

1 **INITIATIVE AND REFERENDA MODIFICATIONS**

2 2021 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Jordan D. Teuscher**

5 Senate Sponsor: Jerry W. Stevenson

6	Cosponsors:	Francis D. Gibson	Val L. Peterson
7	Cheryl K. Acton	Matthew H. Gwynn	Candice B. Pierucci
8	Carl R. Albrecht	Timothy D. Hawkes	Mike Schultz
9	Melissa G. Ballard	Dan N. Johnson	Travis M. Seegmiller
10	Kera Birkeland	Michael L. Kohler	Rex P. Shipp
11	Brady Brammer	Bradley G. Last	Jeffrey D. Stenquist
12	Walt Brooks	Karianne Lisonbee	Mark A. Strong
13	Jefferson S. Burton	Steven J. Lund	Christine F. Watkins
14	Scott H. Chew	Phil Lyman	Ryan D. Wilcox
15	Steve R. Christiansen	Jefferson Moss	
16	Kay J. Christofferson	Merrill F. Nelson	
17	Joel Ferry	Michael J. Petersen	

18

19 **LONG TITLE**

20 **General Description:**

21 This bill amends provisions of the Election Code relating to statewide and local
22 initiatives and referenda.

23 **Highlighted Provisions:**

- 24 This bill:
- 25 ▶ imposes requirements on signature gatherers and provides penalties for violation of
 - 26 those requirements;
 - 27 ▶ modifies the form for signature sheets and the verification of signature packets;

- 28 ▶ requires the sponsors of an initiative to:
- 29 • send certain information via email to an individual who signs a petition if the
- 30 individual provides an email address; and
- 31 • sign a verification that the sponsor complied with the email requirement;
- 32 ▶ removes the requirement to include a copy of the initiative or referendum in a
- 33 signature packet and, instead, requires a signature gatherer to, before collecting a
- 34 signature, present to the individual a printed or digital copy of the initiative or
- 35 referendum and wait for the individual to read the initiative or referendum;
- 36 ▶ requires the lieutenant governor or a local clerk to post certain information on the
- 37 lieutenant governor's or clerk's website regarding an initiative or referendum;
- 38 ▶ clarifies requirements for review of an application to determine referability to
- 39 voters; and
- 40 ▶ makes technical and conforming changes.

41 **Money Appropriated in this Bill:**

42 None

43 **Other Special Clauses:**

44 This bill provides a coordination clause.

45 **Utah Code Sections Affected:**

46 AMENDS:

- 47 **20A-1-609**, as last amended by Laws of Utah 2020, Chapter 31
- 48 **20A-7-203**, as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 20
- 49 **20A-7-204**, as last amended by Laws of Utah 2017, Chapter 291
- 50 **20A-7-206**, as last amended by Laws of Utah 2020, Chapters 166 and 349
- 51 **20A-7-303**, as last amended by Laws of Utah 2019, Chapter 210
- 52 **20A-7-304**, as last amended by Laws of Utah 1995, Chapter 153
- 53 **20A-7-306**, as last amended by Laws of Utah 2020, Chapter 166
- 54 **20A-7-502.7**, as enacted by Laws of Utah 2019, Chapter 203

- 55 **20A-7-503**, as last amended by Laws of Utah 2017, Chapter 291
- 56 **20A-7-504**, as last amended by Laws of Utah 2019, Chapter 203
- 57 **20A-7-506**, as last amended by Laws of Utah 2019, Chapters 203 and 255
- 58 **20A-7-602.7**, as enacted by Laws of Utah 2019, Chapter 203
- 59 **20A-7-602.8**, as enacted by Laws of Utah 2019, Chapter 203
- 60 **20A-7-603**, as last amended by Laws of Utah 2019, Chapter 203
- 61 **20A-7-604**, as last amended by Laws of Utah 2019, Chapter 203
- 62 **20A-7-606**, as last amended by Laws of Utah 2019, Chapter 255

63 ENACTS:

- 64 **20A-7-104**, Utah Code Annotated 1953
- 65 **20A-7-202.7**, Utah Code Annotated 1953
- 66 **20A-7-304.5**, Utah Code Annotated 1953
- 67 **20A-7-502.6**, Utah Code Annotated 1953
- 68 **20A-7-604.5**, Utah Code Annotated 1953

69 **Utah Code Sections Affected by Coordination Clause:**

- 70 **20A-7-203**, as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 20
- 71 **20A-7-204**, as last amended by Laws of Utah 2017, Chapter 291
- 72 **20A-7-303**, as last amended by Laws of Utah 2019, Chapter 210
- 73 **20A-7-304**, as last amended by Laws of Utah 1995, Chapter 153
- 74 **20A-7-503**, as last amended by Laws of Utah 2017, Chapter 291
- 75 **20A-7-504**, as last amended by Laws of Utah 2019, Chapter 203
- 76 **20A-7-603**, as last amended by Laws of Utah 2019, Chapter 203
- 77 **20A-7-604**, as last amended by Laws of Utah 2019, Chapter 203

78

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

80 Section 1. Section **20A-1-609** is amended to read:

81 **20A-1-609. Omnibus penalties.**

82 (1) (a) Except as provided in Subsection (1)(b), a person who violates any provision of
83 this title is guilty of a class B misdemeanor.

84 (b) Subsection (1)(a) does not apply to a provision of this title for which another
85 penalty is expressly stated.

86 (c) An individual is not guilty of a crime for, by signing a petition for an initiative or
87 referendum, falsely making the statement described in Subsection ~~20A-7-203(2)(e)(ii)(d)(xx)~~,
88 ~~20A-7-303(2)(h)(ii)(d)(xx)~~, ~~20A-7-503(2)(e)(d)(xx)~~, or ~~20A-7-603(2)(h)(d)(xx)~~.

89 (2) Except as provided by Section ~~20A-2-101.3~~ or ~~20A-2-101.5~~, an individual
90 convicted of any offense under this title may not:

91 (a) file a declaration of candidacy for any office or appear on the ballot as a candidate
92 for any office during the election cycle in which the violation occurred;

93 (b) take or hold the office to which the individual was elected; and

94 (c) receive the emoluments of the office to which the individual was elected.

95 (3) (a) Any individual convicted of any offense under this title forfeits the right to vote
96 at any election unless the right to vote is restored as provided in Section ~~20A-2-101.3~~ or
97 ~~20A-2-101.5~~.

98 (b) Any person may challenge the right to vote of a person described in Subsection
99 (3)(a) by following the procedures and requirements of Section ~~20A-3a-803~~.

100 Section 2. Section ~~20A-7-104~~ is enacted to read:

101 **20A-7-104. Signature gatherers -- Payments -- Badges -- Information --**
102 **Requirement to provide initiative or referendum for review.**

103 (1) A person may not pay a person to gather signatures under this chapter based on a
104 rate per signature, on a rate per verified signature, or on the initiative or referendum qualifying
105 for the ballot.

106 (2) A person that pays a person to gather signatures under this section shall base the
107 payment solely on an hourly rate.

108 (3) A person may not accept payment made in violation of this section.

109 (4) An individual who is paid to gather signatures for a petition described in this
110 chapter shall, while gathering signatures, wear a badge on the front of the individual's torso that
111 complies with the following, ensuring that the information on the badge is clearly visible to the
112 individual from whom a signature is sought:

113 (a) the badge shall be printed in black ink on white cardstock and laminated; and

114 (b) the information on the badge shall be in at least 24-point type and include the
115 following information:

116 (i) an identification number that is unique to the individual gathering signatures,
117 assigned by:

118 (A) for a statewide initiative or referendum, the lieutenant governor; or

119 (B) for a local initiative or referendum, the local clerk;

120 (ii) the title of the initiative or referendum;

121 (iii) the words "Paid Signature Gatherer"; and

122 (iv) the name of the entity paying the signature gatherer.

123 (5) Except as provided in Subsection (6)(b), an individual who gathers signatures under
124 this chapter shall provide a paper document to each individual who signs the petition that:

125 (a) is printed in black ink on white paper, white cardstock, or a white sticker, in at least
126 12-point type; and

127 (b) (i) for an initiative, includes the name of the initiative and the following statement:

128 "You may view the initiative, its fiscal impact, and information on removing your

129 signature from the petition at [list a uniform resource locator that links directly to the

130 information described in Section [20A-7-202.7](#) or [20A-7-502.6](#), as applicable]."; or

131 (ii) for a referendum, includes the name of the referendum and the following statement:

132 "You may view the referendum and information on removing your signature from the

133 petition at [list a uniform resource locator that links directly to the information described in

134 Section [20A-7-304.5](#) or [20A-7-604.5](#), as applicable]."

135 (6) An individual who gathers signatures under this chapter:

136 (a) shall, before collecting a signature from an individual, present to the individual a
137 printed or digital copy of the initiative or referendum and wait for the individual to read the
138 initiative or referendum; and

139 (b) is not required to provide the document described in Subsection (5) if, after the
140 individual offers to provide the document, the individual who signs the petition declines to
141 accept the document.

142 (7) A person who violates this section is guilty of a class B misdemeanor.

143 Section 3. Section **20A-7-202.7** is enacted to read:

144 **20A-7-202.7. Posting initiative information.**

145 (1) Within one business day after the day on which the lieutenant governor receives the
146 initial fiscal impact statement under Subsection [20A-7-202.5\(3\)\(a\)](#), the lieutenant governor
147 shall post the following information together in a conspicuous place on the lieutenant
148 governor's website:

149 (a) the initiative petition;

150 (b) the initiative;

151 (c) the fiscal impact statement; and

152 (d) information describing how an individual may remove the individual's signature
153 from the signature packet.

154 (2) The lieutenant governor shall:

155 (a) promptly update the information described in Subsection (1) if the information
156 changes; and

157 (b) maintain the information described in Subsection (1) on the lieutenant governor's
158 website until the initiative fails to qualify for the ballot or is passed or defeated at an election.

159 Section 4. Section **20A-7-203** is amended to read:

160 **20A-7-203. Form of initiative petition and signature sheets.**

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

163 "INITIATIVE PETITION To the Honorable _____, Lieutenant Governor:

164 We, the undersigned citizens of Utah, respectfully demand that the following proposed
165 law be submitted to the legal voters/Legislature of Utah for their/its approval or rejection at the
166 regular general election/session to be held/ beginning on _____(month\day\year);

167 Each signer says:

168 I have personally signed this petition;

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

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

172 NOTICE TO SIGNERS:

173 Public hearings to discuss this petition were held at: (list dates and locations of public
174 hearings.)":

175 (b) If the initiative petition proposes a tax increase, the following statement shall
176 appear, in at least 14-point, bold type, immediately following the information described in
177 Subsection (1)(a):

178 "This initiative petition seeks to increase the current (insert name of tax) rate by (insert
179 the tax percentage difference) percent, resulting in a(n) (insert the tax percentage increase)
180 percent increase in the current tax rate."

181 (c) The sponsors of an initiative shall attach a copy of the proposed law to each
182 initiative petition.

183 (2) Each signature sheet shall:

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

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

187 (c) [~~contain~~ include] the title of the initiative printed below the horizontal line, in at
188 least 14-point, bold type;

189 [~~(d) be vertically divided into columns as follows:~~]

190 ~~[(i) the edge of the first column shall appear .5 inch from the extreme left of the sheet,~~
191 ~~be .25 inch wide, and be headed, together with the second column, "For Office Use Only";]~~

192 ~~[(ii) the second column shall be .25 inch wide;]~~

193 ~~[(iii) the third column shall be 2.5 inches wide, headed "Registered Voter's Printed~~
194 ~~Name (must be legible to be counted)";]~~

195 ~~[(iv) the fourth column shall be 2.5 inches wide, headed "Signature of Registered~~
196 ~~Voter";]~~

197 ~~[(v) the fifth column shall be .75 inch wide, headed "Date Signed";]~~

198 ~~[(vi) the sixth column shall be three inches wide, headed "Street Address, City, Zip~~
199 ~~Code"; and]~~

200 ~~[(vii) the seventh column shall be .75 inch wide, headed "Birth Date or Age~~
201 ~~(Optional)";]~~

202 ~~[(e) be horizontally divided into rows as follows:]~~

203 ~~[(i) the top of the first row, for the purpose of entering the information described in~~
204 ~~Subsection (2)(d), shall be .5 inch high;]~~

205 ~~[(ii) the second row shall be .15 inch high and contain the following statement printed~~
206 ~~or typed in not less than 12-point type:]~~

207 ~~["By signing this petition, you are stating that you have read and understand the law~~
208 ~~proposed by this petition."; and]~~

209 ~~[(iii) the first and second rows shall be repeated, in order, leaving sufficient room at the~~
210 ~~bottom of the sheet for the information described in Subsection (2)(f); and]~~

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

213 (i) the first column shall be .5 inch wide and include three rows;

214 (ii) the first row of the first column shall be .85 inch tall and contain the words "For
215 Office Use Only" in 10-point type;

216 (iii) the second row of the first column shall be .35 inch tall;

- 217 (iv) the third row of the first column shall be .5 inch tall;
- 218 (v) the second column shall be 2.75 inches wide;
- 219 (vi) the first row of the second column shall be .35 inch tall and contain the words
- 220 "Registered Voter's Printed Name (must be legible to be counted)" in 10-point type;
- 221 (vii) the second row of the second column shall be .5 inch tall;
- 222 (viii) the third row of the second column shall be .35 inch tall and contain the words
- 223 "Street Address, City, Zip Code" in 10-point type;
- 224 (ix) the fourth row of the second column shall be .5 inch tall;
- 225 (x) the third column shall be 2.75 inches wide;
- 226 (xi) the first row of the third column shall be .35 inch tall and contain the words
- 227 "Signature of Registered Voter" in 10-point type;
- 228 (xii) the second row of the third column shall be .5 inch tall;
- 229 (xiii) the third row of the third column shall be .35 inch tall and contain the words
- 230 "Email Address (optional, to receive additional information)" in 10-point type;
- 231 (xiv) the fourth row of the third column shall be .5 inch tall;
- 232 (xv) the fourth column shall be one inch wide;
- 233 (xvi) the first row of the fourth column shall be .35 inch tall and contain the words
- 234 "Date Signed" in 10-point type;
- 235 (xvii) the second row of the fourth column shall be .5 inch tall;
- 236 (xviii) the third row of the fourth column shall be .35 inch tall and contain the words
- 237 "Birth Date or Age (optional)" in 10-point type;
- 238 (xix) the fourth row of the third column shall be .5 inch tall; and
- 239 (xx) the fifth row of the entire table shall be the width of the entire table, .4 inch tall,
- 240 and contain the following statement, "By signing this petition, you are stating that you have
- 241 read and understand the law proposed by this petition." in 12-point type;
- 242 (e) the table described in Subsection (2)(d) shall be repeated, leaving sufficient room at
- 243 the bottom of the sheet for the information described in Subsection (2)(f); and

244 (f) at the bottom of the sheet, ~~[contain]~~ include in the following order:

245 (i) the words "Fiscal Impact of" followed by the title of the initiative, in at least
246 ~~[14-point]~~ 12-point, bold type;

247 (ii) except as provided in Subsection (4), the initial fiscal impact estimate's summary
248 statement issued by the Office of the Legislative Fiscal Analyst in accordance with Subsection
249 20A-7-202.5(2)(a), including any update in accordance with Subsection 20A-7-204.1(5), in not
250 less than 12-point~~;~~ ~~bold~~ type;

251 (iii) if the initiative petition proposes a tax increase, the following statement in
252 12-point, bold type:

253 "This initiative petition seeks to increase the current (insert name of tax) rate by (insert
254 the tax percentage difference) percent, resulting in a(n) (insert the tax percentage increase)
255 percent increase in the current tax rate."; and

256 ~~[(iii)]~~ (iv) the word "Warning," in 12-point, bold type, followed by the following
257 statement in not less than eight-point type:

258 "It is a class A misdemeanor for an individual to sign an initiative petition with a name
259 other than the individual's own name, or to knowingly sign the individual's name more than
260 once for the same measure, or to sign an initiative petition when the individual knows that the
261 individual is not a registered voter and knows that the individual does not intend to become
262 registered to vote before the certification of the petition names by the county clerk."~~;~~ ~~(iv) the~~
263 ~~following statement: "~~

264 Birth date or age information is not required, but it may be used to verify your identity
265 with voter registration records. If you choose not to provide it, your signature may not be
266 verified as a valid signature if you change your address before petition signatures are verified
267 or if the information you provide does not match your voter registration records."~~;~~ ~~and]~~

268 ~~[(v) if the initiative petition proposes a tax increase, spanning the bottom of the sheet,~~
269 ~~horizontally, in not less than 14-point, bold type, the following statement:]~~

270 ~~["This initiative petition seeks to increase the current (insert name of tax) rate by (insert~~

271 ~~the tax percentage difference) percent, resulting in a(n) (insert the tax percentage increase)~~
272 ~~percent increase in the current tax rate."]~~

273 (3) The final page of each initiative packet shall contain the following printed or typed
274 statement:

275 [“]Verification of signature collector

276 State of Utah, County of _____

277 I, _____, of _____, hereby state, under penalty of perjury, that:

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

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

282 I believe that each individual has printed and signed the individual's name and written
283 the individual's post office address and residence correctly, that each signer has read and
284 understands the law proposed by the initiative, and that each signer is registered to vote in Utah
285 or intends to become registered to vote before the certification of the petition names by the
286 county clerk.

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

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

291 _____
292 (Name) (Residence Address) (Date)[“]

293 (4) If the initial fiscal impact estimate described in Subsection (2)(f), as updated in
294 accordance with Subsection 20A-7-204.1(5), exceeds 200 words, the Office of the Legislative
295 Fiscal Analyst shall prepare a shorter summary statement, for the purpose of inclusion on a
296 signature sheet, that does not exceed 200 words.

297 (5) If the forms described in this section are substantially followed, the initiative

298 petitions are sufficient, notwithstanding clerical and merely technical errors.

299 Section 5. Section **20A-7-204** is amended to read:

300 **20A-7-204. Circulation requirements -- Lieutenant governor to provide sponsors**
301 **with materials.**

302 (1) In order to obtain the necessary number of signatures required by this part, the
303 sponsors shall circulate initiative packets that meet the form requirements of this part.

304 (2) The lieutenant governor shall furnish to the sponsors:

305 (a) a copy of the initiative petition, with any change submitted under Subsection
306 [20A-7-204.1\(5\)](#); and

307 (b) one signature sheet.

308 (3) The sponsors of the petition shall:

309 (a) arrange and pay for the printing of all additional copies of the petition and signature
310 sheets; and

311 (b) ensure that the copies of the petition and signature sheets meet the form
312 requirements of this section.

313 (4) (a) The sponsors may prepare the initiative for circulation by creating multiple
314 initiative packets.

315 (b) The sponsors shall create ~~[those]~~ the packets by binding a copy of the initiative
316 petition~~[, a copy of the proposed law,]~~ and no more than 50 signature sheets together at the top
317 ~~[in such a way]~~ so that the packets may be conveniently opened for signing.

318 (c) The sponsors need not attach a uniform number of signature sheets to each
319 initiative packet.

320 ~~[(5) (a) After the sponsors have prepared sufficient initiative packets, they shall return~~
321 ~~them to the lieutenant governor.]~~

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

323 (i) contact the lieutenant governor's office to receive a range of numbers that the
324 sponsors may use to number signature packets; and

325 (ii) number each signature packet, sequentially, within the range of numbers provided
326 by the lieutenant governor's office, starting with the lowest number in the range.

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

328 (i) number a signature packet in a manner not directed by the lieutenant governor's
329 office; or

330 (ii) circulate or submit a signature packet that is not numbered in the manner directed
331 by the lieutenant governor's office.

332 ~~[(b)]~~ (c) The lieutenant governor shall[:] keep a record of the number range provided
333 under Subsection (5)(a).

334 ~~[(i) number each of the initiative packets and return them to the sponsors within five~~
335 ~~working days; and]~~

336 ~~[(ii) keep a record of the numbers assigned to each packet.]~~

337 Section 6. Section **20A-7-206** is amended to read:

338 **20A-7-206. Submitting the initiative petition -- Certification of signatures by the**
339 **county clerks -- Transfer to lieutenant governor.**

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

344 (i) 30 days after the day on which the first individual signs the initiative packet;

345 (ii) 316 days after the day on which the application for the initiative petition is filed; or

346 (iii) the February 15 immediately before the next regular general election immediately
347 after the application is filed under Section **20A-7-202**.

348 (b) A ~~[sponsor]~~ person may not submit an initiative packet after the deadline described
349 in Subsection (1)(a).

350 (c) Before delivering a packet to the county clerk under Subsection (1), the sponsors
351 shall send an email to each individual who provides a legible, valid email address on the form

352 described in Subsection 20A-7-203(2)(d) that includes the following:

353 (i) the subject of the email shall include the following statement, "Notice Regarding
354 Your Petition Signature":

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

356 "You signed a petition for the following initiative:

357 [insert title of initiative]

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

362 (d) When the sponsors submit the final signature packet to the county clerk, the
363 sponsors shall submit to the county clerk the following written verification, completed and
364 signed by each of the sponsors:

365 Verification of initiative sponsor

366 State of Utah, County of _____

367 I, _____, of _____, hereby state, under penalty of perjury, that:

368 I am a sponsor of the initiative petition entitled _____;

369 I sent, or caused to be sent, to each individual who provided a legible, valid email
370 address on a signature packet submitted to the county clerk in relation to the initiative petition,
371 the email described in Utah Code Subsection 20A-7-206(1)(c).

372 _____

373 (Name) (Residence Address) (Date)

374 (e) Signatures gathered for the initiative petition are not valid if the sponsors do not
375 comply with this Subsection (1).

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

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

379 Section 20A-7-206.3;

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

381 (c) post the name and voter identification number of each registered voter certified
382 under Subsection (2)(b) in a conspicuous location on the county's website for at least 90 days;
383 and

384 (d) deliver the verified initiative packet to the lieutenant governor.

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

387 (a) determine whether each signer is a registered voter according to the requirements of
388 Section 20A-7-206.3;

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

390 (c) post the name and voter identification number of each registered voter certified
391 under Subsection (2)(b) in a conspicuous location on the county's website for at least 45 days;
392 and

393 (d) deliver the verified initiative packet to the lieutenant governor.

394 (4) Within seven days after timely receipt of a statement described in Subsection
395 20A-7-205(3), the county clerk shall:

396 (a) remove the voter's name and voter identification number from the posting described
397 in Subsection (2)(c) or (3)(c); and

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

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

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

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

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

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

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

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

406 the next annual general session of the Legislature immediately after the application is filed
407 under Section 20A-7-202.

408 (7) The county clerk may not certify a signature under Subsection (8) on an initiative
409 packet that is not verified in accordance with Section 20A-7-205.

410 (8) No later than December 15 before the annual general session of the Legislature, the
411 county clerk shall, for an initiative described in Subsection (6):

412 (a) determine whether each signer is a registered voter according to the requirements of
413 Section 20A-7-206.3;

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

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

416 (9) The sponsor or a sponsor's representative may not retrieve an initiative packet from
417 a county clerk after the initiative packet is submitted to the county clerk.

418 Section 7. Section 20A-7-303 is amended to read:

419 **20A-7-303. Form of referendum petition and signature sheets.**

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

422 "REFERENDUM PETITION To the Honorable ____, Lieutenant Governor:

423 We, the undersigned citizens of Utah, respectfully order that Senate (or House) Bill No.
424 ____, entitled (title of act, and, if the petition is against less than the whole act, set forth here
425 the part or parts on which the referendum is sought), passed by the ____ Session of the
426 Legislature of the state of Utah, be referred to the people of Utah for their approval or rejection
427 at a regular general election or a statewide special election;

428 Each signer says:

429 I have personally signed this petition;

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

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

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

435 (2) Each signature sheet shall:

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

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

439 (c) ~~[contain]~~ include the title of the referendum printed below the horizontal line, in at
440 least 14-point, bold type;

441 ~~[(d) contain the word "Warning" printed or typed at the top of each signature sheet
442 under the title of the referendum;]~~

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

445 ~~["It is a class A misdemeanor for an individual to sign a referendum petition with any
446 other name than the individual's own name, or knowingly to sign the individual's name more
447 than once for the same measure, or to sign a referendum petition when the individual knows
448 that the individual is not a registered voter and knows that the individual does not intend to
449 become registered to vote before the certification of the petition names by the county clerk.";]~~

450 ~~[(f) contain horizontally ruled lines, three-eighths inch apart under the "Warning"
451 statement required by this section; and]~~

452 ~~[(g) be vertically divided into columns as follows:]~~

453 ~~[(i) the edge of the first column shall appear .5 inch from the extreme left of the sheet,
454 be .25 inch wide, and be headed, together with the second column, "For Office Use Only";]~~

455 ~~[(ii) the second column shall be .25 inch wide;]~~

456 ~~[(iii) the third column shall be 2.5 inches wide, headed "Registered Voter's Printed
457 Name (must be legible to be counted)";]~~

458 ~~[(iv) the fourth column shall be 2.5 inches wide, headed "Signature of Registered
459 Voter";]~~

- 460 ~~[(v) the fifth column shall be .75 inch wide, headed "Date Signed";]~~
461 ~~[(vi) the sixth column shall be three inches wide, headed "Street Address, City, Zip~~
462 ~~Code", and]~~
463 ~~[(vii) the seventh column shall be .75 inch wide, headed "Birth Date or Age~~
464 ~~(Optional)";]~~
465 ~~[(h) be horizontally divided into rows as follows:]~~
466 ~~[(i) the top of the first row, for the purpose of entering the information described in~~
467 ~~Subsection (2)(g), shall be .5 inch high;]~~
468 ~~[(ii) the second row shall be .15 inch high and contain the following statement printed~~
469 ~~or typed in not less than 12-point type:]~~
470 ~~["By signing this petition, you are stating that you have read and understand the law this~~
471 ~~petition seeks to overturn."; and]~~
472 ~~[(iii) the first and second rows shall be repeated, in order, leaving sufficient room at the~~
473 ~~bottom of the sheet for the information described in Subsection (2)(i); and]~~
474 ~~[(i) at the bottom of the sheet, contain the following statement: "Birth date or age~~
475 ~~information is not required, but it may be used to verify your identity with voter registration~~
476 ~~records. If you choose not to provide it, your signature may not be verified as a valid signature~~
477 ~~if you change your address before petition signatures are verified or if the information you~~
478 ~~provide does not match your voter registration records."]~~
479 (d) include a table immediately below the title of the referendum, and beginning .5 inch
480 from the left side of the paper, as follows:
481 (i) the first column shall be .5 inch wide and include three rows;
482 (ii) the first row of the first column shall be .85 inch tall and contain the words "For
483 Office Use Only" in 10-point type;
484 (iii) the second row of the first column shall be .35 inch tall;
485 (iv) the third row of the first column shall be .5 inch tall;
486 (v) the second column shall be 2.75 inches wide;

487 (vi) the first row of the second column shall be .35 inch tall and contain the words
488 "Registered Voter's Printed Name (must be legible to be counted)" in 10-point type;
489 (vii) the second row of the second column shall be .5 inch tall;
490 (viii) the third row of the second column shall be .35 inch tall and contain the words
491 "Street Address, City, Zip Code" in 10-point type;
492 (ix) the fourth row of the second column shall be .5 inch tall;
493 (x) the third column shall be 2.75 inches wide;
494 (xi) the first row of the third column shall be .35 inch tall and contain the words
495 "Signature of Registered Voter" in 10-point type;
496 (xii) the second row of the third column shall be .5 inch tall;
497 (xiii) the third row of the third column shall be .35 inch tall and contain the words
498 "Email Address (optional, to receive additional information)" in 10-point type;
499 (xiv) the fourth row of the third column shall be .5 inch tall;
500 (xv) the fourth column shall be one inch wide;
501 (xvi) the first row of the fourth column shall be .35 inch tall and contain the words
502 "Date Signed" in 10-point type;
503 (xvii) the second row of the fourth column shall be .5 inch tall;
504 (xviii) the third row of the fourth column shall be .35 inch tall and contain the words
505 "Birth Date or Age (optional)" in 10-point type;
506 (xix) the fourth row of the third column shall be .5 inch tall; and
507 (xx) the fifth row of the entire table shall be the width of the entire table, .4 inch tall,
508 and contain the following words "By signing this petition, you are stating that you have read
509 and understand the law that this petition seeks to overturn." in 12-point type;
510 (e) the table described in Subsection (2)(d) shall be repeated, leaving sufficient room at
511 the bottom of the sheet for the information described in Subsection (2)(f); and
512 (f) at the bottom of the sheet, include the word "Warning," in 12-point, bold type,
513 followed by the following statement in not less than eight-point type:

514 "It is a class A misdemeanor for an individual to sign a referendum petition with a name
515 other than the individual's own name, or to knowingly sign the individual's name more than
516 once for the same measure, or to sign a referendum petition when the individual knows that the
517 individual is not a registered voter and knows that the individual does not intend to become
518 registered to vote before the certification of the petition names by the county clerk.

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

523 (3) The final page of each referendum packet shall contain the following printed or
524 typed statement:

525 [⁴]Verification of signature collector

526 State of Utah, County of ____

527 I, _____, of _____, hereby state, under penalty of perjury, that:

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

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

532 I believe that each individual has printed and signed the individual's name and written
533 the individual's post office address and residence correctly, that each signer has read and
534 understands the law that the referendum seeks to overturn, and that each signer is registered to
535 vote in Utah or intends to become registered to vote before the certification of the petition
536 names by the county clerk.

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

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

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(Name) (Residence Address) (Date)[^m]

(4) If the forms described in this section are substantially followed, the referendum petitions are sufficient, notwithstanding clerical and merely technical errors.

Section 8. Section **20A-7-304** is amended to read:

20A-7-304. Circulation requirements -- Lieutenant governor to provide sponsors with materials.

(1) In order to obtain the necessary number of signatures required by this part, the sponsors shall circulate referendum packets that meet the form requirements of this part.

(2) The lieutenant governor shall furnish to the sponsors:

(a) a copy of the referendum petition; and

(b) a signature sheet.

(3) The sponsors of the petition shall:

(a) arrange and pay for the printing of all additional copies of the petition and signature sheets; and

(b) ensure that the copies of the petition and signature sheets meet the form requirements of this section.

(4) (a) The sponsors may prepare the referendum for circulation by creating multiple referendum packets.

(b) The sponsors shall create [~~those~~] the packets by binding a copy of the referendum petition[, ~~a copy of the law that is the subject of the referendum,~~] and no more than 50 signature sheets together at the top [~~in such a way~~] so that the packets may be conveniently opened for signing.

(c) The sponsors need not attach a uniform number of signature sheets to each referendum packet.

~~[(5)(a) After the sponsors have prepared sufficient referendum packets, they shall return them to the lieutenant governor.]~~

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

569 (i) contact the lieutenant governor's office to receive a range of numbers that the
570 sponsors may use to number signature packets; and

571 (ii) number each signature packet, sequentially, within the range of numbers provided
572 by the lieutenant governor's office, starting with the lowest number in the range.

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

574 (i) number a signature packet in a manner not directed by the lieutenant governor's
575 office; or

576 (ii) circulate or submit a signature packet that is not numbered in the manner directed
577 by the lieutenant governor's office.

578 ~~[(b)]~~ (c) The lieutenant governor shall[:] keep a record of the number range provided
579 under Subsection (5)(a).

580 ~~[(i) number each of the referendum packets and return them to the sponsors within five~~
581 ~~working days; and]~~

582 ~~[(ii) keep a record of the numbers assigned to each packet.]~~

583 Section 9. Section **20A-7-304.5** is enacted to read:

584 **20A-7-304.5. Posting referendum information.**

585 (1) On the day on which the lieutenant governor complies with Subsection
586 20A-7-304(2), the lieutenant governor shall post the following information together in a
587 conspicuous place on the lieutenant governor's website:

588 (a) the referendum petition;

589 (b) the referendum; and

590 (c) information describing how an individual may remove the individual's signature
591 from the signature packet.

592 (2) The lieutenant governor shall:

593 (a) promptly update the information described in Subsection (1) if the information
594 changes; and

595 (b) maintain the information described in Subsection (1) on the lieutenant governor's
596 website until the referendum fails to qualify for the ballot or is passed or defeated at an
597 election.

598 Section 10. Section **20A-7-306** is amended to read:

599 **20A-7-306. Submitting the referendum petition -- Certification of signatures by**
600 **the county clerks -- Transfer to lieutenant governor.**

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

- 604 (i) 14 days after the day on which the first individual signs the referendum packet; or
605 (ii) 40 days after the day on which the legislative session at which the law passed ends.

606 (b) A [~~sponsor~~] person may not submit a referendum packet after the deadline
607 described in Subsection (1)(a).

608 (2) (a) No later than 14 days after the day on which the county clerk receives a verified
609 referendum packet, the county clerk shall:

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

613 (ii) submit the name of each individual who is not a Utah resident or who is not at least
614 18 years old to the attorney general and county attorney.

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

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

617 or

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

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

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

622 Section [20A-7-306.3](#);

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

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

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

628 (4) The county clerk shall, after timely receipt of a statement requesting signature
629 removal under Subsection [20A-7-305\(3\)](#), remove the voter's name and voter identification
630 number from the posting described in Subsection (3)(c), and notify the lieutenant governor's
631 office of the removal, the earlier of:

632 (a) within two business days after the day on which the ~~the~~ county clerk timely
633 receives the statement; or

634 (b) 99 days after the day on which the legislative session at which the law passed ends.

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

637 Section 11. Section [20A-7-502.6](#) is enacted to read:

638 **20A-7-502.6. Posting initiative information.**

639 (1) Within one business day after the day on which the local clerk's office receives the
640 initial fiscal impact estimate under Subsection [20A-7-502.5\(4\)\(a\)](#), the local clerk shall post the
641 following information together in a conspicuous place on the local clerk's website:

642 (a) the initiative petition;

643 (b) the initiative;

644 (c) the fiscal impact estimate; and

645 (d) information describing how an individual may remove the individual's signature
646 from the signature packet.

647 (2) The local clerk shall:

648 (a) promptly update the information described in Subsection (1) if the information

649 changes; and

650 (b) maintain the information described in Subsection (1) on the local clerk's website
651 until the initiative fails to qualify for the ballot or is passed or defeated at an election.

652 Section 12. Section **20A-7-502.7** is amended to read:

653 **20A-7-502.7. Referability to voters.**

654 (1) Within 20 days after the day on which an eligible voter files an application to
655 circulate an initiative petition under Section **20A-7-502**, counsel for the county, city, town, or
656 metro township to which the initiative pertains shall:

657 (a) review the proposed law in the initiative application to determine whether the law is
658 legally referable to voters; and

659 (b) notify the first three sponsors, in writing, whether the proposed law is:

660 (i) legally referable to voters; or

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

662 (2) A proposed law in an initiative application is legally referable to voters unless:

663 (a) the proposed law is patently unconstitutional;

664 (b) the proposed law is nonsensical;

665 (c) the proposed law is administrative, rather than legislative, in nature;

666 (d) the proposed law could not become law if passed;

667 (e) the proposed law contains more than one subject as evaluated in accordance with

668 Subsection **20A-7-502(3)**;

669 (f) the subject of the proposed law is not clearly expressed in the law's title;

670 (g) the proposed law is identical or substantially similar to a legally referable proposed

671 law sought by an initiative application submitted to the local clerk, under Section **20A-7-502**,

672 within two years before the day on which the application for the current proposed initiative is

673 filed; or

674 (h) the application for the proposed law was not timely filed or does not comply with

675 the requirements of this part.

676 (3) After the end of the 20-day period described in Subsection (1), a county, city, town,
677 or metro township may not:

678 (a) reject a proposed initiative as not legally referable to voters; or

679 (b) bring a legal action, other than to appeal a court decision, challenging a proposed
680 initiative on the grounds that the proposed initiative is not legally referable to voters.

681 (4) If a county, city, town, or metro township rejects a proposed initiative, a sponsor of
682 the proposed initiative may, within 10 days after the day on which a sponsor is notified under
683 Subsection (1)(b), appeal the decision to:

684 (a) district court; or

685 (b) the Supreme Court, if the Supreme Court has original jurisdiction over the appeal.

686 (5) If, on appeal, the court determines that the law proposed in the initiative petition is
687 legally referable to voters, the local clerk shall comply with Subsection 20A-7-504(2) within
688 five days after the day on which the determination, and any appeal of the determination, is
689 final.

690 Section 13. Section 20A-7-503 is amended to read:

691 **20A-7-503. Form of initiative petitions and signature sheets.**

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

694 "INITIATIVE PETITION To the Honorable _____, County Clerk/City Recorder/Town
695 Clerk:

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

700 Each signer says:

701 I have personally signed this petition;

702 I am registered to vote in Utah or intend to become registered to vote in Utah before the

703 certification of the petition names by the county clerk; and

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

705 (b) If the initiative petition proposes a tax increase, the following statement shall
706 appear, in at least 14-point, bold type, immediately following the information described in
707 Subsection (1)(a):

708 "This initiative petition seeks to increase the current (insert name of tax) rate by (insert
709 the tax percentage difference) percent, resulting in a(n) (insert the tax percentage increase)
710 percent increase in the current tax rate."

711 (c) The sponsors of an initiative shall attach a copy of the proposed law to each
712 initiative petition.

713 (2) Each signature sheet shall:

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

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

717 (c) [~~contain~~] include the title of the initiative printed below the horizontal line, in at
718 least 14-point, bold type;

719 [~~(d) be vertically divided into columns as follows:~~]

720 [~~(i) the first column shall appear at the extreme left of the sheet, be five-eighths inch
721 wide, be headed with "For Office Use Only", and be subdivided with a light vertical line down
722 the middle with the left subdivision entitled "Registered" and the right subdivision left
723 untitled;~~]

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

726 [~~(iii) the next column shall be 2-1/2 inches wide, headed "Signature of Registered
727 Voter";~~]

728 [~~(iv) the next column shall be one inch wide, headed "Birth Date or Age (Optional)";~~
729 and]

730 ~~[(v) the final column shall be 4-3/8 inches wide, headed "Street Address, City, Zip~~
731 ~~Code";]~~

732 ~~[(e) spanning the sheet horizontally beneath each row on which a registered voter may~~
733 ~~submit the information described in Subsection (2)(d), contain the following statement printed~~
734 ~~or typed in not less than eight-point type:]~~

735 ~~["By signing this petition, you are stating that you have read and understand the law~~
736 ~~proposed by this petition."; and]~~

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

739 (i) the first column shall be .5 inch wide and include three rows;

740 (ii) the first row of the first column shall be .85 inch tall and contain the words "For
741 Office Use Only" in 10-point type;

742 (iii) the second row of the first column shall be .35 inch tall;

743 (iv) the third row of the first column shall be .5 inch tall;

744 (v) the second column shall be 2.75 inches wide;

745 (vi) the first row of the second column shall be .35 inch tall and contain the words
746 "Registered Voter's Printed Name (must be legible to be counted)" in 10-point type;

747 (vii) the second row of the second column shall be .5 inch tall;

748 (viii) the third row of the second column shall be .35 inch tall and contain the words
749 "Street Address, City, Zip Code" in 10-point type;

750 (ix) the fourth row of the second column shall be .5 inch tall;

751 (x) the third column shall be 2.75 inches wide;

752 (xi) the first row of the third column shall be .35 inch tall and contain the words
753 "Signature of Registered Voter" in 10-point type;

754 (xii) the second row of the third column shall be .5 inch tall;

755 (xiii) the third row of the third column shall be .35 inch tall and contain the words

756 "Email Address (optional, to receive additional information)" in 10-point type;

757 (xiv) the fourth row of the third column shall be .5 inch tall;
 758 (xv) the fourth column shall be one inch wide;
 759 (xvi) the first row of the fourth column shall be .35 inch tall and contain the words
 760 "Date Signed" in 10-point type;
 761 (xvii) the second row of the fourth column shall be .5 inch tall;
 762 (xviii) the third row of the fourth column shall be .35 inch tall and contain the words
 763 "Birth Date or Age (optional)" in 10-point type;
 764 (xix) the fourth row of the third column shall be .5 inch tall; and
 765 (xx) the fifth row of the entire table shall be the width of the entire table, .4 inch tall,
 766 and contain the following words "By signing this petition, you are stating that you have read
 767 and understand the law proposed by this petition." in 12-point type;
 768 (e) the table described in Subsection (2)(d) shall be repeated, leaving sufficient room at
 769 the bottom of the sheet for the information described in Subsection (2)(f); and
 770 (f) at the bottom of the sheet, ~~[contain]~~ include in the following order:
 771 (i) the words "Fiscal impact of" followed by the title of the initiative, in at least
 772 ~~[14-point]~~ 12-point, bold type;
 773 (ii) the initial fiscal impact estimate's summary statement issued by the budget officer
 774 in accordance with Subsection [20A-7-502.5\(2\)\(b\)](#) and the cost estimate for printing and
 775 distributing information related to the initiative petition in accordance with Subsection
 776 [20A-7-502.5\(3\)](#), in not less than 12-point, bold type;
 777 (iii) if the initiative petition proposes a tax increase, the following statement in
 778 12-point, bold type:
 779 "This initiative petition seeks to increase the current (insert name of tax) rate by (insert
 780 the tax percentage difference) percent, resulting in a(n) (insert the tax percentage increase)
 781 percent increase in the current tax rate."; and
 782 ~~[(iii)]~~ (iv) the word "Warning," in 12-point, bold type, followed by the following
 783 statement in not less than eight-point type:

784 "It is a class A misdemeanor for an individual to sign an initiative petition with a name
 785 other than the individual's own name, or to knowingly sign the individual's name more than
 786 once for the same measure, or to sign an initiative petition when the individual knows that the
 787 individual is not a registered voter and knows that the individual does not intend to become
 788 registered to vote before the certification of the petition names by the county clerk.~~["; (iv) the~~
 789 ~~following statement:"]~~

790 Birth date or age information is not required, but it may be used to verify your identity
 791 with voter registration records. If you choose not to provide it, your signature may not be
 792 verified as a valid signature if you change your address before petition signatures are verified
 793 or if the information you provide does not match your voter registration records."~~]; and]~~

794 ~~[(v) if the initiative petition proposes a tax increase, spanning the bottom of the sheet,~~
 795 ~~horizontally, in not less than 14-point, bold type, the following statement:]~~

796 ~~["This initiative petition seeks to increase the current (insert name of tax) rate by (insert~~
 797 ~~the tax percentage difference) percent, resulting in a(n) (insert the tax percentage increase)~~
 798 ~~percent increase in the current tax rate."]~~

799 (3) The final page of each initiative packet shall contain the following printed or typed
 800 statement:

801 ["Verification of signature collector

802 State of Utah, County of _____

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

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

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

808 I believe that each individual has printed and signed the individual's name and written
 809 the individual's post office address and residence correctly, and that each signer is registered to
 810 vote in Utah or intends to become registered to vote before the certification of the petition

811 names by the county clerk.

812 [_____]

813 _____

814 (Name) (Residence Address) (Date)

815 (4) The forms prescribed in this section are not mandatory, and, if substantially
816 followed, the initiative petitions are sufficient, notwithstanding clerical and merely technical
817 errors.

818 Section 14. Section **20A-7-504** is amended to read:

819 **20A-7-504. Circulation requirements -- Local clerk to provide sponsors with**
820 **materials.**

821 (1) In order to obtain the necessary number of signatures required by this part, the
822 sponsors shall, after the sponsors receive the documents described in Subsections (2)(a) and (b)
823 and Subsection **20A-7-401.5(4)(b)**, circulate initiative packets that meet the form requirements
824 of this part.

825 (2) Within five days after the day on which a county, city, town, metro township, or
826 court determines, in accordance with Section **20A-7-502.7**, that a law proposed in an initiative
827 petition is legally referable to voters, the local clerk shall furnish to the sponsors:

828 (a) one copy of the initiative petition; and

829 (b) one signature sheet.

830 (3) The sponsors of the petition shall:

831 (a) arrange and pay for the printing of all additional copies of the petition and signature
832 sheets; and

833 (b) ensure that the copies of the petition and signature sheets meet the form
834 requirements of this section.

835 (4) (a) The sponsors may prepare the initiative for circulation by creating multiple
836 initiative packets.

837 (b) The sponsors shall create ~~[those]~~ the packets by binding a copy of the initiative

838 petition[, a copy of the proposed law,] and no more than 50 signature sheets together at the top
839 [~~in such a way~~] so that the packets may be conveniently opened for signing.

840 (c) The sponsors need not attach a uniform number of signature sheets to each
841 initiative packet.

842 (d) The sponsors shall include, with each packet, a copy of the proposition information
843 pamphlet provided to the sponsors under Subsection 20A-7-401.5(4)(b).

844 Section 15. Section 20A-7-506 is amended to read:

845 **20A-7-506. Submitting the initiative petition -- Certification of signatures by the**
846 **county clerks -- Transfer to local clerk.**

847 (1) (a) The sponsors, or an agent of the sponsors, shall deliver each signed and verified
848 initiative packet to the county clerk of the county in which the packet was circulated before 5
849 p.m. the earlier of:

850 (i) for county initiatives:

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

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

854 (ii) for municipal initiatives:

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

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

858 (b) A [~~sponsor~~] person may not submit an initiative packet after the deadline
859 established in this Subsection (1).

860 (c) Before delivering a packet to the county clerk under Subsection (1), the sponsors
861 shall send an email to each individual who provides a legible, valid email address on the form
862 described in Subsection 20A-7-503(2)(d) that includes the following:

863 (i) the subject of the email shall include the following statement, "Notice Regarding
864 Your Petition Signature";

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

866 "You signed a petition for the following initiative:

867 [insert title of initiative]

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

872 (d) When the sponsors submit the final signature packet to the county clerk, the
873 sponsors shall submit to the county clerk the following written verification, completed and
874 signed by each of the sponsors:

875 Verification of initiative sponsor

876 State of Utah, County of _____

877 I, _____, of _____, hereby state, under penalty of perjury, that:

878 I am a sponsor of the initiative petition entitled _____;

879 I sent, or caused to be sent, to each individual who provided a legible, valid email
880 address on a signature packet submitted to the county clerk in relation to the initiative petition,
881 the email described in Utah Code Subsection [20A-7-506\(1\)\(c\)](#).

882 _____

883 (Name) (Residence Address) (Date)

884 (e) Signatures gathered for the initiative petition are not valid if the sponsors do not
885 comply with this Subsection (1).

886 (2) The county clerk may not certify a signature under Subsection (3) on an initiative
887 packet that is not verified in accordance with Section [20A-7-505](#).

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

889 (a) determine whether or not each signer is a voter according to the requirements of
890 Section [20A-7-506.3](#);

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

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

893 Section 16. Section **20A-7-602.7** is amended to read:

894 **20A-7-602.7. Referability to voters of local law other than land use law.**

895 (1) Within 20 days after the day on which an eligible voter files an application to
896 circulate a referendum petition under Section **20A-7-602** for a local law other than a land use
897 law, counsel for the county, city, town, or metro township to which the referendum pertains
898 shall:

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

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

902 (i) legally referable to voters; or

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

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

906 (a) the proposed referendum challenges an action that is administrative, rather than
907 legislative, in nature;

908 (b) the proposed referendum challenges more than one law passed by the local
909 legislative body; or

910 (c) the application for the proposed referendum was not timely filed or does not
911 comply with the requirements of this part.

912 (3) After the end of the 20-day period described in Subsection (1), a county, city, town,
913 or metro township may not, for a local law other than a land use law:

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

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

918 (4) (a) If, under Subsection (1)(b)(ii), a county, city, town, or metro township rejects a

919 proposed referendum concerning a local law other than a land use law, a sponsor of the
920 proposed referendum may, within 10 days after the day on which a sponsor is notified under
921 Subsection (1)(b), challenge or appeal the decision to:

922 (i) the Supreme Court, by means of an extraordinary writ, if possible; or
923 (ii) a district court, if the sponsor is prohibited from pursuing an extraordinary writ
924 under Subsection (4)(a)(i).

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

927 (5) If, on a challenge or appeal, the court determines that the proposed referendum
928 described in Subsection (4) is legally referable to voters, the local clerk shall comply with
929 Subsection 20A-7-604(2) within five days after the day on which the determination, and any
930 challenge or appeal of the determination, is final.

931 Section 17. Section 20A-7-602.8 is amended to read:

932 **20A-7-602.8. Referability to voters of local land use law.**

933 (1) Within 20 days after the day on which an eligible voter files an application to
934 circulate a referendum petition under Section 20A-7-602 for a land use law, counsel for the
935 county, city, town, or metro township to which the referendum pertains shall:

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

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

939 (i) legally referable to voters; or
940 (ii) rejected as not legally referable to voters.

941 (2) For a land use law, a proposed referendum is legally referable to voters unless:

942 (a) the proposed referendum challenges an action that is administrative, rather than
943 legislative, in nature;

944 (b) the proposed referendum challenges a land use decision, rather than a land use
945 regulation, as those terms are defined in Section 10-9a-103 or 17-27a-103;

946 (c) the proposed referendum challenges more than one law passed by the local
947 legislative body; or

948 (d) the application for the proposed referendum was not timely filed or does not
949 comply with the requirements of this part.

950 (3) After the end of the 20-day period described in Subsection (1), a county, city, town,
951 or metro township may not, for a land use law:

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

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

956 (4) (a) If a county, city, town, or metro township rejects a proposed referendum
957 concerning a land use law, a sponsor of the proposed referendum may, within seven days after
958 the day on which a sponsor is notified under Subsection (1)(b), challenge or appeal the decision
959 to:

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

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

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

965 (5) If, on challenge or appeal, the court determines that the proposed referendum is
966 legally referable to voters, the local clerk shall comply with Subsection [20A-7-604\(2\)](#) within
967 five days after the day on which the determination, and any challenge or appeal of the
968 determination, is final.

969 Section 18. Section [20A-7-603](#) is amended to read:

970 **[20A-7-603. Form of referendum petition and signature sheets.](#)**

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

973 "REFERENDUM PETITION To the Honorable ____, County Clerk/City
974 Recorder/Town Clerk:

975 We, the undersigned citizens of Utah, respectfully order that (description of local law or
976 portion of local law being challenged), passed by the ____ be referred to the voters for their
977 approval or rejection at the regular/municipal general election to be held on
978 _____(month\day\year);

979 Each signer says:

980 I have personally signed this petition;

981 The date next to my signature correctly reflects the date that I actually signed the
982 petition;

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

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

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

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

989 (2) Each signature sheet shall:

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

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

993 (c) ~~[contain]~~ include the title of the referendum printed below the horizontal line, in at
994 least 14-point type;

995 ~~[(d) contain the word "Warning" printed or typed at the top of each signature sheet~~
996 ~~under the title of the referendum;]~~

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

999 ~~["It is a class A misdemeanor for an individual to sign a referendum petition with any~~

1000 other name than the individual's own name, or to knowingly sign the individual's name more
1001 than once for the same measure, or to sign a referendum petition when the individual knows
1002 that the individual is not a registered voter and knows that the individual does not intend to
1003 become registered to vote before the certification of the petition names by the county clerk.";

1004 ~~[(f) contain horizontally ruled lines three-eighths inch apart under the "Warning"~~
1005 ~~statement required by this section;]~~

1006 ~~[(g) be vertically divided into columns as follows:]~~

1007 ~~[(i) the edge of the first column shall appear .5 inch from the extreme left of the sheet,~~
1008 ~~be .25 inch wide, and be headed, together with the second column, "For Office Use Only";]~~

1009 ~~[(ii) the second column shall be .25 inch wide;]~~

1010 ~~[(iii) the third column shall be 2.5 inches wide, headed "Registered Voter's Printed~~
1011 ~~Name (must be legible to be counted)";]~~

1012 ~~[(iv) the fourth column shall be 2.5 inches wide, headed "Signature of Registered~~
1013 ~~Voter";]~~

1014 ~~[(v) the fifth column shall be .75 inch wide, headed "Date Signed";]~~

1015 ~~[(vi) the sixth column shall be three inches wide, headed "Street Address, City, Zip~~
1016 ~~Code", and]~~

1017 ~~[(vii) the seventh column shall be .75 inch wide, headed "Birth Date or Age~~
1018 ~~(Optional)";]~~

1019 ~~[(h) be horizontally divided into rows as follows:]~~

1020 ~~[(i) the top of the first row, for the purpose of entering the information described in~~
1021 ~~Subsection (2)(g), shall be .5 inch high;]~~

1022 ~~[(ii) the second row shall be .15 inch high and contain the following statement printed~~
1023 ~~or typed in not less than eight-point, single-leaded type: "By signing this petition, you are~~
1024 ~~stating that you have read and understand the law this petition seeks to overturn."; and]~~

1025 ~~[(iii) the first and second rows shall be repeated, in order, leaving sufficient room at the~~
1026 ~~bottom of the sheet for the information described in Subsection (2)(i); and]~~

1027 ~~[(i) at the bottom of the sheet, contain the following statement: "Birth date or age~~
 1028 ~~information is not required, but it may be used to verify your identity with voter registration~~
 1029 ~~records. If you choose not to provide it, your signature may not be verified as a valid signature~~
 1030 ~~if you change your address before petition signatures are verified or if the information you~~
 1031 ~~provide does not match your voter registration records."]~~

1032 (d) include a table immediately below the title of the referendum, and beginning .5 inch
 1033 from the left side of the paper, as follows:

1034 (i) the first column shall be .5 inch wide and include three rows;

1035 (ii) the first row of the first column shall be .85 inch tall and contain the words "For
 1036 Office Use Only" in 10-point type;

1037 (iii) the second row of the first column shall be .35 inch tall;

1038 (iv) the third row of the first column shall be .5 inch tall;

1039 (v) the second column shall be 2.75 inches wide;

1040 (vi) the first row of the second column shall be .35 inch tall and contain the words
 1041 "Registered Voter's Printed Name (must be legible to be counted)" in 10-point type;

1042 (vii) the second row of the second column shall be .5 inch tall;

1043 (viii) the third row of the second column shall be .35 inch tall and contain the words
 1044 "Street Address, City, Zip Code" in 10-point type;

1045 (ix) the fourth row of the second column shall be .5 inch tall;

1046 (x) the third column shall be 2.75 inches wide;

1047 (xi) the first row of the third column shall be .35 inch tall and contain the words

1048 "Signature of Registered Voter" in 10-point type;

1049 (xii) the second row of the third column shall be .5 inch tall;

1050 (xiii) the third row of the third column shall be .35 inch tall and contain the words

1051 "Email Address (optional, to receive additional information)" in 10-point type;

1052 (xiv) the fourth row of the third column shall be .5 inch tall;

1053 (xv) the fourth column shall be one inch wide;

1054 (xvi) the first row of the fourth column shall be .35 inch tall and contain the words
1055 "Date Signed" in 10-point type;

1056 (xvii) the second row of the fourth column shall be .5 inch tall;

1057 (xviii) the third row of the fourth column shall be .35 inch tall and contain the words
1058 "Birth Date or Age (optional)" in 10-point type;

1059 (xix) the fourth row of the third column shall be .5 inch tall; and

1060 (xx) the fifth row of the entire table shall be the width of the entire table, .4 inch tall,
1061 and contain the following words, "By signing this petition, you are stating that you have read
1062 and understand the law that this petition seeks to overturn." in 12-point type;

1063 (e) the table described in Subsection (2)(d) shall be repeated, leaving sufficient room at
1064 the bottom of the sheet or the information described in Subsection (2)(f); and

1065 (f) at the bottom of the sheet, include the word "Warning," in 12-point, bold type,
1066 followed by the following statement in not less than eight-point type:

1067 "It is a class A misdemeanor for an individual to sign a referendum petition with a name
1068 other than the individual's own name, or to knowingly sign the individual's name more than
1069 once for the same measure, or to sign a referendum petition when the individual knows that the
1070 individual is not a registered voter and knows that the individual does not intend to become
1071 registered to vote before the certification of the petition names by the county clerk.

1072 Birth date or age information is not required, but it may be used to verify your identity
1073 with voter registration records. If you choose not to provide it, your signature may not be
1074 verified as a valid signature if you change your address before petition signatures are verified
1075 or if the information you provide does not match your voter registration records."

1076 (3) The final page of each referendum packet shall contain the following printed or
1077 typed statement:

1078 [[#]]Verification of signature collector

1079 State of Utah, County of _____

1080 I, _____, of _____, hereby state that:

1081 I am a resident of Utah and am at least 18 years old;

1082 All the names that appear in this referendum packet were signed by individuals who
1083 professed to be the individuals whose names appear in it, and each of the individuals signed the
1084 individual's name on it in my presence;

1085 I did not knowingly make a misrepresentation of fact concerning the law this petition
1086 seeks to overturn;

1087 I believe that each individual has printed and signed the individual's name and written
1088 the individual's post office address and residence correctly, and that each signer is registered to
1089 vote in Utah or intends to become registered to vote before the certification of the petition
1090 names by the county clerk.

1091 [_____]

1092		
1093	<u>(Name)</u>	<u>(Residence Address)</u>
		<u>(Date)</u>

1094 (4) The forms prescribed in this section are not mandatory, and, if substantially
1095 followed, the referendum petitions are sufficient, notwithstanding clerical and merely technical
1096 errors.

1097 Section 19. Section **20A-7-604** is amended to read:

1098 **20A-7-604. Circulation requirements -- Local clerk to provide sponsors with**
1099 **materials.**

1100 (1) In order to obtain the necessary number of signatures required by this part, the
1101 sponsors shall, after the sponsors receive the documents described in Subsection (2) and
1102 Subsection [20A-7-401.5\(4\)\(b\)](#), circulate referendum packets that meet the form requirements
1103 of this part.

1104 (2) Within five days after the day on which a county, city, town, metro township, or
1105 court determines, in accordance with Section [20A-7-602.7](#), that a proposed referendum is
1106 legally referable to voters, the local clerk shall furnish to the sponsors a copy of the referendum
1107 petition and a signature sheet.

- 1108 (3) The sponsors of the petition shall:
- 1109 (a) arrange and pay for the printing of all additional copies of the petition and signature
- 1110 sheets; and
- 1111 (b) ensure that the copies of the petition and signature sheets meet the form
- 1112 requirements of this section.
- 1113 (4) (a) The sponsors may prepare the referendum for circulation by creating multiple
- 1114 referendum packets.
- 1115 (b) The sponsors shall create ~~[those]~~ the packets by binding a copy of the referendum
- 1116 petition~~[, a copy of the law that is the subject of the referendum,]~~ and no more than 50
- 1117 signature sheets together at the top ~~[in such a way]~~ so that the packets may be conveniently
- 1118 opened for signing.
- 1119 (c) The sponsors need not attach a uniform number of signature sheets to each
- 1120 referendum packet.
- 1121 (d) The sponsors shall include, with each packet, a copy of the proposition information
- 1122 pamphlet provided to the sponsors under Subsection [20A-7-401.5\(4\)\(b\)](#).

1123 Section 20. Section **20A-7-604.5** is enacted to read:

1124 **20A-7-604.5. Posting referendum information.**

1125 (1) On the day on which the local clerk complies with Subsection [20A-7-604\(2\)](#), the

1126 local clerk shall post the following information together in a conspicuous place on the local

1127 clerk's website:

- 1128 (a) the referendum petition;
- 1129 (b) the referendum; and
- 1130 (c) information describing how an individual may remove the individual's signature
- 1131 from the signature packet.

1132 (2) The local clerk shall:

- 1133 (a) promptly update the information described in Subsection (1) if the information
- 1134 changes; and

1135 (b) maintain the information described in Subsection (1) on the local clerk's website
1136 until the referendum fails to qualify for the ballot or is passed or defeated at an election.

1137 Section 21. Section **20A-7-606** is amended to read:

1138 **20A-7-606. Submitting the referendum petition -- Certification of signatures by**
1139 **the county clerks -- Transfer to local clerk.**

1140 (1) (a) The sponsors, or an agent of the sponsors, shall deliver each signed and verified
1141 referendum packet to the county clerk of the county in which the packet was circulated before 5
1142 p.m. no later than 45 days after the day on which the sponsors receive the items described in
1143 Subsection **20A-7-604**(2) from the local clerk.

1144 (b) A [~~sponsor~~] person may not submit a referendum packet after the deadline
1145 established in this Subsection (1).

1146 (2) (a) No later than 15 days after the day on which a county clerk receives a
1147 referendum packet under Subsection (1)(a), the county clerk shall:

1148 (i) check the names of all persons completing the verification on the last page of each
1149 referendum packet to determine whether those persons are Utah residents and are at least 18
1150 years old; and

1151 (ii) submit the name of each of those persons who is not a Utah resident or who is not
1152 at least 18 years old to the attorney general and county attorney.

1153 (b) The county clerk may not certify a signature under Subsection (3) on a referendum
1154 packet that is not verified in accordance with Section **20A-7-605**.

1155 (3) No later than 30 days after the day on which a county clerk receives a referendum
1156 packet under Subsection (1)(a), the county clerk shall:

1157 (a) determine whether each signer is a registered voter according to the requirements of
1158 Section **20A-7-606.3**;

1159 (b) certify on the referendum petition whether each name is that of a registered voter;
1160 and

1161 (c) deliver all of the verified referendum packets to the local clerk.

1162 Section 22. **Coordinating H.B. 136 with H.B. 211 -- Initiatives and referenda**
1163 **amendments -- substantive and technical amendments.**

1164 If this H.B. 136 and H.B. 211, Initiatives and Referenda Amendments, both pass and
1165 become law, it is the intent of the Legislature that the Office of Legislative Research and
1166 General Counsel prepare the Utah Code database for publication as follows:

1167 (1) the changes to Section 20A-1-609 in H.B. 136 supersede the changes to Subsection
1168 20A-1-609 in H.B. 211;

1169 (2) the changes to Subsection 20A-7-203(2) in H.B. 136 supersede the changes to
1170 Subsection 20A-7-203(2) in H.B. 211;

1171 (3) by amending Subsection 20A-7-204(4)(b) to read:

1172 "(b) The sponsors or an agent of the sponsors shall create [~~those~~] the initiative packets
1173 by binding a copy of the initiative petition[~~, a copy of the proposed law,~~] and no more than 50
1174 signature sheets together at the top in [~~such a way~~] a manner that the packets may be
1175 conveniently opened for signing.";

1176 (4) the changes to Subsection 20A-7-303(2) in H.B. 136 supersede the changes to
1177 Subsection 20A-7-303(2) in H.B. 211;

1178 (5) by amending Subsection 20A-7-304(4)(b) to read:

1179 "(b) The sponsors or an agent of the sponsors shall create [~~those~~] referendum packets
1180 by binding a copy of the referendum [~~petition, a copy of the law that is the subject of the~~
1181 ~~referendum,~~] and no more than 50 signature sheets together at the top in [~~such a way~~] a manner
1182 that the packets may be conveniently opened for signing.";

1183 (6) the changes to Subsection 20A-7-503(2) in H.B. 136 supersede the changes to
1184 Subsection 20A-7-503(2) in H.B. 211;

1185 (7) by amending Subsection 20A-7-504(4)(b) to read:

1186 "(b) The sponsors or an agent of the sponsors shall create [~~those~~] initiative packets by
1187 binding a copy of the initiative petition[~~, a copy of the proposed law,~~] and no more than 50
1188 signature sheets together at the top in [~~such a way~~] a manner that the packets may be

1189 conveniently opened for signing.";

1190 (8) the changes to Subsection 20A-7-603(2) in H.B. 136 supersede the changes to

1191 Subsection 20A-7-603(2) in H.B. 211; and

1192 (9) by amending Subsection 20A-7-604(4)(b) to read:

1193 "The sponsors or an agent of the sponsors shall create [those] referendum packets by

1194 binding a copy of the referendum petition[; a copy of the law that is the subject of the

1195 referendum,] and no more than 50 signature sheets together at the top in [such a way] a manner

1196 that the packets may be conveniently opened for signing."