

HB0284S01 compared with HB0284

~~{deleted text}~~ shows text that was in HB0284 but was deleted in HB0284S01.

inserted text shows text that was not in HB0284 but was inserted into HB0284S01.

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

Senator Lincoln Fillmore proposes the following substitute bill:

INITIATIVE AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: {}Jason B. Kyle

Senate Sponsor: { _____ } Lincoln Fillmore

LONG TITLE

General Description:

This bill modifies provisions relating to a statewide initiative.

Highlighted Provisions:

This bill:

- ~~{ → contingent on the passage of a constitutional amendment, modifies the vote percentage required to pass a statewide initiative that would impose a new tax or increase a tax rate;~~
- { ▶ modifies requirements for a statewide initiative application and a fiscal impact statement in relation to funding a law proposed by initiative; and
- ▶ makes technical ~~{and conforming}~~ changes.

Money Appropriated in this Bill:

None

HB0284S01 compared with HB0284

Other Special Clauses:

~~{ This bill provides a special effective date. }~~ None

Utah Code Sections Affected:

AMENDS:

~~{ 20A-1-303, as last amended by Laws of Utah 2018, Chapter 187~~
~~— 20A-4-304, as last amended by Laws of Utah 2023, Chapters 15, 297 and 435~~
~~† 20A-7-202, as last amended by Laws of Utah 2023, Chapter 107~~
~~20A-7-202.5, as last amended by Laws of Utah 2023, Chapter 107~~
~~{ 20A-7-211, as last amended by Laws of Utah 2023, Chapter 107~~
~~}~~

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

Section 1. Section ~~{20A-1-303}~~ 20A-7-202 is amended to read:

~~{ 20A-1-303. Determining results.~~

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

~~— (i) election for any office to be filled at that election is elected to that office; and~~

~~— (ii) primary for nomination for any office is nominated for that office.~~

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

~~— (i) election for any office to be filled at that election are elected to that office; and~~

~~— (ii) primary for nomination for any office are nominated for that office.~~

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

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

~~— (b) fails if:~~

~~— (i) the number of "yes" votes equal the number of "no" votes; or~~

~~— (ii) the number of "no" votes is greater than the number of "yes" votes.~~

HB0284S01 compared with HB0284

~~(3) A statewide initiative submitted to voters for approval or rejection that would impose a new tax or increase a tax rate:~~

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

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

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

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

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

~~(1) (a) [except] Except as provided in Part 6, Municipal Alternate Voting Methods Pilot Project, a board of canvassers shall declare "elected" or "nominated" those persons who:~~

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

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

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

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

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

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

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

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

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

~~(c) For a statewide initiative that would impose a new tax or increase a tax rate, the state board of canvassers shall declare the initiative:~~

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

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

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

~~(i) certify the vote totals for persons and for and against ballot propositions that were submitted to voters within and beyond the board's jurisdiction and transmit those vote totals to~~

HB0284S01 compared with HB0284

~~the lieutenant governor; and~~

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

~~—— (2) The election officer shall submit a report to the board of canvassers that includes the following information:~~

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

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

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

~~—— (d) each office that appeared on the ballot;~~

~~—— (e) from each voting precinct:~~

~~—— (i) the number of votes for each candidate;~~

~~—— (ii) for each race conducted by instant runoff voting under Part 6, Municipal Alternate Voting Methods Pilot Project, the number of valid votes cast for each candidate for each potential ballot-counting phase and the name of the candidate excluded in each ballot-counting phase; and~~

~~—— (iii) the number of votes for and against each ballot proposition;~~

~~—— (f) the total number of votes given in the board's jurisdiction to each candidate, and for and against each ballot proposition;~~

~~—— (g) standardized statistics, on a form provided by the lieutenant governor, disclosing:~~

~~—— (i) the number of ballots counted;~~

~~—— (ii) provisional ballots; and~~

~~—— (iii) the number of ballots rejected;~~

~~—— (h) a final ballot reconciliation report;~~

~~—— (i) other information required by law to be provided to the board of canvassers; and~~

~~—— (j) a statement certifying that the information contained in the report is accurate.~~

~~—— (3) The election officer and the board of canvassers shall:~~

~~—— (a) review the report to ensure that the report is correct; and~~

~~—— (b) sign the report.~~

~~—— (4) The election officer shall:~~

~~—— (a) record or file the certified report in a book kept for that purpose;~~

~~—— (b) prepare and transmit a certificate of nomination or election under the officer's seal~~

HB0284S01 compared with HB0284

~~to each nominated or elected candidate;~~

~~—— (c) publish a copy of the certified report in accordance with Subsection (5), and~~

~~—— (d) file a copy of the certified report with the lieutenant governor.~~

~~—— (5) Except as provided in Subsection (6), the election officer shall, no later than seven days after the day on which the board of canvassers declares the election results, publicize the certified report described in Subsection (2) for the jurisdiction, as a class A notice under Section 63G-30-102, for at least seven days.~~

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

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

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

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

~~—— (ii) the physical address for the jurisdiction; and~~

~~—— (iii) a mailing address and telephone number.~~

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

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

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

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

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

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

~~—— (b) a complete tabulation showing voting totals for all primary races, precinct by~~

HB0284S01 compared with HB0284

~~precinct, to be mailed to the lieutenant governor on or before the third Friday following the primary election.~~

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

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

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

(2) The initiative application shall include:

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

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

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

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

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

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

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

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

(ii) a description of the manner in which the proposed law will be funded, including:

(A) all proposed sources of funding for the costs associated with the proposed law,

including the proposed percentage of total funding from each source; [~~and~~]

(B) if the proposed law will be funded, in whole or in part, by a new tax, a description of the new tax and the tax rate;

~~[(iii) the text of the proposed law;]~~

~~[(f)]~~ (C) if the [initiative proposes] proposed law will be funded, in whole or in part, by a tax increase, the following statement for each tax increase, "This initiative seeks to increase the current (insert name of tax) rate by (insert the tax percentage difference) percent, resulting in a(n) (insert the tax percentage increase) percent increase in the current tax rate."; [~~and~~]

(D) if the proposed law will be funded, in whole or in part, from new revenues, a description of the amount and source of the new revenues; and

(E) if the proposed law will be funded, in whole or in part, from existing revenues, a description of the existing line items or programs that will receive less funding in order to fund the proposed law and the amount by which the funding will be reduced; and

HB0284S01 compared with HB0284

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

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

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

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

(a) submit a new initiative application;

(b) obtain new signature sheets; and

(c) collect signatures again.

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

(a) the proposed law:

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

(ii) is nonsensical;

(iii) could not become law if passed;

(iv) contains more than one subject as evaluated in accordance with Subsection (6); or

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

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

(c) the funding description, described in Subsection (2)(e):

(i) does not comply with the requirements of Subsection (2)(e); or

(ii) is unlikely to provide adequate funding for the proposed law.

(6) To evaluate whether the proposed law contains more than one subject under Subsection (5)(a)(iv), the lieutenant governor shall apply the same standard provided in Utah Constitution, Article VI, Section 22, which prohibits a bill from passing that contains more than one subject.

Section ~~{4}~~2. Section **20A-7-202.5** is amended to read:

HB0284S01 compared with HB0284

20A-7-202.5. Initial fiscal impact statement -- Preparation of statement --

Challenge to statement.

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

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

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

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

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

(iv) if the proposed law will be funded, in whole or in part, from new revenues, a description of the amount and source of the new revenues;

(v) if the proposed law will be funded, in whole or in part, from existing revenues, a description of:

(A) the existing line items or programs that will receive less funding in order to fund the proposed law and the amount by which the funding will be reduced; and

(B) the likely impact of the reduction in funding described in Subsection (2)(a)(v)(A);

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

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

~~(vi)~~ (viii) if the proposed law would increase costs to state government, a listing of all

HB0284S01 compared with HB0284

sources of funding for the estimated costs; and

~~[(vii)]~~ (ix) a concise description and analysis titled "Funding Source," not to exceed 100 words for each funding source, of the funding source information described in Subsection 20A-7-202(2)(e)(ii).

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

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

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

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

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

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

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

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

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

(b) (i) There is a presumption that the initial fiscal impact statement prepared by the Office of the Legislative Fiscal Analyst is based upon reasonable assumptions, uses reasonable

HB0284S01 compared with HB0284

data, and applies accepted analytical methods to present the estimated fiscal impact of the initiative.

(ii) The court may not revise the contents of, or direct the revision of, the initial fiscal impact statement unless the plaintiffs rebut the presumption by clear and convincing evidence that establishes that the initial fiscal impact statement, taken as a whole, is an inaccurate statement of the estimated fiscal impact of the initiative.

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

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

Section ~~5~~. Section ~~20A-7-211~~ is amended to read:

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

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

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

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

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

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

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

~~(b) When the governor believes that two proposed laws, or that parts of two proposed laws approved by the people at the same election are entirely in conflict, the governor shall~~

HB0284S01 compared with HB0284

~~proclaim as law the initiative that receives the greatest number of affirmative votes, regardless of the difference in the majorities which those initiatives receive:~~

~~—— (c) Within 10 days after the day of the governor's proclamation, any qualified voter who signed the initiative petition proposing the law that is declared by the governor to be superseded by another initiative approved at the same election may bring an action in the appropriate court to review the governor's decision:~~

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

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

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

~~—— Section 6}3. **Effective date.**~~

~~{(1) Except as provided in Subsection (2), this} **This** bill takes effect on May 1, 2024.†~~

~~—— (2) The actions effecting the following sections take effect January 1, 2025, if the amendment to the Utah Constitution proposed by H.J.R 14, Proposal to Amend Utah Constitution - Statewide Initiatives, 2024 General Session, passes the Legislature and is approved by a majority of those voting on it at the next regular general election:~~

~~—— (a) Section 20A-1-303;~~

~~—— (b) Section 20A-4-304; and~~

~~—— (c) Section 20A-7-211.†~~