

Senator Nate Blouin proposes the following substitute bill:

PROPOSAL TO AMEND UTAH CONSTITUTION - ELECTIONS

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 elections.

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 election campaign or from providing a gift to an elected official;
 - ▶ prohibit foreign individuals, entities, and governments from influencing, supporting, or opposing an initiative, a referendum, or a proposal to amend the constitution;
 - ▶ authorize the Legislature to provide for enforcement of the prohibitions 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.
- This resolution provides retrospective operation.

2nd Sub. S.J.R. 401



26 Utah Constitution Sections Affected:

27 AMENDS:

28 **ARTICLE I, SECTION 2**

29 **ARTICLE VI, SECTION 1**

30 ENACTS:

31 **ARTICLE IV, SECTION 11**

32 **ARTICLE XXIII, SECTION 4**

33

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

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

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

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

42 Section 2. It is proposed to enact Utah Constitution Article IV, Section 11, to read:

43 **Article IV, Section 11. Prohibition of foreign influence on election campaigns and**
44 **gifts to elected officials.**

45 (1) Foreign individuals, entities, or governments may not, directly or indirectly,
46 influence, support, or oppose a campaign.

47 (2) Foreign individuals, entities, or governments may not, directly or indirectly,
48 provide gifts to an individual elected to office.

49 (3) The Legislature may provide, by statute, definitions, scope, and enforcement of the
50 prohibitions under Subsections (1) and (2).

51 Section 3. It is proposed to amend Utah Constitution, Article VI, Section 1, to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

85 Section 4. It is proposed to enact Utah Constitution Article XXIII, Section 4, to read:

86 **Article XXIII, Section 4. Prohibition of foreign influence on constitutional**
87 **amendments.**

88 (1) Foreign individuals, entities, or governments may not, directly or indirectly,
89 influence, support, or oppose a proposal to amend the Constitution.

90 (2) The Legislature may provide, by statute, definitions, scope, and enforcement of the
91 prohibition under Subsection (1).

92 Section 5. **Submittal to voters.**

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

95 Section 6. **Contingent effective date.**

96 If the amendment proposed by this joint resolution is approved by a majority of those
97 voting on it at the next regular general election, the amendment shall take effect on January 1,
98 2025.

99 Section 7. **Retrospective operation.**

100 The actions affecting Article I, Section 2 and Article VI, Section 1, Subsection (4) have
101 retrospective operation to January 1, 2024.