum petition, or to sign a referendum petition when the individual  
2916 knows that the individual is not a registered voter.

2917 Do you wish to continue and sign this referendum petition?"

2918 (6) (a) If the individual clicks "no" in response to the question described in Subsection  
2919 (5), the next screen shall include the following statement, "Thank you for your time. Please  
2920 return this device to the signature-gatherer."

2921 (b) If the individual clicks "yes" in response to the question described in Subsection  
2922 (5), the website, or the application that accesses the website, shall take the signature-gatherer  
2923 and the individual signing the referendum petition through the signature process described in  
2924 Section [20A-21-201](#).

2925 Section 26. Section **63G-30-102** is amended to read:

2926 **63G-30-102. Public notice classifications and requirements.**

2927 (1) A public body or a government official that is required to provide a class A notice:

2928 (a) shall publish the public notice on the Utah Public Notice Website;

2929 (b) shall publish the public notice on the public body's or government official's official  
2930 website, if the public body or government official:

2931 (i) maintains an official website; and

2932 (ii) has an annual operating budget of \$250,000 or more; and

2933 (c) except as provided in Subsection (4), and subject to Subsection (5), post the public  
2934 notice in connection with the affected area as follows:

2935 (i) if the affected area is a municipality with a population of less than 2,000, in a public  
2936 location in or near the affected area that is reasonably likely to be seen by residents of the  
2937 affected area;

2938 (ii) if the affected area is a proposed municipality with a population of less than 2,000,  
2939 in a public location in or near the affected area that is reasonably likely to be seen by residents  
2940 of the affected area;

2941 (iii) if the affected area is an area other than an area described in Subsections (1)(c)(i),

2942 (1)(c)(ii), or (1)(c)(iv) through [~~viii~~]; (ix), in a public location in or near the affected area that  
2943 is reasonably likely to be seen by:

2944 (A) residents of the affected area; or

2945 (B) if there are no residents within the affected area, individuals who pass through or  
2946 near the affected area;

2947 (iv) if the affected area is a county, in a public location within the county that is  
2948 reasonably likely to be seen by residents of the county;

2949 (v) if the affected area is a municipality with a population of 2,000 or more, or a  
2950 proposed municipality with a population of 2,000 or more, in a public location within the  
2951 municipality or proposed municipality that is reasonably likely to be seen by residents of the  
2952 municipality or proposed municipality;

2953 (vi) if the affected area is a public street, on or adjacent to the public street;

2954 (vii) if the affected area is an easement:

2955 (A) on or adjacent to the easement; or

2956 (B) in a public location that is reasonably likely to be seen by persons who are likely to  
2957 be impacted by the easement; [~~or~~]

2958 (viii) if the affected area is an interlocal entity, within, or as applicable near, each  
2959 jurisdiction that is part of the interlocal entity, in accordance with the provisions of this  
2960 Subsection (1) that apply to that jurisdiction[~~;~~]; or

2961 (ix) if the affected area is a school district, in a public location within the school  
2962 district that is reasonably likely to be seen by residents of the school district.

2963 (2) Subject to Subsection (5), a public body or a government official that is required to  
2964 provide a class B notice shall:

2965 (a) comply with the requirements described in Subsection (1) for a class A notice;

2966 (b) if a statute, county ordinance, or municipal ordinance requires that the notice be  
2967 provided for a designated geographic area, mail or otherwise deliver the public notice or a  
2968 notice summary statement to each residence within, and, in accordance with Subsection (3), to  
2969 each owner of real property located within, the designated geographic area; and

2970 (c) if a statute, county ordinance, or municipal ordinance requires that the notice be  
2971 provided to one or more designated persons or real property owners, mail or otherwise deliver  
2972 the public notice or a notice summary statement, in accordance with Subsection (3), to each



2973 designated person and real property owner.

2974 (3) When providing notice to a real property owner under Subsection (2)(b) or (c), the  
2975 public body or government official shall:

2976 (a) use the current residential or business address of the real property owner;

2977 (b) if the public body or government official is not reasonably able to obtain the  
2978 address described in Subsection (3)(a), use the last known address of the real property owner  
2979 that the public body or government official is able to obtain via a reasonable inquiry into public  
2980 records; or

2981 (c) if the public body or government official is not reasonably able to obtain an address  
2982 described in Subsection (3)(a) or (b), post the notice on the real property.

2983 (4) A government official, a public body, or any other body that is required to post  
2984 notice under Subsection (1) is not required to comply with Subsection (1)(c) if:

2985 (a) the affected area is the state;

2986 (b) the body is a specified body, as defined in Section [52-4-103](#);

2987 (c) the public body is the Legislature or a public body within the state legislative  
2988 branch; or

2989 (d) the government official is required to post the notice on behalf of a body described  
2990 in Subsection (4)(b) or (c).

2991 (5) If a statute, ordinance, or rule requires a public body or government official to  
2992 provide notice for a period of time:

2993 (a) in relation to posting the notice on the Utah Public Notice Website, the requirement  
2994 is not violated due to temporary technological issues that interrupt the posting, unless the  
2995 posting is interrupted for more than 25% of the required posting time;

2996 (b) in relation to posting the notice in a physical location, the requirement is fulfilled if:

2997 (i) the notice is posted at or, except to the extent prohibited by law, before the  
2998 beginning of the period of time;

2999 (ii) the public body or government official does not remove the posting before the end  
3000 of the period of time; and

3001 (iii) until the end of the period of time, the public body or government official:

3002 (A) periodically verifies that the notice remains in place; and

3003 (B) replaces the notice within a reasonable time after discovering that the notice has

3004 been removed or damaged; and

3005 (c) in relation to mailing, sending, or otherwise delivering notice to a person, the  
3006 mailing is made at or, except to the extent prohibited by law, before, the beginning of the  
3007 period of time.

3008 Section 27. **Effective date.**

3009 This bill takes effect on May 1, 2024.