

LOCAL GOVERNMENT FEES MODIFICATIONS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Karen M. Peterson

Senate Sponsor: Wayne A. Harper

LONG TITLE

General Description:

This bill modifies and enacts provisions relating to municipal fees.

Highlighted Provisions:

This bill:

- ▶ prohibits a city from imposing a fee on the general public for broadband or public safety service, with exceptions;
- ▶ authorizes a city to impose a transportation utility fee if the city complies with certain requirements;
- ▶ establishes a process and requirements for a city to impose a transportation utility fee; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

10-1-406, as enacted by Laws of Utah 2003, Chapter 253

20A-7-101, as last amended by Laws of Utah 2023, Chapters 107, 116

20A-7-607, as last amended by Laws of Utah 2023, Chapters 107, 116



28 [20A-7-609.5](#), as last amended by Laws of Utah 2020, Chapter 31

29 [20A-7-613](#), as last amended by Laws of Utah 2023, Chapter 116

30 ENACTS:

31 [10-6-134.3](#), Utah Code Annotated 1953

32 [10-6-134.5](#), Utah Code Annotated 1953



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

35 Section 1. Section **10-1-406** is amended to read:

36 **10-1-406. Limitation of other telecommunications taxes or fees.**

37 (1) As used in this section:

38 (a) "Broadband" means facilities and services used to make high-capacity, high-speed
39 Internet service available to users.

40 (b) "General fee" means the same as that term is defined in Section [10-6-134.3](#).

41 (2) (a) Except as provided in Subsection (2)(b), a city may not impose a general fee for
42 broadband.

43 (b) (i) Subject to Subsection (2)(b)(ii), a city that, before May 1, 2024, imposes a
44 general fee for broadband shall repeal the general fee no later than July 1, 2025.

45 (ii) A city that, before May 1, 2024, issues a bond secured by revenue from a general
46 fee for broadband shall repeal the general fee within 60 days after the bond is paid.

47 (3) Subject to the other provisions of this section, a municipality may not levy or
48 collect a telecommunications tax or fee on a person except for a telecommunications tax or fee
49 imposed by the municipality:

50 (a) on a telecommunications provider to recover the management costs of the
51 municipality caused by the activities of the telecommunications provider in the right-of-way of
52 a municipality if the telecommunications tax or fee:

53 (i) is imposed in accordance with Section [72-7-102](#); and

54 (ii) is not related to:

55 (A) a municipality's loss of use of a highway as a result of the activities of the
56 telecommunications provider in a right-of-way; or

57 (B) increased deterioration of a highway as a result of the activities of the
58 telecommunications provider in a right-of-way; or

59 (b) on a person that:
 60 (i) is not subject to a municipal telecommunications license tax under this part; and
 61 (ii) locates telecommunications facilities, as defined in Section 72-7-108, in the
 62 municipality.

63 ~~[(2)]~~ (4) Subsection ~~[(1)(a)]~~ (3)(a) may not be interpreted as exempting a
 64 telecommunications provider from complying with any ordinance:

65 (a) related to excavation, construction, or installation of a telecommunications facility;
 66 and

67 (b) that addresses the safety and quality standards of the municipality for excavation,
 68 construction, or installation.

69 ~~[(3)]~~ (5) A telecommunications tax or fee imposed under Subsection ~~[(1)(b)]~~ (3)(b)
 70 shall be imposed:

71 (a) by ordinance; and
 72 (b) on a competitively neutral basis.

73 Section 2. Section 10-6-134.3 is enacted to read:

74 **10-6-134.3. General fee for public safety service prohibited -- Exception.**

75 (1) As used in this section:

76 (a) (i) "General fee" means a fee imposed generally on the public at large or on a
 77 segment of the public.

78 (ii) "General fee" does not include:

79 (A) a fee that a city charges an identifiable user of a city-provided service or a city
 80 facility to cover the city's cost of the user's use of the service or facility; or

81 (B) a registration or similar fee that a city charges a participant in an activity or
 82 program sponsored by the city to offset the city's administrative cost of sponsoring the activity
 83 or program.

84 (b) "Public safety service" means law enforcement service, fire protection service, 911
 85 ambulance or paramedic service, or emergency service.

86 (2) (a) Except as provided in Subsection (2)(b), a city may not impose a general fee for
 87 a public safety service.

88 (b) A city of the third, fourth, or fifth class may impose a general fee for a public safety
 89 service if the fee is to generate revenue to pay for the city's obligation under an agreement with

90 one or more other cities for public safety service provided to the city.

91 (3) A city that, before May 1, 2024, imposes a general fee for a public safety service
92 that is prohibited under Subsection (2) shall repeal the general fee no later than July 1, 2025.

93 Section 3. Section **10-6-134.5** is enacted to read:

94 **10-6-134.5. Transportation utility fee.**

95 (1) As used in this section:

96 (a) "Transportation facility" means any of the items listed in Subsection
97 59-12-2212.2(1) as purposes for which revenue from a local option sales and use tax under
98 Section 59-12-2212.2 may be expended.

99 (b) "Transportation utility fee" means a fee imposed on the public at large or on a user
100 segment to generate revenue to pay for costs associated with developing, constructing,
101 maintaining, operating, repairing, upgrading, or replacing a transportation facility.

102 (c) "Transportation fund" means a fund described in and established under Subsection
103 (8).

104 (d) "User segment" means a segment of the city's population based on a classification
105 established under Subsection (7).

106 (2) (a) A city may impose and collect a transportation utility fee only as provided in
107 this section.

108 (b) A city may impose a transportation utility fee to provide funding for any number of
109 transportation facilities but may not have more than a single transportation utility fee in effect
110 at a time.

111 (3) To impose or increase a transportation utility fee, a municipality shall:

112 (a) conduct a study as provided in Subsection (4);

113 (b) follow the process described in Subsection (5); and

114 (c) adopt an ordinance imposing or increasing a transportation utility fee, as provided
115 in Subsection (6).

116 (4) (a) A city may not impose or increase a transportation utility fee unless the city first
117 conducts a study as described in this Subsection (4).

118 (b) A study under Subsection (4)(a) shall;

119 (i) if a transportation utility fee is proposed to cover some or all of the cost of
120 constructing a new transportation facility or upgrading or replacing an existing transportation

121 facility:

122 (A) determine and provide a reasonable estimate of the need for a new or upgraded
123 transportation facility or replacing an existing transportation facility; and

124 (B) explain and provide a reasonable calculation showing how existing city funding
125 sources are inadequate to cover the cost of constructing a new transportation facility or
126 upgrading or replacing an existing transportation facility;

127 (ii) if a transportation utility fee is proposed to cover some or all of the cost of
128 maintaining, operating, or repairing an existing transportation facility;

129 (A) identify and provide a reasonable estimate of existing funding sources that pay for
130 maintaining, operating, and repairing the existing transportation facility; and

131 (B) explain and provide a reasonable calculation showing how the city's existing
132 funding sources are inadequate to pay for maintaining, operating, and repairing the existing
133 transportation facility; and

134 (iii) determine whether there is a reasonable basis for different rates within a proposed
135 transportation utility fee, as described in Subsection (7), and, if so, explain the basis for the
136 proposed different rates.

137 (5) (a) Subject to Subsection (5)(b), before adopting an ordinance imposing or
138 increasing a transportation utility fee, the governing body shall comply with the notice and
139 public hearing requirements established in Sections [10-6-113](#) and [10-6-114](#).

140 (b) (i) The governing body of a city that proposes to impose or increase a transportation
141 utility fee shall, in addition to the notice required under Section [10-6-113](#), provide notice of the
142 proposed fee and the public hearing:

143 (A) in prominent lettering on or a separate notice with the city's monthly utility bill or
144 newsletter, if the city mails or emails residents a monthly utility bill or a regular newsletter; or

145 (B) in a separate notice sent by mail or email to city residents, if the city does not
146 provide residents a monthly utility bill or a regular newsletter.

147 (ii) The public hearing required for a proposal to impose or increase a transportation
148 utility fee may be held in conjunction with a budget hearing under Section [10-6-114](#) but shall
149 be separate and distinct from the budget hearing.

150 (6) (a) A transportation utility fee may be imposed or increased only by an ordinance
151 adopted by the city's governing body.

152 (b) (i) Subject to Subsection (6)(b)(ii), the governing body may adopt an ordinance
153 imposing or increasing a transportation utility fee at the same meeting in which the public body
154 adopts the city budget.

155 (ii) The governing body vote on the imposition or increase of a transportation utility
156 fee shall be separate from the governing body vote on the city budget or any other item.

157 (c) The amount of a transportation utility fee for the city's population or for any user
158 segment shall be reasonably related to the impact on or usage of the transportation facility by
159 the city's population or that user segment, as stated in the study under Subsection (4).

160 (d) (i) Revenue from a transportation utility fee may not supplant existing general fund
161 appropriations that the city has budgeted for transportation facilities as of the date the
162 transportation utility fee becomes effective.

163 (ii) The limitation under Subsection (6)(d)(i) does not apply to a designated
164 transportation facilities capital or reserve account established before the effective date of a
165 transportation utility fee under this section.

166 (7) (a) A city may establish different rates within a transportation utility fee for
167 different classifications of users of a transportation facility if the rates and classifications have a
168 reasonable basis.

169 (b) (i) A reasonable basis under Subsection (7)(a) may include:

170 (A) a difference in the cost of providing a transportation facility to different
171 classifications of users;

172 (B) a difference in levels of risk to the operation of a transportation facility for different
173 classifications of users;

174 (C) differing contributions that different classifications of users make, separate from a
175 transportation utility fee, to the cost of constructing, maintaining, or operating a transportation
176 facility; and

177 (D) distinguishable differences in the needs or conditions of different classifications of
178 users based on economic, public policy, or other identifiable elements.

179 (ii) A reasonable basis under Subsection (7)(a) does not include whether a user resides
180 inside or outside the city boundary.

181 (8) (a) A city that imposes a transportation utility fee shall establish a fund as provided
182 in this Subsection (8).

183 (b) A city shall deposit into the transportation fund all revenue from a transportation
184 utility fee.

185 (c) A city may not:

186 (i) deposit into or commingle with a transportation fund any money from any other
187 source; or

188 (ii) use money in a transportation fund for any purpose other than to pay for the cost of:

189 (A) the construction of a new transportation facility;

190 (B) upgrading or replacing an existing transportation facility;

191 (C) the maintenance, operation, or repair of an existing transportation facility; or

192 (D) administrative costs associated with the transportation fund or with activities

193 described in Subsections (8)(c)(ii)(A), (B), and (C).

194 (d) Notwithstanding Sections [10-6-124](#), [10-6-125](#), and [10-6-135.5](#), a city may not
195 transfer money in a transportation fund to any other fund or to a separate account.

196 (9) (a) A city that imposes a transportation utility fee shall conduct an annual review of
197 the transportation utility fee as provided in this Subsection (9).

198 (b) In an annual review under Subsection (9)(a), the governing body shall:

199 (i) review the balance of the transportation fund;

200 (ii) review the current amount of the transportation utility fee;

201 (iii) demonstrate that there is still a reasonable relationship between the amount of the
202 transportation utility fee and the transportation service provided to those who pay the fee;

203 (iv) consider other possible revenue sources that the city could use for transportation
204 facilities instead of a transportation utility fee;

205 (v) ensure that Subsection (6)(d) is being complied with; and

206 (vi) demonstrate that revenue from the transportation utility fee continues to be needed
207 to provide a transportation facility that the city could not otherwise provide from other existing
208 revenue sources.

209 (10) (a) A transportation utility fee imposed under this section expires 10 years after
210 the effective date of the ordinance imposing the transportation utility fee.

211 (b) The 10-year period in Subsection (10)(a) begins again with any subsequent
212 adoption of any ordinance imposing a transportation utility fee after the initial adoption of an
213 ordinance imposing a transportation utility fee.

214 (11) An ordinance imposing a transportation utility fee is subject to local referendum
215 as provided in Title 20A, Chapter 7, Part 6, Local Referenda - Procedures.

216 (12) A city that, before May 1, 2024, imposes a fee to pay for a transportation facility
217 shall, no later than July 1, 2026:

218 (a) ensure that requirements of this section have been complied with for the fee that the
219 city imposes; or

220 (b) repeal the fee.

221 Section 4. Section **20A-7-101** is amended to read:

222 **20A-7-101. Definitions.**

223 As used in this chapter:

224 (1) "Approved device" means a device described in Subsection **20A-21-201(4)** used to
225 gather signatures for the electronic initiative process, the electronic referendum process, or the
226 electronic candidate qualification process.

227 (2) "Budget officer" means:

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

229 (b) for a city, the person designated as budget officer in Subsection **10-6-106(4)**;

230 (c) for a town, the town council; or

231 (d) for a metro township, the person described in Subsection (2)(a) for the county in
232 which the metro township is located.

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

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

237 (5) "Electronic initiative process" means:

238 (a) as it relates to a statewide initiative, the process, described in Sections **20A-7-215**
239 **and 20A-21-201**, for gathering signatures; or

240 (b) as it relates to a local initiative, the process, described in Sections **20A-7-514** and
241 **20A-21-201**, for gathering signatures.

242 (6) "Electronic referendum process" means:

243 (a) as it relates to a statewide referendum, the process, described in Sections
244 **20A-7-313** and **20A-21-201**, for gathering signatures; or

245 (b) as it relates to a local referendum, the process, described in Sections 20A-7-614 and
246 20A-21-201, for gathering signatures.

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

249 (8) "Final fiscal impact statement" means a financial statement prepared after voters
250 approve an initiative that contains the information required by Subsection 20A-7-202.5(2) or
251 20A-7-502.5(2).

252 (9) "Initial fiscal impact statement" means
253 a financial statement prepared under Section 20A-7-202.5 after the filing of a statewide
254 initiative application.

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

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

260 (12) "Initiative application" means:

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

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

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

269 (14) "Initiative petition":

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

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

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

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

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

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

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

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

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

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

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

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

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

295 (b) "Land use law" does not include a land use decision, as defined in Section
296 10-9a-103 or 17-27a-103.

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

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

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

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

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

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

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

306 (19) "Local attorney" means the county attorney, city attorney, or town attorney in

307 whose jurisdiction a local initiative or referendum petition is circulated.

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

310 (21) "Local fiscal law" means a local tax law or a local transportation fee law.

311 [~~(21)~~] (22) (a) "Local law" includes:

312 (i) an ordinance;

313 (ii) a resolution;

314 (iii) a land use law;

315 (iv) a land use regulation, as defined in Section [10-9a-103](#); or

316 (v) other legislative action of a local legislative body.

317 (b) "Local law" does not include a land use decision, as defined in Section [10-9a-103](#).

318 [~~(22)~~] (23) "Local legislative body" means the legislative body of a county, city, town,
319 or metro township.

320 [~~(23)~~] (24) "Local obligation law" means a local law passed by the local legislative
321 body regarding a bond that was approved by a majority of qualified voters in an election.

322 [~~(24)~~] (25) "Local tax law" means a law, passed by a political subdivision with an
323 annual or biannual calendar fiscal year, that increases a tax or imposes a new tax.

324 (26) "Local transportation fee law" means an ordinance adopted under Section
325 [10-6-134.5](#) imposing or increasing a transportation utility fee, as defined in Section [10-6-134.5](#).

326 [~~(25)~~] (27) "Manual initiative process" means the process for gathering signatures for
327 an initiative using paper signature packets that a signer physically signs.

328 [~~(26)~~] (28) "Manual referendum process" means the process for gathering signatures
329 for a referendum using paper signature packets that a signer physically signs.

330 [~~(27)~~] (29) "Measure" means a proposed constitutional amendment, an initiative, or
331 referendum.

332 [~~(28)~~] (30) "Referendum" means a process by which a law passed by the Legislature or
333 by a local legislative body is submitted or referred to the voters for their approval or rejection.

334 [~~(29)~~] (31) "Referendum application" means:

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

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

341 [~~30~~] (32) "Referendum packet" means a copy of the referendum petition, a copy of
342 the law being submitted or referred to the voters for their approval or rejection, and the
343 signature sheets, all of which have been bound together as a unit.

344 [~~31~~] (33) "Referendum petition" means:

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

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

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

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

357 [~~32~~] (34) "Signature":

358 (a) for a statewide initiative:

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

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

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

364 (B) does not include an electronic signature;

365 (b) for a statewide referendum:

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

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

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

371 (B) does not include an electronic signature;

372 (c) for a local initiative:

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

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

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

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

379 (d) for a local referendum:

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

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

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

385 (B) does not include an electronic signature.

386 [~~(33)~~] (35) "Signature sheets" means sheets in the form required by this chapter that are
 387 used under the manual initiative process or the manual referendum process to collect signatures
 388 in support of an initiative or referendum.

389 [~~(34)~~] (36) "Special local ballot proposition" means a local ballot proposition that is
 390 not a standard local ballot proposition.

391 [~~(35)~~] (37) "Sponsors" means the legal voters who support the initiative or referendum
 392 and who sign the initiative application or referendum application.

393 [~~(36)~~] (38) (a) "Standard local ballot proposition" means a local ballot proposition for
 394 an initiative or a referendum.

395 (b) "Standard local ballot proposition" does not include a property tax referendum
 396 described in Section 20A-7-613.

397 [~~(37)~~] (39) "Tax percentage difference" means the difference between the tax rate
 398 proposed by an initiative or an initiative petition and the current tax rate.

399 [~~(38)~~] (40) "Tax percentage increase" means a number calculated by dividing the tax

400 percentage difference by the current tax rate and rounding the result to the nearest thousandth.

401 [~~39~~] (41) "Verified" means acknowledged by the person circulating the petition as
402 required in Section 20A-7-105.

403 Section 5. Section 20A-7-607 is amended to read:

404 **20A-7-607. Evaluation by the local clerk -- Determination of election for vote on**
405 **referendum.**

406 (1) In relation to the manual referendum process, when the local clerk receives a
407 referendum packet from a county clerk, the local clerk shall record the number of the
408 referendum packet received.

409 (2) The county clerk shall:

410 (a) in relation to the manual referendum process:

411 (i) post the names, voter identification numbers, and dates of signatures described in
412 Subsection 20A-7-105(6)(a)(iii) on the lieutenant governor's website, in a conspicuous location
413 designated by the lieutenant governor, for at least 45 days; and

414 (ii) update on the local clerk's website the number of signatures certified as of the date
415 of the update; or

416 (b) in relation to the electronic referendum process:

417 (i) post the names, voter identification numbers, and dates of signatures described in
418 Subsection 20A-7-616(3) on the lieutenant governor's website, in a conspicuous location
419 designated by the lieutenant governor, for at least 45 days; and

420 (ii) update on the lieutenant governor's website the number of signatures certified as of
421 the date of the update.

422 (3) The local clerk:

423 (a) shall, except as provided in Subsection (3)(b), declare the referendum petition to be
424 sufficient or insufficient:

425 (i) in relation to the manual referendum process, no later than 111 days after the day of
426 the deadline, described in Subsection 20A-7-105(5)(a)(iv), to submit a referendum packet to
427 the county clerk; or

428 (ii) in relation to the electronic referendum process, no later than 111 days after the day
429 of the deadline, described in Subsection 20A-7-616(2), to collect a signature; or

430 (b) may declare the referendum petition to be insufficient before the day described in

431 Subsection (3)(a) if:

432 (i) in relation to the manual referendum process, the total of all valid signatures on
433 timely and lawfully submitted referendum packets that have been certified by the county clerk,
434 plus the number of signatures on timely and lawfully submitted referendum packets that have
435 not yet been evaluated for certification, is less than the number of names required under
436 Section 20A-7-601;

437 (ii) in relation to the electronic referendum process, the total of all timely and lawfully
438 submitted valid signatures that have been certified by the county clerks, plus the number of
439 timely and lawfully submitted valid signatures received under Subsection 20A-21-201(6)(b)
440 that have not yet been evaluated for certification, is less than the number of names required
441 under Section 20A-7-601; or

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

443 (4) (a) If the total number of names certified under Subsection (3) equals or exceeds
444 the number of names required under Section 20A-7-601, and the requirements of this part are
445 met, the local clerk shall mark upon the front of the referendum petition the word "sufficient."

446 (b) If the total number of names certified under Subsection (3) does not equal or
447 exceed the number of names required under Section 20A-7-601 or a requirement of this part is
448 not met, the local clerk shall mark upon the front of the referendum petition the word
449 "insufficient."

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

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

454 (5) (a) If the local clerk refuses to declare a referendum petition sufficient, any voter
455 may, no later than 10 days after the day on which the local clerk declares the referendum
456 petition insufficient, apply to the appropriate court for an order finding the referendum petition
457 legally sufficient.

458 (b) If the court determines that the referendum petition is legally sufficient, the local
459 clerk shall mark the referendum petition "sufficient" and consider the declaration of sufficiency
460 effective as of the date on which the referendum petition should have been declared sufficient
461 by the local clerk's office.

462 (c) If the court determines that a referendum petition filed is not legally sufficient, the
463 court may enjoin the local clerk and all other officers from:

464 (i) certifying or printing the ballot title and numbers of that referendum on the official
465 ballot for the next election; or

466 (ii) as it relates to a local ~~[tax]~~ fiscal law that is conducted entirely by mail, certifying,
467 printing, or mailing the ballot title and numbers of that referendum under Section 20A-7-609.5.

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

470 (7) (a) Except as provided in Subsection (7)(b) or (c), if a referendum relates to
471 legislative action taken after April 15, the election officer may not place the referendum on an
472 election ballot until a primary election, a general election, or a special election the following
473 year.

474 (b) The election officer may place a referendum described in Subsection (7)(a) on the
475 ballot for a special, primary, or general election held during the year that the legislative action
476 was taken if the following agree, in writing, on a timeline to place the referendum on that
477 ballot:

478 (i) the local clerk;

479 (ii) the county clerk; and

480 (iii) the attorney for the county or municipality that took the legislative action.

481 (c) For a referendum on a land use law, if, before August 30, the local clerk or a court
482 determines that the total number of certified names equals or exceeds the number of signatures
483 required in Section 20A-7-601, the election officer shall place the referendum on the election
484 ballot for:

485 (i) the next general election; or

486 (ii) another election, if the following agree, in writing, on a timeline to place the
487 referendum on that ballot:

488 (A) the affected owners, as defined in Section 10-9a-103 or 17-27a-103, as applicable;

489 (B) the local clerk;

490 (C) the county clerk; and

491 (D) the attorney for the county or municipality that took the legislative action.

492 Section 6. Section 20A-7-609.5 is amended to read:

493 **20A-7-609.5. Election on referendum challenging local fiscal law conducted**
494 **entirely by mail.**

495 (1) An election officer may administer an election on a referendum challenging a local
496 [~~tax~~] fiscal law entirely by mail.

497 (2) For purposes of an election conducted under this section, the election officer shall:

498 (a) designate as the election day the day that is 30 days after the day on which the
499 election officer complies with Subsection (2)(b); and

500 (b) within 30 days after the day on which the referendum described in Subsection (1)
501 qualifies for the ballot, mail to each registered voter within the voting precincts to which the
502 local [~~tax~~] fiscal law applies:

503 (i) a manual ballot;

504 (ii) a statement that there will be no polling place for the election;

505 (iii) a statement specifying the election day described in Subsection (2)(a);

506 (iv) a business reply mail envelope;

507 (v) instructions for returning the ballot that include an express notice about any
508 relevant deadlines that the voter must meet in order for the voter's vote to be counted;

509 (vi) a warning, on a separate page of colored paper in boldface print, indicating that if
510 the voter fails to follow the instructions included with the manual ballot, the voter will be
511 unable to vote in that election because there will be no polling place for the election; and

512 (vii) (A) a copy of the proposition information pamphlet relating to the referendum if a
513 proposition information pamphlet relating to the referendum was published under Section
514 [20A-7-401.5](#); or

515 (B) a website address where an individual may view a copy of the proposition
516 information pamphlet described in Subsection (2)(b)(vii)(A).

517 (3) An election officer who administers an election under this section shall:

518 (a) (i) obtain, in person, the signatures of each voter within that voting precinct before
519 the election; or

520 (ii) obtain the signature of each voter within the voting precinct from the county clerk;

521 and

522 (b) maintain the signatures on file in the election officer's office.

523 (4) (a) Upon receiving a returned manual ballot under this section, the election officer

524 shall compare the signature on each return envelope with the voter's signature that is
525 maintained on file and verify that the signatures are the same.

526 (b) If the election officer questions the authenticity of the signature on the return
527 envelope, the election officer shall immediately contact the voter to verify the signature.

528 (c) If there is not a signature on the return envelope or if the election officer determines
529 that the signature on the return envelope does not match the voter's signature that is maintained
530 on file, the election officer shall:

531 (i) disqualify the ballot; and

532 (ii) notify the voter of the disqualification and the reason for the disqualification.

533 Section 7. Section **20A-7-613** is amended to read:

534 **20A-7-613. Property tax referendum petition.**

535 (1) As used in this section, "certified tax rate" means the same as that term is defined in
536 Section [59-2-924](#).

537 (2) Except as provided in this section, the requirements of this part apply to a
538 referendum petition challenging a taxing entity's legislative body's vote:

539 (a) to impose a tax rate that exceeds the certified tax rate[-]; or

540 (b) to impose or modify a transportation utility fee under Section [10-6-134.5](#).

541 (3) Notwithstanding Subsection [20A-7-105\(5\)\(a\)\(iv\)](#), the sponsors or an agent of the
542 sponsors shall deliver a signed and verified referendum packet to the county clerk of the county
543 in which the packet was circulated before 5 p.m. no later than the earlier of:

544 (a) 30 days after the day on which the first individual signs the packet; or

545 (b) 40 days after the day on which the local clerk complies with Subsection
546 [20A-7-604\(3\)](#).

547 (4) Notwithstanding Subsections [20A-7-105\(6\)\(a\)](#) and (9), the county clerk shall take
548 the actions required in Subsections [20A-7-105\(6\)\(a\)](#) and (9) within 10 working days after the
549 day on which the county clerk receives the signed and verified referendum packet as described
550 in Subsection (3).

551 (5) The local clerk shall take the actions required by Section [20A-7-607](#) within two
552 working days after:

553 (a) in relation to the manual referendum process, the day on which the local clerk
554 receives the referendum packets from the county clerk; or

555 (b) in relation to the electronic referendum process, the deadline described in
556 Subsection 20A-7-616(2).

557 (6) Notwithstanding Subsection 20A-7-608(2), the local attorney shall prepare the
558 ballot title within two working days after the day on which the referendum petition is declared
559 sufficient for submission to a vote of the people.

560 (7) Notwithstanding Subsection 20A-7-609(2)(c), a referendum that qualifies for the
561 ballot under this section shall appear on the ballot for the earlier of the next regular general
562 election or the next municipal general election unless a special election is called.

563 (8) The election officer shall mail manual ballots on a referendum under this section
564 the later of:

565 (a) the time provided in Section 20A-3a-202 or 20A-16-403; or

566 (b) the time that ballots are prepared for mailing under this section.

567 (9) Section 20A-7-402 does not apply to a referendum described in this section.

568 (10) (a) If a majority of voters does not vote against imposing the tax at a rate
569 calculated to generate the increased revenue budgeted, adopted, and approved by the taxing
570 entity's legislative body:

571 (i) the certified tax rate for the fiscal year during which the referendum petition is filed
572 is its most recent certified tax rate; and

573 (ii) the proposed increased revenues for purposes of establishing the certified tax rate
574 for the fiscal year after the fiscal year described in Subsection (10)(a)(i) are the proposed
575 increased revenues budgeted, adopted, and approved by the taxing entity's legislative body
576 before the filing of the referendum petition.

577 (b) If a majority of voters votes against imposing a tax at the rate established by the
578 vote of the taxing entity's legislative body, the certified tax rate for the taxing entity is the
579 taxing entity's most recent certified tax rate.

580 (c) If the tax rate is set in accordance with Subsection (10)(a)(ii), a taxing entity is not
581 required to comply with the notice and public hearing requirements of Section 59-2-919 if the
582 taxing entity complies with those notice and public hearing requirements before the referendum
583 petition is filed.

584 (11) The ballot title shall, at a minimum, include in substantially this form the
585 following: "Shall the [name of the taxing entity] be authorized to levy a tax rate in the amount

586 sufficient to generate an increased property tax revenue of [amount] for fiscal year [year] as
587 budgeted, adopted, and approved by the [name of the taxing entity]."

588 (12) A taxing entity shall pay the county the costs incurred by the county that are
589 directly related to meeting the requirements of this section and that the county would not have
590 incurred but for compliance with this section.

591 (13) (a) An election officer shall include on a ballot a referendum that has not yet
592 qualified for placement on the ballot, if:

593 (i) sponsors file an application for a referendum described in this section;

594 (ii) the ballot will be used for the election for which the sponsors are attempting to
595 qualify the referendum; and

596 (iii) the deadline for qualifying the referendum for placement on the ballot occurs after
597 the day on which the ballot will be printed.

598 (b) If an election officer includes on a ballot a referendum described in Subsection
599 (13)(a), the ballot title shall comply with Subsection (11).

600 (c) If an election officer includes on a ballot a referendum described in Subsection
601 (13)(a) that does not qualify for placement on the ballot, the election officer shall inform the
602 voters by any practicable method that the referendum has not qualified for the ballot and that
603 votes cast in relation to the referendum will not be counted.

604 **Section 8. Effective date.**

605 This bill takes effect on May 1, 2024.