

BALLOT PROPOSITION AMENDMENTS

2012 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Scott K. Jenkins

House Sponsor: _____

LONG TITLE

Committee Note:

The Government Operations and Political Subdivisions Interim Committee recommended this bill.

General Description:

This bill amends and enacts provisions in Title 20A, Election Code, relating to ballot propositions.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ repeals a provision restricting an initiative or referendum related to a land use ordinance;
- ▶ provides an exception for the residency requirement for a person who verifies a signature on a petition in certain circumstances;
- ▶ requires a verification on the final page of a local petition packet;
- ▶ amends the signature requirements for a referendum on a local obligation law; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None



28 **Utah Code Sections Affected:**

29 AMENDS:

- 30 **20A-1-102**, as last amended by Laws of Utah 2011, Chapters 17, 40, 310, and 335
- 31 **20A-7-101**, as last amended by Laws of Utah 2011, Chapters 17 and 331
- 32 **20A-7-401**, as last amended by Laws of Utah 2008, Chapter 24
- 33 **20A-7-503**, as last amended by Laws of Utah 2011, Chapter 17
- 34 **20A-7-505**, as last amended by Laws of Utah 2011, Chapter 17
- 35 **20A-7-506**, as last amended by Laws of Utah 2011, Chapter 17
- 36 **20A-7-601**, as last amended by Laws of Utah 2011, Chapters 17 and 331
- 37 **20A-7-603**, as last amended by Laws of Utah 2007, Chapter 78
- 38 **20A-7-605**, as last amended by Laws of Utah 2011, Chapter 17
- 39 **20A-7-606**, as last amended by Laws of Utah 2011, Chapter 17

40 ENACTS:

- 41 **20A-1-307**, Utah Code Annotated 1953



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

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

45 **20A-1-102. Definitions.**

46 As used in this title:

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

49 (2) "Automatic tabulating equipment" means apparatus that automatically examines
50 and counts votes recorded on paper ballots or ballot sheets and tabulates the results.

51 (3) (a) "Ballot" means the storage medium, whether paper, mechanical, or electronic,
52 upon which a voter records the voter's votes.

53 (b) "Ballot" includes ballot sheets, paper ballots, electronic ballots, and secrecy
54 envelopes.

55 (4) "Ballot sheet":

56 (a) means a ballot that:

57 (i) consists of paper or a card where the voter's votes are marked or recorded; and

58 (ii) can be counted using automatic tabulating equipment; and

- 59 (b) includes punch card ballots and other ballots that are machine-countable.
- 60 (5) "Ballot label" means the cards, papers, booklet, pages, or other materials that:
- 61 (a) contain the names of offices and candidates and statements of ballot propositions to
- 62 be voted on; and
- 63 (b) are used in conjunction with ballot sheets that do not display that information.
- 64 (6) "Ballot proposition" means a question, issue, or proposal that is submitted to voters
- 65 on the ballot for their approval or rejection including:
- 66 (a) an opinion question specifically authorized by the Legislature;
- 67 (b) a constitutional amendment;
- 68 (c) an initiative;
- 69 (d) a referendum;
- 70 (e) a bond proposition;
- 71 (f) a judicial retention question; or
- 72 (g) any other ballot question specifically authorized by the Legislature.
- 73 (7) "Bind", "binding", or "bound" means securing more than one piece of paper
- 74 together with a staple or stitch in at least three places across the top of the paper in the blank
- 75 space reserved for securing the paper.
- 76 [~~7~~] (8) "Board of canvassers" means the entities established by Sections 20A-4-301
- 77 and 20A-4-306 to canvass election returns.
- 78 [~~8~~] (9) "Bond election" means an election held for the purpose of approving or
- 79 rejecting the proposed issuance of bonds by a government entity.
- 80 [~~9~~] (10) "Book voter registration form" means voter registration forms contained in a
- 81 bound book that are used by election officers and registration agents to register persons to vote.
- 82 [~~10~~] (11) "By-mail voter registration form" means a voter registration form designed
- 83 to be completed by the voter and mailed to the election officer.
- 84 [~~11~~] (12) "Canvass" means the review of election returns and the official declaration
- 85 of election results by the board of canvassers.
- 86 [~~12~~] (13) "Canvassing judge" means a poll worker designated to assist in counting
- 87 ballots at the canvass.
- 88 [~~13~~] (14) "Contracting election officer" means an election officer who enters into a
- 89 contract or interlocal agreement with a provider election officer.

90 [~~(14)~~] (15) "Convention" means the political party convention at which party officers
91 and delegates are selected.

92 [~~(15)~~] (16) "Counting center" means one or more locations selected by the election
93 officer in charge of the election for the automatic counting of ballots.

94 [~~(16)~~] (17) "Counting judge" means a poll worker designated to count the ballots
95 during election day.

96 [~~(17)~~] (18) "Counting poll watcher" means a person selected as provided in Section
97 20A-3-201 to witness the counting of ballots.

98 [~~(18)~~] (19) "Counting room" means a suitable and convenient private place or room,
99 immediately adjoining the place where the election is being held, for use by the poll workers
100 and counting judges to count ballots during election day.

101 [~~(19)~~] (20) "County officers" means those county officers that are required by law to be
102 elected.

103 [~~(20)~~] (21) "Date of the election" or "election day" or "day of the election":

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

106 (b) does not include:

107 (i) deadlines established for absentee voting; or

108 (ii) any early voting or early voting period as provided under Chapter 3, Part 6, Early
109 Voting.

110 [~~(21)~~] (22) "Elected official" means:

111 (a) a person elected to an office under Section 20A-1-303;

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

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

116 [~~(22)~~] (23) "Election" means a regular general election, a municipal general election, a
117 statewide special election, a local special election, a regular primary election, a municipal
118 primary election, and a local district election.

119 [~~(23)~~] (24) "Election Assistance Commission" means the commission established by
120 Public Law 107-252, the Help America Vote Act of 2002.

121 [~~(24)~~] (25) "Election cycle" means the period beginning on the first day persons are
122 eligible to file declarations of candidacy and ending when the canvass is completed.

123 [~~(25)~~] (26) "Election judge" means a poll worker that is assigned to:

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

127 [~~(26)~~] (27) "Election officer" means:

- 128 (a) the lieutenant governor, for all statewide ballots and elections;
129 (b) the county clerk for:
130 (i) a county ballot and election; and
131 (ii) a ballot and election as a provider election officer as provided in Section
132 20A-5-400.1 or 20A-5-400.5;

133 (c) the municipal clerk for:

- 134 (i) a municipal ballot and election; and
135 (ii) a ballot and election as a provider election officer as provided in Section
136 20A-5-400.1 or 20A-5-400.5;

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

- 138 (i) a local district ballot and election; and
139 (ii) a ballot and election as a provider election officer as provided in Section
140 20A-5-400.1 or 20A-5-400.5; or

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

- 142 (i) a school district ballot and election; and
143 (ii) a ballot and election as a provider election officer as provided in Section
144 20A-5-400.1 or 20A-5-400.5.

145 [~~(27)~~] (28) "Election official" means:

- 146 (a) for an election other than a bond election, the count of votes cast in the election and
147 the election returns requested by the board of canvassers; or
148 (b) any election officer, election judge, or poll worker.

149 [~~(28)~~] (29) "Election results" means:

- 150 (a) for an election other than a bond election, the count of votes cast in the election and
151 the election returns requested by the board of canvassers; or

152 (b) for bond elections, the count of those votes cast for and against the bond
153 proposition plus any or all of the election returns that the board of canvassers may request.

154 [~~(29)~~] (30) "Election returns" includes the pollbook, all affidavits of registration, the
155 military and overseas absentee voter registration and voting certificates, one of the tally sheets,
156 any unprocessed absentee ballots, all counted ballots, all excess ballots, all unused ballots, all
157 spoiled ballots, the ballot disposition form, and the total votes cast form.

158 [~~(30)~~] (31) "Electronic ballot" means a ballot that is recorded using a direct electronic
159 voting device or other voting device that records and stores ballot information by electronic
160 means.

161 [~~(31)~~] (32) "Electronic signature" means an electronic sound, symbol, or process
162 attached to or logically associated with a record and executed or adopted by a person with the
163 intent to sign the record.

164 [~~(32)~~] (33) (a) "Electronic voting device" means a voting device that uses electronic
165 ballots.

166 (b) "Electronic voting device" includes a direct recording electronic voting device.

167 [~~(33)~~] (34) "Inactive voter" means a registered voter who has:

168 (a) been sent the notice required by Section 20A-2-306; and

169 (b) failed to respond to that notice.

170 [~~(34)~~] (35) "Inspecting poll watcher" means a person selected as provided in this title to
171 witness the receipt and safe deposit of voted and counted ballots.

172 [~~(35)~~] (36) "Judicial office" means the office filled by any judicial officer.

173 [~~(36)~~] (37) "Judicial officer" means any justice or judge of a court of record or any
174 county court judge.

175 [~~(37)~~] (38) "Local district" means a local government entity under Title 17B, Limited
176 Purpose Local Government Entities - Local Districts, and includes a special service district
177 under Title 17D, Chapter 1, Special Service District Act.

178 [~~(38)~~] (39) "Local district officers" means those local district officers that are required
179 by law to be elected.

180 [~~(39)~~] (40) "Local election" means a regular municipal election, a local special
181 election, a local district election, and a bond election.

182 [~~(40)~~] (41) "Local political subdivision" means a county, a municipality, a local

183 district, or a local school district.

184 ~~[(41)]~~ (42) "Local special election" means a special election called by the governing
185 body of a local political subdivision in which all registered voters of the local political
186 subdivision may vote.

187 ~~[(42)]~~ (43) "Municipal executive" means:

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

189 or

190 (b) the mayor in the council-manager form of government defined in Subsection

191 10-3b-103(6).

192 ~~[(43)]~~ (44) "Municipal general election" means the election held in municipalities and
193 local districts on the first Tuesday after the first Monday in November of each odd-numbered
194 year for the purposes established in Section 20A-1-202.

195 ~~[(44)]~~ (45) "Municipal legislative body" means the council of the city or town in any
196 form of municipal government.

197 ~~[(45)]~~ (46) "Municipal office" means an elective office in a municipality.

198 ~~[(46)]~~ (47) "Municipal officers" means those municipal officers that are required by
199 law to be elected.

200 ~~[(47)]~~ (48) "Municipal primary election" means an election held to nominate
201 candidates for municipal office.

202 ~~[(48)]~~ (49) "Official ballot" means the ballots distributed by the election officer to the
203 poll workers to be given to voters to record their votes.

204 ~~[(49)]~~ (50) "Official endorsement" means:

205 (a) the information on the ballot that identifies:

206 (i) the ballot as an official ballot;

207 (ii) the date of the election; and

208 (iii) the facsimile signature of the election officer; and

209 (b) the information on the ballot stub that identifies:

210 (i) the poll worker's initials; and

211 (ii) the ballot number.

212 ~~[(50)]~~ (51) "Official register" means the official record furnished to election officials
213 by the election officer that contains the information required by Section 20A-5-401.

214 [~~(51)~~] (52) "Paper ballot" means a paper that contains:

215 (a) the names of offices and candidates and statements of ballot propositions to be
216 voted on; and

217 (b) spaces for the voter to record the voter's vote for each office and for or against each
218 ballot proposition.

219 [~~(52)~~] (53) "Political party" means an organization of registered voters that has
220 qualified to participate in an election by meeting the requirements of Chapter 8, Political Party
221 Formation and Procedures.

222 [~~(53)~~] (54) (a) "Poll worker" means a person assigned by an election official to assist
223 with an election, voting, or counting votes.

224 (b) "Poll worker" includes election judges.

225 (c) "Poll worker" does not include a watcher.

226 [~~(54)~~] (55) "Pollbook" means a record of the names of voters in the order that they
227 appear to cast votes.

228 [~~(55)~~] (56) "Polling place" means the building where voting is conducted.

229 [~~(56)~~] (57) "Position" means a square, circle, rectangle, or other geometric shape on a
230 ballot in which the voter marks the voter's choice.

231 [~~(57)~~] (58) "Provider election officer" means an election officer who enters into a
232 contract or interlocal agreement with a contracting election officer to conduct an election for
233 the contracting election officer's local political subdivision in accordance with Section
234 20A-5-400.1.

235 [~~(58)~~] (59) "Provisional ballot" means a ballot voted provisionally by a person:

236 (a) whose name is not listed on the official register at the polling place;

237 (b) whose legal right to vote is challenged as provided in this title; or

238 (c) whose identity was not sufficiently established by a poll worker.

239 [~~(59)~~] (60) "Provisional ballot envelope" means an envelope printed in the form
240 required by Section 20A-6-105 that is used to identify provisional ballots and to provide
241 information to verify a person's legal right to vote.

242 [~~(60)~~] (61) "Primary convention" means the political party conventions at which
243 nominees for the regular primary election are selected.

244 [~~(61)~~] (62) "Protective counter" means a separate counter, which cannot be reset, that:

245 (a) is built into a voting machine; and

246 (b) records the total number of movements of the operating lever.

247 ~~[(62)]~~ (63) "Qualify" or "qualified" means to take the oath of office and begin
248 performing the duties of the position for which the person was elected.

249 ~~[(63)]~~ (64) "Receiving judge" means the poll worker that checks the voter's name in the
250 official register, provides the voter with a ballot, and removes the ballot stub from the ballot
251 after the voter has voted.

252 ~~[(64)]~~ (65) "Registration form" means a book voter registration form and a by-mail
253 voter registration form.

254 ~~[(65)]~~ (66) "Regular ballot" means a ballot that is not a provisional ballot.

255 ~~[(66)]~~ (67) "Regular general election" means the election held throughout the state on
256 the first Tuesday after the first Monday in November of each even-numbered year for the
257 purposes established in Section 20A-1-201.

258 ~~[(67)]~~ (68) "Regular primary election" means the election on the fourth Tuesday of
259 June of each even-numbered year, to nominate candidates of political parties and nonpolitical
260 groups to advance to the regular general election.

261 ~~[(68)]~~ (69) "Resident" means a person who resides within a specific voting precinct in
262 Utah.

263 ~~[(69)]~~ (70) "Sample ballot" means a mock ballot similar in form to the official ballot
264 printed and distributed as provided in Section 20A-5-405.

265 ~~[(70)]~~ (71) "Scratch vote" means to mark or punch the straight party ticket and then
266 mark or punch the ballot for one or more candidates who are members of different political
267 parties.

268 ~~[(71)]~~ (72) "Secrecy envelope" means the envelope given to a voter along with the
269 ballot into which the voter places the ballot after the voter has voted it in order to preserve the
270 secrecy of the voter's vote.

271 ~~[(72)]~~ (73) "Special election" means an election held as authorized by Section
272 20A-1-204.

273 ~~[(73)]~~ (74) "Spoiled ballot" means each ballot that:

274 (a) is spoiled by the voter;

275 (b) is unable to be voted because it was spoiled by the printer or a poll worker; or

276 (c) lacks the official endorsement.

277 [~~(74)~~] (75) "Statewide special election" means a special election called by the governor
278 or the Legislature in which all registered voters in Utah may vote.

279 [~~(75)~~] (76) "Stub" means the detachable part of each ballot.

280 [~~(76)~~] (77) "Substitute ballots" means replacement ballots provided by an election
281 officer to the poll workers when the official ballots are lost or stolen.

282 [~~(77)~~] (78) "Ticket" means each list of candidates for each political party or for each
283 group of petitioners.

284 [~~(78)~~] (79) "Transfer case" means the sealed box used to transport voted ballots to the
285 counting center.

286 [~~(79)~~] (80) "Vacancy" means the absence of a person to serve in any position created
287 by statute, whether that absence occurs because of death, disability, disqualification,
288 resignation, or other cause.

289 [~~(80)~~] (81) "Valid voter identification" means:

290 (a) a form of identification that bears the name and photograph of the voter which may
291 include:

292 (i) a currently valid Utah driver license;

293 (ii) a currently valid identification card that is issued by:

294 (A) the state; or

295 (B) a branch, department, or agency of the United States;

296 (iii) a currently valid Utah permit to carry a concealed weapon;

297 (iv) a currently valid United States passport; or

298 (v) a currently valid United States military identification card;

299 (b) one of the following identification cards, whether or not the card includes a
300 photograph of the voter:

301 (i) a valid tribal identification card;

302 (ii) a Bureau of Indian Affairs card; or

303 (iii) a tribal treaty card; or

304 (c) two forms of identification not listed under Subsection [~~(80)~~] (81)(a) or (b) but that
305 bear the name of the voter and provide evidence that the voter resides in the voting precinct,
306 which may include:

- 307 (i) a current utility bill or a legible copy thereof, dated within the 90 days before the
308 election;
- 309 (ii) a bank or other financial account statement, or a legible copy thereof;
- 310 (iii) a certified birth certificate;
- 311 (iv) a valid Social Security card;
- 312 (v) a check issued by the state or the federal government or a legible copy thereof;
- 313 (vi) a paycheck from the voter's employer, or a legible copy thereof;
- 314 (vii) a currently valid Utah hunting or fishing license;
- 315 (viii) certified naturalization documentation;
- 316 (ix) a currently valid license issued by an authorized agency of the United States;
- 317 (x) a certified copy of court records showing the voter's adoption or name change;
- 318 (xi) a valid Medicaid card, Medicare card, or Electronic Benefits Transfer Card;
- 319 (xii) a currently valid identification card issued by:
- 320 (A) a local government within the state;
- 321 (B) an employer for an employee; or
- 322 (C) a college, university, technical school, or professional school located within the
323 state; or
- 324 (xiii) a current Utah vehicle registration.
- 325 [~~(81)~~] (82) "Valid write-in candidate" means a candidate who has qualified as a
326 write-in candidate by following the procedures and requirements of this title.
- 327 [~~(82)~~] (83) "Voter" means a person who:
- 328 (a) meets the requirements for voting in an election;
- 329 (b) meets the requirements of election registration;
- 330 (c) is registered to vote; and
- 331 (d) is listed in the official register book.
- 332 [~~(83)~~] (84) "Voter registration deadline" means the registration deadline provided in
333 Section 20A-2-102.5.
- 334 [~~(84)~~] (85) "Voting area" means the area within six feet of the voting booths, voting
335 machines, and ballot box.
- 336 [~~(85)~~] (86) "Voting booth" means:
- 337 (a) the space or compartment within a polling place that is provided for the preparation

338 of ballots, including the voting machine enclosure or curtain; or

339 (b) a voting device that is free standing.

340 [~~86~~] (87) "Voting device" means:

341 (a) an apparatus in which ballot sheets are used in connection with a punch device for
342 piercing the ballots by the voter;

343 (b) a device for marking the ballots with ink or another substance;

344 (c) an electronic voting device or other device used to make selections and cast a ballot
345 electronically, or any component thereof;

346 (d) an automated voting system under Section 20A-5-302; or

347 (e) any other method for recording votes on ballots so that the ballot may be tabulated
348 by means of automatic tabulating equipment.

349 [~~87~~] (88) "Voting machine" means a machine designed for the sole purpose of
350 recording and tabulating votes cast by voters at an election.

351 [~~88~~] (89) "Voting poll watcher" means a person appointed as provided in this title to
352 witness the distribution of ballots and the voting process.

353 [~~89~~] (90) "Voting precinct" means the smallest voting unit established as provided by
354 law within which qualified voters vote at one polling place.

355 [~~90~~] (91) "Watcher" means a voting poll watcher, a counting poll watcher, an
356 inspecting poll watcher, and a testing watcher.

357 [~~91~~] (92) "Western States Presidential Primary" means the election established in
358 Chapter 9, Part 8, Western States Presidential Primary.

359 [~~92~~] (93) "Write-in ballot" means a ballot containing any write-in votes.

360 [~~93~~] (94) "Write-in vote" means a vote cast for a person whose name is not printed on
361 the ballot according to the procedures established in this title.

362 Section 2. Section **20A-1-307** is enacted to read:

363 **20A-1-307. Residency requirements for person who verifies a signature on a**
364 **petition.**

365 Notwithstanding any other provision in this title that requires a person who signs the
366 verification on a petition to be a resident, a person who is not a resident may sign the
367 verification on a petition if:

368 (1) the person signing the petition is a resident who is temporarily located outside the

369 state at the time of signing; and

370 (2) the person signing the verification meets all the requirements in the verification,

371 except for the residency requirement.

372 Section 3. Section **20A-7-101** is amended to read:

373 **20A-7-101. Definitions.**

374 As used in this chapter:

375 (1) "Budget officer" means:

376 (a) for a county, the person designated as budget officer in Section 17-19-19;

377 (b) for a city, the person designated as budget officer in Subsection 10-6-106(5); or

378 (c) for a town, the town council.

379 (2) "Certified" means that the county clerk has acknowledged a signature as being the
380 signature of a registered voter.

381 (3) "Circulation" means the process of submitting an initiative or referendum petition
382 to legal voters for their signature.

383 (4) "Final fiscal impact statement" means a financial statement prepared after voters
384 approve an initiative that contains the information required by Subsection 20A-7-202.5(2) or
385 20A-7-502.5(2).

386 (5) "Initial fiscal impact estimate" means a financial statement prepared according to
387 the terms of Section 20A-7-202.5 or 20A-7-502.5 after the filing of an application for an
388 initiative petition.

389 (6) "Initiative" means a new law proposed for adoption by the public as provided in
390 this chapter.

391 (7) "Initiative packet" means a copy of the initiative petition, a copy of the proposed
392 law, and the signature sheets, all of which have been bound together as a unit.

393 (8) "Legal signatures" means the number of signatures of legal voters that:

394 (a) meet the numerical requirements of this chapter; and

395 (b) have been certified and verified as provided in this chapter.

396 (9) "Legal voter" means a person who:

397 (a) is registered to vote; or

398 (b) becomes registered to vote before the county clerk certifies the signatures on an
399 initiative or referendum petition.

400 (10) "Local attorney" means the county attorney, city attorney, or town attorney in
401 whose jurisdiction a local initiative or referendum petition is circulated.

402 (11) "Local clerk" means the county clerk, city recorder, or town clerk in whose
403 jurisdiction a local initiative or referendum petition is circulated.

404 (12) (a) "Local law" includes an ordinance, resolution, master plan, and any
405 comprehensive zoning regulation adopted by ordinance or resolution.

406 (b) "Local law" does not include an individual property zoning decision.

407 (13) "Local legislative body" means the legislative body of a county, city, or town.

408 [~~14~~] "Local obligation law" means a local law passed by the local legislative body
409 regarding the issuance of a bond, note, lease, finance agreement, or other similar obligation.]

410 [~~15~~] (14) "Measure" means a proposed constitutional amendment, an initiative, or
411 referendum.

412 [~~16~~] (15) "Referendum" means a process by which a law passed by the Legislature or
413 by a local legislative body is submitted or referred to the voters for their approval or rejection.

414 [~~17~~] (16) "Referendum packet" means a copy of the referendum petition, a copy of
415 the law being submitted or referred to the voters for their approval or rejection, and the
416 signature sheets, all of which have been bound together as a unit.

417 [~~18~~] (17) (a) "Signature" means a holographic signature.

418 (b) "Signature" does not mean an electronic signature.

419 [~~19~~] (18) "Signature sheets" means sheets in the form required by this chapter that are
420 used to collect signatures in support of an initiative or referendum.

421 [~~20~~] (19) "Sponsors" means the legal voters who support the initiative or referendum
422 and who sign the application for petition copies.

423 [~~21~~] (20) "Sufficient" means that the signatures submitted in support of an initiative
424 or referendum petition have been certified and verified as required by this chapter.

425 [~~22~~] (21) "Verified" means acknowledged by the person circulating the petition as
426 required in Sections 20A-7-205 and 20A-7-305.

427 Section 4. Section **20A-7-401** is amended to read:

428 **20A-7-401. Limitation of initiative or referendum on budgets.**

429 (1) The legal voters of any county, city, or town may not initiate[~~-(a)~~] a budget or a
430 change in a budget[~~;- or (b) a land use ordinance or a change in a land use ordinance~~].

431 (2) The legal voters of any county, city, or town may not require any budget adopted by
432 the local legislative body [~~or the implementation of a land use ordinance adopted by the local~~
433 ~~legislative body~~] to be submitted to the voters.

434 Section 5. Section **20A-7-503** is amended to read:

435 **20A-7-503. Form of initiative petitions and signature sheets.**

436 (1) (a) Each proposed initiative petition shall be printed in substantially the following
437 form:

438 "INITIATIVE PETITION To the Honorable ____, County Clerk/City Recorder/Town
439 Clerk:

440 We, the undersigned citizens of Utah, respectfully demand that the following proposed
441 law be submitted to: the legislative body for its approval or rejection at its next meeting; and
442 the legal voters of the county/city/town, if the legislative body rejects the proposed law or takes
443 no action on it.

444 Each signer says:

445 I have personally signed this petition;

446 I am registered to vote in Utah or intend to become registered to vote in Utah before the
447 certification of the petition names by the county clerk; and

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

449 (b) The sponsors of an initiative shall attach a copy of the proposed law to each
450 initiative petition.

451 (2) Each signature sheet shall:

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

453 (b) be ruled with a horizontal line 3/4 inch from the top, with the space above that line
454 blank for the purpose of binding;

455 (c) contain the title of the initiative printed below the horizontal line;

456 (d) contain the initial fiscal impact estimate's summary statement issued by the budget
457 officer according to Subsection 20A-7-502.5(2)(b) and the cost estimate for printing and
458 distributing information related to the initiative petition according to Subsection
459 20A-7-502.5(3) printed or typed in not less than 12-point, bold type, at the top of each
460 signature sheet under the title of the initiative;

461 (e) contain the word "Warning" printed or typed at the top of each signature sheet

462 under the initial fiscal impact estimate's summary statement;

463 (f) contain, to the right of the word "Warning," the following statement printed or
464 typed in not less than eight-point, single leaded type:

465 "It is a class A misdemeanor for anyone to sign any initiative petition with any other
466 name than his own, or knowingly to sign his name more than once for the same measure, or to
467 sign an initiative petition when he knows he is not a registered voter and knows that he does
468 not intend to become registered to vote before the certification of the petition names by the
469 county clerk.";

470 (g) contain horizontally ruled lines, 3/8 inch apart under the "Warning" statement
471 required by this section;

472 (h) be vertically divided into columns as follows:

473 (i) the first column shall appear at the extreme left of the sheet, be 5/8 inch wide, be
474 headed with "For Office Use Only", and be subdivided with a light vertical line down the
475 middle with the left subdivision entitled "Registered" and the right subdivision left untitled;

476 (ii) the next column shall be 2-1/2 inches wide, headed "Registered Voter's Printed
477 Name (must be legible to be counted)";

478 (iii) the next column shall be 2-1/2 inches wide, headed "Signature of Registered
479 Voter";

480 (iv) the next column shall be one inch wide, headed "Birth Date or Age (Optional)";

481 (v) the final column shall be 4-3/8 inches wide, headed "Street Address, City, Zip
482 Code"; and

483 (vi) at the bottom of the sheet, contain the following statement: "Birth date or age
484 information is not required, but it may be used to verify your identity with voter registration
485 records. If you choose not to provide it, your signature may not be verified as a valid signature
486 if you change your address before petition signatures are verified or if the information you
487 provide does not match your voter registration records."; and

488 (i) contain the following statement, printed or typed upon the [~~back of each sheet~~] last
489 page of each initiative packet:

490 "Verification
491 State of Utah, County of _____

492 I, _____, of _____, hereby state that:

493 I am a resident of Utah and am at least 18 years old;

494 All the names that appear ~~[on]~~ in this ~~[sheet]~~ initiative packet were signed by persons
495 who professed to be the persons whose names appear in it, and each of them signed his name
496 on it in my presence;

497 I believe that each has printed and signed his name and written his post office address
498 and residence correctly, and that each signer is registered to vote in Utah or intends to become
499 registered to vote before the certification of the petition names by the county clerk.

500 _____ "

501 (3) The forms prescribed in this section are not mandatory, and, if substantially
502 followed, the initiative petitions are sufficient, notwithstanding clerical and merely technical
503 errors.

504 Section 6. Section **20A-7-505** is amended to read:

505 **20A-7-505. Obtaining signatures -- Verification -- Removal of signature.**

506 (1) Any Utah voter may sign a local initiative petition if the voter is a legal voter and
507 resides in the local jurisdiction.

508 (2) (a) The sponsors shall ensure that the person in whose presence each signature
509 sheet was signed:

510 (i) is at least 18 years old and meets the residency requirements of Section 20A-2-105;
511 and

512 (ii) verifies each signature sheet by completing the verification printed on the ~~[back of~~
513 ~~each signature sheet]~~ last page of each initiative packet.

514 (b) A person may not sign the verification printed on the last page of the initiative
515 packet if the person signed a signature sheet in the initiative packet.

516 (3) (a) (i) Any voter who has signed an initiative petition may have the voter's signature
517 removed from the petition by submitting a notarized statement to that effect to the local clerk.

518 (ii) In order for the signature to be removed, the statement must be received by the
519 local clerk before he delivers the petition to the county clerk to be certified.

520 (b) Upon receipt of the statement, the local clerk shall remove the signature of the
521 person submitting the statement from the initiative petition.

522 (c) No one may remove signatures from an initiative petition after the petition is
523 submitted to the county clerk to be certified.

524 Section 7. Section **20A-7-506** is amended to read:

525 **20A-7-506. Submitting the initiative petition -- Certification of signatures by the**
526 **county clerks -- Transfer to local clerk.**

527 (1) (a) The sponsors shall deliver each signed and verified initiative packet to the
528 county clerk of the county in which the packet was circulated on or before the sooner of:

529 (i) for county initiatives:

530 (A) 316 days after the day on which the application is filed; or

531 (B) the April 15 immediately before the next regular general election immediately after
532 the application is filed under Section 20A-7-502; or

533 (ii) for municipal initiatives:

534 (A) 316 days after the day on which the application is filed; or

535 (B) the April 15 immediately before the next municipal general election immediately
536 after the application is filed under Section 20A-7-502.

537 (b) A sponsor may not submit an initiative packet after the deadline established in this
538 Subsection (1).

539 (2) (a) No later than May 1, the county clerk shall:

540 (i) check the names of all persons completing the verification on the [~~back of each~~
541 ~~signature sheet~~] last page of each initiative packet to determine whether those persons are
542 residents of Utah and are at least 18 years old; and

543 (ii) submit the name of each of those persons who is not a Utah resident or who is not
544 at least 18 years old to the attorney general and county attorney.

545 (b) The county clerk may not certify a signature under Subsection (3) on an initiative
546 packet that is not verified in accordance with Section 20A-7-505.

547 (3) No later than May 15, the county clerk shall:

548 (a) determine whether or not each signer is a voter according to the requirements of
549 Section 20A-7-506.3;

550 (b) certify on the petition whether or not each name is that of a voter; and

551 (c) deliver all of the verified packets to the local clerk.

552 Section 8. Section **20A-7-601** is amended to read:

553 **20A-7-601. Referenda -- General signature requirements -- Signature**
554 **requirements for land use laws -- Time requirements.**

555 (1) Except as provided in Subsection (2), a person seeking to have a law passed by the
556 local legislative body submitted to a vote of the people shall obtain legal signatures equal to:

557 (a) 10% of all the votes cast in the county, city, or town for all candidates for President
558 of the United States at the last election at which a President of the United States was elected if
559 the total number of votes exceeds 25,000;

560 (b) 12-1/2% of all the votes cast in the county, city, or town for all candidates for
561 President of the United States at the last election at which a President of the United States was
562 elected if the total number of votes does not exceed 25,000 but is more than 10,000;

563 (c) 15% of all the votes cast in the county, city, or town for all candidates for President
564 of the United States at the last election at which a President of the United States was elected if
565 the total number of votes does not exceed 10,000 but is more than 2,500;

566 (d) 20% of all the votes cast in the county, city, or town for all candidates for President
567 of the United States at the last election at which a President of the United States was elected if
568 the total number of votes does not exceed 2,500 but is more than 500;

569 (e) 25% of all the votes cast in the county, city, or town for all candidates for President
570 of the United States at the last election at which a President of the United States was elected if
571 the total number of votes does not exceed 500 but is more than 250; and

572 (f) 30% of all the votes cast in the county, city, or town for all candidates for President
573 of the United States at the last election at which a President of the United States was elected if
574 the total number of votes does not exceed 250.

575 (2) (a) As used in this Subsection (2), "land use law" includes a land use development
576 code, an annexation ordinance, and comprehensive zoning ordinances.

577 (b) A person seeking to have a land use law [~~or local obligation law~~] passed by the
578 local legislative body submitted to a vote of the people shall obtain legal signatures equal to:

579 (i) in a county or in a city of the first or second class, 20% of all votes cast in the
580 county or city for all candidates for President of the United States at the last election at which a
581 President of the United States was elected; and

582 (ii) in a city of the third, fourth, or fifth class or a town, 35% of all the votes cast in the
583 city or town for all candidates for President of the United States at the last election at which a
584 President of the United States was elected.

585 [~~(3) A local obligation law or a proceeding related to the local obligation law is not~~

586 subject to referendum except as provided by this section.]

587 [~~(4)~~] (3) (a) Sponsors of any referendum petition challenging, under Subsection (1) or
588 (2), any local law passed by a local legislative body shall file the application within five days
589 after the passage of the local law.

590 (b) When a referendum petition has been declared sufficient, the local law that is the
591 subject of the petition does not take effect unless and until the local law is approved by a vote
592 of the people.

593 [~~(5)~~] (4) If the referendum passes, the local law that was challenged by the referendum
594 is repealed as of the date of the election.

595 Section 9. Section **20A-7-603** is amended to read:

596 **20A-7-603. Form of referendum petition and signature sheets.**

597 (1) (a) Each proposed referendum petition shall be printed in substantially the
598 following form:

599 "REFERENDUM PETITION To the Honorable ____, County Clerk/City
600 Recorder/Town Clerk:

601 We, the undersigned citizens of Utah, respectfully order that Ordinance No. ____,
602 entitled (title of ordinance, and, if the petition is against less than the whole ordinance, set forth
603 here the part or parts on which the referendum is sought), passed by the ____ be referred to the
604 voters for their approval or rejection at the regular/municipal general election to be held on
605 _____(month\day\year);

606 Each signer says:

607 I have personally signed this petition;

608 I am registered to vote in Utah or intend to become registered to vote in Utah before the
609 certification of the petition names by the county clerk; and

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

611 (b) The sponsors of a referendum shall attach a copy of the law that is the subject of the
612 referendum to each referendum petition.

613 (2) Each signature sheet shall:

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

615 (b) be ruled with a horizontal line 3/4 inch from the top, with the space above that line
616 blank for the purpose of binding;

617 (c) contain the title of the referendum printed below the horizontal line;

618 (d) contain the word "Warning" printed or typed at the top of each signature sheet
619 under the title of the referendum;

620 (e) contain, to the right of the word "Warning," the following statement printed or
621 typed in not less than eight-point, single leaded type:

622 "It is a class A misdemeanor for anyone to sign any referendum petition with any other
623 name than his own, or knowingly to sign his name more than once for the same measure, or to
624 sign a referendum petition when he knows he is not a registered voter and knows that he does
625 not intend to become registered to vote before the certification of the petition names by the
626 county clerk.";

627 (f) contain horizontally ruled lines, 3/8 inch apart under the "Warning" statement
628 required by this section;

629 (g) be vertically divided into columns as follows:

630 (i) the first column shall appear at the extreme left of the sheet, be 5/8 inch wide, be
631 headed with "For Office Use Only," and be subdivided with a light vertical line down the
632 middle;

633 (ii) the next column shall be 2-1/2 inches wide, headed "Registered Voter's Printed
634 Name (must be legible to be counted)";

635 (iii) the next column shall be 2-1/2 inches wide, headed "Signature of Registered
636 Voter";

637 (iv) the next column shall be one inch wide, headed "Birth Date or Age (Optional)";

638 (v) the final column shall be 4-3/8 inches wide, headed "Street Address, City, Zip
639 Code"; and

640 (vi) at the bottom of the sheet, contain the following statement: "Birth date or age
641 information is not required, but it may be used to verify your identity with voter registration
642 records. If you choose not to provide it, your signature may not be verified as a valid signature
643 if you change your address before petition signatures are verified or if the information you
644 provide does not match your voter registration records."; and

645 (h) contain the following statement, printed or typed upon the [~~back of each sheet~~] last
646 page of the referendum packet:

647 "Verification

648 State of Utah, County of _____

649 I, _____, of _____, hereby state that:

650 I am a resident of Utah and am at least 18 years old;

651 All the names that appear [~~on this sheet~~] in this referendum packet were signed by
652 persons who professed to be the persons whose names appear in it, and each of them signed his
653 name on it in my presence;

654 I believe that each has printed and signed his name and written his post office address
655 and residence correctly, and that each signer is registered to vote in Utah or intends to become
656 registered to vote before the certification of the petition names by the county clerk.

657 _____"

658 (3) The forms prescribed in this section are not mandatory, and, if substantially
659 followed, the referendum petitions are sufficient, notwithstanding clerical and merely technical
660 errors.

661 Section 10. Section **20A-7-605** is amended to read:

662 **20A-7-605. Obtaining signatures -- Verification -- Removal of signature.**

663 (1) Any Utah voter may sign a local referendum petition if the voter is a legal voter and
664 resides in the local jurisdiction.

665 (2) (a) The sponsors shall ensure that the person in whose presence each signature
666 sheet was signed:

667 (i) is at least 18 years old and meets the residency requirements of Section 20A-2-105;
668 and

669 (ii) verifies each signature sheet by completing the verification printed on the [~~back of~~]
670 last page of each referendum packet.

671 (b) A person may not sign the verification printed on the last page of the referendum
672 packet if the person signed a signature sheet in the referendum packet.

673 (3) (a) Any voter who has signed a referendum petition may have the voter's signature
674 removed from the petition by submitting a notarized statement to that effect to the local clerk.

675 (b) Except as provided in Subsection (3)(c), upon receipt of the statement, the local
676 clerk shall remove the signature of the person submitting the statement from the referendum
677 petition.

678 (c) A local clerk may not remove signatures from a referendum petition after the

679 petition has been submitted to the county clerk to be certified.

680 Section 11. Section **20A-7-606** is amended to read:

681 **20A-7-606. Submitting the referendum petition -- Certification of signatures by**
682 **the county clerks -- Transfer to local clerk.**

683 (1) (a) The sponsors shall deliver each signed and verified referendum packet to the
684 county clerk of the county in which the packet was circulated:

685 (i) for county referenda, no later than 45 days after the passage of the local law;

686 (ii) for municipal referenda, no later than 45 days after the passage of the local law; or

687 (iii) for referenda held in relation to the adoption of an ordinance imposing a county
688 option sales and use tax under Section 59-12-1102, no later than 100 days before the election
689 that the referendum qualifies for under Subsection 20A-7-609(2)(c).

690 (b) A sponsor may not submit a referendum packet after the deadline established in this
691 Subsection (1).

692 (2) (a) No later than 60 days after the local law passes, the county clerk shall:

693 (i) check the names of all persons completing the verification on the [~~back~~] last page of
694 each referendum packet to determine whether those persons are Utah residents and are at least
695 18 years old; and

696 (ii) submit the name of each of those persons who is not a Utah resident or who is not
697 at least 18 years old to the attorney general and county attorney.

698 (b) The county clerk may not certify a signature under Subsection (3) on a referendum
699 packet that is not verified in accordance with Section 20A-7-605.

700 (3) No later than 75 days after the local law passes, the county clerk shall:

701 (a) determine whether each signer is a registered voter according to the requirements of
702 Section 20A-7-606.3;

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

705 (c) deliver all of the verified referendum packets to the local clerk.

Legislative Review Note
as of 11-17-11 8:41 AM

Office of Legislative Research and General Counsel