

SJR401S01 compared with SJR401

~~text~~ shows text that was in SJR401 but was deleted in SJR401S01.

inserted text shows text that was not in SJR401 but was inserted into SJR401S01.

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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:

~~§~~ → 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

SJR401S01 compared with SJR401

- ▶ 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.

~~{ 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 ~~{H}~~ VI, Section ~~{2, to~~
~~read:~~

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

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

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

~~{~~ 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

SJR401S01 compared with SJR401

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 vote of those voting unless:

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

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

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

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

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

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

SJR401S01 compared with SJR401

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

and

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

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

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

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

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

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

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

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

and

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

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

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

and

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

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

SJR401S01 compared with SJR401

unless:

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

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

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

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

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

~~Section 3}4(a).~~

Section 2. Submittal to voters.

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

Section {4}3. Contingent effective date.

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

~~{ Section 5. Retrospective operation:~~

~~The actions affecting Article I, Section 2 and Article VI, Section 1, Subsection (3) have retrospective operation.~~

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