

1 **INITIATIVES AND REFERENDA AMENDMENTS**

2 2020 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Norman K. Thurston**

5 Senate Sponsor: _____

7 **LONG TITLE**

8 **General Description:**

9 This bill amends provisions related to initiative and referendum petitions.

10 **Highlighted Provisions:**

11 This bill:

12 ▶ amends provisions regarding the publication of certain information related to an
13 individual who signs an initiative or referendum petition.

14 **Money Appropriated in this Bill:**

15 None

16 **Other Special Clauses:**

17 None

18 **Utah Code Sections Affected:**

19 AMENDS:

20 **20A-7-206**, as last amended by Laws of Utah 2019, Chapters 210, 217, 255 and last
21 amended by Coordination Clause, Laws of Utah 2019, Chapters 210, and 217

22 **20A-7-306**, as last amended by Laws of Utah 2019, Chapters 210, 255 and last
23 amended by Coordination Clause, Laws of Utah 2019, Chapter 210

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

26 Section 1. Section **20A-7-206** is amended to read:

27 **20A-7-206. Submitting the initiative petition -- Certification of signatures by the**



28 **county clerks -- Transfer to lieutenant governor.**

29 (1) (a) In order to qualify an initiative petition for placement on the regular general
30 election ballot, the sponsors shall deliver a signed and verified initiative packet to the county
31 clerk of the county in which the packet was circulated before 5 p.m. no later than the earlier of:

- 32 (i) 30 days after the day on which the first individual signs the initiative packet;
- 33 (ii) 316 days after the day on which the application for the initiative petition is filed; or
- 34 (iii) the February 15 immediately before the next regular general election immediately
35 after the application is filed under Section 20A-7-202.

36 (b) A sponsor may not submit an initiative packet after the deadline described in
37 Subsection (1)(a).

38 (2) For an initiative packet received by the county clerk before December 1, the county
39 clerk shall, within 30 days after the day on which the county clerk receives the packet:

- 40 (a) determine whether each signer is a registered voter according to the requirements of
41 Section 20A-7-206.3;
- 42 (b) certify on the petition whether each name is that of a registered voter;
- 43 (c) post the name and voter identification number of each registered voter certified
44 under Subsection (2)(b) in a conspicuous location on the county's website for at least 90 days;
45 and
- 46 (d) deliver the verified initiative packet to the lieutenant governor.

47 (3) For an initiative packet received by the county clerk on or after December 1, the
48 county clerk shall, within 21 days after the day on which the county clerk receives the packet:

- 49 (a) determine whether each signer is a registered voter according to the requirements of
50 Section 20A-7-206.3;
- 51 (b) certify on the petition whether each name is that of a registered voter;
- 52 (c) post the name and [~~precinct~~] voter identification number of each registered voter
53 certified under Subsection (2)(b) in a conspicuous location on the county's website for at least
54 45 days; and
- 55 (d) deliver the verified initiative packet to the lieutenant governor.

56 (4) Within seven days after timely receipt of a statement described in Subsection
57 20A-7-205(3), the county clerk shall:

- 58 (a) remove the voter's [~~signature~~] name and voter identification number from the

59 posting described in Subsection (2)(c) or (3)(c); and

60 (b) (i) remove the voter's signature from the signature packet totals; and

61 (ii) inform the lieutenant governor of the removal.

62 (5) The county clerk may not certify a signature under Subsection (2) or (3):

63 (a) on an initiative packet that is not verified in accordance with Section 20A-7-205; or

64 (b) that does not have a date of signature next to the signature.

65 (6) In order to qualify an initiative petition for submission to the Legislature, the

66 sponsors shall deliver each signed and verified initiative packet to the county clerk of the

67 county in which the packet was circulated before 5 p.m. no later than the November 15 before

68 the next annual general session of the Legislature immediately after the application is filed

69 under Section 20A-7-202.

70 (7) The county clerk may not certify a signature under Subsection (8) on an initiative

71 packet that is not verified in accordance with Section 20A-7-205.

72 (8) No later than December 15 before the annual general session of the Legislature, the

73 county clerk shall, for an initiative described in Subsection (6):

74 (a) determine whether each signer is a registered voter according to the requirements of

75 Section 20A-7-206.3;

76 (b) certify on the petition whether each name is that of a registered voter; and

77 (c) deliver all of the verified initiative packets to the lieutenant governor.

78 (9) The sponsor or a sponsor's representative may not retrieve an initiative packet from

79 a county clerk after the initiative packet is submitted to the county clerk.

80 Section 2. Section 20A-7-306 is amended to read:

81 **20A-7-306. Submitting the referendum petition -- Certification of signatures by**

82 **the county clerks -- Transfer to lieutenant governor.**

83 (1) (a) The sponsors shall deliver a signed and verified referendum packet to the county
84 clerk of the county in which the packet was circulated before 5 p.m. no later than the earlier of:

85 (i) 14 days after the day on which the first individual signs the referendum packet; or

86 (ii) 40 days after the end of the legislative session at which the law passed.

87 (b) A sponsor may not submit a referendum packet after the deadline described in

88 Subsection (1)(a).

89 (2) (a) No later than 14 days after the day on which the county clerk receives a verified

90 referendum packet, the county clerk shall:

91 (i) check the name of each individual who completes the verification on the last page
92 of each referendum packet to determine whether the individual is a resident of Utah and is at
93 least 18 years old; and

94 (ii) submit the name of each individual who is not a Utah resident or who is not at least
95 18 years old to the attorney general and county attorney.

96 (b) The county clerk may not certify a signature under Subsection (3):

97 (i) on a referendum packet that is not verified in accordance with Section 20A-7-305;

98 or

99 (ii) that does not have a date of signature next to the signature.

100 (3) No later than 14 days after the day on which the county clerk receives a verified
101 referendum packet, the county clerk shall:

102 (a) determine whether each signer is a registered voter according to the requirements of
103 Section 20A-7-306.3;

104 (b) certify on the referendum petition whether each name is that of a registered voter;

105 (c) post the name and voter identification number of each registered voter certified
106 under Subsection (3)(b) in a conspicuous location on the county's website for at least 45 days;

107 and

108 (d) deliver the verified referendum packet to the lieutenant governor.

109 (4) Within two business days after timely receipt of a statement described in

110 Subsection 20A-7-305(3), the county clerk shall:

111 (a) remove the voter's [~~signature~~] name and voter identification number from the
112 posting described in Subsection (3)(c); and

113 (b) inform the lieutenant governor of the removal.

114 (5) The sponsor or a sponsor's representative may not retrieve a referendum packet
115 from a county clerk after the referendum packet is submitted to the county clerk.