

**REMOVING SIGNATURE FROM INITIATIVE AND
REFERENDUM PETITION**

2010 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Howard A. Stephenson

House Sponsor: _____

LONG TITLE

General Description:

This bill modifies the Election Code by amending provisions related to removing signatures for a statewide initiative.

Highlighted Provisions:

This bill:

- ▶ repeals the requirement that a voter must submit a notarized statement to the county clerk to have the voter's signature removed from a statewide initiative petition;
- ▶ provides that to remove a voter's name from a statewide initiative petition, a voter shall sign a statement requesting removal, including the voter's address and identification information;
- ▶ requires a county clerk to deliver to the lieutenant governor a voter statement requesting removal of a voter's name from a statewide initiative petition before May 15;
- ▶ provides that the lieutenant governor, instead of the county clerk, remove the name of a voter who requests removal from a statewide initiative petition; and
- ▶ makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:



28 This bill provides an immediate effective date.

29 **Utah Code Sections Affected:**

30 AMENDS:

31 **20A-7-205**, as last amended by Laws of Utah 2000, Chapter 3

32 **20A-7-206**, as last amended by Laws of Utah 2008, Chapter 237



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

35 Section 1. Section **20A-7-205** is amended to read:

36 **20A-7-205. Obtaining signatures -- Verification -- Removal of signature.**

37 (1) ~~[Any]~~ A Utah voter may sign an initiative petition if the voter is a legal voter.

38 (2) The sponsors shall ensure that the person in whose presence each signature sheet
39 was signed:

40 (a) is at least 18 years old and meets the residency requirements of Section 20A-2-105;
41 and

42 (b) verifies each signature sheet by completing the verification printed on the last page
43 of each initiative packet.

44 (3) (a) ~~[(i) Any]~~ A voter who has signed an initiative petition may have ~~[his]~~ the
45 voter's signature removed from the petition by submitting ~~[a notarized statement to that effect]~~
46 to the county clerk[-] a statement requesting that the voter's signature be removed.

47 (b) The statement shall include:

48 (i) the name of the voter;

49 (ii) the resident address at which the voter is registered to vote;

50 (iii) the last four digits of the voter's Social Security number;

51 (iv) the driver license or identification card number; and

52 (v) the signature of the voter.

53 (c) A voter may not submit a statement by email or other electronic means.

54 ~~[(i)]~~ (d) In order for the signature to be removed, the statement must be received by the
55 county clerk before ~~[he delivers the petition to the lieutenant governor]~~ May 15.

56 ~~[(b)]~~ (e) ~~[Upon receipt of the statement, the]~~ The county clerk shall ~~[remove the~~
57 ~~signature of the person submitting the statement from]~~ deliver all statements received under
58 this Subsection (3):

59 (i) with the initiative petition packets delivered to the lieutenant governor; or
 60 (ii) in a supplemental delivery to the lieutenant governor for a statement submitted
 61 after the county clerk delivered the initiative packets.

62 ~~[(c)]~~ (f) ~~[No one may remove signatures]~~ A person may only remove a signature from
 63 an initiative petition ~~[after the petition is submitted to the lieutenant governor]~~ in accordance
 64 with this Subsection (3).

65 Section 2. Section **20A-7-206** is amended to read:

66 **20A-7-206. Submitting the initiative petition -- Certification of signatures by the**
 67 **county clerks -- Transfer to lieutenant governor.**

68 (1) In order to qualify an initiative petition for placement on the regular general
 69 election ballot, the sponsors shall deliver each signed and verified initiative packet to the
 70 county clerk of the county in which the packet was circulated no later than April 15 before the
 71 regular general election.

72 (2) No later than May 1 before the regular general election, the county clerk shall:

73 (a) check the names of all persons completing the verification for the initiative packet
 74 to determine whether or not those persons are residents of Utah and are at least 18 years old;
 75 and

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

78 (3) No later than May 15 before the regular general election, the county clerk shall:

79 (a) determine whether or not each signer is a registered voter according to the
 80 requirements of Section 20A-7-206.3;

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

82 (c) deliver all of the packets to the lieutenant governor.

83 (4) Upon receipt of an initiative packet under Subsection (3) and any statement
 84 submitted under Subsection 20A-7-205(3), the lieutenant governor shall remove from the
 85 initiative petition a voter's signature if the voter has requested the removal in accordance with
 86 Subsection 20A-7-205(3).

87 ~~[(4)]~~ (5) In order to qualify an initiative petition for submission to the Legislature, the
 88 sponsors shall deliver each signed and verified initiative packet to the county clerk of the
 89 county in which the packet was circulated by the November 15 before the annual general

90 session of the Legislature.

91 ~~[(5)]~~ (6) No later than December 1 before the annual general session of the Legislature,
92 the county clerk shall:

93 (a) check the names of all persons completing the verification for the initiative packet
94 to determine whether or not those persons are Utah residents and are at least 18 years old; and

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

97 ~~[(6)]~~ (7) No later than December 15 before the annual general session of the
98 Legislature, the county clerk shall:

99 (a) determine whether or not each signer is a registered voter according to the
100 requirements of Section 20A-7-206.3;

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

102 (c) deliver all of the packets to the lieutenant governor.

103 ~~[(7)]~~ (8) Initiative packets are public once they are delivered to the county clerks.

104 ~~[(8)]~~ (9) The sponsor or their representatives may not retrieve initiative packets from
105 the county clerks once they have submitted them.

106 Section 3. **Effective date.**

107 If approved by two-thirds of all the members elected to each house, this bill takes effect
108 upon approval by the governor, or the day following the constitutional time limit of Utah
109 Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto,
110 the date of veto override.

Legislative Review Note
as of **2-11-10 4:24 PM**

Office of Legislative Research and General Counsel

S.B. 275 - Removing Signature from Initiative and Referendum Petition

Fiscal Note

2010 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.
