

Proposal to Amend Utah Constitution - Voter Legislative Power

2024 FOURTH SPECIAL SESSION

STATE OF UTAH

Chief Sponsor: Kirk A. Cullimore

Sponsor: Jordan D. Teuscher

LONG TITLE

General Description:

This joint resolution of the Utah Legislature proposes to amend the Utah Constitution to modify provisions relating to voter powers.

Highlighted Provisions:

This resolution proposes to amend the Utah Constitution to:

- ▶ provide the scope of the people's powers to alter or reform government;
- ▶ prohibit foreign individuals, entities, and governments from influencing, supporting, or opposing an initiative or a referendum;
- ▶ authorize the Legislature to provide for enforcement of the prohibition by statute; and
- ▶ provide the circumstances for amendment, enactment, or repeal of law passed, adopted, or rejected by the voters.

Other Special Clauses:

This resolution directs the lieutenant governor to submit this proposal to voters.

This resolution provides a contingent effective date of January 1, 2025 for this proposal.

This resolution provides retrospective operation.

Utah Constitution Sections Affected:

AMENDS:

Article I, Section 2

Article VI, Section 1

Be it resolved by the Legislature of the state of Utah, two-thirds of all members elected to each of the two houses voting in favor thereof:

Section 1. It is proposed to amend Utah Constitution, Article I, Section 2, to read:

Article I, Section 2 . All political power inherent in the people.

27 All political power is inherent in the people; and all free governments are founded
 28 on their authority for their equal protection and benefit, and they have the right to alter or
 29 reform their government through the processes established in Article VI, Section 1, Subsection
 30 (2), or through Article XXIII as the public welfare may require.

31 Section 2. It is proposed to amend Utah Constitution, Article VI, Section 1, to read:

**Article VI, Section 1 . Power vested in Senate, House, and People -- Prohibition of foreign
 influence on
 initiatives and referenda.**

32 (1) The Legislative power of the State shall be vested in:

33 (a) a Senate and House of Representatives which shall be designated the Legislature of
 34 the State of Utah; and

35 (b) the people of the State of Utah as provided in Subsection (2).

36 (2)(a)(i) The legal voters of the State of Utah, in the numbers, under the conditions,
 37 in the manner, and within the time provided by statute, may:

38 (A) initiate any desired legislation and cause it to be submitted to the people for
 39 adoption upon a majority vote of those voting on the legislation, as provided by
 40 statute; or

41 (B) require any law passed by the Legislature, except those laws passed by a
 42 two-thirds vote of the members elected to each house of the Legislature, to be
 43 submitted to the voters of the State, as provided by statute, before the law may
 44 take effect.

45 (ii) Notwithstanding Subsection (2)(a)(i)(A), legislation initiated to allow, limit, or
 46 prohibit the taking of wildlife or the season for or method of taking wildlife shall
 47 be adopted upon approval of two-thirds of those voting.

48 (b) The legal voters of any county, city, or town, in the numbers, under the conditions, in
 49 the manner, and within the time provided by statute, may:

50 (i) initiate any desired legislation and cause it to be submitted to the people of the
 51 county, city, or town for adoption upon a majority vote of those voting on the
 52 legislation, as provided by statute; or

53 (ii) require any law or ordinance passed by the law making body of the county, city,
 54 or town to be submitted to the voters thereof, as provided by statute, before the
 55 law or ordinance may take effect.

56 (3)(a) Foreign individuals, entities, or governments may not, directly or indirectly,
 57 influence, support, or oppose an initiative or a referendum.

59 (b) The Legislature may provide, by statute, definitions, scope, and enforcement of the
60 prohibition under Subsection (3)(a).

61 (4) Notwithstanding any other provision of this Constitution, the people's exercise of their
62 Legislative power as provided in Subsection (2) does not limit or preclude the exercise
63 of Legislative power, including through amending, enacting, or repealing a law, by the
64 Legislature, or by a law making body of a county, city, or town, on behalf of the people
65 whom they are elected to represent.

66 **Section 3. Submittal to voters.**

67 The lieutenant governor is directed to submit this proposed amendment to the
68 voters of the state at the next regular general election in the manner provided by law.

69 **Section 4. Contingent effective date.**

70 If the amendment proposed by this joint resolution is approved by a majority of
71 those voting on it at the next regular general election, the amendment shall take effect on
72 January 1, 2025.

73 **Section 5. Retrospective operation.**

74 The actions affecting Article I, Section 2 and Article VI, Section 1, Subsection (4)
75 have retrospective operation.

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