{deleted text} shows text that was in HB0246 but was deleted in HB0246S02.

inserted text shows text that was not in HB0246 but was inserted into HB0246S02.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Representative Steve R. Christiansen proposes the following substitute bill:

BALLOT MEASURE TRANSPARENCY AMENDMENTS

2021 GENERAL SESSION STATE OF UTAH

Chief Sponsor: Steve R. Christiansen

| Senate | Sponsor: | | |
|--------|----------|--|--|
| | | | |

LONG TITLE

General Description:

This bill {provides for a ballot information statement, relating to a statewide initiative or referendum or a proposed constitutional amendment, that consists of an impartial, accurate description of the measure and the effect of the} requires the Office of Legislative Research and General Counsel to prepare a short, impartial summary of the effect of a ballot measure.

Highlighted Provisions:

This bill:

- \{\text{creates the Utah Ballot Measure Board;}\}\)
- describes the membership, compensation, and duties of the board;
- requires the board to prepare a ballot information statement, relating to a statewide initiative or referendum or a proposed constitutional amendment, that consists of an

impartial, accurate description of the measure and the effect of the measure;

- provides for a legal challenge to the content of a ballot information statement;
- requires that a URL be printed on the ballot that links to the ballot information statements} requires the Office of Legislative Research and General Counsel to prepare a short, impartial summary of the effect of a ballot measure;
- requires a ballot to contain a statement with a URL where a voter can access certain information about ballot measures, including the short, impartial summary; and
- ► makes technical { and conforming } changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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20A-6-301, as last amended by Laws of Utah 2020, Chapters 31, 49, and 344 20A-6-304, as last amended by Laws of Utah 2020, Chapter 31
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20A-7-103, as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 20
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 $\frac{\{20A-7-209\}}{2020}$, as last amended by Laws of Utah $\frac{\{2019\}}{2020}$, Chapter $\frac{\{275\}}{277}$

{ 20A-7-308, as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 4

20A-7-702, as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 20

ENACTS:

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36-33-301, Utah Code Annotated 1953
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36-33-302, Utah Code Annotated 1953

36-33-303, Utah Code Annotated 1953

36-33-304, Utah Code Annotated 1953

36-33-305, Utah Code Annotated 1953

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

Section 1. Section **20A-6-301** is amended to read:

20A-6-301. Paper ballots -- Regular general election.

- (1) Each election officer shall ensure that:
- (a) all manual ballots furnished for use at the regular general election contain:
- (i) no captions or other endorsements except as provided in this section;
- (ii) no symbols, markings, or other descriptions of a political party or group, except for a registered political party that has chosen to nominate its candidates in accordance with Section 20A-9-403; and
- (iii) no indication that a candidate for elective office has been nominated by, or has been endorsed by, or is in any way affiliated with a political party or group, unless the candidate has been nominated by a registered political party in accordance with Subsection 20A-9-202(4) or Subsection 20A-9-403(5);

| (b) | at the top of the ballot, the | ne following endorsements are printed in 18 point bold type |
|------|-------------------------------|---|
| (i) | "Official Ballot for | County, Utah"; |
| (ii) | the date of the election; | and |

- (iii) the words "certified by the Clerk of _____ County" or, as applicable, the name of a combined office that includes the duties of a county clerk;
- (c) unaffiliated candidates, candidates not affiliated with a registered political party, and all other candidates for elective office who were not nominated by a registered political party in accordance with Subsection 20A-9-202(4) or Subsection 20A-9-403(5), are listed with the other candidates for the same office in accordance with Section 20A-6-305, without a party name or title;
- (d) each ticket containing the lists of candidates, including the party name and device, are separated by heavy parallel lines;
- (e) the offices to be filled are plainly printed immediately above the names of the candidates for those offices;
- (f) the names of candidates are printed in capital letters, not less than one-eighth nor more than one-fourth of an inch high in heavy-faced type not smaller than 10 point, between lines or rules three-eighths of an inch apart; and
- (g) on a ticket for a race in which a voter is authorized to cast a write-in vote and in which a write-in candidate is qualified under Section 20A-9-601:
- (i) the ballot includes a space for a write-in candidate immediately following the last candidate listed on that ticket; or

- (ii) for the offices of president and vice president and governor and lieutenant governor, the ballot includes two spaces for write-in candidates immediately following the last candidates on that ticket, one placed above the other, to enable the entry of two valid write-in candidates.
 - (2) An election officer shall ensure that:
- (a) each individual nominated by any registered political party under Subsection 20A-9-202(4) or Subsection 20A-9-403(5), and no other individual, is placed on the ballot:
 - (i) under the registered political party's name, if any; or
- (ii) under the title of the registered political party as designated by them in their certificates of nomination or petition, or, if none is designated, then under some suitable title;
- (b) the names of all unaffiliated candidates that qualify as required in Chapter 9, Part 5, Candidates not Affiliated with a Party, are placed on the ballot;
- (c) the names of the candidates for president and vice president are used on the ballot instead of the names of the presidential electors; and
 - (d) the ballots contain no other names.
- (3) When the ballot contains a nonpartisan section, the election officer shall ensure that:
- (a) the designation of the office to be filled in the election and the number of candidates to be elected are printed in type not smaller than eight point;
 - (b) the words designating the office are printed flush with the left-hand margin;
- (c) the words, "Vote for one" or "Vote for up to _____ (the number of candidates for which the voter may vote)" extend to the extreme right of the column;
- (d) the nonpartisan candidates are grouped according to the office for which they are candidates;
- (e) the names in each group are placed in the order specified under Section 20A-6-305 with the surnames last; and
- (f) each group is preceded by the designation of the office for which the candidates seek election, and the words, "Vote for one" or "Vote for up to _____ (the number of candidates for which the voter may vote)," according to the number to be elected.
 - (4) Each election officer shall ensure that:
 - (a) proposed amendments to the Utah Constitution are listed on the ballot in

accordance with Section 20A-6-107;

- (b) ballot propositions submitted to the voters are listed on the ballot in accordance with Section 20A-6-107; [and]
- (c) bond propositions that have qualified for the ballot are listed on the ballot under the title assigned to each bond proposition under Section 11-14-206[-]; and
- (d) the ballot contains the statement described in Subsection

 {36-33-305}20A-7-703({2}8) at the beginning of the portion of the ballot that contains ballot measures.

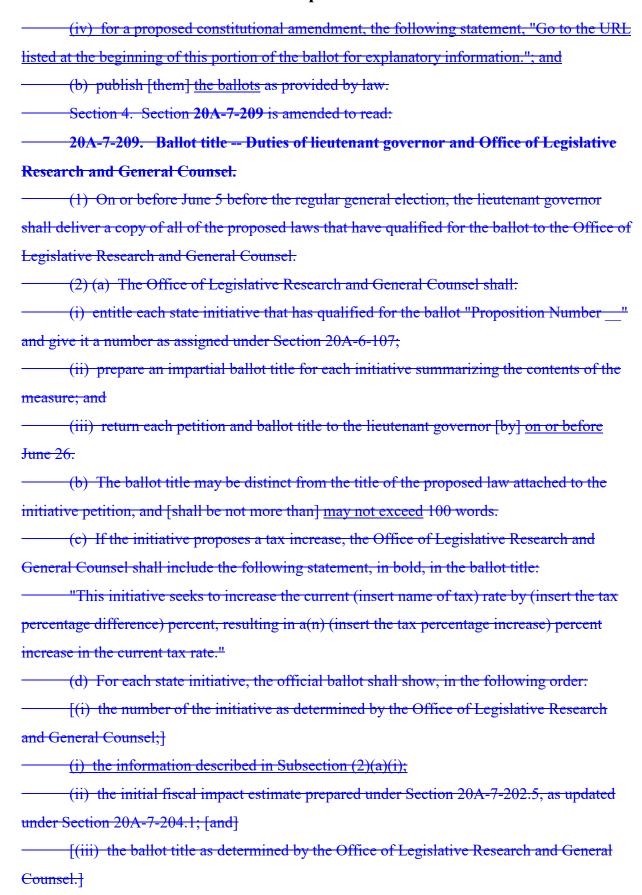
Section 2. Section 20A-6-304 is amended to read:

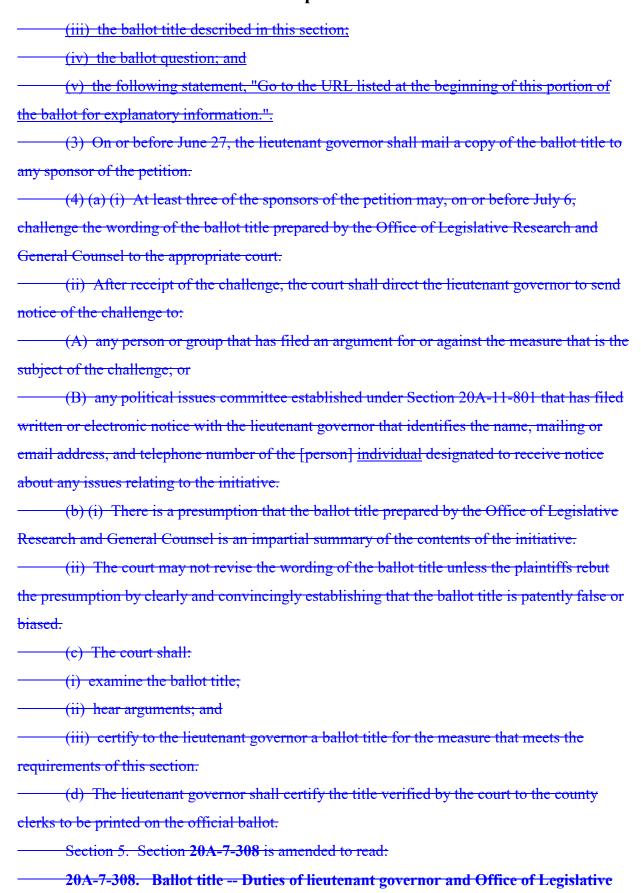
20A-6-304. Regular general election -- Mechanical ballots.

- (1) Each election officer shall ensure that:
- (a) the format and content of a mechanical ballot is arranged in approximately the same order as manual ballots;
- (b) the titles of offices and the names of candidates are displayed in vertical columns or in a series of separate displays;
 - (c) the mechanical ballot is of sufficient length to include, after the list of candidates:
 - (i) the names of candidates for judicial offices and any other nonpartisan offices; and
 - (ii) any ballot propositions submitted to the voters for their approval or rejection;
- (d) the office titles are displayed above or at the side of the names of candidates so as to indicate clearly the candidates for each office and the number to be elected;
- (e) the party designation of each candidate who has been nominated by a registered political party under Subsection 20A-9-202(4) or Subsection 20A-9-403(5) is displayed adjacent to the candidate's name; and
- (f) if possible, all candidates for one office are grouped in one column or upon one display screen.
 - (2) Each election officer shall ensure that:
- (a) proposed amendments to the Utah Constitution are displayed in accordance with Section 20A-6-107;
- (b) ballot propositions submitted to the voters are displayed in accordance with Section 20A-6-107; [and]
 - (c) bond propositions that have qualified for the ballot are displayed under the title

assigned to each bond proposition under Section 11-14-206[-]; and

| (d) the ballot contains the statement described in Subsection |
|--|
| $\frac{36-33-305}{20A-7-703}$ at the beginning of the portion of the ballot that contains ballot |
| measures. |
| Section 3. Section $\frac{20A-7-103}{20A-7-703}$ is amended to read: |
| { 20A-7-103. Constitutional amendments and other questions submitted by the |
| Legislature Publication Ballot title Procedures for submission to popular vote. |
| (1) The procedures contained in this section govern when the Legislature submits a |
| proposed constitutional amendment or other question to the voters. |
| (2) The lieutenant governor shall, not more than 60 days or less than 14 days before the |
| date of the election, publish the full text of the amendment, question, or statute in at least one |
| newspaper in every county of the state where a newspaper is published. |
| (3) The legislative general counsel shall: |
| (a) entitle each proposed constitutional amendment "Constitutional Amendment" |
| and assign it a letter according to the requirements of Section 20A-6-107; |
| (b) entitle each proposed question "Proposition Number" with the number assigned |
| to the proposition under Section 20A-6-107 placed in the blank; |
| (c) draft and designate a ballot title for each proposed amendment or question |
| submitted by the Legislature that summarizes the subject matter of the amendment or question; |
| and |
| (d) deliver each number and title to the lieutenant governor. |
| (4) The lieutenant governor shall certify the number [and ballot title of], the ballot title, |
| and the ballot information statement described in Section 36-33-304 for each amendment or |
| question to the county clerk of each county no later than 65 days before the date of the election. |
| (5) The county clerk of each county shall: |
| (a) ensure that [both the number and title of each amendment and question is printed |
| on the sample ballots and official ballots; and], for each amendment or question described in |
| this section, the sample and official ballots show, in the following order: |
| (i) the information described in Subsection (3)(a) or (b), as applicable; |
| (ii) the ballot title described in this section; |
| (iii) the ballot question; and |



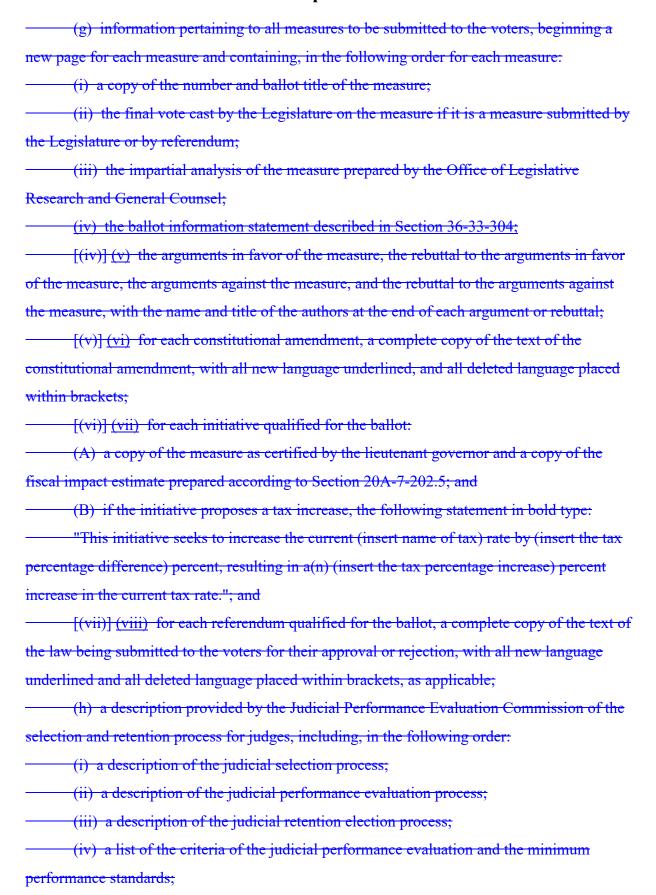


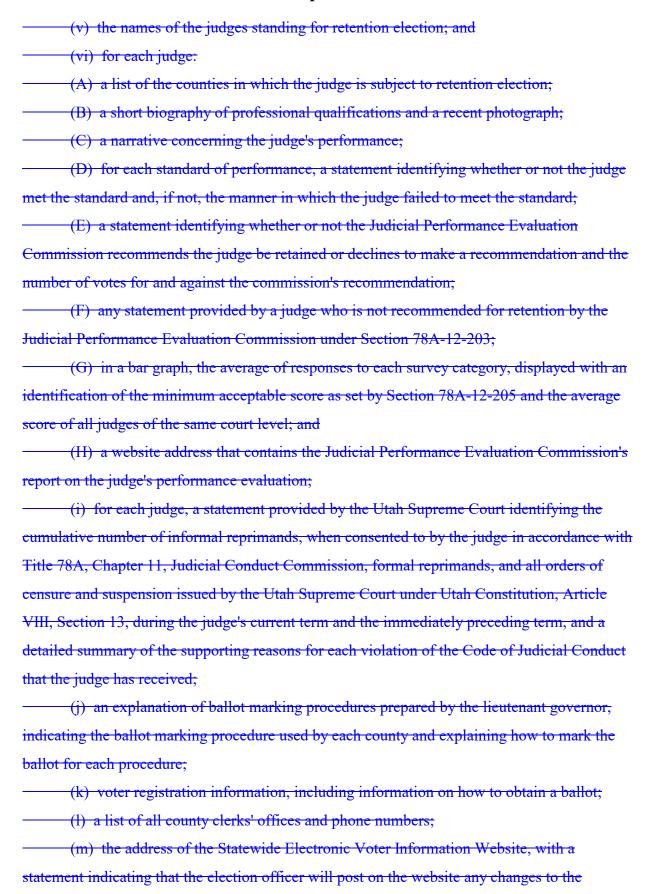
Research and General Counsel.

| (1) Whenever a referendum petition is declared sufficient for submission to a vote of |
|--|
| the people, the lieutenant governor shall deliver a copy of the petition and the proposed law to |
| the Office of Legislative Research and General Counsel. |
| (2) (a) The Office of Legislative Research and General Counsel shall: |
| (i) entitle each state referendum that [has qualified] qualifies for the ballot "Proposition |
| Number" and [give it a number as assigned under] assign a number to the referendum in |
| accordance with Section 20A-6-107; |
| (ii) prepare an impartial ballot title for the referendum summarizing the contents of the |
| measure; and |
| (iii) [return the petition and] submit the ballot title to the lieutenant governor within 15 |
| days after [its receipt] the day on which the Office of Legislative Research and General |
| Counsel receives the petition under Subsection (1). |
| (b) The ballot title may be distinct from the title of the law that is the subject of the |
| petition, and [shall be not more than] may not exceed 100 words. |
| [(c) The ballot title and the number of the measure as determined by the Office of |
| Legislative Research and General Counsel shall be printed on the official ballot.] |
| (c) For each state referendum, the official ballot shall show, in the following order: |
| (i) the information described in Subsection (2)(a)(i); |
| (ii) the ballot title described in this section; |
| (iii) the ballot question; and |
| (iv) the following statement, "Go to the URL listed at the beginning of this portion of |
| the ballot for explanatory information.". |
| (3) Immediately after the Office of Legislative Research and General Counsel [files a |
| copy of] submits the ballot title [with] to the lieutenant governor, the lieutenant governor shall |
| mail or email a copy of the ballot title to any of the sponsors of the petition. |
| (4) (a) (i) At least three of the sponsors of the petition may, within 15 days [of the date] |
| after the day on which the lieutenant governor mails or emails the ballot title, challenge the |
| wording of the ballot title prepared by the Office of Legislative Research and General Counsel |
| to the [Supreme Court] appropriate court. |
| (ii) After receipt of the appeal, the [Supreme Court] court shall direct the lieutenant |

governor to send notice of the appeal to: (A) any person or group that has filed an argument for or against the measure that is the subject of the challenge; [or] and (B) any political issues committee established under Section 20A-11-801 that has filed written or electronic notice with the lieutenant governor that identifies the name, mailing or email address, and telephone number of the person designated to receive notice about any issues relating to the referendum. (b) (i) There is a presumption that the ballot title prepared by the Office of Legislative Research and General Counsel is an impartial summary of the contents of the referendum. (ii) The [Supreme Court] court may not revise the wording of the ballot title unless the plaintiffs rebut the presumption by clearly and convincingly establishing that the ballot title is patently false or biased. (c) The [Supreme Court] court shall: (i) examine the ballot title; (ii) hear arguments; and (iii) [certify to the lieutenant governor a ballot title for the measure that meets] enter an order consistent with the requirements of this section. (d) The lieutenant governor shall, in accordance with the court's order, certify the ballot title [verified by the Supreme Court] to the county clerks to be printed on the official ballot. Section 6. Section 20A-7-702 is amended to read: 20A-7-702. Voter information pamphlet -- Form -- Contents. (1) The voter information pamphlet shall contain the following items in this order: (a) a cover title page; (b) an introduction to the pamphlet by the lieutenant governor; (c) a table of contents; (d) a list of all candidates for constitutional offices; (e) a list of candidates for each legislative district; (f) a 100-word statement of qualifications for each candidate for the office of governor, lieutenant governor, attorney general, state auditor, or state treasurer, if submitted by the candidate to the lieutenant governor's office before 5 p.m. on the first business day in August

before the date of the election;

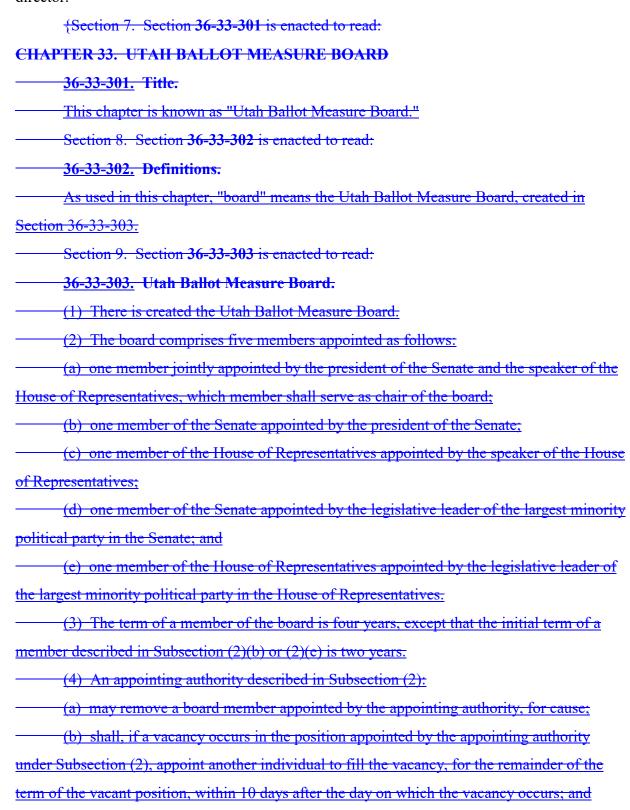




measure will appear on the ballot.

- (2) The director shall ensure that the impartial analysis:
- (a) [is not more than] does not exceed 1,000 words [long];
- (b) is prepared in clear and concise language that will easily be understood by the average voter;
 - (c) to the extent possible, avoids the use of technical terms [as much as possible];
 - (d) [shows] describes the effect of the measure on existing law;
- (e) identifies any potential conflicts with the United States or Utah Constitutions raised by the measure;
 - (f) fairly describes the operation of the measure;
- (g) identifies the measure's fiscal effects over the time period or time periods determined by the director to be most useful in understanding the estimated fiscal impact of the proposed law; and
- (h) identifies the amount of any increase or decrease in revenue or cost to state or local government.
- (3) The director shall ensure that the impartial summary of the effect of the ballot measure:
 - (a) does not exceed 200 words;
 - (b) is printed in bullet-point format;
- (c) is prepared in clear and concise language that will easily be understood by the average voter;
 - (d) to the extent possible, avoids the use of technical terms; and
 - (e) fairly describes the effect of the measure.
- [(3)] (4) The director shall analyze the measure as it is proposed to be adopted without considering any implementing legislation, unless the implementing legislation has been enacted and will become effective upon the adoption of the measure by the voters.
- [(4)](5) (a) In determining the fiscal effects of a measure, the director shall confer with the legislative fiscal analyst.
- (b) The director shall consider any measure that requires implementing legislation in order to take effect to have no financial effect, unless implementing legislation has been enacted that will become effective upon adoption of the measure by the voters.

[(5)] (6) If the director requests the assistance of any state department, agency, or official in preparing the director's analysis, that department, agency, or official shall assist the director.



(c) may make a temporary appointment to fill the position of the board member appointed by the appointing authority when the board member has a conflict of interest relating to a matter before the board. (5) Compensation and expenses of a board member are governed by Section 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses. (6) The board shall meet upon the request of a majority of the board members or when the chair calls a meeting. (7) (a) A majority of the members of the board constitutes a quorum. (b) The board takes official action by a majority vote of a quorum present at a meeting of the board. (8) Each board member shall faithfully discharge the duties of a board member in an independent, impartial, and honest manner. (9) The Office of Legislative Research and General Counsel will provide staff support to the board. Section 10. Section 36-33-304 is enacted to read: 36-33-304. Duties of board. (1) Upon receiving a copy of a law proposed by initiative under Subsection 20A-7-209(1) or a copy of a referendum petition under Subsection 20A-7-308(1), or upon passage by the Legislature of a proposed constitutional amendment in accordance with Utah Constitution, Article XXXIII, Sec. 1, the Office of Legislative Research and General Counsel shall: (a) forward a copy of the proposed law, referendum petition, or proposed constitutional amendment to the members of the board; and (b) contact board members to arrange a meeting of the board. (2) The board shall prepare a ballot information statement that: (a) consists of an impartial, accurate description of the measure and the effect of the measure; (b) is expressed using bullet points; and (c) does not exceed 200 words. (3) The board shall submit the ballot information statement described in Subsection (2) to the lieutenant governor:

(a) for an initiative or a proposed constitutional amendment, on or before June 26; or (b) for a referendum, within 15 days after the day on which the Office of Legislative Research and General Counsel receives a copy of the referendum petition under Subsection 20A-7-308(1). (4)(7) The lieutenant governor shall {, no later than one day after the day} post each impartial analysis and each impartial summary on \{\text{which}\}\) the lieutenant \{\text{governor receives a}\) ballot information statement under Subsection (3): (a) mail or email a copy of the ballot information statement to: (i) for an initiative or referendum, any sponsor of the petition; or (ii) for a proposed constitutional amendment, the Senate and House of Representatives sponsors of the constitutional amendment resolution passed by the Legislature in accordance with Utah Constitution, Article XXXIII, Sec. 1; and (b) post the ballot information statement on the lieutenant governor's website for review by the public. (5) (a) Any of the following may challenge the wording of the ballot information statement prepared by the board to the appropriate court: (i) for an initiative or a referendum: (A) three of the petition sponsors; (B) the Legislature; or (C) an individual who, under Section 20A-7-704 or 20A-7-705, is appointed to, or files a written notice that the individual intends to, submit a written argument for or against the measure; or (ii) for a proposed constitutional amendment: (A) a sponsor described in Subsection (4)(a)(ii); (B) the Legislature; or (C) an individual who, under Section 20A-7-705, is appointed to, or files a written notice that the individual intends to, submit a written argument for or against the measure. (b) An individual shall bring a challenge described in Subsection (5)(a): (i) for an initiative or a proposed constitutional amendment, on or before July 6; or (ii) for a referendum, within 15 days after the day on which the lieutenant governor complies with Subsection (4).

(c) After receipt of the challenge, the court shall direct the lieutenant governor to send notice of the challenge to: (i) the general counsel of the Legislature; (ii) an individual who, under Section 20A-7-704 or 20A-7-705, is appointed to, or files a written notice that the individual intends to, submit a written argument for or against the measure; and (iii) a political issues committee established under Section 20A-11-801 that has filed written or electronic notice with the lieutenant governor that identifies the name, mailing or email address, and telephone number of the person designated to receive notice about any issues relating to the measure. (d) (i) There is a presumption that the ballot information statement prepared by the board is an impartial, accurate description of the measure and the effect of the measure. (ii) The court may not revise the wording of the ballot information statement unless the plaintiffs rebut the presumption by clearly and convincingly establishing that the ballot information statement is patently false or biased. (e) The court shall: (i) examine the ballot information statement; (ii) hear arguments; and (iii) enter an order consistent with the requirements of this section. (6) The lieutenant governor shall certify the ballot statement to the county clerks. Section 11. Section 36-33-305 is enacted to read: 36-33-305. Ballot information statement -- Posting -- Ballot reference. (1) The lieutenant governor shall post each ballot information statement on the lieutenant governor's website in a location accessed by {the} uniform resource locator {described in Subsection (2)}that begins with "www.vote.utah.gov/". $({2}\)$ At the beginning of the portion of the ballot that contains ballot measures, the ballot shall include the following statement, "For more information on the likely impact of a measure passing or not passing, go to [insert the uniform resource locator that links to the

{ballot information statements} documents described in Subsection ({1}7)].".