

LOCAL SCHOOL DISTRICT REFERENDUM AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: James F. Cobb

Senate Sponsor: _____

LONG TITLE

General Description:

This bill addresses actions of a local school district that may be subject to a referendum.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ provides that a new tax or a tax increase passed by a local school board may be referred to voters for their approval or rejection; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

- 10-9a-103**, as last amended by Laws of Utah 2022, Chapters 355, 406
- 10-9a-509**, as last amended by Laws of Utah 2022, Chapters 325, 355 and 406
- 17-27a-103**, as last amended by Laws of Utah 2022, Chapter 406
- 17-27a-508**, as last amended by Laws of Utah 2022, Chapters 325, 355 and 406
- 20A-1-102**, as last amended by Laws of Utah 2022, Chapters 18, 170
- 20A-4-301**, as last amended by Laws of Utah 2014, Chapter 377



- 28 **20A-7-101**, as last amended by Laws of Utah 2022, Chapters 288, 325
- 29 **20A-7-102**, as last amended by Laws of Utah 1994, Chapter 272
- 30 **20A-7-401.5**, as last amended by Laws of Utah 2021, Chapters 84, 140 and 345
- 31 **20A-7-405**, as enacted by Laws of Utah 2019, Chapter 203
- 32 **20A-7-601**, as last amended by Laws of Utah 2022, Chapter 406
- 33 **20A-7-602.5**, as last amended by Laws of Utah 2019, Chapter 203
- 34 **20A-7-602.7**, as last amended by Laws of Utah 2022, Chapter 325
- 35 **20A-7-603**, as last amended by Laws of Utah 2022, Chapter 325
- 36 **20A-7-604**, as last amended by Laws of Utah 2022, Chapter 325
- 37 **20A-7-607**, as last amended by Laws of Utah 2022, Chapters 274, 325
- 38 **20A-7-608**, as last amended by Laws of Utah 2022, Chapter 251
- 39 **20A-7-610**, as last amended by Laws of Utah 2021, Chapter 140
- 40 **20A-7-611**, as last amended by Laws of Utah 2022, Chapters 18, 325
- 41 **20A-7-613**, as last amended by Laws of Utah 2022, Chapter 325
- 42 **20A-7-614**, as enacted by Laws of Utah 2022, Chapter 325

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

45 Section 1. Section **10-9a-103** is amended to read:

46 **10-9a-103. Definitions.**

47 As used in this chapter:

48 (1) "Accessory dwelling unit" means a habitable living unit added to, created within, or
 49 detached from a primary single-family dwelling and contained on one lot.

50 (2) "Adversely affected party" means a person other than a land use applicant who:

51 (a) owns real property adjoining the property that is the subject of a land use
 52 application or land use decision; or

53 (b) will suffer a damage different in kind than, or an injury distinct from, that of the
 54 general community as a result of the land use decision.

55 (3) "Affected entity" means a county, municipality, local district, special service
 56 district under Title 17D, Chapter 1, Special Service District Act, school district, interlocal
 57 cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act, specified
 58 public utility, property owner, property owners association, or the [Utah] Department of

59 Transportation, if:

60 (a) the entity's services or facilities are likely to require expansion or significant
61 modification because of an intended use of land;

62 (b) the entity has filed with the municipality a copy of the entity's general or long-range
63 plan; or

64 (c) the entity has filed with the municipality a request for notice during the same
65 calendar year and before the municipality provides notice to an affected entity in compliance
66 with a requirement imposed under this chapter.

67 (4) "Affected owner" means the owner of real property that is:

68 (a) a single project;

69 (b) the subject of a land use approval that sponsors of a referendum timely challenged
70 in accordance with Subsection [~~20A-7-601(6)~~] 20A-7-601(7); and

71 (c) determined to be legally referable under Section 20A-7-602.8.

72 (5) "Appeal authority" means the person, board, commission, agency, or other body
73 designated by ordinance to decide an appeal of a decision of a land use application or a
74 variance.

75 (6) "Billboard" means a freestanding ground sign located on industrial, commercial, or
76 residential property if the sign is designed or intended to direct attention to a business, product,
77 or service that is not sold, offered, or existing on the property where the sign is located.

78 (7) (a) "Charter school" means:

79 (i) an operating charter school;

80 (ii) a charter school applicant that a charter school authorizer approves in accordance
81 with Title 53G, Chapter 5, Part 3, Charter School Authorization; or

82 (iii) an entity that is working on behalf of a charter school or approved charter
83 applicant to develop or construct a charter school building.

84 (b) "Charter school" does not include a therapeutic school.

85 (8) "Conditional use" means a land use that, because of the unique characteristics or
86 potential impact of the land use on the municipality, surrounding neighbors, or adjacent land
87 uses, may not be compatible in some areas or may be compatible only if certain conditions are
88 required that mitigate or eliminate the detrimental impacts.

89 (9) "Constitutional taking" means a governmental action that results in a taking of

90 private property so that compensation to the owner of the property is required by the:

91 (a) Fifth or Fourteenth Amendment of the Constitution of the United States; or

92 (b) Utah Constitution Article I, Section 22.

93 (10) "Culinary water authority" means the department, agency, or public entity with
94 responsibility to review and approve the feasibility of the culinary water system and sources for
95 the subject property.

96 (11) "Development activity" means:

97 (a) any construction or expansion of a building, structure, or use that creates additional
98 demand and need for public facilities;

99 (b) any change in use of a building or structure that creates additional demand and need
100 for public facilities; or

101 (c) any change in the use of land that creates additional demand and need for public
102 facilities.

103 (12) (a) "Development agreement" means a written agreement or amendment to a
104 written agreement between a municipality and one or more parties that regulates or controls the
105 use or development of a specific area of land.

106 (b) "Development agreement" does not include an improvement completion assurance.

107 (13) (a) "Disability" means a physical or mental impairment that substantially limits
108 one or more of a person's major life activities, including a person having a record of such an
109 impairment or being regarded as having such an impairment.

110 (b) "Disability" does not include current illegal use of, or addiction to, any federally
111 controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C.
112 802.

113 (14) "Educational facility":

114 (a) means:

115 (i) a school district's building at which pupils assemble to receive instruction in a
116 program for any combination of grades from preschool through grade 12, including
117 kindergarten and a program for children with disabilities;

118 (ii) a structure or facility:

119 (A) located on the same property as a building described in Subsection (14)(a)(i); and

120 (B) used in support of the use of that building; and

121 (iii) a building to provide office and related space to a school district's administrative
122 personnel; and

123 (b) does not include:

124 (i) land or a structure, including land or a structure for inventory storage, equipment
125 storage, food processing or preparing, vehicle storage or maintenance, or similar use that is:

126 (A) not located on the same property as a building described in Subsection (14)(a)(i);

127 and

128 (B) used in support of the purposes of a building described in Subsection (14)(a)(i); or

129 (ii) a therapeutic school.

130 (15) "Fire authority" means the department, agency, or public entity with responsibility
131 to review and approve the feasibility of fire protection and suppression services for the subject
132 property.

133 (16) "Flood plain" means land that:

134 (a) is within the 100-year flood plain designated by the Federal Emergency
135 Management Agency; or

136 (b) has not been studied or designated by the Federal Emergency Management Agency
137 but presents a likelihood of experiencing chronic flooding or a catastrophic flood event because
138 the land has characteristics that are similar to those of a 100-year flood plain designated by the
139 Federal Emergency Management Agency.

140 (17) "General plan" means a document that a municipality adopts that sets forth general
141 guidelines for proposed future development of the land within the municipality.

142 (18) "Geologic hazard" means:

143 (a) a surface fault rupture;

144 (b) shallow groundwater;

145 (c) liquefaction;

146 (d) a landslide;

147 (e) a debris flow;

148 (f) unstable soil;

149 (g) a rock fall; or

150 (h) any other geologic condition that presents a risk:

151 (i) to life;

152 (ii) of substantial loss of real property; or
153 (iii) of substantial damage to real property.

154 (19) "Historic preservation authority" means a person, board, commission, or other
155 body designated by a legislative body to:

156 (a) recommend land use regulations to preserve local historic districts or areas; and
157 (b) administer local historic preservation land use regulations within a local historic
158 district or area.

159 (20) "Hookup fee" means a fee for the installation and inspection of any pipe, line,
160 meter, or appurtenance that connects to a municipal water, sewer, storm water, power, or other
161 utility system.

162 (21) "Identical plans" means building plans submitted to a municipality that:

163 (a) are clearly marked as "identical plans";

164 (b) are substantially identical to building plans that were previously submitted to and
165 reviewed and approved by the municipality; and

166 (c) describe a building that:

167 (i) is located on land zoned the same as the land on which the building described in the
168 previously approved plans is located;

169 (ii) is subject to the same geological and meteorological conditions and the same law
170 as the building described in the previously approved plans;

171 (iii) has a floor plan identical to the building plan previously submitted to and reviewed
172 and approved by the municipality; and

173 (iv) does not require any additional engineering or analysis.

174 (22) "Impact fee" means a payment of money imposed under Title 11, Chapter 36a,
175 Impact Fees Act.

176 (23) "Improvement completion assurance" means a surety bond, letter of credit,
177 financial institution bond, cash, assignment of rights, lien, or other equivalent security required
178 by a municipality to guaranty the proper completion of landscaping or an infrastructure
179 improvement required as a condition precedent to:

180 (a) recording a subdivision plat; or

181 (b) development of a commercial, industrial, mixed use, or multifamily project.

182 (24) "Improvement warranty" means an applicant's unconditional warranty that the

183 applicant's installed and accepted landscaping or infrastructure improvement:

184 (a) complies with the municipality's written standards for design, materials, and
185 workmanship; and

186 (b) will not fail in any material respect, as a result of poor workmanship or materials,
187 within the improvement warranty period.

188 (25) "Improvement warranty period" means a period:

189 (a) no later than one year after a municipality's acceptance of required landscaping; or

190 (b) no later than one year after a municipality's acceptance of required infrastructure,

191 unless the municipality:

192 (i) determines for good cause that a one-year period would be inadequate to protect the
193 public health, safety, and welfare; and

194 (ii) has substantial evidence, on record:

195 (A) of prior poor performance by the applicant; or

196 (B) that the area upon which the infrastructure will be constructed contains suspect soil

197 and the municipality has not otherwise required the applicant to mitigate the suspect soil.

198 (26) "Infrastructure improvement" means permanent infrastructure that is essential for
199 the public health and safety or that:

200 (a) is required for human occupation; and

201 (b) an applicant must install:

202 (i) in accordance with published installation and inspection specifications for public
203 improvements; and

204 (ii) whether the improvement is public or private, as a condition of:

205 (A) recording a subdivision plat;

206 (B) obtaining a building permit; or

207 (C) development of a commercial, industrial, mixed use, condominium, or multifamily
208 project.

209 (27) "Internal lot restriction" means a platted note, platted demarcation, or platted
210 designation that:

211 (a) runs with the land; and

212 (b) (i) creates a restriction that is enclosed within the perimeter of a lot described on
213 the plat; or

214 (ii) designates a development condition that is enclosed within the perimeter of a lot
215 described on the plat.

216 (28) "Land use applicant" means a property owner, or the property owner's designee,
217 who submits a land use application regarding the property owner's land.

218 (29) "Land use application":

219 (a) means an application that is:

220 (i) required by a municipality; and

221 (ii) submitted by a land use applicant to obtain a land use decision; and

222 (b) does not mean an application to enact, amend, or repeal a land use regulation.

223 (30) "Land use authority" means:

224 (a) a person, board, commission, agency, or body, including the local legislative body,
225 designated by the local legislative body to act upon a land use application; or

226 (b) if the local legislative body has not designated a person, board, commission,
227 agency, or body, the local legislative body.

228 (31) "Land use decision" means an administrative decision of a land use authority or
229 appeal authority regarding:

230 (a) a land use permit; or

231 (b) a land use application.

232 (32) "Land use permit" means a permit issued by a land use authority.

233 (33) "Land use regulation":

234 (a) means a legislative decision enacted by ordinance, law, code, map, resolution,
235 specification, fee, or rule that governs the use or development of land;

236 (b) includes the adoption or amendment of a zoning map or the text of the zoning code;
237 and

238 (c) does not include:

239 (i) a land use decision of the legislative body acting as the land use authority, even if
240 the decision is expressed in a resolution or ordinance; or

241 (ii) a temporary revision to an engineering specification that does not materially:

242 (A) increase a land use applicant's cost of development compared to the existing
243 specification; or

244 (B) impact a land use applicant's use of land.

- 245 (34) "Legislative body" means the municipal council.
- 246 (35) "Local district" means an entity under Title 17B, Limited Purpose Local
247 Government Entities - Local Districts, and any other governmental or quasi-governmental
248 entity that is not a county, municipality, school district, or the state.
- 249 (36) "Local historic district or area" means a geographically definable area that:
250 (a) contains any combination of buildings, structures, sites, objects, landscape features,
251 archeological sites, or works of art that contribute to the historic preservation goals of a
252 legislative body; and
253 (b) is subject to land use regulations to preserve the historic significance of the local
254 historic district or area.
- 255 (37) "Lot" means a tract of land, regardless of any label, that is created by and shown
256 on a subdivision plat that has been recorded in the office of the county recorder.
- 257 (38) (a) "Lot line adjustment" means a relocation of a lot line boundary between
258 adjoining lots or between a lot and adjoining parcels in accordance with Section 10-9a-608:
259 (i) whether or not the lots are located in the same subdivision; and
260 (ii) with the consent of the owners of record.
- 261 (b) "Lot line adjustment" does not mean a new boundary line that:
262 (i) creates an additional lot; or
263 (ii) constitutes a subdivision.
- 264 (c) "Lot line adjustment" does not include a boundary line adjustment made by the
265 Department of Transportation.
- 266 (39) "Major transit investment corridor" means public transit service that uses or
267 occupies:
268 (a) public transit rail right-of-way;
269 (b) dedicated road right-of-way for the use of public transit, such as bus rapid transit;
270 or
271 (c) fixed-route bus corridors subject to an interlocal agreement or contract between a
272 municipality or county and:
273 (i) a public transit district as defined in Section 17B-2a-802; or
274 (ii) an eligible political subdivision as defined in Section 59-12-2219.
- 275 (40) "Moderate income housing" means housing occupied or reserved for occupancy

276 by households with a gross household income equal to or less than 80% of the median gross
277 income for households of the same size in the county in which the city is located.

278 (41) "Municipal utility easement" means an easement that:

279 (a) is created or depicted on a plat recorded in a county recorder's office and is
280 described as a municipal utility easement granted for public use;

281 (b) is not a protected utility easement or a public utility easement as defined in Section
282 [54-3-27](#);

283 (c) the municipality or the municipality's affiliated governmental entity uses and
284 occupies to provide a utility service, including sanitary sewer, culinary water, electrical, storm
285 water, or communications or data lines;

286 (d) is used or occupied with the consent of the municipality in accordance with an
287 authorized franchise or other agreement;

288 (e) (i) is used or occupied by a specified public utility in accordance with an authorized
289 franchise or other agreement; and

290 (ii) is located in a utility easement granted for public use; or

291 (f) is described in Section [10-9a-529](#) and is used by a specified public utility.

292 (42) "Nominal fee" means a fee that reasonably reimburses a municipality only for time
293 spent and expenses incurred in:

294 (a) verifying that building plans are identical plans; and

295 (b) reviewing and approving those minor aspects of identical plans that differ from the
296 previously reviewed and approved building plans.

297 (43) "Noncomplying structure" means a structure that:

298 (a) legally existed before the structure's current land use designation; and

299 (b) because of one or more subsequent land use ordinance changes, does not conform
300 to the setback, height restrictions, or other regulations, excluding those regulations, which
301 govern the use of land.

302 (44) "Nonconforming use" means a use of land that:

303 (a) legally existed before its current land use designation;

304 (b) has been maintained continuously since the time the land use ordinance governing
305 the land changed; and

306 (c) because of one or more subsequent land use ordinance changes, does not conform

307 to the regulations that now govern the use of the land.

308 (45) "Official map" means a map drawn by municipal authorities and recorded in a
309 county recorder's office that:

310 (a) shows actual and proposed rights-of-way, centerline alignments, and setbacks for
311 highways and other transportation facilities;

312 (b) provides a basis for restricting development in designated rights-of-way or between
313 designated setbacks to allow the government authorities time to purchase or otherwise reserve
314 the land; and

315 (c) has been adopted as an element of the municipality's general plan.

316 (46) "Parcel" means any real property that is not a lot.

317 (47) (a) "Parcel boundary adjustment" means a recorded agreement between owners of
318 adjoining parcels adjusting the mutual boundary, either by deed or by a boundary line
319 agreement in accordance with Section 10-9a-524, if no additional parcel is created and:

320 (i) none of the property identified in the agreement is a lot; or

321 (ii) the adjustment is to the boundaries of a single person's parcels.

322 (b) "Parcel boundary adjustment" does not mean an adjustment of a parcel boundary
323 line that:

324 (i) creates an additional parcel; or

325 (ii) constitutes a subdivision.

326 (c) "Parcel boundary adjustment" does not include a boundary line adjustment made by
327 the Department of Transportation.

328 (48) "Person" means an individual, corporation, partnership, organization, association,
329 trust, governmental agency, or any other legal entity.

330 (49) "Plan for moderate income housing" means a written document adopted by a
331 municipality's legislative body that includes:

332 (a) an estimate of the existing supply of moderate income housing located within the
333 municipality;

334 (b) an estimate of the need for moderate income housing in the municipality for the
335 next five years;

336 (c) a survey of total residential land use;

337 (d) an evaluation of how existing land uses and zones affect opportunities for moderate

338 income housing; and

339 (e) a description of the municipality's program to encourage an adequate supply of
340 moderate income housing.

341 (50) "Plat" means an instrument subdividing property into lots as depicted on a map or
342 other graphical representation of lands that a licensed professional land surveyor makes and
343 prepares in accordance with Section 10-9a-603 or 57-8-13.

344 (51) "Potential geologic hazard area" means an area that:

345 (a) is designated by a Utah Geological Survey map, county geologist map, or other
346 relevant map or report as needing further study to determine the area's potential for geologic
347 hazard; or

348 (b) has not been studied by the Utah Geological Survey or a county geologist but
349 presents the potential of geologic hazard because the area has characteristics similar to those of
350 a designated geologic hazard area.

351 (52) "Public agency" means:

352 (a) the federal government;

353 (b) the state;

354 (c) a county, municipality, school district, local district, special service district, or other
355 political subdivision of the state; or

356 (d) a charter school.

357 (53) "Public hearing" means a hearing at which members of the public are provided a
358 reasonable opportunity to comment on the subject of the hearing.

359 (54) "Public meeting" means a meeting that is required to be open to the public under
360 Title 52, Chapter 4, Open and Public Meetings Act.

361 (55) "Public street" means a public right-of-way, including a public highway, public
362 avenue, public boulevard, public parkway, public road, public lane, public alley, public
363 viaduct, public subway, public tunnel, public bridge, public byway, other public transportation
364 easement, or other public way.

365 (56) "Receiving zone" means an area of a municipality that the municipality
366 designates, by ordinance, as an area in which an owner of land may receive a transferable
367 development right.

368 (57) "Record of survey map" means a map of a survey of land prepared in accordance

369 with Section [10-9a-603](#), [17-23-17](#), [17-27a-603](#), or [57-8-13](#).

370 (58) "Residential facility for persons with a disability" means a residence:

371 (a) in which more than one person with a disability resides; and

372 (b) (i) which is licensed or certified by the Department of Human Services under Title
373 62A, Chapter 2, Licensure of Programs and Facilities; or

374 (ii) which is licensed or certified by the Department of Health under Title 26, Chapter
375 21, Health Care Facility Licensing and Inspection Act.

376 (59) "Rules of order and procedure" means a set of rules that govern and prescribe in a
377 public meeting:

378 (a) parliamentary order and procedure;

379 (b) ethical behavior; and

380 (c) civil discourse.

381 (60) "Sanitary sewer authority" means the department, agency, or public entity with
382 responsibility to review and approve the feasibility of sanitary sewer services or onsite
383 wastewater systems.

384 (61) "Sending zone" means an area of a municipality that the municipality designates,
385 by ordinance, as an area from which an owner of land may transfer a transferable development
386 right.

387 (62) "Specified public agency" means:

388 (a) the state;

389 (b) a school district; or

390 (c) a charter school.

391 (63) "Specified public utility" means an electrical corporation, gas corporation, or
392 telephone corporation, as those terms are defined in Section [54-2-1](#).

393 (64) "State" includes any department, division, or agency of the state.

394 (65) (a) "Subdivision" means any land that is divided, resubdivided, or proposed to be
395 divided into two or more lots or other division of land for the purpose, whether immediate or
396 future, for offer, sale, lease, or development either on the installment plan or upon any and all
397 other plans, terms, and conditions.

398 (b) "Subdivision" includes:

399 (i) the division or development of land, whether by deed, metes and bounds

400 description, devise and testacy, map, plat, or other recorded instrument, regardless of whether
401 the division includes all or a portion of a parcel or lot; and

402 (ii) except as provided in Subsection (65)(c), divisions of land for residential and
403 nonresidential uses, including land used or to be used for commercial, agricultural, and
404 industrial purposes.

405 (c) "Subdivision" does not include:

406 (i) a bona fide division or partition of agricultural land for the purpose of joining one of
407 the resulting separate parcels to a contiguous parcel of unsubdivided agricultural land, if
408 neither the resulting combined parcel nor the parcel remaining from the division or partition
409 violates an applicable land use ordinance;

410 (ii) a boundary line agreement recorded with the county recorder's office between
411 owners of adjoining parcels adjusting the mutual boundary in accordance with Section
412 [10-9a-524](#) if no new parcel is created;

413 (iii) a recorded document, executed by the owner of record:

414 (A) revising the legal descriptions of multiple parcels into one legal description
415 encompassing all such parcels; or

416 (B) joining a lot to a parcel;

417 (iv) a boundary line agreement between owners of adjoining subdivided properties
418 adjusting the mutual lot line boundary in accordance with Sections [10-9a-524](#) and [10-9a-608](#) if:

419 (A) no new dwelling lot or housing unit will result from the adjustment; and

420 (B) the adjustment will not violate any applicable land use ordinance;

421 (v) a bona fide division of land by deed or other instrument if the deed or other
422 instrument states in writing that the division:

423 (A) is in anticipation of future land use approvals on the parcel or parcels;

424 (B) does not confer any land use approvals; and

425 (C) has not been approved by the land use authority;

426 (vi) a parcel boundary adjustment;

427 (vii) a lot line adjustment;

428 (viii) a road, street, or highway dedication plat;

429 (ix) a deed or easement for a road, street, or highway purpose; or

430 (x) any other division of land authorized by law.

- 431 (66) "Subdivision amendment" means an amendment to a recorded subdivision in
432 accordance with Section 10-9a-608 that:
- 433 (a) vacates all or a portion of the subdivision;
 - 434 (b) alters the outside boundary of the subdivision;
 - 435 (c) changes the number of lots within the subdivision;
 - 436 (d) alters a public right-of-way, a public easement, or public infrastructure within the
437 subdivision; or
 - 438 (e) alters a common area or other common amenity within the subdivision.
- 439 (67) "Substantial evidence" means evidence that:
- 440 (a) is beyond a scintilla; and
 - 441 (b) a reasonable mind would accept as adequate to support a conclusion.
- 442 (68) "Suspect soil" means soil that has:
- 443 (a) a high susceptibility for volumetric change, typically clay rich, having more than a
444 3% swell potential;
 - 445 (b) bedrock units with high shrink or swell susceptibility; or
 - 446 (c) gypsiferous silt and clay, gypsum, or bedrock units containing abundant gypsum
447 commonly associated with dissolution and collapse features.
- 448 (69) "Therapeutic school" means a residential group living facility:
- 449 (a) for four or more individuals who are not related to:
 - 450 (i) the owner of the facility; or
 - 451 (ii) the primary service provider of the facility;
 - 452 (b) that serves students who have a history of failing to function:
 - 453 (i) at home;
 - 454 (ii) in a public school; or
 - 455 (iii) in a nonresidential private school; and
 - 456 (c) that offers:
 - 457 (i) room and board; and
 - 458 (ii) an academic education integrated with:
 - 459 (A) specialized structure and supervision; or
 - 460 (B) services or treatment related to a disability, an emotional development, a
461 behavioral development, a familial development, or a social development.

462 (70) "Transferable development right" means a right to develop and use land that
463 originates by an ordinance that authorizes a land owner in a designated sending zone to transfer
464 land use rights from a designated sending zone to a designated receiving zone.

465 (71) "Unincorporated" means the area outside of the incorporated area of a city or
466 town.

467 (72) "Water interest" means any right to the beneficial use of water, including:

468 (a) each of the rights listed in Section 73-1-11; and

469 (b) an ownership interest in the right to the beneficial use of water represented by:

470 (i) a contract; or

471 (ii) a share in a water company, as defined in Section 73-3-3.5.

472 (73) "Zoning map" means a map, adopted as part of a land use ordinance, that depicts
473 land use zones, overlays, or districts.

474 Section 2. Section 10-9a-509 is amended to read:

475 **10-9a-509. Applicant's entitlement to land use application approval --**

476 **Municipality's requirements and limitations -- Vesting upon submission of development**
477 **plan and schedule.**

478 (1) (a) (i) An applicant who has submitted a complete land use application as described
479 in Subsection (1)(c), including the payment of all application fees, is entitled to substantive
480 review of the application under the land use regulations:

481 (A) in effect on the date that the application is complete; and

482 (B) applicable to the application or to the information shown on the application.

483 (ii) An applicant is entitled to approval of a land use application if the application
484 conforms to the requirements of the applicable land use regulations, land use decisions, and
485 development standards in effect when the applicant submits a complete application and pays
486 application fees, unless:

487 (A) the land use authority, on the record, formally finds that a compelling,
488 countervailing public interest would be jeopardized by approving the application and specifies
489 the compelling, countervailing public interest in writing; or

490 (B) in the manner provided by local ordinance and before the applicant submits the
491 application, the municipality formally initiates proceedings to amend the municipality's land
492 use regulations in a manner that would prohibit approval of the application as submitted.

493 (b) The municipality shall process an application without regard to proceedings the
494 municipality initiated to amend the municipality's ordinances as described in Subsection
495 (1)(a)(ii)(B) if:

496 (i) 180 days have passed since the municipality initiated the proceedings; and
497 (ii) the proceedings have not resulted in an enactment that prohibits approval of the
498 application as submitted.

499 (c) A land use application is considered submitted and complete when the applicant
500 provides the application in a form that complies with the requirements of applicable ordinances
501 and pays all applicable fees.

502 (d) A subsequent incorporation of a municipality or a petition that proposes the
503 incorporation of a municipality does not affect a land use application approved by a county in
504 accordance with Section [17-27a-508](#).

505 (e) The continuing validity of an approval of a land use application is conditioned upon
506 the applicant proceeding after approval to implement the approval with reasonable diligence.

507 (f) A municipality may not impose on an applicant who has submitted a complete
508 application a requirement that is not expressed in:

509 (i) this chapter;
510 (ii) a municipal ordinance; or
511 (iii) a municipal specification for public improvements applicable to a subdivision or
512 development that is in effect on the date that the applicant submits an application.

513 (g) A municipality may not impose on a holder of an issued land use permit or a final,
514 unexpired subdivision plat a requirement that is not expressed:

515 (i) in a land use permit;
516 (ii) on the subdivision plat;
517 (iii) in a document on which the land use permit or subdivision plat is based;
518 (iv) in the written record evidencing approval of the land use permit or subdivision
519 plat;

520 (v) in this chapter; or
521 (vi) in a municipal ordinance.

522 (h) Except as provided in Subsection (1)(i), a municipality may not withhold issuance
523 of a certificate of occupancy or acceptance of subdivision improvements because of an

524 applicant's failure to comply with a requirement that is not expressed:

525 (i) in the building permit or subdivision plat, documents on which the building permit
526 or subdivision plat is based, or the written record evidencing approval of the land use permit or
527 subdivision plat; or

528 (ii) in this chapter or the municipality's ordinances.

529 (i) A municipality may not unreasonably withhold issuance of a certificate of
530 occupancy where an applicant has met all requirements essential for the public health, public
531 safety, and general welfare of the occupants, in accordance with this chapter, unless:

532 (i) the applicant and the municipality have agreed in a written document to the
533 withholding of a certificate of occupancy; or

534 (ii) the applicant has not provided a financial assurance for required and uncompleted
535 landscaping or infrastructure improvements in accordance with an applicable ordinance that the
536 legislative body adopts under this chapter.

537 (2) A municipality is bound by the terms and standards of applicable land use
538 regulations and shall comply with mandatory provisions of those regulations.

539 (3) A municipality may not, as a condition of land use application approval, require a
540 person filing a land use application to obtain documentation regarding a school district's
541 willingness, capacity, or ability to serve the development proposed in the land use application.

542 (4) Upon a specified public agency's submission of a development plan and schedule as
543 required in Subsection [10-9a-305\(8\)](#) that complies with the requirements of that subsection, the
544 specified public agency vests in the municipality's applicable land use maps, zoning map,
545 hookup fees, impact fees, other applicable development fees, and land use regulations in effect
546 on the date of submission.

547 (5) (a) If sponsors of a referendum timely challenge a project in accordance with
548 Subsection [~~20A-7-601(6)~~] [20A-7-601\(7\)](#), the project's affected owner may rescind the
549 project's land use approval by delivering a written notice:

550 (i) to the local clerk as defined in Section [20A-7-101](#); and

551 (ii) no later than seven days after the day on which a petition for a referendum is
552 determined sufficient under Subsection [20A-7-607\(5\)](#).

553 (b) Upon delivery of a written notice described in Subsection (5)(a) the following are
554 rescinded and are of no further force or effect:

- 555 (i) the relevant land use approval; and
- 556 (ii) any land use regulation enacted specifically in relation to the land use approval.

557 Section 3. Section 17-27a-103 is amended to read:

558 **17-27a-103. Definitions.**

559 As used in this chapter:

560 (1) "Accessory dwelling unit" means a habitable living unit added to, created within, or
561 detached from a primary single-family dwelling and contained on one lot.

562 (2) "Adversely affected party" means a person other than a land use applicant who:

563 (a) owns real property adjoining the property that is the subject of a land use
564 application or land use decision; or

565 (b) will suffer a damage different in kind than, or an injury distinct from, that of the
566 general community as a result of the land use decision.

567 (3) "Affected entity" means a county, municipality, local district, special service
568 district under Title 17D, Chapter 1, Special Service District Act, school district, interlocal
569 cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act, specified
570 property owner, property owner's association, public utility, or the [Utah] Department of
571 Transportation, if:

572 (a) the entity's services or facilities are likely to require expansion or significant
573 modification because of an intended use of land;

574 (b) the entity has filed with the county a copy of the entity's general or long-range plan;
575 or

576 (c) the entity has filed with the county a request for notice during the same calendar
577 year and before the county provides notice to an affected entity in compliance with a
578 requirement imposed under this chapter.

579 (4) "Affected owner" means the owner of real property that is:

580 (a) a single project;

581 (b) the subject of a land use approval that sponsors of a referendum timely challenged
582 in accordance with Subsection ~~[20A-7-601(6)]~~ 20A-7-601(7); and

583 (c) determined to be legally referable under Section 20A-7-602.8.

584 (5) "Appeal authority" means the person, board, commission, agency, or other body
585 designated by ordinance to decide an appeal of a decision of a land use application or a

586 variance.

587 (6) "Billboard" means a freestanding ground sign located on industrial, commercial, or
588 residential property if the sign is designed or intended to direct attention to a business, product,
589 or service that is not sold, offered, or existing on the property where the sign is located.

590 (7) (a) "Charter school" means:

591 (i) an operating charter school;

592 (ii) a charter school applicant that a charter school authorizer approves in accordance
593 with Title 53G, Chapter 5, Part 3, Charter School Authorization; or

594 (iii) an entity that is working on behalf of a charter school or approved charter
595 applicant to develop or construct a charter school building.

596 (b) "Charter school" does not include a therapeutic school.

597 (8) "Chief executive officer" means the person or body that exercises the executive
598 powers of the county.

599 (9) "Conditional use" means a land use that, because of the unique characteristics or
600 potential impact of the land use on the county, surrounding neighbors, or adjacent land uses,
601 may not be compatible in some areas or may be compatible only if certain conditions are
602 required that mitigate or eliminate the detrimental impacts.

603 (10) "Constitutional taking" means a governmental action that results in a taking of
604 private property so that compensation to the owner of the property is required by the:

605 (a) Fifth or Fourteenth Amendment of the Constitution of the United States; or

606 (b) Utah Constitution, Article I, Section 22.

607 (11) "County utility easement" means an easement that:

608 (a) a plat recorded in a county recorder's office described as a county utility easement
609 or otherwise as a utility easement;

610 (b) is not a protected utility easement or a public utility easement as defined in Section
611 [54-3-27](#);

612 (c) the county or the county's affiliated governmental entity owns or creates; and

613 (d) (i) either:

614 (A) no person uses or occupies; or

615 (B) the county or the county's affiliated governmental entity uses and occupies to
616 provide a utility service, including sanitary sewer, culinary water, electrical, storm water, or

617 communications or data lines; or

618 (ii) a person uses or occupies with or without an authorized franchise or other
619 agreement with the county.

620 (12) "Culinary water authority" means the department, agency, or public entity with
621 responsibility to review and approve the feasibility of the culinary water system and sources for
622 the subject property.

623 (13) "Development activity" means:

624 (a) any construction or expansion of a building, structure, or use that creates additional
625 demand and need for public facilities;

626 (b) any change in use of a building or structure that creates additional demand and need
627 for public facilities; or

628 (c) any change in the use of land that creates additional demand and need for public
629 facilities.

630 (14) (a) "Development agreement" means a written agreement or amendment to a
631 written agreement between a county and one or more parties that regulates or controls the use
632 or development of a specific area of land.

633 (b) "Development agreement" does not include an improvement completion assurance.

634 (15) (a) "Disability" means a physical or mental impairment that substantially limits
635 one or more of a person's major life activities, including a person having a record of such an
636 impairment or being regarded as having such an impairment.

637 (b) "Disability" does not include current illegal use of, or addiction to, any federally
638 controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C.
639 Sec. 802.

640 (16) "Educational facility":

641 (a) means:

642 (i) a school district's building at which pupils assemble to receive instruction in a
643 program for any combination of grades from preschool through grade 12, including
644 kindergarten and a program for children with disabilities;

645 (ii) a structure or facility:

646 (A) located on the same property as a building described in Subsection (16)(a)(i); and

647 (B) used in support of the use of that building; and

648 (iii) a building to provide office and related space to a school district's administrative
649 personnel; and

650 (b) does not include:

651 (i) land or a structure, including land or a structure for inventory storage, equipment
652 storage, food processing or preparing, vehicle storage or maintenance, or similar use that is:

653 (A) not located on the same property as a building described in Subsection (16)(a)(i);

654 and

655 (B) used in support of the purposes of a building described in Subsection (16)(a)(i); or

656 (ii) a therapeutic school.

657 (17) "Fire authority" means the department, agency, or public entity with responsibility
658 to review and approve the feasibility of fire protection and suppression services for the subject
659 property.

660 (18) "Flood plain" means land that:

661 (a) is within the 100-year flood plain designated by the Federal Emergency

662 Management Agency; or

663 (b) has not been studied or designated by the Federal Emergency Management Agency
664 but presents a likelihood of experiencing chronic flooding or a catastrophic flood event because
665 the land has characteristics that are similar to those of a 100-year flood plain designated by the
666 Federal Emergency Management Agency.

667 (19) "Gas corporation" has the same meaning as defined in Section [54-2-1](#).

668 (20) "General plan" means a document that a county adopts that sets forth general
669 guidelines for proposed future development of:

670 (a) the unincorporated land within the county; or

671 (b) for a mountainous planning district, the land within the mountainous planning
672 district.

673 (21) "Geologic hazard" means:

674 (a) a surface fault rupture;

675 (b) shallow groundwater;

676 (c) liquefaction;

677 (d) a landslide;

678 (e) a debris flow;

- 679 (f) unstable soil;
- 680 (g) a rock fall; or
- 681 (h) any other geologic condition that presents a risk:
- 682 (i) to life;
- 683 (ii) of substantial loss of real property; or
- 684 (iii) of substantial damage to real property.
- 685 (22) "Hookup fee" means a fee for the installation and inspection of any pipe, line,
- 686 meter, or appurtenance to connect to a county water, sewer, storm water, power, or other utility
- 687 system.
- 688 (23) "Identical plans" means building plans submitted to a county that:
- 689 (a) are clearly marked as "identical plans";
- 690 (b) are substantially identical building plans that were previously submitted to and
- 691 reviewed and approved by the county; and
- 692 (c) describe a building that:
- 693 (i) is located on land zoned the same as the land on which the building described in the
- 694 previously approved plans is located;
- 695 (ii) is subject to the same geological and meteorological conditions and the same law
- 696 as the building described in the previously approved plans;
- 697 (iii) has a floor plan identical to the building plan previously submitted to and reviewed
- 698 and approved by the county; and
- 699 (iv) does not require any additional engineering or analysis.
- 700 (24) "Impact fee" means a payment of money imposed under Title 11, Chapter 36a,
- 701 Impact Fees Act.
- 702 (25) "Improvement completion assurance" means a surety bond, letter of credit,
- 703 financial institution bond, cash, assignment of rights, lien, or other equivalent security required
- 704 by a county to guaranty the proper completion of landscaping or an infrastructure improvement
- 705 required as a condition precedent to:
- 706 (a) recording a subdivision plat; or
- 707 (b) development of a commercial, industrial, mixed use, or multifamily project.
- 708 (26) "Improvement warranty" means an applicant's unconditional warranty that the
- 709 applicant's installed and accepted landscaping or infrastructure improvement:

- 710 (a) complies with the county's written standards for design, materials, and
- 711 workmanship; and
- 712 (b) will not fail in any material respect, as a result of poor workmanship or materials,
- 713 within the improvement warranty period.
- 714 (27) "Improvement warranty period" means a period:
- 715 (a) no later than one year after a county's acceptance of required landscaping; or
- 716 (b) no later than one year after a county's acceptance of required infrastructure, unless
- 717 the county:
- 718 (i) determines for good cause that a one-year period would be inadequate to protect the
- 719 public health, safety, and welfare; and
- 720 (ii) has substantial evidence, on record:
- 721 (A) of prior poor performance by the applicant; or
- 722 (B) that the area upon which the infrastructure will be constructed contains suspect soil
- 723 and the county has not otherwise required the applicant to mitigate the suspect soil.
- 724 (28) "Infrastructure improvement" means permanent infrastructure that is essential for
- 725 the public health and safety or that:
- 726 (a) is required for human consumption; and
- 727 (b) an applicant must install:
- 728 (i) in accordance with published installation and inspection specifications for public
- 729 improvements; and
- 730 (ii) as a condition of:
- 731 (A) recording a subdivision plat;
- 732 (B) obtaining a building permit; or
- 733 (C) developing a commercial, industrial, mixed use, condominium, or multifamily
- 734 project.
- 735 (29) "Internal lot restriction" means a platted note, platted demarcation, or platted
- 736 designation that:
- 737 (a) runs with the land; and
- 738 (b) (i) creates a restriction that is enclosed within the perimeter of a lot described on
- 739 the plat; or
- 740 (ii) designates a development condition that is enclosed within the perimeter of a lot

741 described on the plat.

742 (30) "Interstate pipeline company" means a person or entity engaged in natural gas
743 transportation subject to the jurisdiction of the Federal Energy Regulatory Commission under
744 the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.

745 (31) "Intrastate pipeline company" means a person or entity engaged in natural gas
746 transportation that is not subject to the jurisdiction of the Federal Energy Regulatory
747 Commission under the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.

748 (32) "Land use applicant" means a property owner, or the property owner's designee,
749 who submits a land use application regarding the property owner's land.

750 (33) "Land use application":

751 (a) means an application that is:

752 (i) required by a county; and

753 (ii) submitted by a land use applicant to obtain a land use decision; and

754 (b) does not mean an application to enact, amend, or repeal a land use regulation.

755 (34) "Land use authority" means:

756 (a) a person, board, commission, agency, or body, including the local legislative body,
757 designated by the local legislative body to act upon a land use application; or

758 (b) if the local legislative body has not designated a person, board, commission,
759 agency, or body, the local legislative body.

760 (35) "Land use decision" means an administrative decision of a land use authority or
761 appeal authority regarding:

762 (a) a land use permit;

763 (b) a land use application; or

764 (c) the enforcement of a land use regulation, land use permit, or development
765 agreement.

766 (36) "Land use permit" means a permit issued by a land use authority.

767 (37) "Land use regulation":

768 (a) means a legislative decision enacted by ordinance, law, code, map, resolution,
769 specification, fee, or rule that governs the use or development of land;

770 (b) includes the adoption or amendment of a zoning map or the text of the zoning code;
771 and

- 772 (c) does not include:
- 773 (i) a land use decision of the legislative body acting as the land use authority, even if
774 the decision is expressed in a resolution or ordinance; or
- 775 (ii) a temporary revision to an engineering specification that does not materially:
- 776 (A) increase a land use applicant's cost of development compared to the existing
777 specification; or
- 778 (B) impact a land use applicant's use of land.
- 779 (38) "Legislative body" means the county legislative body, or for a county that has
780 adopted an alternative form of government, the body exercising legislative powers.
- 781 (39) "Local district" means any entity under Title 17B, Limited Purpose Local
782 Government Entities - Local Districts, and any other governmental or quasi-governmental
783 entity that is not a county, municipality, school district, or the state.
- 784 (40) "Lot" means a tract of land, regardless of any label, that is created by and shown
785 on a subdivision plat that has been recorded in the office of the county recorder.
- 786 (41) (a) "Lot line adjustment" means a relocation of a lot line boundary between
787 adjoining lots or between a lot and adjoining parcels in accordance with Section [17-27a-608](#):
- 788 (i) whether or not the lots are located in the same subdivision; and
- 789 (ii) with the consent of the owners of record.
- 790 (b) "Lot line adjustment" does not mean a new boundary line that:
- 791 (i) creates an additional lot; or
- 792 (ii) constitutes a subdivision.
- 793 (c) "Lot line adjustment" does not include a boundary line adjustment made by the
794 Department of Transportation.
- 795 (42) "Major transit investment corridor" means public transit service that uses or
796 occupies:
- 797 (a) public transit rail right-of-way;
- 798 (b) dedicated road right-of-way for the use of public transit, such as bus rapid transit;
- 799 or
- 800 (c) fixed-route bus corridors subject to an interlocal agreement or contract between a
801 municipality or county and:
- 802 (i) a public transit district as defined in Section [17B-2a-802](#); or

803 (ii) an eligible political subdivision as defined in Section [59-12-2219](#).

804 (43) "Moderate income housing" means housing occupied or reserved for occupancy
805 by households with a gross household income equal to or less than 80% of the median gross
806 income for households of the same size in the county in which the housing is located.

807 (44) "Mountainous planning district" means an area designated by a county legislative
808 body in accordance with Section [17-27a-901](#).

809 (45) "Nominal fee" means a fee that reasonably reimburses a county only for time spent
810 and expenses incurred in:

811 (a) verifying that building plans are identical plans; and

812 (b) reviewing and approving those minor aspects of identical plans that differ from the
813 previously reviewed and approved building plans.

814 (46) "Noncomplying structure" means a structure that:

815 (a) legally existed before the structure's current land use designation; and

816 (b) because of one or more subsequent land use ordinance changes, does not conform
817 to the setback, height restrictions, or other regulations, excluding those regulations that govern
818 the use of land.

819 (47) "Nonconforming use" means a use of land that:

820 (a) legally existed before the current land use designation;

821 (b) has been maintained continuously since the time the land use ordinance regulation
822 governing the land changed; and

823 (c) because of one or more subsequent land use ordinance changes, does not conform
824 to the regulations that now govern the use of the land.

825 (48) "Official map" means a map drawn by county authorities and recorded in the
826 county recorder's office that:

827 (a) shows actual and proposed rights-of-way, centerline alignments, and setbacks for
828 highways and other transportation facilities;

829 (b) provides a basis for restricting development in designated rights-of-way or between
830 designated setbacks to allow the government authorities time to purchase or otherwise reserve
831 the land; and

832 (c) has been adopted as an element of the county's general plan.

833 (49) "Parcel" means any real property that is not a lot.

834 (50) (a) "Parcel boundary adjustment" means a recorded agreement between owners of
835 adjoining parcels adjusting the mutual boundary, either by deed or by a boundary line
836 agreement in accordance with Section 17-27a-523, if no additional parcel is created and:

- 837 (i) none of the property identified in the agreement is a lot; or
- 838 (ii) the adjustment is to the boundaries of a single person's parcels.

839 (b) "Parcel boundary adjustment" does not mean an adjustment of a parcel boundary
840 line that:

- 841 (i) creates an additional parcel; or
- 842 (ii) constitutes a subdivision.

843 (c) "Parcel boundary adjustment" does not include a boundary line adjustment made by
844 the Department of Transportation.

845 (51) "Person" means an individual, corporation, partnership, organization, association,
846 trust, governmental agency, or any other legal entity.

847 (52) "Plan for moderate income housing" means a written document adopted by a
848 county legislative body that includes:

849 (a) an estimate of the existing supply of moderate income housing located within the
850 county;

851 (b) an estimate of the need for moderate income housing in the county for the next five
852 years;

853 (c) a survey of total residential land use;

854 (d) an evaluation of how existing land uses and zones affect opportunities for moderate
855 income housing; and

856 (e) a description of the county's program to encourage an adequate supply of moderate
857 income housing.

858 (53) "Planning advisory area" means a contiguous, geographically defined portion of
859 the unincorporated area of a county established under this part with planning and zoning
860 functions as exercised through the planning advisory area planning commission, as provided in
861 this chapter, but with no legal or political identity separate from the county and no taxing
862 authority.

863 (54) "Plat" means an instrument subdividing property into lots as depicted on a map or
864 other graphical representation of lands that a licensed professional land surveyor makes and

865 prepares in accordance with Section 17-27a-603 or 57-8-13.

866 (55) "Potential geologic hazard area" means an area that:

867 (a) is designated by a Utah Geological Survey map, county geologist map, or other
868 relevant map or report as needing further study to determine the area's potential for geologic
869 hazard; or

870 (b) has not been studied by the Utah Geological Survey or a county geologist but
871 presents the potential of geologic hazard because the area has characteristics similar to those of
872 a designated geologic hazard area.

873 (56) "Public agency" means:

874 (a) the federal government;

875 (b) the state;

876 (c) a county, municipality, school district, local district, special service district, or other
877 political subdivision of the state; or

878 (d) a charter school.

879 (57) "Public hearing" means a hearing at which members of the public are provided a
880 reasonable opportunity to comment on the subject of the hearing.

881 (58) "Public meeting" means a meeting that is required to be open to the public under
882 Title 52, Chapter 4, Open and Public Meetings Act.

883 (59) "Public street" means a public right-of-way, including a public highway, public
884 avenue, public boulevard, public parkway, public road, public lane, public alley, public
885 viaduct, public subway, public tunnel, public bridge, public byway, other public transportation
886 easement, or other public way.

887 (60) "Receiving zone" means an unincorporated area of a county that the county
888 designates, by ordinance, as an area in which an owner of land may receive a transferable
889 development right.

890 (61) "Record of survey map" means a map of a survey of land prepared in accordance
891 with Section 10-9a-603, 17-23-17, 17-27a-603, or 57-8-13.

892 (62) "Residential facility for persons with a disability" means a residence:

893 (a) in which more than one person with a disability resides; and

894 (b) (i) which is licensed or certified by the Department of Health and Human Services
895 under Title 62A, Chapter 2, Licensure of Programs and Facilities; or

896 (ii) which is licensed or certified by the Department of Health and Human Services
897 under Title 26, Chapter 21, Health Care Facility Licensing and Inspection Act.

898 (63) "Rules of order and procedure" means a set of rules that govern and prescribe in a
899 public meeting:

900 (a) parliamentary order and procedure;

901 (b) ethical behavior; and

902 (c) civil discourse.

903 (64) "Sanitary sewer authority" means the department, agency, or public entity with
904 responsibility to review and approve the feasibility of sanitary sewer services or onsite
905 wastewater systems.

906 (65) "Sending zone" means an unincorporated area of a county that the county
907 designates, by ordinance, as an area from which an owner of land may transfer a transferable
908 development right.

909 (66) "Site plan" means a document or map that may be required by a county during a
910 preliminary review preceding the issuance of a building permit to demonstrate that an owner's
911 or developer's proposed development activity meets a land use requirement.

912 (67) "Specified public agency" means:

913 (a) the state;

914 (b) a school district; or

915 (c) a charter school.

916 (68) "Specified public utility" means an electrical corporation, gas corporation, or
917 telephone corporation, as those terms are defined in Section [54-2-1](#).

918 (69) "State" includes any department, division, or agency of the state.

919 (70) (a) "Subdivision" means any land that is divided, resubdivided, or proposed to be
920 divided into two or more lots or other division of land for the purpose, whether immediate or
921 future, for offer, sale, lease, or development either on the installment plan or upon any and all
922 other plans, terms, and conditions.

923 (b) "Subdivision" includes:

924 (i) the division or development of land, whether by deed, metes and bounds

925 description, devise and testacy, map, plat, or other recorded instrument, regardless of whether
926 the division includes all or a portion of a parcel or lot; and

927 (ii) except as provided in Subsection (70)(c), divisions of land for residential and
928 nonresidential uses, including land used or to be used for commercial, agricultural, and
929 industrial purposes.

930 (c) "Subdivision" does not include:

931 (i) a bona fide division or partition of agricultural land for agricultural purposes;

932 (ii) a boundary line agreement recorded with the county recorder's office between
933 owners of adjoining parcels adjusting the mutual boundary in accordance with Section
934 [17-27a-523](#) if no new lot is created;

935 (iii) a recorded document, executed by the owner of record:

936 (A) revising the legal descriptions of multiple parcels into one legal description
937 encompassing all such parcels; or

938 (B) joining a lot to a parcel;

939 (iv) a bona fide division or partition of land in a county other than a first class county
940 for the purpose of siting, on one or more of the resulting separate parcels:

941 (A) an electrical transmission line or a substation;

942 (B) a natural gas pipeline or a regulation station; or

943 (C) an unmanned telecommunications, microwave, fiber optic, electrical, or other
944 utility service regeneration, transformation, retransmission, or amplification facility;

945 (v) a boundary line agreement between owners of adjoining subdivided properties
946 adjusting the mutual lot line boundary in accordance with Sections [17-27a-523](#) and [17-27a-608](#)
947 if:

948 (A) no new dwelling lot or housing unit will result from the adjustment; and

949 (B) the adjustment will not violate any applicable land use ordinance;

950 (vi) a bona fide division of land by deed or other instrument if the deed or other
951 instrument states in writing that the division:

952 (A) is in anticipation of future land use approvals on the parcel or parcels;

953 (B) does not confer any land use approvals; and

954 (C) has not been approved by the land use authority;

955 (vii) a parcel boundary adjustment;

956 (viii) a lot line adjustment;

957 (ix) a road, street, or highway dedication plat;

- 958 (x) a deed or easement for a road, street, or highway purpose; or
- 959 (xi) any other division of land authorized by law.
- 960 (71) "Subdivision amendment" means an amendment to a recorded subdivision in
- 961 accordance with Section 17-27a-608 that:
 - 962 (a) vacates all or a portion of the subdivision;
 - 963 (b) alters the outside boundary of the subdivision;
 - 964 (c) changes the number of lots within the subdivision;
 - 965 (d) alters a public right-of-way, a public easement, or public infrastructure within the
 - 966 subdivision; or
 - 967 (e) alters a common area or other common amenity within the subdivision.
- 968 (72) "Substantial evidence" means evidence that:
 - 969 (a) is beyond a scintilla; and
 - 970 (b) a reasonable mind would accept as adequate to support a conclusion.
- 971 (73) "Suspect soil" means soil that has:
 - 972 (a) a high susceptibility for volumetric change, typically clay rich, having more than a
 - 973 3% swell potential;
 - 974 (b) bedrock units with high shrink or swell susceptibility; or
 - 975 (c) gypsiferous silt and clay, gypsum, or bedrock units containing abundant gypsum
 - 976 commonly associated with dissolution and collapse features.
- 977 (74) "Therapeutic school" means a residential group living facility:
 - 978 (a) for four or more individuals who are not related to:
 - 979 (i) the owner of the facility; or
 - 980 (ii) the primary service provider of the facility;
 - 981 (b) that serves students who have a history of failing to function:
 - 982 (i) at home;
 - 983 (ii) in a public school; or
 - 984 (iii) in a nonresidential private school; and
 - 985 (c) that offers:
 - 986 (i) room and board; and
 - 987 (ii) an academic education integrated with:
 - 988 (A) specialized structure and supervision; or

989 (B) services or treatment related to a disability, an emotional development, a
990 behavioral development, a familial development, or a social development.

991 (75) "Transferable development right" means a right to develop and use land that
992 originates by an ordinance that authorizes a land owner in a designated sending zone to transfer
993 land use rights from a designated sending zone to a designated receiving zone.

994 (76) "Unincorporated" means the area outside of the incorporated area of a
995 municipality.

996 (77) "Water interest" means any right to the beneficial use of water, including:

997 (a) each of the rights listed in Section 73-1-11; and

998 (b) an ownership interest in the right to the beneficial use of water represented by:

999 (i) a contract; or

1000 (ii) a share in a water company, as defined in Section 73-3-3.5.

1001 (78) "Zoning map" means a map, adopted as part of a land use ordinance, that depicts
1002 land use zones, overlays, or districts.

1003 Section 4. Section 17-27a-508 is amended to read:

1004 **17-27a-508. Applicant's entitlement to land use application approval --**
1005 **Application relating to land in a high priority transportation corridor -- County's**
1006 **requirements and limitations -- Vesting upon submission of development plan and**
1007 **schedule.**

1008 (1) (a) (i) An applicant who has submitted a complete land use application, including
1009 the payment of all application fees, is entitled to substantive review of the application under the
1010 land use regulations:

1011 (A) in effect on the date that the application is complete; and

1012 (B) applicable to the application or to the information shown on the submitted
1013 application.

1014 (ii) An applicant is entitled to approval of a land use application if the application
1015 conforms to the requirements of the applicable land use regulations, land use decisions, and
1016 development standards in effect when the applicant submits a complete application and pays all
1017 application fees, unless:

1018 (A) the land use authority, on the record, formally finds that a compelling,
1019 countervailing public interest would be jeopardized by approving the application and specifies

1020 the compelling, countervailing public interest in writing; or

1021 (B) in the manner provided by local ordinance and before the applicant submits the
1022 application, the county formally initiates proceedings to amend the county's land use
1023 regulations in a manner that would prohibit approval of the application as submitted.

1024 (b) The county shall process an application without regard to proceedings the county
1025 initiated to amend the county's ordinances as described in Subsection (1)(a)(ii)(B) if:

1026 (i) 180 days have passed since the county initiated the proceedings; and

1027 (ii) the proceedings have not resulted in an enactment that prohibits approval of the
1028 application as submitted.

1029 (c) A land use application is considered submitted and complete when the applicant
1030 provides the application in a form that complies with the requirements of applicable ordinances
1031 and pays all applicable fees.

1032 (d) The continuing validity of an approval of a land use application is conditioned upon
1033 the applicant proceeding after approval to implement the approval with reasonable diligence.

1034 (e) A county may not impose on an applicant who has submitted a complete
1035 application a requirement that is not expressed:

1036 (i) in this chapter;

1037 (ii) in a county ordinance; or

1038 (iii) in a county specification for public improvements applicable to a subdivision or
1039 development that is in effect on the date that the applicant submits an application.

1040 (f) A county may not impose on a holder of an issued land use permit or a final,
1041 unexpired subdivision plat a requirement that is not expressed:

1042 (i) in a land use permit;

1043 (ii) on the subdivision plat;

1044 (iii) in a document on which the land use permit or subdivision plat is based;

1045 (iv) in the written record evidencing approval of the land use permit or subdivision
1046 plat;

1047 (v) in this chapter; or

1048 (vi) in a county ordinance.

1049 (g) Except as provided in Subsection (1)(h), a county may not withhold issuance of a
1050 certificate of occupancy or acceptance of subdivision improvements because of an applicant's

1051 failure to comply with a requirement that is not expressed:

1052 (i) in the building permit or subdivision plat, documents on which the building permit
1053 or subdivision plat is based, or the written record evidencing approval of the building permit or
1054 subdivision plat; or

1055 (ii) in this chapter or the county's ordinances.

1056 (h) A county may not unreasonably withhold issuance of a certificate of occupancy
1057 where an applicant has met all requirements essential for the public health, public safety, and
1058 general welfare of the occupants, in accordance with this chapter, unless:

1059 (i) the applicant and the county have agreed in a written document to the withholding
1060 of a certificate of occupancy; or

1061 (ii) the applicant has not provided a financial assurance for required and uncompleted
1062 landscaping or infrastructure improvements in accordance with an applicable ordinance that the
1063 legislative body adopts under this chapter.

1064 (2) A county is bound by the terms and standards of applicable land use regulations and
1065 shall comply with mandatory provisions of those regulations.

1066 (3) A county may not, as a condition of land use application approval, require a person
1067 filing a land use application to obtain documentation regarding a school district's willingness,
1068 capacity, or ability to serve the development proposed in the land use application.

1069 (4) Upon a specified public agency's submission of a development plan and schedule as
1070 required in Subsection [17-27a-305\(8\)](#) that complies with the requirements of that subsection,
1071 the specified public agency vests in the county's applicable land use maps, zoning map, hookup
1072 fees, impact fees, other applicable development fees, and land use regulations in effect on the
1073 date of submission.

1074 (5) (a) If sponsors of a referendum timely challenge a project in accordance with
1075 Subsection [~~[20A-7-601\(6\)](#)~~ [20A-7-601\(7\)](#)], the project's affected owner may rescind the
1076 project's land use approval by delivering a written notice:

1077 (i) to the local clerk as defined in Section [20A-7-101](#); and

1078 (ii) no later than seven days after the day on which a petition for a referendum is
1079 determined sufficient under Subsection [20A-7-607\(5\)](#).

1080 (b) Upon delivery of a written notice described in Subsection(5)(a) the following are
1081 rescinded and are of no further force or effect:

- 1082 (i) the relevant land use approval; and
- 1083 (ii) any land use regulation enacted specifically in relation to the land use approval.

1084 Section 5. Section **20A-1-102** is amended to read:

1085 **20A-1-102. Definitions.**

1086 As used in this title:

1087 (1) "Active voter" means a registered voter who has not been classified as an inactive
1088 voter by the county clerk.

1089 (2) "Automatic tabulating equipment" means apparatus that automatically examines
1090 and counts votes recorded on ballots and tabulates the results.

1091 (3) (a) "Ballot" means the storage medium, including a paper, mechanical, or electronic
1092 storage medium, that records an individual voter's vote.

1093 (b) "Ballot" does not include a record to tally multiple votes.

1094 (4) "Ballot proposition" means a question, issue, or proposal that is submitted to voters
1095 on the ballot for their approval or rejection including:

1096 (a) an opinion question specifically authorized by the Legislature;

1097 (b) a constitutional amendment;

1098 (c) an initiative;

1099 (d) a referendum;

1100 (e) a bond proposition;

1101 (f) a judicial retention question;

1102 (g) an incorporation of a city or town; or

1103 (h) any other ballot question specifically authorized by the Legislature.

1104 (5) "Bind," "binding," or "bound" means securing more than one piece of paper
1105 together using staples or another means in at least three places across the top of the paper in the
1106 blank space reserved for securing the paper.

1107 (6) "Board of canvassers" means the entities established by Sections [20A-4-301](#) and
1108 [20A-4-306](#) to canvass election returns.

1109 (7) "Bond election" means an election held for the purpose of approving or rejecting
1110 the proposed issuance of bonds by a government entity.

1111 (8) "Business reply mail envelope" means an envelope that may be mailed free of
1112 charge by the sender.

1113 (9) "Canvass" means the review of election returns and the official declaration of
1114 election results by the board of canvassers.

1115 (10) "Canvassing judge" means a poll worker designated to assist in counting ballots at
1116 the canvass.

1117 (11) "Contracting election officer" means an election officer who enters into a contract
1118 or interlocal agreement with a provider election officer.

1119 (12) "Convention" means the political party convention at which party officers and
1120 delegates are selected.

1121 (13) "Counting center" means one or more locations selected by the election officer in
1122 charge of the election for the automatic counting of ballots.

1123 (14) "Counting judge" means a poll worker designated to count the ballots during
1124 election day.

1125 (15) "Counting room" means a suitable and convenient private place or room for use
1126 by the poll workers and counting judges to count ballots.

1127 (16) "County officers" means those county officers that are required by law to be
1128 elected.

1129 (17) "Date of the election" or "election day" or "day of the election":

1130 (a) means the day that is specified in the calendar year as the day that the election
1131 occurs; and

1132 (b) does not include:

1133 (i) deadlines established for voting by mail, military-overseas voting, or emergency
1134 voting; or

1135 (ii) any early voting or early voting period as provided under Chapter 3a, Part 6, Early
1136 Voting.

1137 (18) "Elected official" means:

1138 (a) a person elected to an office under Section 20A-1-303 or Chapter 4, Part 6,
1139 Municipal Alternate Voting Methods Pilot Project;

1140 (b) a person who is considered to be elected to a municipal office in accordance with
1141 Subsection 20A-1-206(1)(c)(ii); or

1142 (c) a person who is considered to be elected to a local district office in accordance with
1143 Subsection 20A-1-206(3)(b)(ii).

1144 (19) "Election" means a regular general election, a municipal general election, a
1145 statewide special election, a local special election, a regular primary election, a municipal
1146 primary election, and a local district election.

1147 (20) "Election Assistance Commission" means the commission established by the Help
1148 America Vote Act of 2002, Pub. L. No. 107-252.

1149 (21) "Election cycle" means the period beginning on the first day persons are eligible to
1150 file declarations of candidacy and ending when the canvass is completed.

1151 (22) "Election judge" means a poll worker that is assigned to:

- 1152 (a) preside over other poll workers at a polling place;
- 1153 (b) act as the presiding election judge; or
- 1154 (c) serve as a canvassing judge, counting judge, or receiving judge.

1155 (23) "Election officer" means:

- 1156 (a) the lieutenant governor, for all statewide ballots and elections;
- 1157 (b) the county clerk for:
 - 1158 (i) a county ballot and election; and
 - 1159 (ii) a ballot and election as a provider election officer as provided in Section

1160 [20A-5-400.1](#) or [20A-5-400.5](#);

1161 (c) the municipal clerk for:

- 1162 (i) a municipal ballot and election; and
- 1163 (ii) a ballot and election as a provider election officer as provided in Section

1164 [20A-5-400.1](#) or [20A-5-400.5](#);

1165 (d) the local district clerk or chief executive officer for:

- 1166 (i) a local district ballot and election; and
- 1167 (ii) a ballot and election as a provider election officer as provided in Section

1168 [20A-5-400.1](#) or [20A-5-400.5](#); or

1169 (e) the business administrator or superintendent of a school district for:

- 1170 (i) a school district ballot and election, including an election on a referendum under
1171 Subsection [20A-7-102\(4\)](#); and

1172 (ii) a ballot and election as a provider election officer as provided in Section
1173 [20A-5-400.1](#) or [20A-5-400.5](#).

1174 (24) "Election official" means any election officer, election judge, or poll worker.

- 1175 (25) "Election results" means:
- 1176 (a) for an election other than a bond election, the count of votes cast in the election and
1177 the election returns requested by the board of canvassers; or
- 1178 (b) for bond elections, the count of those votes cast for and against the bond
1179 proposition plus any or all of the election returns that the board of canvassers may request.
- 1180 (26) "Election returns" includes the pollbook, the military and overseas absentee voter
1181 registration and voting certificates, one of the tally sheets, any unprocessed ballots, all counted
1182 ballots, all excess ballots, all unused ballots, all spoiled ballots, the ballot disposition form, and
1183 the total votes cast form.
- 1184 (27) "Electronic signature" means an electronic sound, symbol, or process attached to
1185 or logically associated with a record and executed or adopted by a person with the intent to sign
1186 the record.
- 1187 (28) "Inactive voter" means a registered voter who is listed as inactive by a county
1188 clerk under Subsection [20A-2-306\(4\)\(c\)\(i\)](#) or (ii).
- 1189 (29) "Judicial office" means the office filled by any judicial officer.
- 1190 (30) "Judicial officer" means any justice or judge of a court of record or any county
1191 court judge.
- 1192 (31) "Local district" means a local government entity under Title 17B, Limited Purpose
1193 Local Government Entities - Local Districts, and includes a special service district under Title
1194 17D, Chapter 1, Special Service District Act.
- 1195 (32) "Local district officers" means those local district board members that are required
1196 by law to be elected.
- 1197 (33) "Local election" means a regular county election, a regular municipal election, a
1198 municipal primary election, a local special election, a local district election, and a bond
1199 election.
- 1200 (34) "Local political subdivision" means a county, a municipality, a local district, or a
1201 local school district.
- 1202 (35) "Local special election" means a special election called by the governing body of a
1203 local political subdivision in which all registered voters of the local political subdivision may
1204 vote.
- 1205 (36) "Manual ballot" means a paper document produced by an election officer on

1206 which an individual records an individual's vote by directly placing a mark on the paper
1207 document using a pen or other marking instrument.

1208 (37) "Mechanical ballot" means a record, including a paper record, electronic record, or
1209 mechanical record, that:

1210 (a) is created via electronic or mechanical means; and

1211 (b) records an individual voter's vote cast via a method other than an individual directly
1212 placing a mark, using a pen or other marking instrument, to record an individual voter's vote.

1213 (38) "Municipal executive" means:

1214 (a) the mayor in the council-mayor form of government defined in Section 10-3b-102;

1215 (b) the mayor in the council-manager form of government defined in Subsection
1216 10-3b-103(7); or

1217 (c) the chair of a metro township form of government defined in Section 10-3b-102.

1218 (39) "Municipal general election" means the election held in municipalities and, as
1219 applicable, local districts on the first Tuesday after the first Monday in November of each
1220 odd-numbered year for the purposes established in Section 20A-1-202.

1221 (40) "Municipal legislative body" means:

1222 (a) the council of the city or town in any form of municipal government; or

1223 (b) the council of a metro township.

1224 (41) "Municipal office" means an elective office in a municipality.

1225 (42) "Municipal officers" means those municipal officers that are required by law to be
1226 elected.

1227 (43) "Municipal primary election" means an election held to nominate candidates for
1228 municipal office.

1229 (44) "Municipality" means a city, town, or metro township.

1230 (45) "Official ballot" means the ballots distributed by the election officer for voters to
1231 record their votes.

1232 (46) "Official endorsement" means the information on the ballot that identifies:

1233 (a) the ballot as an official ballot;

1234 (b) the date of the election; and

1235 (c) (i) for a ballot prepared by an election officer other than a county clerk, the
1236 facsimile signature required by Subsection 20A-6-401(1)(a)(iii); or

- 1237 (ii) for a ballot prepared by a county clerk, the words required by Subsection
1238 [20A-6-301\(1\)\(b\)\(iii\)](#).
- 1239 (47) "Official register" means the official record furnished to election officials by the
1240 election officer that contains the information required by Section [20A-5-401](#).
- 1241 (48) "Political party" means an organization of registered voters that has qualified to
1242 participate in an election by meeting the requirements of Chapter 8, Political Party Formation
1243 and Procedures.
- 1244 (49) (a) "Poll worker" means a person assigned by an election official to assist with an
1245 election, voting, or counting votes.
- 1246 (b) "Poll worker" includes election judges.
- 1247 (c) "Poll worker" does not include a watcher.
- 1248 (50) "Pollbook" means a record of the names of voters in the order that they appear to
1249 cast votes.
- 1250 (51) "Polling place" means a building where voting is conducted.
- 1251 (52) "Position" means a square, circle, rectangle, or other geometric shape on a ballot
1252 in which the voter marks the voter's choice.
- 1253 (53) "Presidential Primary Election" means the election established in Chapter 9, Part
1254 8, Presidential Primary Election.
- 1255 (54) "Primary convention" means the political party conventions held during the year
1256 of the regular general election.
- 1257 (55) "Protective counter" means a separate counter, which cannot be reset, that:
1258 (a) is built into a voting machine; and
1259 (b) records the total number of movements of the operating lever.
- 1260 (56) "Provider election officer" means an election officer who enters into a contract or
1261 interlocal agreement with a contracting election officer to conduct an election for the
1262 contracting election officer's local political subdivision in accordance with Section
1263 [20A-5-400.1](#).
- 1264 (57) "Provisional ballot" means a ballot voted provisionally by a person:
1265 (a) whose name is not listed on the official register at the polling place;
1266 (b) whose legal right to vote is challenged as provided in this title; or
1267 (c) whose identity was not sufficiently established by a poll worker.

1268 (58) "Provisional ballot envelope" means an envelope printed in the form required by
1269 Section [20A-6-105](#) that is used to identify provisional ballots and to provide information to
1270 verify a person's legal right to vote.

1271 (59) (a) "Public figure" means an individual who, due to the individual being
1272 considered for, holding, or having held a position of prominence in a public or private capacity,
1273 or due to the individual's celebrity status, has an increased risk to the individual's safety.

1274 (b) "Public figure" does not include an individual:

1275 (i) elected to public office; or

1276 (ii) appointed to fill a vacancy in an elected public office.

1277 (60) "Qualify" or "qualified" means to take the oath of office and begin performing the
1278 duties of the position for which the individual was elected.

1279 (61) "Receiving judge" means the poll worker that checks the voter's name in the
1280 official register at a polling place and provides the voter with a ballot.

1281 (62) "Registration form" means a form by which an individual may register to vote
1282 under this title.

1283 (63) "Regular ballot" means a ballot that is not a provisional ballot.

1284 (64) "Regular general election" means the election held throughout the state on the first
1285 Tuesday after the first Monday in November of each even-numbered year for the purposes
1286 established in Section [20A-1-201](#).

1287 (65) "Regular primary election" means the election, held on the date specified in
1288 Section [20A-1-201.5](#), to nominate candidates of political parties and candidates for nonpartisan
1289 local school board positions to advance to the regular general election.

1290 (66) "Resident" means a person who resides within a specific voting precinct in Utah.

1291 (67) "Return envelope" means the envelope, described in Subsection [20A-3a-202\(4\)](#),
1292 provided to a voter with a manual ballot:

1293 (a) into which the voter places the manual ballot after the voter has voted the manual
1294 ballot in order to preserve the secrecy of the voter's vote; and

1295 (b) that includes the voter affidavit and a place for the voter's signature.

1296 (68) "Sample ballot" means a mock ballot similar in form to the official ballot,
1297 published as provided in Section [20A-5-405](#).

1298 (69) "Special election" means an election held as authorized by Section [20A-1-203](#).

- 1299 (70) "Spoiled ballot" means each ballot that:
- 1300 (a) is spoiled by the voter;
- 1301 (b) is unable to be voted because it was spoiled by the printer or a poll worker; or
- 1302 (c) lacks the official endorsement.
- 1303 (71) "Statewide special election" means a special election called by the governor or the
- 1304 Legislature in which all registered voters in Utah may vote.
- 1305 (72) "Tabulation system" means a device or system designed for the sole purpose of
- 1306 tabulating votes cast by voters at an election.
- 1307 (73) "Ticket" means a list of:
- 1308 (a) political parties;
- 1309 (b) candidates for an office; or
- 1310 (c) ballot propositions.
- 1311 (74) "Transfer case" means the sealed box used to transport voted ballots to the
- 1312 counting center.
- 1313 (75) "Vacancy" means the absence of a person to serve in any position created by
- 1314 statute, whether that absence occurs because of death, disability, disqualification, resignation,
- 1315 or other cause.
- 1316 (76) "Valid voter identification" means:
- 1317 (a) a form of identification that bears the name and photograph of the voter which may
- 1318 include:
- 1319 (i) a currently valid Utah driver license;
- 1320 (ii) a currently valid identification card that is issued by:
- 1321 (A) the state; or
- 1322 (B) a branch, department, or agency of the United States;
- 1323 (iii) a currently valid Utah permit to carry a concealed weapon;
- 1324 (iv) a currently valid United States passport; or
- 1325 (v) a currently valid United States military identification card;
- 1326 (b) one of the following identification cards, whether or not the card includes a
- 1327 photograph of the voter:
- 1328 (i) a valid tribal identification card;
- 1329 (ii) a Bureau of Indian Affairs card; or

1330 (iii) a tribal treaty card; or
1331 (c) two forms of identification not listed under Subsection (76)(a) or (b) but that bear
1332 the name of the voter and provide evidence that the voter resides in the voting precinct, which
1333 may include:

1334 (i) a current utility bill or a legible copy thereof, dated within the 90 days before the
1335 election;

1336 (ii) a bank or other financial account statement, or a legible copy thereof;

1337 (iii) a certified birth certificate;

1338 (iv) a valid social security card;

1339 (v) a check issued by the state or the federal government or a legible copy thereof;

1340 (vi) a paycheck from the voter's employer, or a legible copy thereof;

1341 (vii) a currently valid Utah hunting or fishing license;

1342 (viii) certified naturalization documentation;

1343 (ix) a currently valid license issued by an authorized agency of the United States;

1344 (x) a certified copy of court records showing the voter's adoption or name change;

1345 (xi) a valid Medicaid card, Medicare card, or Electronic Benefits Transfer Card;

1346 (xii) a currently valid identification card issued by:

1347 (A) a local government within the state;

1348 (B) an employer for an employee; or

1349 (C) a college, university, technical school, or professional school located within the
1350 state; or

1351 (xiii) a current Utah vehicle registration.

1352 (77) "Valid write-in candidate" means a candidate who has qualified as a write-in
1353 candidate by following the procedures and requirements of this title.

1354 (78) "Vote by mail" means to vote, using a manual ballot that is mailed to the voter, by:

1355 (a) mailing the ballot to the location designated in the mailing; or

1356 (b) depositing the ballot in a ballot drop box designated by the election officer.

1357 (79) "Voter" means an individual who:

1358 (a) meets the requirements for voting in an election;

1359 (b) meets the requirements of election registration;

1360 (c) is registered to vote; and

- 1361 (d) is listed in the official register book.
- 1362 (80) "Voter registration deadline" means the registration deadline provided in Section
1363 [20A-2-102.5](#).
- 1364 (81) "Voting area" means the area within six feet of the voting booths, voting
1365 machines, and ballot box.
- 1366 (82) "Voting booth" means:
- 1367 (a) the space or compartment within a polling place that is provided for the preparation
1368 of ballots, including the voting enclosure or curtain; or
- 1369 (b) a voting device that is free standing.
- 1370 (83) "Voting device" means any device provided by an election officer for a voter to
1371 vote a mechanical ballot.
- 1372 (84) "Voting precinct" means the smallest geographical voting unit, established under
1373 Chapter 5, Part 3, Duties of the County and Municipal Legislative Bodies.
- 1374 (85) "Watcher" means an individual who complies with the requirements described in
1375 Section [20A-3a-801](#) to become a watcher for an election.
- 1376 (86) "Write-in ballot" means a ballot containing any write-in votes.
- 1377 (87) "Write-in vote" means a vote cast for an individual, whose name is not printed on
1378 the ballot, in accordance with the procedures established in this title.
- 1379 Section 6. Section **20A-4-301** is amended to read:
- 1380 **20A-4-301. Board of canvassers.**
- 1381 (1) (a) Each county legislative body is the board of county canvassers for:
- 1382 (i) the county; and
- 1383 (ii) each local district whose election is conducted by the county if:
- 1384 (A) the election relates to the creation of the local district;
- 1385 (B) the county legislative body serves as the governing body of the local district; or
- 1386 (C) there is no duly constituted governing body of the local district.
- 1387 (b) The board of county canvassers shall meet to canvass the returns at the usual place
1388 of meeting of the county legislative body, at a date and time determined by the county clerk
1389 that is no sooner than seven days after the election and no later than 14 days after the election.
- 1390 (c) If one or more of the county legislative body fails to attend the meeting of the board
1391 of county canvassers, the remaining members shall replace the absent member by appointing in

1392 the order named:

1393 (i) the county treasurer;

1394 (ii) the county assessor; or

1395 (iii) the county sheriff.

1396 (d) Attendance of the number of persons equal to a simple majority of the county
1397 legislative body, but not less than three persons, shall constitute a quorum for conducting the
1398 canvass.

1399 (e) The county clerk is the clerk of the board of county canvassers.

1400 (2) (a) The mayor and the municipal legislative body are the board of municipal
1401 canvassers for the municipality.

1402 (b) The board of municipal canvassers shall meet to canvass the returns at the usual
1403 place of meeting of the municipal legislative body:

1404 (i) for canvassing of returns from a municipal general election, no sooner than seven
1405 days after the election and no later than 14 days after the election; or

1406 (ii) for canvassing of returns from a municipal primary election, no sooner than seven
1407 days after the election and no later than 14 days after the election.

1408 (c) Attendance of a simple majority of the municipal legislative body shall constitute a
1409 quorum for conducting the canvass.

1410 (3) (a) The legislative body of the entity authorizing a bond election is the board of
1411 canvassers for each bond election.

1412 (b) The board of canvassers for the bond election shall comply with the canvassing
1413 procedures and requirements of Section [11-14-207](#).

1414 (c) Attendance of a simple majority of the legislative body of the entity authorizing a
1415 bond election shall constitute a quorum for conducting the canvass.

1416 (4) (a) The local school board of a local school district is the board of canvassers for a
1417 referendum election under Subsection [20A-7-102](#)(4).

1418 (b) The board of canvassers for a school district referendum election shall meet to
1419 canvass the returns at the usual place of meeting of the local school board no sooner than seven
1420 days after the election and no later than 14 days after the election.

1421 (c) Attendance of a simple majority of the local school board shall constitute a quorum
1422 for conducting the canvass.

1423 Section 7. Section **20A-7-101** is amended to read:

1424 **20A-7-101. Definitions.**

1425 As used in this chapter:

1426 (1) "Approved device" means a device described in Subsection **20A-21-201**(4) used to
1427 gather signatures for the electronic initiative process, the electronic referendum process, or the
1428 electronic candidate qualification process.

1429 (2) "Budget officer" means:

1430 (a) for a county, the person designated as finance officer as defined in Section **17-36-3**;

1431 (b) for a city, the person designated as budget officer in Subsection **10-6-106**(4);

1432 (c) for a town, the town council; or

1433 (d) for a metro township, the person described in Subsection (2)(a) for the county in
1434 which the metro township is located.

1435 (3) "Certified" means that the county clerk has acknowledged a signature as being the
1436 signature of a registered voter.

1437 (4) "Circulation" means the process of submitting an initiative or referendum petition
1438 to legal voters for their signature.

1439 (5) "Electronic initiative process" means:

1440 (a) as it relates to a statewide initiative, the process, described in Sections **20A-7-215**
1441 and **20A-21-201**, for gathering signatures; or

1442 (b) as it relates to a local initiative, the process, described in Sections **20A-7-514** and
1443 **20A-21-201**, for gathering signatures.

1444 (6) "Electronic referendum process" means:

1445 (a) as it relates to a statewide referendum, the process, described in Sections
1446 **20A-7-313** and **20A-21-201**, for gathering signatures; or

1447 (b) as it relates to a local referendum, the process, described in Sections **20A-7-614** and
1448 **20A-21-201**, for gathering signatures.

1449 (7) "Eligible voter" means a legal voter who resides in the jurisdiction of the county,
1450 city, or town that is holding an election on a ballot proposition.

1451 (8) "Final fiscal impact statement" means a financial statement prepared after voters
1452 approve an initiative that contains the information required by Subsection **20A-7-202.5**(2) or
1453 **20A-7-502.5**(2).

- 1454 (9) "Initial fiscal impact estimate" means:
- 1455 (a) a financial statement prepared under Section [20A-7-202.5](#) after the filing of an
- 1456 application for an initiative petition; or
- 1457 (b) a financial and legal statement prepared under Section [20A-7-502.5](#) or [20A-7-602.5](#)
- 1458 for an initiative or referendum petition.
- 1459 (10) "Initiative" means a new law proposed for adoption by the public as provided in
- 1460 this chapter.
- 1461 (11) "Initiative packet" means a copy of the initiative petition, a copy of the proposed
- 1462 law, and the signature sheets, all of which have been bound together as a unit.
- 1463 (12) (a) "Land use law" means a law of general applicability, enacted based on the
- 1464 weighing of broad, competing policy considerations, that relates to the use of land, including
- 1465 land use regulation, a general plan, a land use development code, an annexation ordinance, the
- 1466 rezoning of a single property or multiple properties, or a comprehensive zoning ordinance or
- 1467 resolution.
- 1468 (b) "Land use law" does not include a land use decision, as defined in Section
- 1469 [10-9a-103](#) or [17-27a-103](#).
- 1470 (13) "Legal signatures" means the number of signatures of legal voters that:
- 1471 (a) meet the numerical requirements of this chapter; and
- 1472 (b) have been obtained, certified, and verified as provided in this chapter.
- 1473 (14) "Legal voter" means a person who is registered to vote in Utah.
- 1474 (15) "Legally referable to voters" means:
- 1475 (a) for a proposed local initiative, that the proposed local initiative is legally referable
- 1476 to voters under Section [20A-7-502.7](#); or
- 1477 (b) for a proposed local referendum, that the proposed local referendum is legally
- 1478 referable to voters under Section [20A-7-602.7](#).
- 1479 (16) "Local attorney" means the county attorney, city attorney, or town attorney in
- 1480 whose jurisdiction a local initiative or referendum petition is circulated.
- 1481 (17) "Local clerk" means:
- 1482 (a) the county clerk, city recorder, or town clerk in whose jurisdiction a local initiative
- 1483 or referendum petition is circulated~~[-]~~; or
- 1484 (b) for the purposes of a referendum petition under Subsection [20A-7-102\(4\)](#), the

1485 business administrator or superintendent of the school district in which the referendum petition
1486 is circulated.

1487 (18) (a) "Local law" includes:

1488 (i) an ordinance;

1489 (ii) a resolution;

1490 (iii) a land use law;

1491 (iv) a land use regulation, as defined in Section 10-9a-103; or

1492 (v) other legislative action of a local legislative body.

1493 (b) "Local law" does not include a land use decision, as defined in Section 10-9a-103.

1494 (19) "Local legislative body" means the legislative body of a county, city, town, or
1495 metro township.

1496 (20) "Local obligation law" means a local law passed by the local legislative body
1497 regarding a bond that was approved by a majority of qualified voters in an election.

1498 (21) "Local tax law" means a law or motion, passed by a political subdivision with an
1499 annual or biannual calendar fiscal year, including a school district, that increases a tax or
1500 imposes a new tax.

1501 (22) "Manual initiative process" means the process for gathering signatures for an
1502 initiative using paper signature packets that a signer physically signs.

1503 (23) "Manual referendum process" means the process for gathering signatures for a
1504 referendum using paper signature packets that a signer physically signs.

1505 (24) "Measure" means a proposed constitutional amendment, an initiative, or
1506 referendum.

1507 (25) "Referendum" means a process by which a law passed by the Legislature or by a
1508 local legislative body is submitted or referred to the voters for their approval or rejection.

1509 (26) "Referendum packet" means a copy of the referendum petition, a copy of the law
1510 being submitted or referred to the voters for their approval or rejection, and the signature
1511 sheets, all of which have been bound together as a unit.

1512 (27) "Signature":

1513 (a) for a statewide initiative:

1514 (i) as it relates to the electronic initiative process, means an electronic signature
1515 collected under Section 20A-7-215 and Subsection 20A-21-201(6)(c); or

- 1516 (ii) as it relates to the manual initiative process:
- 1517 (A) means a holographic signature collected physically on a signature sheet described
- 1518 in Section 20A-7-203; and
- 1519 (B) does not include an electronic signature;
- 1520 (b) for a statewide referendum:
- 1521 (i) as it relates to the electronic referendum process, means an electronic signature
- 1522 collected under Section 20A-7-313 and Subsection 20A-21-201(6)(c); or
- 1523 (ii) as it relates to the manual referendum process:
- 1524 (A) means a holographic signature collected physically on a signature sheet described
- 1525 in Section 20A-7-303; and
- 1526 (B) does not include an electronic signature;
- 1527 (c) for a local initiative:
- 1528 (i) as it relates to the electronic initiative process, means an electronic signature
- 1529 collected under Section 20A-7-514 and Subsection 20A-21-201(6)(c); or
- 1530 (ii) as it relates to the manual initiative process:
- 1531 (A) means a holographic signature collected physically on a signature sheet described
- 1532 in Section 20A-7-503; and
- 1533 (B) does not include an electronic signature; or
- 1534 (d) for a local referendum:
- 1535 (i) as it relates to the electronic referendum process, means an electronic signature
- 1536 collected under Section 20A-7-614 and Subsection 20A-21-201(6)(c); or
- 1537 (ii) as it relates to the manual referendum process:
- 1538 (A) means a holographic signature collected physically on a signature sheet described
- 1539 in Section 20A-7-603; and
- 1540 (B) does not include an electronic signature.
- 1541 (28) "Signature sheets" means sheets in the form required by this chapter that are used
- 1542 to collect signatures in support of an initiative or referendum.
- 1543 (29) "Special local ballot proposition" means a local ballot proposition that is not a
- 1544 standard local ballot proposition.
- 1545 (30) "Sponsors" means the legal voters who support the initiative or referendum and
- 1546 who sign the application for petition copies.

1547 (31) (a) "Standard local ballot proposition" means a local ballot proposition for an
1548 initiative or a referendum.

1549 (b) "Standard local ballot proposition" does not include a property tax referendum
1550 described in Section 20A-7-613.

1551 (32) "Tax percentage difference" means the difference between the tax rate proposed
1552 by an initiative or an initiative petition and the current tax rate.

1553 (33) "Tax percentage increase" means a number calculated by dividing the tax
1554 percentage difference by the current tax rate and rounding the result to the nearest thousandth.

1555 (34) "Verified" means acknowledged by the person circulating the petition as required
1556 in Sections 20A-7-205 and 20A-7-305.

1557 Section 8. Section 20A-7-102 is amended to read:

1558 **20A-7-102. Initiatives and referenda authorized -- Restrictions.**

1559 By following the procedures and requirements of this chapter, Utah voters may, subject
1560 to the restrictions of Utah Constitution, Article VI, Sec. 1, [~~Utah Constitution~~] and this chapter:

1561 (1) initiate any desired legislation and cause it to be submitted to:

1562 (a) the Legislature or to a vote of the people for approval or rejection if it is a proposed
1563 state law; or

1564 (b) a local legislative body or to a vote of the people if it is a local law;

1565 (2) require any law passed by the Legislature, except those laws passed by a two-thirds
1566 vote of the members elected to each house of the Legislature, to be referred to the voters for
1567 their approval or rejection before the law takes effect; ~~and~~

1568 (3) require any law or ordinance passed by a local legislative body to be referred to the
1569 voters for their approval or rejection before the law takes effect~~[-];~~ or

1570 (4) require a local tax law passed by a local school board to be referred to the voters for
1571 their approval or rejection before the law takes effect.

1572 Section 9. Section 20A-7-401.5 is amended to read:

1573 **20A-7-401.5. Proposition information pamphlet.**

1574 (1) (a) (i) Within 15 days after the day on which an eligible voter files an application to
1575 circulate an initiative petition under Section 20A-7-502 or an application to circulate a
1576 referendum petition under Section 20A-7-602:

1577 (A) the sponsors of the proposed initiative or referendum may submit a written

1578 argument in favor of the proposed initiative or referendum to the election officer of the county
1579 [or], municipality, or school district to which the petition relates; and

1580 (B) the county [or], municipality, or school district to which the application relates may
1581 submit a written argument in favor of, or against, the proposed initiative or referendum to the
1582 county's [or], municipality's, or school district's election officer.

1583 (ii) If a county [or], municipality, or school district submits more than one written
1584 argument under Subsection (1)(a)(i)(B), the election officer shall select one of the written
1585 arguments, giving preference to a written argument submitted by a member of a local
1586 legislative body or local school board if a majority of the local legislative body or local school
1587 board supports the written argument.

1588 (b) Within one business day after the day on which an election officer receives an
1589 argument under Subsection (1)(a)(i)(A), the election officer shall provide a copy of the
1590 argument to the county [or], municipality, or school district described in Subsection (1)(a)(i)(B)
1591 or (1)(a)(ii), as applicable.

1592 (c) Within one business day after the date on which an election officer receives an
1593 argument under Subsection (1)(a)(i)(B), the election officer shall provide a copy of the
1594 argument to the first three sponsors of the proposed initiative or referendum described in
1595 Subsection (1)(a)(i)(A).

1596 (d) The sponsors of the proposed initiative or referendum may submit a revised version
1597 of the written argument described in Subsection (1)(a)(i)(A) to the election officer of the
1598 county [or], municipality, or school district to which the petition relates within 20 days after the
1599 day on which the eligible voter files an application to circulate an initiative petition under
1600 Section [20A-7-502](#) or an application to circulate a referendum petition under Section
1601 [20A-7-602](#).

1602 (e) The author of a written argument described in Subsection (1)(a)(i)(B) submitted by
1603 a county [or], municipality, or school district may submit a revised version of the written
1604 argument to the county's [or], municipality's, or school district's election officer within 20 days
1605 after the day on which the eligible voter files an application to circulate an initiative petition
1606 under Section [20A-7-502](#) or an application to circulate a referendum petition under Section
1607 [20A-7-602](#).

1608 (2) (a) A written argument described in Subsection (1) may not exceed 500 words.

1609 (b) Except as provided in Subsection (2)(c), a person may not modify a written
1610 argument described in Subsection (1)(d) or (e) after the written argument is submitted to the
1611 election officer.

1612 (c) The election officer and the person that submits the written argument described in
1613 Subsection (1)(d) or (e) may jointly agree to modify the written argument to:

1614 (i) correct factual, grammatical, or spelling errors; or

1615 (ii) reduce the number of words to come into compliance with Subsection (2)(a).

1616 (d) An election officer shall refuse to include a written argument in the proposition
1617 information pamphlet described in this section if the person who submits the argument:

1618 (i) fails to negotiate, in good faith, to modify the argument in accordance with
1619 Subsection (2)(c); or

1620 (ii) does not timely submit the written argument to the election officer.

1621 (e) An election officer shall make a good faith effort to negotiate a modification
1622 described in Subsection (2)(c) in an expedited manner.

1623 (3) An election officer who receives a written argument described in Subsection (1)
1624 shall prepare a proposition information pamphlet for publication that includes:

1625 (a) a copy of the application for the proposed initiative or referendum;

1626 (b) except as provided in Subsection (2)(d), immediately after the copy described in
1627 Subsection (3)(a), the argument prepared by the sponsors of the proposed initiative or
1628 referendum, if any;

1629 (c) except as provided in Subsection (2)(d), immediately after the argument described
1630 in Subsection (3)(b), the argument prepared by the county [~~or~~],² municipality, or school district,
1631 if any; and

1632 (d) a copy of the initial fiscal impact statement and legal impact statement described in
1633 Section [20A-7-502.5](#) or [20A-7-602.5](#).

1634 (4) (a) A proposition information pamphlet is a draft for purposes of Title 63G,
1635 Chapter 2, Government Records Access and Management Act, until the earlier of when the
1636 election officer:

1637 (i) complies with Subsection (4)(b); or

1638 (ii) publishes the proposition information pamphlet under Subsection (5) or (6).

1639 (b) Within 21 days after the day on which the eligible voter files an application to

1640 circulate an initiative petition under Section 20A-7-502, or an application to circulate a
1641 referendum petition under Section 20A-7-602, the election officer shall provide a copy of the
1642 proposition information pamphlet to the sponsors of the initiative or referendum and each
1643 individual who submitted an argument included in the proposition information pamphlet.

1644 (5) An election officer for a municipality shall publish the proposition information
1645 pamphlet as follows:

1646 (a) within the later of 10 days after the day on which the municipality or a court
1647 determines that the proposed initiative or referendum is legally referable to voters, or, if the
1648 election officer modifies an argument under Subsection (2)(c), three days after the day on
1649 which the election officer and the person that submitted the argument agree on the
1650 modification:

1651 (i) by sending the proposition information pamphlet electronically to each individual in
1652 the municipality for whom the municipality has an email address, unless the individual has
1653 indicated that the municipality is prohibited from using the individual's email address for that
1654 purpose; and

1655 (ii) by posting the proposition information pamphlet on the Utah Public Notice
1656 Website, created in Section 63A-16-601, and the home page of the municipality's website, if
1657 the municipality has a website, until:

1658 (A) if the sponsors of the proposed initiative or referendum or an agent of the sponsors
1659 do not timely deliver any verified initiative packets under Section 20A-7-506 or any verified
1660 referendum packets under Section 20A-7-606, the day after the date of the deadline for delivery
1661 of the verified initiative packets or verified referendum packets;

1662 (B) the local clerk determines, under Section 20A-7-507 or 20A-7-607, that the
1663 number of signatures necessary to qualify the proposed initiative or referendum for placement
1664 on the ballot is insufficient and the determination is not timely appealed or is upheld after
1665 appeal; or

1666 (C) the day after the date of the election at which the proposed initiative or referendum
1667 appears on the ballot; and

1668 (b) if the municipality regularly mails a newsletter, utility bill, or other material to the
1669 municipality's residents, including an Internet address, where a resident may view the
1670 proposition information pamphlet, in the next mailing, for which the municipality has not

1671 begun preparation, that falls on or after the later of:

1672 (i) 10 days after the day on which the municipality or a court determines that the
1673 proposed initiative or referendum is legally referable to voters; or

1674 (ii) if the election officer modifies an argument under Subsection (2)(c), three days
1675 after the day on which the election officer and the person that submitted the argument agree on
1676 the modification.

1677 (6) An election officer for a county shall, within the later of 10 days after the day on
1678 which the county or a court determines that the proposed initiative or referendum is legally
1679 referable to voters, or, if the election officer modifies an argument under Subsection (2)(c),
1680 three days after the day on which the election officer and the person that submitted the
1681 argument agree on the modification, publish the proposition information pamphlet as follows:

1682 (a) by sending the proposition information pamphlet electronically to each individual
1683 in the county for whom the county has an email address obtained via voter registration; and

1684 (b) by posting the proposition information pamphlet on the Utah Public Notice
1685 Website, created in Section 63A-16-601, and the home page of the county's website, until:

1686 (i) if the sponsors of the proposed initiative or referendum or an agent of the sponsors
1687 do not timely deliver any verified initiative packets under Section 20A-7-506 or any verified
1688 referendum packets under Section 20A-7-606, the day after the date of the deadline for delivery
1689 of the verified initiative packets or verified referendum packets;

1690 (ii) the local clerk determines, under Section 20A-7-507 or 20A-7-607, that the number
1691 of signatures necessary to qualify the proposed initiative or referendum for placement on the
1692 ballot is insufficient and the determination is not timely appealed or is upheld after appeal; or

1693 (iii) the day after the date of the election at which the proposed initiative or referendum
1694 appears on the ballot.

1695 (7) An election officer for a school district shall publish the proposition information
1696 pamphlet as follows:

1697 (a) (i) within the later of 10 days after the day on which the school district or a court
1698 determines that the proposed referendum is legally referable to voters, or, if the election officer
1699 modifies an argument under Subsection (2)(c), three days after the day on which the election
1700 officer and the person that submitted the argument agree on the modification:

1701 (A) by sending the proposition information pamphlet electronically to each individual

1702 in the school district for whom the school district has an email address, unless the individual
1703 has indicated that the school district is prohibited from using the individual's email address for
1704 that purpose; and

1705 (B) by posting the proposition information pamphlet on the Utah Public Notice
1706 Website, created in Section [63A-16-601](#), and the home page of the school district's website, if
1707 the school district has a website, until:

1708 (I) if the sponsors of the proposed referendum or an agent of the sponsors do not timely
1709 deliver any verified referendum packets under Section [20A-7-606](#), the day after the date of the
1710 deadline for delivery of the verified referendum packets;

1711 (II) the local clerk determines, under Section [20A-7-507](#) or [20A-7-607](#), that the number
1712 of signatures necessary to qualify the proposed referendum for placement on the ballot is
1713 insufficient and the determination is not timely appealed or is upheld after appeal; or

1714 (III) the day after the date of the election at which the proposed referendum appears on
1715 the ballot; and

1716 (ii) if the school district regularly mails a newsletter or other material to the school
1717 district's residents, including an Internet address, where a resident may view the proposition
1718 information pamphlet, in the next mailing, for which the school district has not begun
1719 preparation, that falls on or after the later of:

1720 (A) 10 days after the day on which the school district or a court determines that the
1721 proposed initiative or referendum is legally referable to voters; or

1722 (B) if the election officer modifies an argument under Subsection (2)(c), three days
1723 after the day on which the election officer and the person that submitted the argument agree on
1724 the modification.

1725 Section 10. Section **20A-7-405** is amended to read:

1726 **20A-7-405. Public meeting.**

1727 (1) A county [~~or~~], municipality, or local school board may not discuss a proposed
1728 initiative, an initiative, a proposed referendum, or a referendum at a public meeting unless the
1729 county [~~or~~], municipality, or local school board complies with the requirements of this section.

1730 (2) The legislative body of a county [~~or~~], municipality, or local school board may hold
1731 a public meeting to discuss a proposed initiative, an initiative, a proposed referendum, or a
1732 referendum if the legislative body:

1733 (a) allows equal time, within a reasonable limit, for presentations on both sides of the
1734 proposed initiative, initiative, proposed referendum, or referendum;

1735 (b) provides interested parties an opportunity to present oral testimony within
1736 reasonable time limits; and

1737 (c) holds the public meeting:

1738 (i) during the legislative body's normal meeting time; or

1739 (ii) for a meeting time other than the legislative body's normal meeting time, beginning
1740 at or after 6 p.m.

1741 (3) This section does not prohibit a working group meeting from being held before 6
1742 p.m.

1743 Section 11. Section **20A-7-601** is amended to read:

1744 **20A-7-601. Referenda -- General signature requirements -- Signature**
1745 **requirements for land use laws, subjurisdictional laws, and transit area land use laws --**
1746 **Time requirements.**

1747 (1) As used in this section:

1748 (a) "Number of active voters" means the number of active voters in the county, city,
1749 [~~or~~] town, or school district on the immediately preceding January 1.

1750 (b) "Qualifying county" means a county that has created a small public transit district,
1751 as defined in Section **17B-2a-802**, on or before January 1, 2022.

1752 (c) "Qualifying transit area" means:

1753 (i) a station area, as defined in Section **10-9a-403.1**, for which the municipality with
1754 jurisdiction over the station area has satisfied the requirements of Subsection
1755 **10-9a-403.1(2)(a)**, as demonstrated by the adoption of a station area plan or resolution under
1756 Subsection **10-9a-403.1(2)**; or

1757 (ii) a housing and transit reinvestment zone, as defined in Section **63N-3-602**, created
1758 within a qualifying county.

1759 (d) "Subjurisdiction" means an area comprised of all precincts and subprecincts in the
1760 jurisdiction of a county, city, or town that are subject to a subjurisdictional law.

1761 (e) (i) "Subjurisdictional law" means a local law or local obligation law passed by a
1762 local legislative body that imposes a tax or other payment obligation on property in an area that
1763 does not include all precincts and subprecincts under the jurisdiction of the county, city, town,

1764 or metro township.

1765 (ii) "Subjurisdictional law" does not include a land use law.

1766 (f) "Transit area land use law" means a land use law that relates to the use of land
1767 within a qualifying transit area.

1768 (g) "Voter participation area" means an area described in Subsection [20A-7-401.3\(1\)\(a\)](#)
1769 or (2)(b).

1770 (2) Except as provided in Subsections (3) through (5), an eligible voter seeking to have
1771 a local law passed by the local legislative body submitted to a vote of the people shall obtain
1772 legal signatures equal to:

1773 (a) for a county of the first class:

1774 (i) 7.75% of the number of active voters in the county; and

1775 (ii) beginning on January 1, 2020, 7.75% of the number of active voters in at least 75%
1776 of the county's voter participation areas;

1777 (b) for a metro township with a population of 100,000 or more, or a city of the first
1778 class:

1779 (i) 7.5% of the number of active voters in the metro township or city; and

1780 (ii) beginning on January 1, 2020, 7.5% of the number of active voters in at least 75%
1781 of the metro township's or city's voter participation areas;

1782 (c) for a county of the second class:

1783 (i) 8% of the number of active voters in the county; and

1784 (ii) beginning on January 1, 2020, 8% of the number of active voters in at least 75% of
1785 the county's voter participation areas;

1786 (d) for a metro township with a population of 65,000 or more but less than 100,000, or
1787 a city of the second class:

1788 (i) 8.25% of the number of active voters in the metro township or city; and

1789 (ii) beginning on January 1, 2020, 8.25% of the number of active voters in at least 75%
1790 of the metro township's or city's voter participation areas;

1791 (e) for a county of the third class:

1792 (i) 9.5% of the number of active voters in the county; and

1793 (ii) beginning on January 1, 2020, 9.5% of the number of active voters in at least 75%
1794 of the county's voter participation areas;

1795 (f) for a metro township with a population of 30,000 or more but less than 65,000, or a
1796 city of the third class:

1797 (i) 10% of the number of active voters in the metro township or city; and

1798 (ii) beginning on January 1, 2020, 10% of the number of active voters in at least 75%
1799 of the metro township's or city's voter participation areas;

1800 (g) for a county of the fourth class:

1801 (i) 11.5% of the number of active voters in the county; and

1802 (ii) beginning on January 1, 2020, 11.5% of the number of active voters in at least 75%
1803 of the county's voter participation areas;

1804 (h) for a metro township with a population of 10,000 or more but less than 30,000, or a
1805 city of the fourth class:

1806 (i) 11.5% of the number of active voters in the metro township or city; and

1807 (ii) beginning on January 1, 2020, 11.5% of the number of active voters in at least 75%
1808 of the metro township's or city's voter participation areas;

1809 (i) for a metro township with a population of 1,000 or more but less than 10,000, a city
1810 of the fifth class, or a county of the fifth class, 25% of the number of active voters in the metro
1811 township, city, or county; or

1812 (j) for a metro township with a population of less than 1,000, a town, or a county of the
1813 sixth class, 35% of the number of active voters in the metro township, town, or county.

1814 (3) Except as provided in Subsection (4) or (5), an eligible voter seeking to have a land
1815 use law or local obligation law passed by the local legislative body submitted to a vote of the
1816 people shall obtain legal signatures equal to:

1817 (a) for a county of the first, second, third, or fourth class:

1818 (i) 16% of the number of active voters in the county; and

1819 (ii) beginning on January 1, 2020, 16% of the number of active voters in at least 75%
1820 of the county's voter participation areas;

1821 (b) for a county of the fifth or sixth class:

1822 (i) 16% of the number of active voters in the county; and

1823 (ii) beginning on January 1, 2020, 16% of the number of active voters in at least 75%
1824 of the county's voter participation areas;

1825 (c) for a metro township with a population of 100,000 or more, or a city of the first

1826 class:

1827 (i) 15% of the number of active voters in the metro township or city; and

1828 (ii) beginning on January 1, 2020, 15% of the number of active voters in at least 75%
1829 of the metro township's or city's voter participation areas;

1830 (d) for a metro township with a population of 65,000 or more but less than 100,000, or
1831 a city of the second class:

1832 (i) 16% of the number of active voters in the metro township or city; and

1833 (ii) beginning on January 1, 2020, 16% of the number of active voters in at least 75%
1834 of the metro township's or city's voter participation areas;

1835 (e) for a metro township with a population of 30,000 or more but less than 65,000, or a
1836 city of the third class:

1837 (i) 27.5% of the number of active voters in the metro township or city; and

1838 (ii) beginning on January 1, 2020, 27.5% of the number of active voters in at least 75%
1839 of the metro township's or city's voter participation areas;

1840 (f) for a metro township with a population of 10,000 or more but less than 30,000, or a
1841 city of the fourth class:

1842 (i) 29% of the number of active voters in the metro township or city; and

1843 (ii) beginning on January 1, 2020, 29% of the number of active voters in at least 75%
1844 of the metro township's or city's voter participation areas;

1845 (g) for a metro township with a population of 1,000 or more but less than 10,000, or a
1846 city of the fifth class, 35% of the number of active voters in the metro township or city; or

1847 (h) for a metro township with a population of less than 1,000 or a town, 40% of the
1848 number of active voters in the metro township or town.

1849 (4) A person seeking to have a subjurisdictional law passed by the local legislative
1850 body submitted to a vote of the people shall obtain legal signatures of the residents in the
1851 subjurisdiction equal to:

1852 (a) 10% of the number of active voters in the subjurisdiction if the number of active
1853 voters exceeds 25,000;

1854 (b) 12-1/2% of the number of active voters in the subjurisdiction if the number of
1855 active voters does not exceed 25,000 but is more than 10,000;

1856 (c) 15% of the number of active voters in the subjurisdiction if the number of active

1857 voters does not exceed 10,000 but is more than 2,500;

1858 (d) 20% of the number of active voters in the subjurisdiction if the number of active
1859 voters does not exceed 2,500 but is more than 500;

1860 (e) 25% of the number of active voters in the subjurisdiction if the number of active
1861 voters does not exceed 500 but is more than 250; and

1862 (f) 30% of the number of active voters in the subjurisdiction if the number of active
1863 voters does not exceed 250.

1864 (5) An eligible voter seeking to have a transit area land use law passed by the local
1865 legislative body submitted to a vote of the people shall obtain legal signatures equal to:

1866 (a) for a county:

1867 (i) 20% of the number of active voters in the county; and

1868 (ii) 21% of the number of active voters in at least 75% of the county's voter

1869 participation areas;

1870 (b) for a metro township with a population of 100,000 or more, or a city of the first
1871 class:

1872 (i) 20% of the number of active voters in the metro township or city; and

1873 (ii) 20% of the number of active voters in at least 75% of the metro township's or city's
1874 voter participation areas;

1875 (c) for a metro township with a population of 65,000 or more but less than 100,000, or
1876 a city of the second class:

1877 (i) 20% of the number of active voters in the metro township or city; and

1878 (ii) 21% of the number of active voters in at least 75% of the metro township's or city's
1879 voter participation areas;

1880 (d) for a metro township with a population of 30,000 or more but less than 65,000, or a
1881 city of the third class:

1882 (i) 34% of the number of active voters in the metro township or city; and

1883 (ii) 34% of the number of active voters in at least 75% of the metro township's or city's
1884 voter participation areas;

1885 (e) for a metro township with a population of 10,000 or more but less than 30,000, or a
1886 city of the fourth class:

1887 (i) 36% of the number of active voters in the metro township or city; and

1888 (ii) 36% of the number of active voters in at least 75% of the metro township's or city's
1889 voter participation areas; or

1890 (f) for a metro township with a population less than 10,000, a city of the fifth class, or a
1891 town, 40% of the number of active voters in the metro township, city, or town.

1892 (6) An eligible voter seeking to have a local tax law passed by the legislative body of a
1893 local school district submitted to a vote of the people shall obtain legal signatures equal to:

1894 (a) 7.5% of the number of active voters in the local school district if the number of
1895 active voters exceeds 100,000;

1896 (b) 8.5% of the number of active voters in the local school district if the number of
1897 active voters does not exceed 100,000 but is more than 65,000;

1898 (c) 10% of the number of active voters in the local school district if the number of
1899 active voters does not exceed 65,000 but is more than 25,000;

1900 (d) 12.5% of the number of active voters in the local school district if the number of
1901 active voters does not exceed 25,000 but is more than 10,000;

1902 (e) 15% of the number of active voters in the local school district if the number of
1903 active voters does not exceed 10,000 but is more than 2,500;

1904 (f) 20% of the number of active voters in the local school district if the number of
1905 active voters does not exceed 2,500 but is more than 500;

1906 (g) 25% of the number of active voters in the local school district if the number of
1907 active voters does not exceed 500 but is more than 250; and

1908 (h) 30% of the number of active voters in the local school district if the number of
1909 active voters does not exceed 250.

1910 (7) Sponsors of any referendum petition challenging, under Subsection (2), (3), (4), [~~or~~
1911](5), or (6), any local law passed by a local legislative body or local tax law passed by a school
1912 district shall file the application before 5 p.m. within seven days after the day on which the
1913 local law or local tax law was passed.

1914 [~~(7)~~] (8) Nothing in this section authorizes a local legislative body to impose a tax or
1915 other payment obligation on a subjurisdiction in order to benefit an area outside of the
1916 subjurisdiction.

1917 Section 12. Section **20A-7-602.5** is amended to read:

1918 **20A-7-602.5. Initial fiscal and legal impact estimate -- Preparation of estimate.**

1919 (1) Within three business days after the day on which the local clerk receives an
1920 application for a referendum petition, the local clerk shall submit a copy of the application to
1921 the county, city, [~~or town's~~] town, or school district's budget officer.

1922 (2) (a) The budget officer, together with legal counsel, shall prepare an unbiased, good
1923 faith estimate of the fiscal and legal impact of repealing the law the referendum proposes to
1924 repeal that contains:

1925 (i) a dollar amount representing the total estimated fiscal impact of repealing the law;

1926 (ii) if repealing the law would increase or decrease taxes, a dollar amount representing
1927 the total estimated increase or decrease for each type of tax that would be impacted by the law's
1928 repeal and a dollar amount representing the total estimated increase or decrease in taxes that
1929 would result from the law's repeal;

1930 (iii) if repealing the law would result in the issuance or a change in the status of bonds,
1931 notes, or other debt instruments, a dollar amount representing the total estimated increase or
1932 decrease in public debt that would result;

1933 (iv) a listing of all sources of funding for the estimated costs that would be associated
1934 with the law's repeal, showing each source of funding and the percentage of total funding that
1935 would be provided from each source;

1936 (v) a dollar amount representing the estimated costs or savings, if any, to state and
1937 local government entities if the law were repealed;

1938 (vi) the legal impacts that would result from repealing the law, including:

1939 (A) any significant effects on a person's vested property rights;

1940 (B) any significant effects on other laws or ordinances;

1941 (C) any significant legal liability the city, county, [~~or~~] town, or school district may
1942 incur; and

1943 (D) any other significant legal impact as determined by the budget officer and the legal
1944 counsel; and

1945 (vii) a concise explanation, not exceeding 100 words, of the above information and of
1946 the estimated fiscal impact, if any, if the law were repealed.

1947 (b) (i) If repealing the law would have no fiscal impact, the local budget officer shall
1948 include a summary statement in the initial fiscal impact statement in substantially the following
1949 form:

1950 "The (title of the local budget officer) estimates that repealing the law this referendum
1951 proposes to repeal would have no significant fiscal impact and would not result in either an
1952 increase or decrease in taxes or debt."

1953 (ii) If repealing the law is estimated to have a fiscal impact, the local budget officer
1954 shall include a summary statement describing the fiscal impact.

1955 (iii) If the estimated fiscal impact of repealing the law is highly variable or is otherwise
1956 difficult to reasonably express in a summary statement, the local budget officer may include in
1957 the summary statement a brief explanation that identifies those factors impacting the variability
1958 or difficulty of the estimate.

1959 (3) Within 20 calendar days after the day on which the local clerk submits a copy of the
1960 application under Subsection (1), the budget officer shall:

1961 (a) deliver a copy of the initial fiscal impact estimate, including the legal impact
1962 estimate, to the local clerk's office; and

1963 (b) deliver a copy of the initial fiscal impact estimate, including the legal impact
1964 estimate, to the first three sponsors named in the application.

1965 Section 13. Section **20A-7-602.7** is amended to read:

1966 **20A-7-602.7. Referability to voters of local law other than land use law.**

1967 (1) Within 20 days after the day on which an eligible voter files an application to
1968 circulate a referendum petition under Section **20A-7-602** for a local law other than a land use
1969 law, counsel for the county, city, town, ~~[or]~~ metro township, or school district to which the
1970 referendum pertains shall:

1971 (a) review the application to determine whether the proposed referendum is legally
1972 referable to voters; and

1973 (b) notify the first three sponsors, in writing, whether the proposed referendum is:

1974 (i) legally referable to voters; or

1975 (ii) rejected as not legally referable to voters.

1976 (2) (a) For a local law other than a land use law, a proposed referendum is legally
1977 referable to voters unless:

1978 ~~[(a)]~~ (i) the proposed referendum challenges an action that is administrative, rather than
1979 legislative, in nature;

1980 ~~[(b)]~~ (ii) the proposed referendum challenges more than one law passed by the local

1981 legislative body; or

1982 ~~[(e)]~~ (iii) the application for the proposed referendum was not timely filed or does not
1983 comply with the requirements of this part.

1984 (b) For a local tax law passed by a local school board, a proposed referendum is legally
1985 referable to voters unless:

1986 (i) the proposed referendum challenges an action that is administrative, rather than
1987 legislative, in nature;

1988 (ii) the proposed referendum challenges more than one local tax law passed by the
1989 local school board; or

1990 (iii) the application for the proposed referendum was not timely filed or does not
1991 comply with the requirements of this part.

1992 (3) After the end of the 20-day period described in Subsection (1), a county, city, town,
1993 ~~[\or]~~ metro township, or school district may not, for a local law other than a land use law, or a
1994 local tax law passed by a local school board:

1995 (a) reject a proposed referendum as not legally referable to voters; or

1996 (b) except as provided in Subsection (4), challenge, in a legal action or otherwise, a
1997 proposed referendum on the grounds that the proposed referendum is not legally referable to
1998 voters.

1999 (4) (a) If, under Subsection (1)(b)(ii), a county, city, town, ~~[\or]~~ metro township, or
2000 school district rejects a proposed referendum concerning a local law other than a land use law,
2001 or a local tax law passed by a local school board, a sponsor of the proposed referendum may,
2002 within 10 days after the day on which a sponsor is notified under Subsection (1)(b), challenge
2003 or appeal the decision to:

2004 (i) the Supreme Court, by means of an extraordinary writ, if possible; or

2005 (ii) a district court, if the sponsor is prohibited from pursuing an extraordinary writ
2006 under Subsection (4)(a)(i).

2007 (b) Failure of a sponsor to timely challenge or appeal a rejection under Subsection
2008 (4)(a) terminates the referendum.

2009 (5) If, on a challenge or appeal, the court determines that the proposed referendum
2010 described in Subsection (4) is legally referable to voters, the local clerk shall comply with
2011 Subsection [20A-7-604\(3\)](#), or give the sponsors access to the website defined in Section

2012 20A-21-101, within five days after the day on which the determination, and any challenge or
2013 appeal of the determination, is final.

2014 Section 14. Section 20A-7-603 is amended to read:

2015 20A-7-603. Manual referendum process -- Form of referendum petition and
2016 signature sheets.

2017 (1) This section applies only to the manual referendum process.

2018 (2) (a) Each proposed referendum petition shall be printed in substantially the
2019 following form:

2020 "REFERENDUM PETITION To the Honorable ____, County Clerk/City
2021 Recorder/Town Clerk/Business Administrator/Superintendent:

2022 We, the undersigned citizens of Utah, respectfully order that (description of local law
2023 [or], portion of local law, or local tax law passed by the local school board being challenged),
2024 passed by the ____ be referred to the voters for their approval or rejection at the
2025 regular/municipal general election to be held on _____(month\day\year);

2026 Each signer says:

2027 I have personally signed this petition;

2028 The date next to my signature correctly reflects the date that I actually signed the
2029 petition;

2030 I have personally reviewed the entire statement included with this packet;

2031 I am registered to vote in Utah; and

2032 My residence and post office address are written correctly after my name."

2033 (b) The sponsors of a referendum or an agent of the sponsors shall attach a copy of the
2034 law that is the subject of the referendum to each referendum petition.

2035 (3) Each signature sheet shall:

2036 (a) be printed on sheets of paper 8-1/2 inches long and 11 inches wide;

2037 (b) be ruled with a horizontal line three-fourths inch from the top, with the space above
2038 that line blank for the purpose of binding;

2039 (c) include the title of the referendum printed below the horizontal line, in at least
2040 14-point type;

2041 (d) include a table immediately below the title of the referendum, and beginning .5 inch
2042 from the left side of the paper, as follows:

- 2043 (i) the first column shall be .5 inch wide and include three rows;
- 2044 (ii) the first row of the first column shall be .85 inch tall and contain the words "For
- 2045 Office Use Only" in 10-point type;
- 2046 (iii) the second row of the first column shall be .35 inch tall;
- 2047 (iv) the third row of the first column shall be .5 inch tall;
- 2048 (v) the second column shall be 2.75 inches wide;
- 2049 (vi) the first row of the second column shall be .35 inch tall and contain the words
- 2050 "Registered Voter's Printed Name (must be legible to be counted)" in 10-point type;
- 2051 (vii) the second row of the second column shall be .5 inch tall;
- 2052 (viii) the third row of the second column shall be .35 inch tall and contain the words
- 2053 "Street Address, City, Zip Code" in 10-point type;
- 2054 (ix) the fourth row of the second column shall be .5 inch tall;
- 2055 (x) the third column shall be 2.75 inches wide;
- 2056 (xi) the first row of the third column shall be .35 inch tall and contain the words
- 2057 "Signature of Registered Voter" in 10-point type;
- 2058 (xii) the second row of the third column shall be .5 inch tall;
- 2059 (xiii) the third row of the third column shall be .35 inch tall and contain the words
- 2060 "Email Address (optional, to receive additional information)" in 10-point type;
- 2061 (xiv) the fourth row of the third column shall be .5 inch tall;
- 2062 (xv) the fourth column shall be one inch wide;
- 2063 (xvi) the first row of the fourth column shall be .35 inch tall and contain the words
- 2064 "Date Signed" in 10-point type;
- 2065 (xvii) the second row of the fourth column shall be .5 inch tall;
- 2066 (xviii) the third row of the fourth column shall be .35 inch tall and contain the words
- 2067 "Birth Date or Age (optional)" in 10-point type;
- 2068 (xix) the fourth row of the third column shall be .5 inch tall; and
- 2069 (xx) the fifth row of the entire table shall be the width of the entire table, .4 inch tall,
- 2070 and contain the following words, "By signing this petition, you are stating that you have read
- 2071 and understand the law that this petition seeks to overturn." in 12-point type;
- 2072 (e) the table described in Subsection (3)(d) shall be repeated, leaving sufficient room at
- 2073 the bottom of the sheet or the information described in Subsection (3)(f); and

2074 (f) at the bottom of the sheet, include the word "Warning," in 12-point, bold type,
2075 followed by the following statement in not less than eight-point type:

2076 "It is a class A misdemeanor for an individual to sign a referendum petition with a name
2077 other than the individual's own name, or to knowingly sign the individual's name more than
2078 once for the same measure, or to sign a referendum petition when the individual knows that the
2079 individual is not a registered voter.

2080 Birth date or age information is not required, but it may be used to verify your identity
2081 with voter registration records. If you choose not to provide it, your signature may not be
2082 verified as a valid signature if you change your address before petition signatures are verified
2083 or if the information you provide does not match your voter registration records."

2084 (4) The final page of each referendum packet shall contain the following printed or
2085 typed statement:

2086 "Verification of signature collector
2087 State of Utah, County of ____

2088 I, _____, of _____, hereby state, under penalty of perjury, that:
2089 I am a resident of Utah and am at least 18 years old;

2090 All the names that appear in this packet were signed by individuals who professed to be
2091 the individuals whose names appear in it, and each of the individuals signed the individual's
2092 name on it in my presence;

2093 I did not knowingly make a misrepresentation of fact concerning the law this petition
2094 seeks to overturn;

2095 I believe that each individual has printed and signed the individual's name and written
2096 the individual's post office address and residence correctly, that each signer has read and
2097 understands the law that the referendum seeks to overturn, and that each signer is registered to
2098 vote in Utah.

2099 _____
2100 (Name) (Residence Address) (Date)

2101 Each individual who signed the packet wrote the correct date of signature next to the
2102 individual's name.

2103 I have not paid or given anything of value to any individual who signed this petition to
2104 encourage that individual to sign it.

2105

2106 (Name) (Residence Address) (Date)".

2107 (5) If the forms described in this section are substantially followed, the referendum
2108 petitions are sufficient, notwithstanding clerical and merely technical errors.2109 (6) An individual's status as a resident, under Subsection (4), is determined in
2110 accordance with Section [20A-2-105](#).2111 Section 15. Section **20A-7-604** is amended to read:2112 **20A-7-604. Manual referendum process -- Circulation requirements -- Local**
2113 **clerk to provide sponsors with materials.**

2114 (1) This section applies only to the manual referendum process.

2115 (2) In order to obtain the necessary number of signatures required by this part, the
2116 sponsors or an agent of the sponsors shall, after the sponsors receive the documents described
2117 in Subsections (3) and [20A-7-401.5\(4\)\(b\)](#), circulate referendum packets that meet the form
2118 requirements of this part.2119 (3) Within five days after the day on which a county, city, town, metro township,
2120 school district, or court determines, in accordance with Section [20A-7-602.7](#), that a proposed
2121 referendum is legally referable to voters, the local clerk shall furnish to the sponsors:

2122 (a) a copy of the referendum petition; and

2123 (b) a signature sheet.

2124 (4) The sponsors of the petition shall:

2125 (a) arrange and pay for the printing of all additional copies of the petition and signature
2126 sheets; and2127 (b) ensure that the copies of the petition and signature sheets meet the form
2128 requirements of this section.2129 (5) (a) The sponsors or an agent of the sponsors may prepare the referendum for
2130 circulation by creating multiple referendum packets.2131 (b) The sponsors or an agent of the sponsors shall create referendum packets by
2132 binding a copy of the referendum petition and no more than 50 signature sheets together at the
2133 top in a manner that the packets may be conveniently opened for signing.

2134 (c) A referendum packet is not required to have a uniform number of signature sheets.

2135 (d) The sponsors or an agent of the sponsors shall include, with each packet, a copy of

2136 the proposition information pamphlet provided to the sponsors under Subsection
2137 20A-7-401.5(4)(b).

2138 (6) (a) The sponsors or an agent of the sponsors shall, before gathering signatures:

2139 (i) contact the county clerk to receive a range of numbers that the sponsors may use to
2140 number signature packets; and

2141 (ii) number each signature packet, sequentially, within the range of numbers provided
2142 by the county clerk, starting with the lowest number in the range.

2143 (b) The sponsors or an agent of the sponsors may not:

2144 (i) number a signature packet in a manner not directed by the county clerk; or

2145 (ii) circulate or submit a signature packet that is not numbered in the manner directed
2146 by the county clerk.

2147 (c) The county clerk shall keep a record of the number range provided under
2148 Subsection (6)(a).

2149 Section 16. Section 20A-7-607 is amended to read:

2150 **20A-7-607. Evaluation by the local clerk -- Determination of election for vote on**
2151 **referendum.**

2152 (1) In relation to the manual referendum process, when the local clerk receives a
2153 referendum packet from a county clerk, the local clerk shall record the number of the
2154 referendum packet received.

2155 (2) The county clerk shall:

2156 (a) in relation to the manual referendum process:

2157 (i) post the names, voter identification numbers, and dates of signatures described in
2158 Subsection 20A-7-606(3)(c) on the lieutenant governor's website, in a conspicuous location
2159 designated by the lieutenant governor, for at least 45 days; and

2160 (ii) update on the local clerk's website the number of signatures certified as of the date
2161 of the update; or

2162 (b) in relation to the electronic referendum process:

2163 (i) post the names, voter identification numbers, and dates of signatures described in
2164 Subsection 20A-7-616(3) on the lieutenant governor's website, in a conspicuous location
2165 designated by the lieutenant governor, for at least 45 days; and

2166 (ii) update on the lieutenant governor's website the number of signatures certified as of

2167 the date of the update.

2168 (3) The local clerk:

2169 (a) shall, except as provided in Subsection (3)(b), declare the petition to be sufficient or
2170 insufficient:

2171 (i) in relation to the manual referendum process, no later than 111 days after the day of
2172 the deadline, described in Subsection 20A-7-606(2), to submit a referendum packet to the
2173 county clerk; or

2174 (ii) in relation to the electronic referendum process, no later than 111 days after the day
2175 of the deadline, described in Subsection 20A-7-616(2), to collect a signature; or

2176 (b) may declare the petition to be insufficient before the day described in Subsection
2177 (3)(a) if:

2178 (i) in relation to the manual referendum process, the total of all valid signatures on
2179 timely and lawfully submitted signature packets that have been certified by the county clerk,
2180 plus the number of signatures on timely and lawfully submitted signature packets that have not
2181 yet been evaluated for certification, is less than the number of names required under Section
2182 20A-7-601;

2183 (ii) in relation to the electronic referendum process, the total of all timely and lawfully
2184 submitted valid signatures that have been certified by the county clerks, plus the number of
2185 timely and lawfully submitted valid signatures received under Subsection 20A-21-201(6)(b)
2186 that have not yet been evaluated for certification, is less than the number of names required
2187 under Section 20A-7-601; or

2188 (iii) a requirement of this part has not been met.

2189 (4) (a) If the total number of names certified under Subsection (2) equals or exceeds
2190 the number of names required under Section 20A-7-601, and the requirements of this part are
2191 met, the local clerk shall mark upon the front of the petition the word "sufficient."[:]

2192 (b) If the total number of names certified under Subsection (3) does not equal or
2193 exceed the number of names required under Section 20A-7-601 or a requirement of this part is
2194 not met, the local clerk shall mark upon the front of the petition the word "insufficient."

2195 (c) The local clerk shall immediately notify any one of the sponsors of the local clerk's
2196 finding.

2197 (d) After a petition is declared insufficient, a person may not submit additional

2198 signatures to qualify the petition for the ballot.

2199 (5) (a) If the local clerk refuses to accept and file any referendum petition, any voter
2200 may apply to a court for an extraordinary writ to compel the local clerk to do so within 10 days
2201 after the refusal.

2202 (b) If the court determines that the referendum petition is legally sufficient, the local
2203 clerk shall file the petition, with a verified copy of the judgment attached to the petition, as of
2204 the date on which the petition was originally offered for filing in the local clerk's office.

2205 (c) If the court determines that any petition filed is not legally sufficient, the court may
2206 enjoin the local clerk and all other officers from:

2207 (i) certifying or printing the ballot title and numbers of that measure on the official
2208 ballot for the next election; or

2209 (ii) as it relates to a local tax law that is conducted entirely by mail, certifying, printing,
2210 or mailing the ballot title and numbers of that measure under Section [20A-7-609.5](#).

2211 (6) A petition determined to be sufficient in accordance with this section is qualified
2212 for the ballot.

2213 (7) (a) Except as provided in Subsection (7)(b) or (c), if a referendum relates to
2214 legislative action taken after April 15, the election officer may not place the referendum on an
2215 election ballot until a primary election, a general election, or a special election the following
2216 year.

2217 (b) The election officer may place a referendum described in Subsection (7)(a) on the
2218 ballot for a special, primary, or general election held during the year that the legislative action
2219 was taken if the following agree, in writing, on a timeline to place the referendum on that
2220 ballot:

2221 (i) the local clerk;

2222 (ii) the county clerk; and

2223 (iii) the attorney for the county [~~or~~], municipality, or school district that took the
2224 legislative action.

2225 (c) For a referendum on a land use law, if, before August 30, the local clerk or a court
2226 determines that the total number of certified names equals or exceeds the number of signatures
2227 required in Section [20A-7-601](#), the election officer shall place the referendum on the election
2228 ballot for:

- 2229 (i) the next general election; or
- 2230 (ii) another election, if the following agree, in writing, on a timeline to place the
- 2231 referendum on that ballot:
- 2232 (A) the affected owners, as defined in Section 10-9a-103 or 17-27a-103, as applicable;
- 2233 (B) the local clerk;
- 2234 (C) the county clerk; and
- 2235 (D) the attorney for the county or municipality that took the legislative action.
- 2236 Section 17. Section 20A-7-608 is amended to read:
- 2237 **20A-7-608. Short title and summary of referendum -- Duties of local clerk and**
- 2238 **local attorney.**
- 2239 (1) Upon receipt of a referendum petition, the local clerk shall deliver a copy of the
- 2240 petition and the proposed law to the local attorney.
- 2241 (2) The local attorney shall:
- 2242 (a) entitle each county ~~[or]~~₂ municipal, or school district referendum that qualifies for
- 2243 the ballot "Proposition Number ___" and give the referendum a number assigned in accordance
- 2244 with Section 20A-6-107;
- 2245 (b) prepare for the referendum:
- 2246 (i) an impartial short title, not exceeding 25 words, that generally describes the subject
- 2247 of the measure; and
- 2248 (ii) an impartial summary of the contents of the measure, not exceeding 125 words;
- 2249 (c) file the proposed short title, summary, and the numbered referendum title with the
- 2250 local clerk within 20 days after the day on which an eligible voter submits the referendum
- 2251 petition to the local clerk; and
- 2252 (d) promptly provide notice of the filing of the proposed short title and summary to:
- 2253 (i) the sponsors of the petition; and
- 2254 (ii) the local legislative body or local school board for the jurisdiction where the
- 2255 referendum petition was circulated.
- 2256 (3) (a) The short title and summary may be distinct from the title of the law that is the
- 2257 subject of the petition.
- 2258 (b) In preparing a short title, the local attorney shall, to the best of the local attorney's
- 2259 ability, give a true and impartial description of the subject of the measure.

2260 (c) In preparing a summary, the local attorney shall, to the best of the local attorney's
2261 ability, give a true and impartial summary of the contents of the measure.

2262 (d) The short title and summary may not intentionally be an argument, or likely to
2263 create prejudice, for or against the measure.

2264 (4) (a) Within five calendar days after the day on which the local attorney files a
2265 proposed short title and summary under Subsection (2)(c), the local legislative body or local
2266 school board for the jurisdiction where the referendum petition was circulated and the sponsors
2267 of the petition may file written comments in response to the proposed short title and summary
2268 with the local clerk.

2269 (b) Within five calendar days after the last date to submit written comments under
2270 Subsection (4)(a), the local attorney shall:

- 2271 (i) review any written comments filed in accordance with Subsection (4)(a);
- 2272 (ii) prepare a final short title and summary that meets the requirements of Subsection
2273 (3); and

2274 (iii) return the petition and file the short title and summary with the local clerk.

2275 (c) Subject to Subsection (6):

2276 (i) the short title, as determined by the local attorney, shall be printed on the official
2277 ballot; and

2278 (ii) for each ballot that includes an initiative or referendum, the election officer shall
2279 include with the ballot a separate ballot proposition insert that includes the short title and
2280 summary for each initiative and referendum on the ballot and a link to a location on the
2281 election officer's website where a voter may review additional information relating to each
2282 initiative or referendum, including:

2283 (A) for an initiative, the information described in Subsection [20A-7-502\(2\)](#), the fiscal
2284 impact estimate described in Section [20A-7-502.5](#), as updated, and the arguments relating to
2285 the initiative that are included in the local voter information pamphlet; or

2286 (B) for a referendum, the information described in Subsection [20A-7-602\(2\)](#) and the
2287 arguments relating to the referendum that are included in the local voter information pamphlet.

2288 (d) For each ballot that includes an initiative or referendum, the ballot shall include the
2289 following statement at the beginning of the portion of the ballot that includes ballot measures,
2290 "The ballot proposition sheet included with this ballot contains an impartial summary of each

2291 initiative and referendum on this ballot."

2292 (5) Immediately after the local attorney files a copy of the short title and summary with
2293 the local clerk, the local clerk shall serve a copy of the short title and summary by mail upon
2294 the sponsors of the petition and the local legislative body or local school district for the
2295 jurisdiction where the referendum petition was circulated.

2296 (6) (a) If the short title or summary furnished by the local attorney is unsatisfactory or
2297 does not comply with the requirements of this section, the decision of the local attorney may be
2298 appealed to the appropriate court by:

2299 (i) at least three sponsors of the referendum petition; or

2300 (ii) a majority of the local legislative body or local school board for the jurisdiction
2301 where the referendum petition was circulated.

2302 (b) The court:

2303 (i) shall examine the short title and summary and consider the arguments; and

2304 (ii) enter an order consistent with the requirements of this section.

2305 (c) The local clerk shall include the short title and summary in the ballot or ballot
2306 proposition insert, as required by this section.

2307 Section 18. Section **20A-7-610** is amended to read:

2308 **20A-7-610. Return and canvass -- Conflicting measures -- Law effective on**
2309 **proclamation.**

2310 (1) The votes on the proposed law that is the subject of the referendum petition shall be
2311 counted, canvassed, and delivered as provided in Title 20A, Chapter 4, Part 3, Canvassing
2312 Returns.

2313 (2) After the local board of canvassers completes the canvass, the local clerk shall
2314 certify to the local legislative body or local school board the vote for and against the proposed
2315 law that is the subject of the referendum petition.

2316 (3) (a) The local legislative body or local school board shall immediately issue a
2317 proclamation that:

2318 (i) gives the total number of votes cast in the local jurisdiction or school district for and
2319 against each proposed law that is the subject of a referendum petition; and

2320 (ii) in accordance with Section **20A-7-611**, declares those laws that are the subject of a
2321 referendum petition that were approved by majority vote to be in full force and effect as the law

2322 of the local jurisdiction or school district.

2323 (b) When the local legislative body or local school board determines that two proposed
2324 laws, or that parts of two proposed laws approved by the people at the same election are
2325 entirely in conflict, the local legislative body or local school board shall proclaim that measure
2326 to be law that received the greatest number of affirmative votes, regardless of the difference in
2327 the majorities which those measures have received.

2328 (4) (a) Within 10 days after the day on which the local legislative body or local school
2329 board issues the proclamation, any qualified voter residing in the jurisdiction for a law that is
2330 declared by the local legislative body or local school board to be superseded by another
2331 measure approved at the same election may bring an action in the appropriate court to review
2332 the decision.

2333 (b) The court shall:

2334 (i) consider the matter and decide whether the proposed laws are entirely in conflict;
2335 and

2336 (ii) issue an order, consistent with the court's decision, to the local legislative body or
2337 local school board.

2338 (5) Within 10 days after the day on which the court enters an order under Subsection
2339 (4)(b)(ii), the local legislative body or local school board shall:

2340 (a) proclaim as law all measures approved by the people that the court determines are
2341 not in conflict; and

2342 (b) for the measures approved by the people as law that the court determines to be in
2343 conflict, proclaim as law the measure that received the greatest number of affirmative votes,
2344 regardless of the difference in majorities.

2345 Section 19. Section **20A-7-611** is amended to read:

2346 **20A-7-611. Temporary stay -- Effective date -- Effect of repeal by local legislative**
2347 **body.**

2348 (1) Any proposed law submitted to the people by referendum petition that is rejected by
2349 the voters at any election is repealed as of the date of the election.

2350 (2) If, at the time during the process described in Subsection **20A-7-607(2)**, the local
2351 clerk determines that, at that point in time, an adequate number of signatures are certified to
2352 comply with the signature requirements, the local clerk shall:

2353 (a) issue an order temporarily staying the law from going into effect; and
 2354 (b) continue the process of certifying signatures and removing signatures as required by
 2355 this part.

2356 (3) The temporary stay described in Subsection (2) remains in effect, regardless of
 2357 whether a future count falls below the signature threshold, until the day on which:

2358 (a) if the local clerk declares the petition insufficient, five days after the day on which
 2359 the local clerk declares the petition insufficient; or

2360 (b) if the local clerk declares the petition sufficient, the day on which the local
 2361 legislative body or local school board issues the proclamation described in Section [20A-7-610](#).

2362 (4) A proposed law submitted to the people by referendum petition that is approved by
 2363 the voters at an election takes effect the later of:

2364 (a) five days after the date of the official proclamation of the vote by the local
 2365 legislative body or local school board; or

2366 (b) the effective date specified in the proposed law.

2367 (5) If, after the local clerk issues a temporary stay order under Subsection (2)(a), the
 2368 local clerk declares the petition insufficient, the proposed law takes effect the later of:

2369 (a) five days after the day on which the local clerk declares the petition insufficient; or

2370 (b) the effective date specified in the proposed law.

2371 (6) (a) A law adopted by the people under this part is not subject to veto.

2372 (b) The local legislative body or local school board may amend any laws approved by
 2373 the people under this part after the people approve the law.

2374 (7) If the local legislative body or local school board repeals a law challenged by
 2375 referendum petition under this part, the referendum petition is void and no further action on the
 2376 referendum petition is required.

2377 Section 20. Section **20A-7-613** is amended to read:

2378 **20A-7-613. Property tax referendum petition.**

2379 (1) As used in this section[;]:

2380 (a) [~~"certified"~~] "Certified tax rate" means the same as that term is defined in Section
 2381 [59-2-924](#).

2382 (b) "Taxing entity" means the same as that term is defined in Section [59-2-102](#).

2383 (2) Except as provided in this section, the requirements of this part apply to a

2384 referendum petition challenging a taxing entity's legislative body's vote to impose a tax rate that
2385 exceeds the certified tax rate.

2386 (3) Notwithstanding Subsection 20A-7-606(2), the sponsors or an agent of the sponsors
2387 shall deliver a signed and verified referendum packet to the county clerk of the county in which
2388 the packet was circulated before 5 p.m. no later than the earlier of:

2389 (a) 30 days after the day on which the first individual signs the packet; or

2390 (b) 40 days after the day on which the local clerk complies with Subsection
2391 20A-7-604(3).

2392 (4) Notwithstanding Subsections 20A-7-606(3) and (4), the county clerk shall take the
2393 actions required in Subsections 20A-7-606(3) and (4) within 10 working days after the day on
2394 which the county clerk receives the signed and verified referendum packet as described in
2395 Subsection (3).

2396 (5) The local clerk shall take the actions required by Section 20A-7-607 within two
2397 working days after:

2398 (a) in relation to the manual referendum process, the day on which the local clerk
2399 receives the referendum packets from the county clerk; or

2400 (b) in relation to the electronic referendum process, the deadline described in
2401 Subsection 20A-7-616(2).

2402 (6) Notwithstanding Subsection 20A-7-608(2), the local attorney shall prepare the
2403 ballot title within two working days after the day on which the referendum petition is declared
2404 sufficient for submission to a vote of the people.

2405 (7) Notwithstanding Subsection 20A-7-609(2)(c), a referendum that qualifies for the
2406 ballot under this section shall appear on the ballot for the earlier of the next regular general
2407 election or the next municipal general election unless a special election is called.

2408 (8) The election officer shall mail manual ballots on a referendum under this section
2409 the later of:

2410 (a) the time provided in Section 20A-3a-202 or 20A-16-403; or

2411 (b) the time that ballots are prepared for mailing under this section.

2412 (9) Section 20A-7-402 does not apply to a referendum described in this section.

2413 (10) (a) If a majority of voters does not vote against imposing the tax at a rate
2414 calculated to generate the increased revenue budgeted, adopted, and approved by the taxing

2415 entity's legislative body:

2416 (i) the certified tax rate for the fiscal year during which the referendum petition is filed
2417 is its most recent certified tax rate; and

2418 (ii) the proposed increased revenues for purposes of establishing the certified tax rate
2419 for the fiscal year after the fiscal year described in Subsection (10)(a)(i) are the proposed
2420 increased revenues budgeted, adopted, and approved by the taxing entity's legislative body
2421 before the filing of the referendum petition.

2422 (b) If a majority of voters votes against imposing a tax at the rate established by the
2423 vote of the taxing entity's legislative body, the certified tax rate for the taxing entity is the
2424 taxing entity's most recent certified tax rate.

2425 (c) If the tax rate is set in accordance with Subsection (10)(a)(ii), a taxing entity is not
2426 required to comply with the notice and public hearing requirements of Section 59-2-919 if the
2427 taxing entity complies with those notice and public hearing requirements before the referendum
2428 petition is filed.

2429 (11) The ballot title shall, at a minimum, include in substantially this form the
2430 following: "Shall the [name of the taxing entity] be authorized to levy a tax rate in the amount
2431 sufficient to generate an increased property tax revenue of [amount] for fiscal year [year] as
2432 budgeted, adopted, and approved by the [name of the taxing entity].".

2433 (12) A taxing entity shall pay the county the costs incurred by the county that are
2434 directly related to meeting the requirements of this section and that the county would not have
2435 incurred but for compliance with this section.

2436 (13) (a) An election officer shall include on a ballot a referendum that has not yet
2437 qualified for placement on the ballot, if:

2438 (i) sponsors file an application for a referendum described in this section;

2439 (ii) the ballot will be used for the election for which the sponsors are attempting to
2440 qualify the referendum; and

2441 (iii) the deadline for qualifying the referendum for placement on the ballot occurs after
2442 the day on which the ballot will be printed.

2443 (b) If an election officer includes on a ballot a referendum described in Subsection
2444 (13)(a), the ballot title shall comply with Subsection (11).

2445 (c) If an election officer includes on a ballot a referendum described in Subsection

2446 (13)(a) that does not qualify for placement on the ballot, the election officer shall inform the
2447 voters by any practicable method that the referendum has not qualified for the ballot and that
2448 votes cast in relation to the referendum will not be counted.

2449 Section 21. Section **20A-7-614** is amended to read:

2450 **20A-7-614. Electronic referendum process -- Form of referendum petition --**
2451 **Circulation requirements -- Signature collection.**

2452 (1) This section applies only to the electronic referendum process.

2453 (2) (a) The first screen presented on the approved device shall include the following
2454 statement:

2455 "This REFERENDUM PETITION is addressed to the Honorable ____, County
2456 Clerk/City Recorder/Town Clerk/Business Administrator/Superintendent:

2457 The citizens of Utah who sign this petition respectfully order that (description of local
2458 law [or], portion of local law, or local tax law passed by the local school board being
2459 challenged), passed by the ____ be referred to the voters for their approval or rejection at the
2460 regular/municipal general election to be held on _____(month\day\year)."

2461 (b) An individual may not advance to the second screen until the individual clicks a
2462 link at the bottom of the first screen stating, "By clicking here, I attest that I have read and
2463 understand the information presented on this screen."

2464 (3) (a) The second screen presented on the approved device shall include the entire text
2465 of the law that is the subject of the referendum petition.

2466 (b) An individual may not advance to the third screen until the individual clicks a link
2467 at the bottom of the second screen stating, "By clicking here, I attest that I have read and
2468 understand the entire text of the law that is the subject of the referendum petition."

2469 (4) (a) The third screen presented on the approved device shall include a statement
2470 indicating whether persons gathering signatures for the petition may be paid for gathering
2471 signatures.

2472 (b) An individual may not advance to the fourth screen until the individual clicks a link
2473 at the bottom of the third screen stating, "By clicking here, I attest that I have read and
2474 understand the information presented on this screen."

2475 (5) The fourth screen presented on the approved device shall include the following
2476 statement, followed by links where the individual may click "yes" or "no":

2477 "I have personally reviewed the entirety of each statement presented on this device;
2478 I am personally signing this petition;
2479 I am registered to vote in Utah; and
2480 All information I enter on this device, including my residence and post office address, is
2481 accurate.

2482 It is a class A misdemeanor for an individual to sign a referendum petition with a name
2483 other than the individual's own name, or to knowingly sign the individual's name more than
2484 once for the same measure, or to sign a referendum petition when the individual knows that the
2485 individual is not a registered voter.

2486 Do you wish to continue and sign this petition?"

2487 (6) (a) If the individual clicks "no" in response to the question described in Subsection
2488 (5), the next screen shall include the following statement, "Thank you for your time. Please
2489 return this device to the signature-gatherer."

2490 (b) If the individual clicks "yes" in response to the question described in Subsection
2491 (5), the website, or the application that accesses the website, shall take the signature-gatherer
2492 and the individual signing the petition through the signature process described in Section
2493 [20A-21-201](#).