

HB0246S02 compared with HB0246

~~{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.

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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:

- ▶ ~~{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~~

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- ~~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:

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

~~{ 20A-7-103, as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 20~~

~~}~~ ~~{20A-7-209}~~20A-7-703, as last amended by Laws of Utah ~~{2019}~~2020, Chapter

~~{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:

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

~~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.

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(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 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

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(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

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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

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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 3. Section ~~{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~~

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~~_____ (iv) for a proposed constitutional amendment, the following statement, "Go to the URL listed at the beginning of this portion of the ballot for explanatory information."; and~~

~~_____ (b) publish [them] the ballots as provided by law.~~

~~_____ Section 4. Section **20A-7-209** is amended to read:~~

~~_____ **20A-7-209. Ballot title -- Duties of lieutenant governor and Office of Legislative Research and General Counsel:**~~

~~_____ (1) On or before June 5 before the regular general election, the lieutenant governor shall deliver a copy of all of the proposed laws that have qualified for the ballot to the Office of Legislative Research and General Counsel:~~

~~_____ (2) (a) The Office of Legislative Research and General Counsel shall:~~

~~_____ (i) entitle each state initiative that has qualified for the ballot "Proposition Number ___" and give it a number as assigned under Section 20A-6-107;~~

~~_____ (ii) prepare an impartial ballot title for each initiative summarizing the contents of the measure; and~~

~~_____ (iii) return each petition and ballot title to the lieutenant governor [by] on or before June 26.~~

~~_____ (b) The ballot title may be distinct from the title of the proposed law attached to the initiative petition, and [shall be not more than] may not exceed 100 words.~~

~~_____ (c) If the initiative proposes a tax increase, the Office of Legislative Research and General Counsel shall include the following statement, in bold, in the ballot title:~~

~~_____ "This initiative seeks to increase the current (insert name of tax) rate by (insert the tax percentage difference) percent, resulting in a(n) (insert the tax percentage increase) percent increase in the current tax rate."~~

~~_____ (d) For each state initiative, the official ballot shall show, in the following order:~~

~~_____ [(i) the number of the initiative as determined by the Office of Legislative Research and General Counsel;]~~

~~_____ (i) the information described in Subsection (2)(a)(i);~~

~~_____ (ii) the initial fiscal impact estimate prepared under Section 20A-7-202.5, as updated under Section 20A-7-204.1; [and]~~

~~_____ [(iii) the ballot title as determined by the Office of Legislative Research and General Counsel.]~~

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~~—— (iii) the ballot title described in this section;~~

~~—— (iv) the ballot question; and~~

~~—— (v) the following statement, "Go to the URL listed at the beginning of this portion of the ballot for explanatory information.";~~

~~—— (3) On or before June 27, the lieutenant governor shall mail a copy of the ballot title to any sponsor of the petition;~~

~~—— (4) (a) (i) At least three of the sponsors of the petition may, on or before July 6, challenge the wording of the ballot title prepared by the Office of Legislative Research and General Counsel to the appropriate court;~~

~~—— (ii) After receipt of the challenge, the court shall direct the lieutenant governor to send notice of the challenge to:~~

~~—— (A) any person or group that has filed an argument for or against the measure that is the subject of the challenge; or~~

~~—— (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] individual designated to receive notice about any issues relating to the initiative;~~

~~—— (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 initiative;~~

~~—— (ii) The 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 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 the requirements of this section;~~

~~—— (d) The lieutenant governor shall certify the title verified by the court to the county clerks to be printed on the official ballot.~~

~~—— Section 5. Section 20A-7-308 is amended to read:~~

~~—— 20A-7-308. Ballot title -- Duties of lieutenant governor and Office of Legislative~~

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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~~

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~~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;~~

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~~—— (g) information pertaining to all measures to be submitted to the voters, beginning a new page for each measure and containing, in the following order for each measure:~~

~~—— (i) a copy of the number and ballot title of the measure;~~

~~—— (ii) the final vote cast by the Legislature on the measure if it is a measure submitted by the Legislature or by referendum;~~

~~—— (iii) the impartial analysis of the measure prepared by the Office of Legislative Research and General Counsel;~~

~~—— (iv) the ballot information statement described in Section 36-33-304;~~

~~—— [(iv)] (v) the arguments in favor of the measure, the rebuttal to the arguments in favor of the measure, the arguments against the measure, and the rebuttal to the arguments against the measure, with the name and title of the authors at the end of each argument or rebuttal;~~

~~—— [(v)] (vi) for each constitutional amendment, a complete copy of the text of the constitutional amendment, with all new language underlined, and all deleted language placed within brackets;~~

~~—— [(vi)] (vii) for each initiative qualified for the ballot:~~

~~—— (A) a copy of the measure as certified by the lieutenant governor and a copy of the fiscal impact estimate prepared according to Section 20A-7-202.5; and~~

~~—— (B) if the initiative proposes a tax increase, the following statement in bold type:~~

~~—— "This initiative seeks to increase the current (insert name of tax) rate by (insert the tax percentage difference) percent, resulting in a(n) (insert the tax percentage increase) percent increase in the current tax rate."; and~~

~~—— [(vii)] (viii) for each referendum qualified for the ballot, a complete copy of the text of the law being submitted to the voters for their approval or rejection, with all new language underlined and all deleted language placed within brackets, as applicable;~~

~~—— (h) a description provided by the Judicial Performance Evaluation Commission of the selection and retention process for judges, including, in the following order:~~

~~—— (i) a description of the judicial selection process;~~

~~—— (ii) a description of the judicial performance evaluation process;~~

~~—— (iii) a description of the judicial retention election process;~~

~~—— (iv) a list of the criteria of the judicial performance evaluation and the minimum performance standards;~~

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- ~~—— (v) the names of the judges standing for retention election; and~~
- ~~—— (vi) for each judge:~~
- ~~—— (A) a list of the counties in which the judge is subject to retention election;~~
- ~~—— (B) a short biography of professional qualifications and a recent photograph;~~
- ~~—— (C) a narrative concerning the judge's performance;~~
- ~~—— (D) for each standard of performance, a statement identifying whether or not the judge met the standard and, if not, the manner in which the judge failed to meet the standard;~~
- ~~—— (E) a statement identifying whether or not the Judicial Performance Evaluation Commission recommends the judge be retained or declines to make a recommendation and the number of votes for and against the commission's recommendation;~~
- ~~—— (F) any statement provided by a judge who is not recommended for retention by the Judicial Performance Evaluation Commission under Section 78A-12-203;~~
- ~~—— (G) in a bar graph, the average of responses to each survey category, displayed with an identification of the minimum acceptable score as set by Section 78A-12-205 and the average score of all judges of the same court level; and~~
- ~~—— (H) a website address that contains the Judicial Performance Evaluation Commission's report on the judge's performance evaluation;~~
- ~~—— (i) for each judge, a statement provided by the Utah Supreme Court identifying the cumulative number of informal reprimands, when consented to by the judge in accordance with Title 78A, Chapter 11, Judicial Conduct Commission, formal reprimands, and all orders of censure and suspension issued by the Utah Supreme Court under Utah Constitution, Article VIII, Section 13, during the judge's current term and the immediately preceding term, and a detailed summary of the supporting reasons for each violation of the Code of Judicial Conduct that the judge has received;~~
- ~~—— (j) an explanation of ballot marking procedures prepared by the lieutenant governor, indicating the ballot marking procedure used by each county and explaining how to mark the ballot for each procedure;~~
- ~~—— (k) voter registration information, including information on how to obtain a ballot;~~
- ~~—— (l) a list of all county clerks' offices and phone numbers;~~
- ~~—— (m) the address of the Statewide Electronic Voter Information Website, with a statement indicating that the election officer will post on the website any changes to the~~

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~~location of a polling place and the location of any additional polling place;~~

~~_____ (n) a phone number that a voter may call to obtain information regarding the location of a polling place; and~~

~~_____ (o) on the back cover page, a printed copy of the following statement signed by the lieutenant governor:~~

~~_____ "I, _____ (print name), Lieutenant Governor of Utah, certify that the measures contained in this pamphlet will be submitted to the voters of Utah at the election to be held throughout the state on _____ (date of election), and that this pamphlet is complete and correct according to law.~~

SEAL

~~_____ Witness my hand and the Great Seal of the State, at Salt Lake City, Utah this _____ day of _____ (month), _____ (year)~~

~~_____ (signed) _____
_____ Lieutenant Governor"~~

~~_____ (2) No earlier than 75 days, and no later than 15 days, before the day on which voting commences, the lieutenant governor shall make all information provided in the voter information pamphlet available on the Statewide Electronic Voter Information Website Program described in Section 20A-7-801.~~

~~_____ (3) The lieutenant governor may distribute a voter information pamphlet at a location frequented by a person who cannot easily access the Statewide Electronic Voter Information Website authorized by Section 20A-7-801.~~

‡ **20A-7-703. Impartial analysis of measure -- Determination of fiscal effects.**

(1) The director of the Office of Legislative Research and General Counsel, after the approval of the legislative general counsel as to legal sufficiency, shall:

(a) in accordance with Subsection (2), prepare an impartial analysis of each measure submitted to the voters by the Legislature or by initiative or referendum petition; ~~{and~~

~~_____ (b) } [and]~~

(b) in accordance with Subsection (3), prepare an impartial summary of the effect of each measure described in Subsection (1)(a); and

[(b)] (c) submit the impartial analysis and the impartial summary to the lieutenant governor no later than the day that falls 90 days before the date of the election in which the

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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.

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~~[(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.

~~{Section 7. Section 36-33-301 is enacted to read:~~

~~CHAPTER 33. UTAH BALLOT MEASURE BOARD~~

~~———— 36-33-301. Title:~~

~~———— This chapter is known as "Utah Ballot Measure Board."~~

~~———— Section 8. Section 36-33-302 is enacted to read:~~

~~———— 36-33-302. Definitions:~~

~~———— As used in this chapter, "board" means the Utah Ballot Measure Board, created in Section 36-33-303.~~

~~———— Section 9. Section 36-33-303 is enacted to read:~~

~~———— 36-33-303. Utah Ballot Measure Board:~~

~~———— (1) There is created the Utah Ballot Measure Board:~~

~~———— (2) The board comprises five members appointed as follows:~~

~~———— (a) one member jointly appointed by the president of the Senate and the speaker of the House of Representatives, which member shall serve as chair of the board;~~

~~———— (b) one member of the Senate appointed by the president of the Senate;~~

~~———— (c) one member of the House of Representatives appointed by the speaker of the House of Representatives;~~

~~———— (d) one member of the Senate appointed by the legislative leader of the largest minority political party in the Senate; and~~

~~———— (e) one member of the House of Representatives appointed by the legislative leader of the largest minority political party in the House of Representatives.~~

~~———— (3) The term of a member of the board is four years, except that the initial term of a member described in Subsection (2)(b) or (2)(e) is two years.~~

~~———— (4) An appointing authority described in Subsection (2):~~

~~———— (a) may remove a board member appointed by the appointing authority, for cause;~~

~~———— (b) shall, if a vacancy occurs in the position appointed by the appointing authority under Subsection (2), appoint another individual to fill the vacancy, for the remainder of the term of the vacant position, within 10 days after the day on which the vacancy occurs; and~~

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~~_____ (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.~~

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~~_____ (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 {which} the lieutenant {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):~~

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~~— (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}a uniform resource locator {described in Subsection (2)}that begins with "www.vote.utah.gov/".~~

~~(28) 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 (17)]."~~