

1 **Statewide Initiative and Referendum Amendments**
2024 FOURTH SPECIAL SESSION
STATE OF UTAH
Chief Sponsor: Kirk A. Cullimore
Sponsor: Jason B. Kyle

2
3 **LONG TITLE**

4 **General Description:**

5 This bill, contingent on the passage of a constitutional amendment, addresses statewide
6 initiatives and referendums.

7 **Highlighted Provisions:**

8 This bill:

- 9 ▸ addresses the deference given to a law passed by initiative;
- 10 ▸ extends the amount of time that the sponsors of a referendum petition have to gather
11 signatures to qualify the referendum for the ballot;
- 12 ▸ makes conforming timeline changes to accommodate the extension of the
13 signature-gathering period;
- 14 ▸ amends provisions regarding the effective date of legislation that may be subject to a
15 referendum; and
- 16 ▸ makes technical and conforming changes.

17 **Money Appropriated in this Bill:**

18 None

19 **Other Special Clauses:**

20 This bill provides a special effective date.

21 **Utah Code Sections Affected:**

22 AMENDS:

- 23 **20A-7-105**, as last amended by Laws of Utah 2024, Chapters 442, 465
- 24 **20A-7-212**, as last amended by Laws of Utah 2019, Chapter 206
- 25 **20A-7-307**, as last amended by Laws of Utah 2023, Chapters 107, 116 and last amended
26 by Coordination Clause, Laws of Utah 2023, Chapter 116
- 27 **20A-7-311**, as last amended by Laws of Utah 2023, Chapter 107

28 **20A-7-705**, as last amended by Laws of Utah 2019, Chapters 217, 255

29 **20A-7-706**, as last amended by Laws of Utah 2019, Chapter 255

30

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

32 Section 1. Section **20A-7-105** is amended to read:

33 **20A-7-105 . Manual petition processes -- Obtaining signatures -- Verification --**
 34 **Submitting the petition -- Certification of signatures -- Transfer to lieutenant governor --**
 35 **Removal of signature.**

36 (1) This section applies only to the manual initiative process and the manual referendum
 37 process.

38 (2) As used in this section:

39 (a) "Local petition" means:

40 (i) a manual local initiative petition described in Part 5, Local Initiatives -
 41 Procedures; or

42 (ii) a manual local referendum petition described in Part 6, Local Referenda -
 43 Procedures.

44 (b) "Packet" means an initiative packet or referendum packet.

45 (c) "Petition" means a local petition or statewide petition.

46 (d) "Statewide petition" means:

47 (i) a manual statewide initiative petition described in Part 2, Statewide Initiatives; or

48 (ii) a manual statewide referendum petition described in Part 3, Statewide Referenda.

49 (3)(a) A Utah voter may sign a statewide petition if the voter is a legal voter.

50 (b) A Utah voter may sign a local petition if the voter:

51 (i) is a legal voter; and

52 (ii) resides in the local jurisdiction.

53 (4)(a) The sponsors shall ensure that the individual in whose presence each signature
 54 sheet was signed:

55 (i) is at least 18 years old;

56 (ii) verifies each signature sheet by completing the verification printed on the last
 57 page of each packet; and

58 (iii) is informed that each signer is required to read and understand:

59 (A) for an initiative petition, the law proposed by the initiative; or

60 (B) for a referendum petition, the law that the referendum seeks to overturn.

61 (b) An individual may not sign the verification printed on the last page of a packet if the

- 62 individual signed a signature sheet in the packet.
- 63 (5)(a) The sponsors, or an agent of the sponsors, shall submit a signed and verified
64 packet to the county clerk of the county in which the packet was circulated before 5
65 p.m. no later than the earlier of:
- 66 (i) for a statewide initiative:
- 67 (A) 30 days after the day on which the first individual signs the initiative packet;
68 (B) 316 days after the day on which the application for the initiative petition is
69 filed; or
70 (C) the February 15 immediately before the next regular general election
71 immediately after the application is filed under Section 20A-7-202;
- 72 (ii) for a statewide referendum:
- 73 (A) 30 days after the day on which the first individual signs the referendum
74 packet; or
75 (B) [40] 60 days after the day on which the legislative session at which the law
76 passed ends;
- 77 (iii) for a local initiative:
- 78 (A) 30 days after the day on which the first individual signs the initiative packet;
79 (B) 316 days after the day on which the application is filed;
80 (C) the April 15 immediately before the next regular general election immediately
81 after the application is filed under Section 20A-7-502, if the local initiative is a
82 county initiative; or
83 (D) the April 15 immediately before the next municipal general election
84 immediately after the application is filed under Section 20A-7-502, if the local
85 initiative is a municipal initiative; or
- 86 (iv) for a local referendum:
- 87 (A) 30 days after the day on which the first individual signs the referendum
88 packet; or
89 (B) 45 days after the day on which the sponsors receive the items described in
90 Subsection 20A-7-604(3) from the local clerk.
- 91 (b) A person may not submit a packet after the applicable deadline described in
92 Subsection (5)(a).
- 93 (c) Before delivering an initiative packet to the county clerk under this Subsection (5),
94 the sponsors shall send an email to each individual who provides a legible, valid
95 email address on the signature sheet that includes the following:

96 (i) the subject of the email shall include the following statement, "Notice Regarding
97 Your Petition Signature"; and

98 (ii) the body of the email shall include the following statement in 12-point type:

99 "You signed a petition for the following initiative:

100 [insert title of initiative]

101 To access a copy of the initiative petition, the initiative, the fiscal impact statement, and
102 information on the deadline for removing your signature from the petition, please visit the
103 following link: [insert a uniform resource locator that takes the individual directly to the page
104 on the lieutenant governor's or county clerk's website that includes the information referred to
105 in the email]."

106 (d) For a statewide initiative, the sponsors shall, no later than 5 p.m. on the day on which
107 the sponsors submit the last initiative packet to the county clerk, submit to the
108 lieutenant governor:

109 (i) a list containing:

110 (A) the name and email address of each individual the sponsors sent, or caused to
111 be sent, the email described in Subsection (5)(c); and

112 (B) the date the email was sent;

113 (ii) a copy of the email described in Subsection (5)(c); and

114 (iii) the following written verification, completed and signed by each of the sponsors:

115 "Verification of initiative sponsor State of Utah, County of _____ I, _____, of
116 _____, hereby state, under penalty of perjury, that:

117 I am a sponsor of the initiative petition entitled _____; and

118 I sent, or caused to be sent, to each individual who provided a legible, valid email address
119 on a signature sheet submitted to the county clerk in relation to the initiative petition, the email
120 described in Utah Code Subsection 20A-7-105(5)(c).

121 _____

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

123 (e) For a local initiative, the sponsors shall, no later than 5 p.m. on the day on which the
124 sponsors submit the last initiative packet to the local clerk, submit to the local clerk
125 the items described in Subsection (5)(d).

126 (f) Signatures gathered for an initiative petition are not valid if the sponsors do not
127 comply with Subsection (5)(c), (d), or (e).

128 (6)(a) Within 21 days after the day on which the county clerk receives the packet, the
129 county clerk shall:

- 130 (i) use the procedures described in Section 20A-1-1002, or 20A-7-106 if applicable,
131 to determine whether each signer is a legal voter and, as applicable, the
132 jurisdiction where the signer is registered to vote;
- 133 (ii) for a statewide initiative or a statewide referendum:
134 (A) certify on the petition whether each name is that of a legal voter;
135 (B) post the name, voter identification number, and date of signature of each legal
136 voter certified under Subsection (6)(a)(ii)(A) on the lieutenant governor's
137 website, in a conspicuous location designated by the lieutenant governor; and
138 (C) deliver the verified packet to the lieutenant governor;
- 139 (iii) for a local initiative or a local referendum:
140 (A) certify on the petition whether each name is that of a legal voter who is
141 registered in the jurisdiction to which the initiative or referendum relates;
142 (B) post the name, voter identification number, and date of signature of each legal
143 voter certified under Subsection (6)(a)(iii)(A) on the lieutenant governor's
144 website, in a conspicuous location designated by the lieutenant governor; and
145 (C) deliver the verified packet to the local clerk.
- 146 (b) For a local initiative or local referendum, the local clerk shall post a link in a
147 conspicuous location on the local government's website to the posting described in
148 Subsection (6)(a)(iii)(B):
- 149 (i) for a local initiative, during the period of time described in Subsection 20A-7-507
150 (3)(a); or
151 (ii) for a local referendum, during the period of time described in Subsection
152 20A-7-607(2)(a)(i).
- 153 (7) The county clerk may not certify a signature under Subsection (6):
154 (a) on a packet that is not verified in accordance with Subsection (4); or
155 (b) that does not have a date of signature next to the signature.
- 156 (8)(a) A voter who signs a statewide initiative petition may have the voter's signature
157 removed from the petition by, in accordance with Section 20A-1-1003, submitting to
158 the county clerk a statement requesting that the voter's signature be removed no later
159 than the earlier of:
- 160 (i) for an initiative packet received by the county clerk before December 1:
161 (A) 30 days after the day on which the voter signs the signature removal
162 statement; or
163 (B) 90 days after the day on which the lieutenant governor posts the voter's name

- 164 under Subsection 20A-7-207(2); or
- 165 (ii) for an initiative packet received by the county clerk on or after December 1:
- 166 (A) 30 days after the day on which the voter signs the signature removal
- 167 statement; or
- 168 (B) 45 days after the day on which the lieutenant governor posts the voter's name
- 169 under Subsection 20A-7-207(2).
- 170 (b) A voter who signs a statewide referendum petition may have the voter's signature
- 171 removed from the petition by, in accordance with Section 20A-1-1003, submitting to
- 172 the county clerk a statement requesting that the voter's signature be removed no later
- 173 than the earlier of:
- 174 (i) 30 days after the day on which the voter signs the statement requesting removal; or
- 175 (ii) 45 days after the day on which the lieutenant governor posts the voter's name
- 176 under Subsection 20A-7-307(2).
- 177 (c) A voter who signs a local initiative petition may have the voter's signature removed
- 178 from the petition by, in accordance with Section 20A-1-1003, submitting to the
- 179 county clerk a statement requesting that the voter's signature be removed no later than
- 180 the earlier of:
- 181 (i) 30 days after the day on which the voter signs the signature removal statement;
- 182 (ii) 90 days after the day on which the local clerk posts the voter's name under
- 183 Subsection 20A-7-507(2);
- 184 (iii) 316 days after the day on which the application is filed; or
- 185 (iv)(A) for a county initiative, April 15 immediately before the next regular
- 186 general election immediately after the application is filed under Section
- 187 20A-7-502; or
- 188 (B) for a municipal initiative, April 15 immediately before the next municipal
- 189 general election immediately after the application is filed under Section
- 190 20A-7-502.
- 191 (d) A voter who signs a local referendum petition may have the voter's signature
- 192 removed from the petition by, in accordance with Section 20A-1-1003, submitting to
- 193 the county clerk a statement requesting that the voter's signature be removed no later
- 194 than the earlier of:
- 195 (i) 30 days after the day on which the voter signs the statement requesting removal; or
- 196 (ii) 45 days after the day on which the local clerk posts the voter's name under
- 197 Subsection 20A-7-607(2)(a).

198 (e) In order for the signature to be removed, the county clerk must receive the statement
199 described in this Subsection (8) before 5 p.m. no later than the applicable deadline
200 described in this Subsection (8).

201 (f) A county clerk shall analyze a signature, for purposes of removing a signature from a
202 petition, in accordance with Subsection 20A-1-1003(3).

203 (9)(a) If the county clerk timely receives a statement requesting signature removal under
204 Subsection (8) and determines that the signature should be removed from the petition
205 under Subsection 20A-1-1003(3), the county clerk shall:

206 (i) ensure that the voter's name, voter identification number, and date of signature are
207 not included in the posting described in Subsection (6)(a)(ii)(B) or (iii)(B); and

208 (ii) remove the voter's signature from the signature packets and signature packet
209 totals.

210 (b) The county clerk shall comply with Subsection (9)(a) before the later of:

211 (i) the deadline described in Subsection (6)(a); or

212 (ii) two business days after the day on which the county clerk receives a statement
213 requesting signature removal under Subsection (8).

214 (10) A person may not retrieve a packet from a county clerk, or make any alterations or
215 corrections to a packet, after the packet is submitted to the county clerk.

216 Section 2. Section **20A-7-212** is amended to read:

217 **20A-7-212 . Effective date of initiative -- Deference given to law passed by**
218 **initiative.**

219 (1) A proposed law submitted to the Legislature by initiative petition and passed by the
220 Legislature takes effect 60 days after the last day of the session of the Legislature in
221 which the law passed, unless:

222 (a) a later effective date is included in the proposed law; or

223 (b) an earlier effective date is included in the proposed law and the proposed law passes
224 the Legislature by a two-thirds vote of the members elected to each house of the
225 Legislature.

226 (2) A proposed law submitted to the people by initiative petition that is approved by the
227 voters at an election takes effect:

228 (a) except as provided in Subsections (2)(b) through (e), on the day that is 60 days after
229 the last day of the general session of the Legislature next following the election;

230 (b) except as provided in Subsection (2)(d) or (e), if the proposed law effectuates a tax
231 increase:

- 232 (i) except as provided in Subsection (2)(b)(ii), January 1 of the year after the general
 233 session of the Legislature next following the election; or
- 234 (ii) at the beginning of the applicable taxable year that begins on or after January 1 of
 235 the year after the general session of the Legislature next following the election, for
 236 a tax described in:
- 237 (A) Title 59, Chapter 6, Mineral Production Tax Withholding;
- 238 (B) Title 59, Chapter 7, Corporate Franchise and Income Taxes;
- 239 (C) Title 59, Chapter 8, Gross Receipts Tax on Certain Corporations Not Required
 240 to Pay Corporate Franchise or Income Tax Act; or
- 241 (D) Title 59, Chapter 10, Individual Income Tax Act;
- 242 (c) except as provided in Subsection (2)(d) or (e), if the proposed law effectuates a tax
 243 decrease:
- 244 (i) except as provided in Subsection (2)(c)(ii), April 1 immediately following the
 245 election; or
- 246 (ii) for a tax described in Subsection (2)(b)(ii)(A) through (D), at the beginning of the
 247 applicable taxable year that begins on or after January 1 immediately following
 248 the election;
- 249 (d) except as provided in Subsection (2)(e), January 1 of the year after the general
 250 session of the Legislature next following the election, if the proposed law effectuates
 251 a change in a tax described in:
- 252 (i) Title 59, Chapter 2, Property Tax Act;
- 253 (ii) Title 59, Chapter 3, Tax Equivalent Property Act; or
- 254 (iii) Title 59, Chapter 4, Privilege Tax; or
- 255 (e) if the proposed law specifies a special effective date that is after the otherwise
 256 applicable effective date described in Subsections (2)(a) through (d), the date
 257 specified in the proposed law.
- 258 (3)(a) The governor may not veto a law adopted by the people.
- 259 ~~[(b) The Legislature may amend any initiative approved by the people at any legislative~~
 260 ~~session.]~~
- 261 (b) If, during the general session next following the passage of a law submitted to the
 262 people by initiative petition, the Legislature amends the law, the Legislature:
- 263 (i) shall give deference to the initiative by amending the law in a manner that, in the
 264 Legislature's determination, leaves intact the general purpose of the initiative; and
 265 (ii) notwithstanding Subsection (3)(b)(i), may amend the law in any manner

266 determined necessary by the Legislature to mitigate an adverse fiscal impact of the
267 initiative.

268 Section 3. Section **20A-7-307** is amended to read:

269 **20A-7-307 . Evaluation by the lieutenant governor.**

270 (1) In relation to the manual referendum process, when the lieutenant governor receives a
271 referendum packet from a county clerk, the lieutenant governor shall record the number
272 of the referendum packet received.

273 (2) The county clerk shall:

274 (a) in relation to the manual referendum process:

275 (i) post the names, voter identification numbers, and dates of signatures described in
276 Subsection 20A-7-105(6)(a)(iii) on the lieutenant governor's website, in a
277 conspicuous location designated by the lieutenant governor, for at least 45 days;
278 and

279 (ii) update on the lieutenant governor's website the number of signatures certified as
280 of the date of the update; or

281 (b) in relation to the electronic referendum process:

282 (i) post the names, voter identification numbers, and dates of signatures described in
283 Subsection 20A-7-315(4) on the lieutenant governor's website, in a conspicuous
284 location designated by the lieutenant governor, for at least 45 days; and

285 (ii) update on the lieutenant governor's website the number of signatures certified as
286 of the date of the update.

287 (3) The lieutenant governor:

288 (a) shall, except as provided in Subsection (3)(b), declare the referendum petition to be
289 sufficient or insufficient [~~106~~] 126 days after the end of the legislative session at
290 which the law passed; or

291 (b) may declare the referendum petition to be insufficient before the day described in
292 Subsection (3)(a) if:

293 (i) in relation to the manual referendum process, the total of all valid signatures on
294 timely and lawfully submitted referendum packets that have been certified by the
295 county clerks, plus the number of signatures on timely and lawfully submitted
296 referendum packets that have not yet been evaluated for certification, is less than
297 the number of names required under Section 20A-7-301;

298 (ii) in relation to the electronic referendum process, the total of all timely and
299 lawfully submitted valid signatures that have been certified by the county clerks,

300 plus the number of timely and lawfully submitted valid signatures received under
 301 Subsection 20A-21-201(6)(b) that have not yet been evaluated for certification, is
 302 less than the number of names required under Section 20A-7-301; or

303 (iii) a requirement of this part has not been met.

304 (4)(a) If the total number of names certified under Subsection (3) equals or exceeds the
 305 number of names required under Section 20A-7-301, and the requirements of this
 306 part are met, the lieutenant governor shall mark upon the front of the referendum
 307 petition the word "sufficient."

308 (b) If the total number of names certified under Subsection (3) does not equal or exceed
 309 the number of names required under Section 20A-7-301 or a requirement of this part
 310 is not met, the lieutenant governor shall mark upon the front of the referendum
 311 petition the word "insufficient."

312 (c) The lieutenant governor shall immediately notify any one of the sponsors of the
 313 lieutenant governor's finding.

314 (d) After a referendum petition is declared insufficient, a person may not submit
 315 additional signatures to qualify the referendum for the ballot.

316 (5)(a) If the lieutenant governor refuses to declare a referendum petition sufficient that a
 317 voter believes is legally sufficient, the voter may, no later than 10 days after the day
 318 on which the lieutenant governor declares the petition insufficient, apply to the
 319 appropriate court for an order finding the referendum petition legally sufficient.

320 (b) If the court determines that the referendum petition is legally sufficient, the
 321 lieutenant governor shall mark the referendum petition "sufficient" and consider the
 322 declaration of sufficiency effective as of the date on which the referendum petition
 323 should have been declared sufficient by the lieutenant governor's office.

324 (c) If the court determines that a referendum petition filed is not legally sufficient, the
 325 court may enjoin the lieutenant governor and all other officers from certifying or
 326 printing the ballot title and numbers of that measure on the official ballot.

327 (6) A referendum petition determined to be sufficient in accordance with this section is
 328 qualified for the ballot.

329 Section 4. Section **20A-7-311** is amended to read:

330 **20A-7-311 . Temporary stay -- Effective date -- Effect of repeal by Legislature.**

331 (1)(a) Within 35 calendar days after the day on which the legislative session at which
 332 the law passed ends, the lieutenant governor shall:

333 (i) determine whether, within 30 calendar days after the day on which the legislative

334 session at which the law passed ends, the sponsors have submitted signatures to
335 the county clerks equal to at least 25% of the number of signatures required to
336 qualify the referendum for placement on the ballot; and

337 (ii) issue a written statement of the results of the determination.

338 (b) If the lieutenant governor determines that the sponsors have met the 25% threshold
339 described in Subsection (1)(a), the effective date of the law challenged by the
340 referendum changes to the later of:

341 (i) the effective date of the law; or

342 (ii) the day after the day on which the lieutenant governor declares the referendum
343 petition sufficient or insufficient under Section 20A-7-307.

344 ~~[(1)]~~ (2) ~~[H]~~ Notwithstanding Subsection (1), if, at the time during the counting period
345 described in Section 20A-7-307, the lieutenant governor determines that, at that point in
346 time, an adequate number of signatures are certified to comply with the signature
347 requirements, the lieutenant governor shall:

348 (a) issue an order temporarily staying the law from going into effect; and

349 (b) continue the process of certifying signatures and removing signatures as required by
350 this part.

351 ~~[(2)]~~ (3) The temporary stay described in Subsection ~~[(1)]~~ (2) remains in effect, regardless of
352 whether a future count falls below the signature threshold, until the day on which:

353 (a) if the lieutenant governor declares the referendum petition insufficient, five days
354 after the day on which the lieutenant governor declares the referendum petition
355 insufficient; or

356 (b) if the lieutenant governor declares the referendum petition sufficient, the day on
357 which governor issues the proclamation described in Section 20A-7-310.

358 ~~[(3)]~~ (4) A law submitted to the people by referendum that is approved by the voters at an
359 election takes effect the later of:

360 (a) five days after the date of the official proclamation of the vote by the governor; or

361 (b) the effective date specified in the approved law.

362 ~~[(4)]~~ (5) If, after the lieutenant governor issues a temporary stay order under Subsection [
363 ~~(1)(a)]~~ (2)(a), the lieutenant governor declares the referendum petition insufficient, the
364 law that is the subject of the referendum petition takes effect the later of:

365 (a) five days after the day on which the lieutenant governor declares the referendum
366 petition insufficient; or

367 (b) the effective date specified in the law that is the subject of the referendum petition.

368 ~~[(5)]~~ (6)(a) The governor may not veto a law approved by the people.

369 (b) The Legislature may amend any laws approved by the people at any legislative
370 session after the people approve the law.

371 ~~[(6)]~~ (7) If the Legislature repeals a law challenged by referendum petition under this part,
372 the referendum petition is void and no further action on the referendum petition is
373 required.

374 Section 5. Section **20A-7-705** is amended to read:

375 **20A-7-705 . Measures to be submitted to voters and referendum measures --**

376 **Preparation of argument of adoption.**

377 (1)(a) Whenever the Legislature submits any measure to the voters or whenever an act
378 of the Legislature is referred to the voters by referendum petition, the presiding
379 officer of the house of origin of the measure shall appoint the sponsor of the measure
380 or act and one member of either house who voted with the majority to pass the act or
381 submit the measure to draft an argument for the adoption of the measure.

382 (b)(i) The argument may not exceed 500 words in length, not counting the
383 information described in Subsection (4)(e).

384 (ii) If the sponsor of the measure or act desires separate arguments to be written in
385 favor by each person appointed, separate arguments may be written but the
386 combined length of the two arguments may not exceed 500 words, not counting
387 the information described in Subsection (4)(e).

388 (2)(a) If a measure or act submitted to the voters by the Legislature or by referendum
389 petition was not adopted unanimously by the Legislature, the presiding officer of
390 each house shall, at the same time as appointments to an argument in its favor are
391 made, appoint one member who voted against the measure or act from their house to
392 write an argument against the measure or act.

393 (b)(i) The argument may not exceed 500 words, not counting the information
394 described in Subsection (4)(e).

395 (ii) If those members appointed to write an argument against the measure or act
396 desire separate arguments to be written in opposition to the measure or act by each
397 person appointed, separate arguments may be written, but the combined length of
398 the two arguments may not exceed 500 words, not counting the information
399 described in Subsection (4)(e).

400 (3)(a) The legislators appointed by the presiding officer of the Senate or House of
401 Representatives to submit arguments shall submit the arguments to the lieutenant

- 402 governor not later than the day that falls [~~150~~] 130 days before the date of the election.
- 403 (b) Except as provided in Subsection (3)(d), the authors may not amend or change the
404 arguments after they are submitted to the lieutenant governor.
- 405 (c) Except as provided in Subsection (3)(d), the lieutenant governor may not alter the
406 arguments in any way.
- 407 (d) The lieutenant governor and the authors of an argument may jointly modify an
408 argument after it is submitted if:
- 409 (i) they jointly agree that changes to the argument must be made to correct spelling or
410 grammatical errors; and
- 411 (ii) the argument has not yet been submitted for typesetting.
- 412 (4)(a) If an argument for or an argument against a measure submitted to the voters by
413 the Legislature or by referendum petition has not been filed by a member of the
414 Legislature within the time required by this section:
- 415 (i) the lieutenant governor shall immediately:
- 416 (A) send an electronic notice that complies with the requirements of Subsection
417 (4)(b) to each individual in the state for whom the Office of the Lieutenant
418 Governor has an email address; or
- 419 (B) post a notice that complies with the requirements of Subsection (4)(b) on the
420 home page of the lieutenant governor's website; and
- 421 (ii) any voter may, before 5 p.m. no later than seven days after the day on which the
422 lieutenant governor provides the notice described in Subsection (4)(a)(i), submit a
423 written request to the presiding officer of the house in which the measure
424 originated for permission to prepare and file an argument for the side on which no
425 argument has been filed by a member of the Legislature.
- 426 (b) A notice described in Subsection (4)(a)(i) shall contain:
- 427 (i) the ballot title for the measure;
- 428 (ii) instructions on how to submit a request under Subsection (4)(a)(ii); and
- 429 (iii) the deadlines described in Subsections (4)(a)(ii) and (4)(d).
- 430 (c)(i) The presiding officer of the house of origin shall grant permission unless two
431 or more voters timely request permission to submit arguments on the same side of
432 a measure.
- 433 (ii) If two or more voters timely request permission to submit arguments on the same
434 side of a measure, the presiding officer shall, no later than four calendar days after
435 the day of the deadline described in Subsection (4)(a)(ii), designate one of the

- 436 voters to write the argument.
- 437 (d) Any argument prepared under this Subsection (4) shall be submitted to the lieutenant
 438 governor before 5 p.m. no later than seven days after the day on which the presiding
 439 officer grants permission to submit the argument.
- 440 (e) The lieutenant governor may not accept a ballot argument submitted under this
 441 section unless the ballot argument lists:
- 442 (i) the name and address of the individual submitting the argument, if the argument is
 443 submitted by an individual voter; or
- 444 (ii) the name and address of the organization and the names and addresses of at least
 445 two of the organization's principal officers, if the argument is submitted on behalf
 446 of an organization.
- 447 (f) Except as provided in Subsection (4)(h), the authors may not amend or change the
 448 arguments after they are submitted to the lieutenant governor.
- 449 (g) Except as provided in Subsection (4)(h), the lieutenant governor may not alter the
 450 arguments in any way.
- 451 (h) The lieutenant governor and the authors of an argument may jointly modify an
 452 argument after it is submitted if:
- 453 (i) they jointly agree that changes to the argument must be made to:
- 454 (A) correct spelling or grammatical errors; or
- 455 (B) properly characterize the position of a state entity, if the argument
 456 mischaracterizes the position of a state entity; and
- 457 (ii) the argument has not yet been submitted for typesetting.
- 458 (i) If, after the lieutenant governor determines that an argument described in this section
 459 mischaracterizes the position of a state entity, the lieutenant governor and the authors
 460 of the argument cannot jointly agree on a change to the argument, the lieutenant
 461 governor:
- 462 (i) shall publish the argument with the mischaracterization; and
- 463 (ii) may, immediately following the argument, publish a brief description of the
 464 position of the state entity.

465 Section 6. Section **20A-7-706** is amended to read:

466 **20A-7-706 . Copies of arguments to be sent to opposing authors -- Rebuttal**
 467 **arguments.**

- 468 (1) When the lieutenant governor has received the arguments for and against a measure to
 469 be submitted to the voters, the lieutenant governor shall immediately send copies of the

470 arguments in favor of the measure to the authors of the arguments against and copies of
471 the arguments against to the authors of the arguments in favor.

472 (2) The authors may prepare and submit rebuttal arguments not exceeding 250 words, not
473 counting the information described in Subsection 20A-7-705(4)(e).

474 (3)(a) The rebuttal arguments shall be filed with the lieutenant governor:

475 (i) for constitutional amendments and referendum petitions, before 5 p.m. no later
476 than ~~[120]~~ 100 days before the date of the election; and

477 (ii) for initiatives, before 5 p.m. no later than July 30.

478 (b) Except as provided in Subsection (3)(d), the authors may not amend or change the
479 rebuttal arguments after they are submitted to the lieutenant governor.

480 (c) Except as provided in Subsection (3)(d), the lieutenant governor may not alter the
481 arguments in any way.

482 (d) The lieutenant governor and the authors of a rebuttal argument may jointly modify a
483 rebuttal argument after it is submitted if:

484 (i) they jointly agree that changes to the rebuttal argument must be made to correct
485 spelling or grammatical errors; and

486 (ii) the rebuttal argument has not yet been submitted for typesetting.

487 (4) The lieutenant governor shall ensure that:

488 (a) rebuttal arguments are printed in the same manner as the direct arguments; and

489 (b) each rebuttal argument follows immediately after the direct argument which it seeks
490 to rebut.

491 **Section 7. Effective date.**

492 This bill takes effect on January 1, 2025, if the amendment to the Utah

493 Constitution proposed by S.J.R. 401, Proposal to Amend Utah Constitution - Voter

494 Legislative Power, 2024 4th Special Session, passes the Legislature and is approved

495 by a majority of those voting on it at the next regular general election.

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