

Representative Brett Garner proposes the following substitute bill:

PROPOSAL TO AMEND UTAH CONSTITUTION - VOTER

LEGISLATIVE POWER

2024 FOURTH SPECIAL SESSION

STATE OF UTAH

Chief Sponsor: Kirk A. Cullimore

House 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:

- ▶ 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.

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.

Utah Constitution Sections Affected:

AMENDS:

ARTICLE VI, SECTION 1



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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 VI, Section 1, to read:

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

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

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

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

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

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

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

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

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

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

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

(3) (a) Except as provided in this Subsection (3), the Legislature may enact any law.

(b) (i) The Legislature may not enact any legislation that supersedes, in whole or in part, any law initiated by the people under Subsection (2)(a)(i)(A) and passed by a majority

57 vote of those voting unless:

58 (A) superseding legislation furthers the purpose of the initiative; and

59 (B) at least three-fourths of the members elected to each house of the Legislature vote
60 in favor of the superseding legislation.

61 (ii) The Legislature may not enact any legislation that supersedes, in whole or in part, a
62 law passed by the Legislature, submitted to the voters for approval under Subsection
63 (2)(a)(i)(B), and approved by a majority vote of those voting on the referendum unless:

64 (A) the superseding legislation furthers the result of the referendum; and

65 (B) at least three-fourths of the members elected to each house of the Legislature vote
66 in favor of the superseding legislation.

67 (iii) The Legislature may not enact any legislation that reenacts a law passed by the
68 Legislature, submitted to the voters for approval under Subsection (2)(a)(i)(B), and rejected by
69 those voting on the referendum unless:

70 (A) the reenacted legislation remedies any issue that resulted in rejection of the law;

71 and

72 (B) at least three-fourths of the members elected to each house of the Legislature vote
73 in favor of the reenacted legislation.

74 (c) (i) The Legislature may not repeal a law initiated by the people under Subsection
75 (2)(a)(i)(A) and passed by a majority vote of those voting on the initiative.

76 (ii) The Legislature may not repeal a law passed by the Legislature, submitted to the
77 voters for approval under Subsection (2)(a)(i)(B), and approved by a majority vote of those
78 voting on the referendum.

79 (d) (i) The Legislature may not amend a law initiated by the people under Subsection
80 (2)(a)(i)(A) and passed by a majority vote of those voting on the initiative unless:

81 (A) the amending legislation furthers the purpose of the initiative; and

82 (B) at least three-fourths of the members elected to each house of the Legislature vote
83 in favor of the amending legislation.

84 (ii) The Legislature may not amend a law passed by the Legislature, submitted to the
85 voters for approval under Subsection (2)(a)(i)(B), and approved by a majority vote of those
86 voting on the referendum unless:

87 (A) the amending legislation furthers the purpose of the law subject to the referendum;

88 and

89 (B) at least three-fourths of the members elected to each house of the Legislature vote
90 in favor of the amending legislation.

91 (e) (i) The Legislature may not appropriate or divert funds created or allocated for a
92 specific purpose by a law initiated by the people under Subsection (2)(a)(i)(A) and passed by a
93 majority vote of those voting on the initiative unless:

94 (A) the appropriation or the diversion of funds furthers the purpose of the initiative;
95 and

96 (B) at least three-fourths of the members elected to each house of the Legislature vote
97 in favor of appropriating or diverting the funds.

98 (ii) The Legislature may not appropriate or divert funds created or allocated for a
99 specific purpose by a law passed by the Legislature, submitted to the voters for approval under
100 Subsection (2)(a)(i)(B), and approved by a majority vote of those voting on the referendum
101 unless:

102 (A) the appropriation or the diversion of funds furthers the purpose of the law subject
103 to the referendum; and

104 (B) at least three-fourths of the members elected to each house of the Legislature vote
105 in favor of appropriating or diverting the funds.

106 (4) (a) Foreign individuals, entities, or governments may not, directly or indirectly,
107 influence, support, or oppose an initiative or a referendum.

108 (b) The Legislature may provide, by statute, definitions, scope, and enforcement of the
109 prohibition under Subsection (4)(a).

110 **Section 2. Submittal to voters.**

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

113 **Section 3. Contingent effective date.**

114 If the amendment proposed by this joint resolution is approved by a majority of those
115 voting on it at the next regular general election, the amendment shall take effect on January 1,
116 2025.