

**Representative Rex P. Shipp** proposes the following substitute bill:

**SCHOOL BOARD AMENDMENTS**

2024 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Rex P. Shipp**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

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

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ subject to certain exceptions, provides that a law passed by a local school board, other than a law imposing a new tax or tax increase, may be referred to the voters of the school district for the voters approval or rejection; and
- ▶ makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**10-9a-103**, as last amended by Laws of Utah 2023, Chapters 16, 327 and 478

**10-9a-509**, as last amended by Laws of Utah 2023, Chapter 478

**17-27a-103**, as last amended by Laws of Utah 2023, Chapters 15, 327 and 478



- 26            **17-27a-508**, as last amended by Laws of Utah 2023, Chapter 478
- 27            **20A-1-102**, as last amended by Laws of Utah 2023, Chapters 15, 234 and 297
- 28            **20A-4-301**, as last amended by Laws of Utah 2023, Chapter 15
- 29            **20A-7-101**, as last amended by Laws of Utah 2023, Chapters 107, 116
- 30            **20A-7-102**, as last amended by Laws of Utah 1994, Chapter 272
- 31            **20A-7-401.3**, as enacted by Laws of Utah 2019, Chapter 203
- 32            **20A-7-401.5**, as last amended by Laws of Utah 2023, Chapter 116
- 33            **20A-7-402**, as last amended by Laws of Utah 2023, Chapter 435
- 34            **20A-7-405**, as enacted by Laws of Utah 2019, Chapter 203
- 35            **20A-7-601**, as last amended by Laws of Utah 2023, Chapters 107, 219
- 36            **20A-7-602.5**, as last amended by Laws of Utah 2023, Chapter 107
- 37            **20A-7-602.7**, as last amended by Laws of Utah 2023, Chapter 107
- 38            **20A-7-603**, as last amended by Laws of Utah 2023, Chapter 107
- 39            **20A-7-604**, as last amended by Laws of Utah 2023, Chapter 107
- 40            **20A-7-607**, as last amended by Laws of Utah 2023, Chapters 107, 116
- 41            **20A-7-608**, as last amended by Laws of Utah 2023, Chapters 45, 107
- 42            **20A-7-609**, as last amended by Laws of Utah 2023, Chapter 107
- 43            **20A-7-610**, as last amended by Laws of Utah 2023, Chapter 107
- 44            **20A-7-611**, as last amended by Laws of Utah 2023, Chapter 107
- 45            **20A-7-613**, as last amended by Laws of Utah 2023, Chapter 116
- 46            **20A-7-614**, as last amended by Laws of Utah 2023, Chapter 107
- 47            **63G-30-102**, as enacted by Laws of Utah 2023, Chapter 435

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

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

51            **10-9a-103. Definitions.**

52            As used in this chapter:

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

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

56            (a) owns real property adjoining the property that is the subject of a land use

57 application or land use decision; or

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

60 (3) "Affected entity" means a county, municipality, special district, special service  
61 district under Title 17D, Chapter 1, Special Service District Act, school district, interlocal  
62 cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act, specified  
63 public utility, property owner, property owners association, or the Department of  
64 Transportation, if:

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

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

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

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

73 (a) a single project;

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

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

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

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

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

84 (i) an operating charter school;

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

87 (iii) an entity that is working on behalf of a charter school or approved charter

88 applicant to develop or construct a charter school building.

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

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

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

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

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

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

101 (11) "Development activity" means:

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

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

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

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

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

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

115 (b) "Disability" does not include current illegal use of, or addiction to, any federally  
116 controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C.  
117 802.

118 (14) "Educational facility":

119 (a) means:

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

123 (ii) a structure or facility:

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

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

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

128 (b) does not include:

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

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

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

134 (ii) a therapeutic school.

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

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

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

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

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

147 (18) "Geologic hazard" means:

148 (a) a surface fault rupture;

149 (b) shallow groundwater;

- 150 (c) liquefaction;
- 151 (d) a landslide;
- 152 (e) a debris flow;
- 153 (f) unstable soil;
- 154 (g) a rock fall; or
- 155 (h) any other geologic condition that presents a risk:
- 156 (i) to life;
- 157 (ii) of substantial loss of real property; or
- 158 (iii) of substantial damage to real property.
- 159 (19) "Historic preservation authority" means a person, board, commission, or other
- 160 body designated by a legislative body to:
  - 161 (a) recommend land use regulations to preserve local historic districts or areas; and
  - 162 (b) administer local historic preservation land use regulations within a local historic
  - 163 district or area.
- 164 (20) "Hookup fee" means a fee for the installation and inspection of any pipe, line,
- 165 meter, or appurtenance that connects to a municipal water, sewer, storm water, power, or other
- 166 utility system.
- 167 (21) "Identical plans" means building plans submitted to a municipality that:
  - 168 (a) are clearly marked as "identical plans";
  - 169 (b) are substantially identical to building plans that were previously submitted to and
  - 170 reviewed and approved by the municipality; and
  - 171 (c) describe a building that:
    - 172 (i) is located on land zoned the same as the land on which the building described in the
    - 173 previously approved plans is located;
    - 174 (ii) is subject to the same geological and meteorological conditions and the same law
    - 175 as the building described in the previously approved plans;
    - 176 (iii) has a floor plan identical to the building plan previously submitted to and reviewed
    - 177 and approved by the municipality; and
    - 178 (iv) does not require any additional engineering or analysis.
- 179 (22) "Impact fee" means a payment of money imposed under Title 11, Chapter 36a,
- 180 Impact Fees Act.

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

- 185 (a) recording a subdivision plat; or
- 186 (b) development of a commercial, industrial, mixed use, or multifamily project.

187 (24) "Improvement warranty" means an applicant's unconditional warranty that the  
188 applicant's installed and accepted landscaping or infrastructure improvement:

- 189 (a) complies with the municipality's written standards for design, materials, and  
190 workmanship; and
- 191 (b) will not fail in any material respect, as a result of poor workmanship or materials,  
192 within the improvement warranty period.

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

- 194 (a) no later than one year after a municipality's acceptance of required landscaping; or
- 195 (b) no later than one year after a municipality's acceptance of required infrastructure,  
196 unless the municipality:

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

199 (ii) has substantial evidence, on record:

- 200 (A) of prior poor performance by the applicant; or
- 201 (B) that the area upon which the infrastructure will be constructed contains suspect soil  
202 and the municipality has not otherwise required the applicant to mitigate the suspect soil.

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

205 (a) is required for human occupation; and

206 (b) an applicant must install:

207 (i) in accordance with published installation and inspection specifications for public  
208 improvements; and

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

210 (A) recording a subdivision plat;

211 (B) obtaining a building permit; or

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

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

216 (a) runs with the land; and

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

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

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

223 (29) "Land use application":

224 (a) means an application that is:

225 (i) required by a municipality; and

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

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

228 (30) "Land use authority" means:

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

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

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

235 (a) a land use permit; or

236 (b) a land use application.

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

238 (33) "Land use regulation":

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

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



- 243 (c) does not include:
- 244 (i) a land use decision of the legislative body acting as the land use authority, even if  
245 the decision is expressed in a resolution or ordinance; or
- 246 (ii) a temporary revision to an engineering specification that does not materially:
- 247 (A) increase a land use applicant's cost of development compared to the existing  
248 specification; or
- 249 (B) impact a land use applicant's use of land.
- 250 (34) "Legislative body" means the municipal council.
- 251 (35) "Local historic district or area" means a geographically definable area that:
- 252 (a) contains any combination of buildings, structures, sites, objects, landscape features,  
253 archeological sites, or works of art that contribute to the historic preservation goals of a  
254 legislative body; and
- 255 (b) is subject to land use regulations to preserve the historic significance of the local  
256 historic district or area.
- 257 (36) "Lot" means a tract of land, regardless of any label, that is created by and shown  
258 on a subdivision plat that has been recorded in the office of the county recorder.
- 259 (37) (a) "Lot line adjustment" means a relocation of a lot line boundary between  
260 adjoining lots or between a lot and adjoining parcels in accordance with Section [10-9a-608](#):
- 261 (i) whether or not the lots are located in the same subdivision; and
- 262 (ii) with the consent of the owners of record.
- 263 (b) "Lot line adjustment" does not mean a new boundary line that:
- 264 (i) creates an additional lot; or
- 265 (ii) constitutes a subdivision or a subdivision amendment.
- 266 (c) "Lot line adjustment" does not include a boundary line adjustment made by the  
267 Department of Transportation.
- 268 (38) "Major transit investment corridor" means public transit service that uses or  
269 occupies:
- 270 (a) public transit rail right-of-way;
- 271 (b) dedicated road right-of-way for the use of public transit, such as bus rapid transit;
- 272 or
- 273 (c) fixed-route bus corridors subject to an interlocal agreement or contract between a

274 municipality or county and:

275 (i) a public transit district as defined in Section 17B-2a-802; or

276 (ii) an eligible political subdivision as defined in Section 59-12-2219.

277 (39) "Moderate income housing" means housing occupied or reserved for occupancy  
278 by households with a gross household income equal to or less than 80% of the median gross  
279 income for households of the same size in the county in which the city is located.

280 (40) "Municipal utility easement" means an easement that:

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

283 (b) is not a protected utility easement or a public utility easement as defined in Section  
284 54-3-27;

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

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

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

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

293 (f) is described in Section 10-9a-529 and is used by a specified public utility.

294 (41) "Nominal fee" means a fee that reasonably reimburses a municipality only for time  
295 spent and expenses incurred in:

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

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

299 (42) "Noncomplying structure" means a structure that:

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

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

304 (43) "Nonconforming use" means a use of land that:

- 305 (a) legally existed before its current land use designation;
- 306 (b) has been maintained continuously since the time the land use ordinance governing
- 307 the land changed; and
- 308 (c) because of one or more subsequent land use ordinance changes, does not conform
- 309 to the regulations that now govern the use of the land.

310 (44) "Official map" means a map drawn by municipal authorities and recorded in a

311 county recorder's office that:

- 312 (a) shows actual and proposed rights-of-way, centerline alignments, and setbacks for
- 313 highways and other transportation facilities;
- 314 (b) provides a basis for restricting development in designated rights-of-way or between
- 315 designated setbacks to allow the government authorities time to purchase or otherwise reserve
- 316 the land; and
- 317 (c) has been adopted as an element of the municipality's general plan.

318 (45) "Parcel" means any real property that is not a lot.

319 (46) (a) "Parcel boundary adjustment" means a recorded agreement between owners of

320 adjoining parcels adjusting the mutual boundary, either by deed or by a boundary line

321 agreement in accordance with Section [10-9a-524](#), if no additional parcel is created and:

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

324 (b) "Parcel boundary adjustment" does not mean an adjustment of a parcel boundary

325 line that:

- 326 (i) creates an additional parcel; or
- 327 (ii) constitutes a subdivision.

328 (c) "Parcel boundary adjustment" does not include a boundary line adjustment made by

329 the Department of Transportation.

330 (47) "Person" means an individual, corporation, partnership, organization, association,

331 trust, governmental agency, or any other legal entity.

332 (48) "Plan for moderate income housing" means a written document adopted by a

333 municipality's legislative body that includes:

- 334 (a) an estimate of the existing supply of moderate income housing located within the
- 335 municipality;

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

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

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

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

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

346 (50) "Potential geologic hazard area" means an area that:

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

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

353 (51) "Public agency" means:

354 (a) the federal government;

355 (b) the state;

356 (c) a county, municipality, school district, special district, special service district, or  
357 other political subdivision of the state; or

358 (d) a charter school.

359 (52) "Public hearing" means a hearing at which members of the public are provided a  
360 reasonable opportunity to comment on the subject of the hearing.

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

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

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

370 (56) "Record of survey map" means a map of a survey of land prepared in accordance  
371 with Section [10-9a-603](#), [17-23-17](#), [17-27a-603](#), or [57-8-13](#).

372 (57) "Residential facility for persons with a disability" means a residence:

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

374 (b) which is licensed or certified by the Department of Health and Human Services

375 under:

376 (i) Title 26B, Chapter 2, Part 1, Human Services Programs and Facilities; or

377 (ii) Title 26B, Chapter 2, Part 2, Health Care Facility Licensing and Inspection.

378 (58) "Residential roadway" means a public local residential road that:

379 (a) will serve primarily to provide access to adjacent primarily residential areas and  
380 property;

381 (b) is designed to accommodate minimal traffic volumes or vehicular traffic;

382 (c) is not identified as a supplementary to a collector or other higher system classified  
383 street in an approved municipal street or transportation master plan;

384 (d) has a posted speed limit of 25 miles per hour or less;

385 (e) does not have higher traffic volumes resulting from connecting previously separated  
386 areas of the municipal road network;

387 (f) cannot have a primary access, but can have a secondary access, and does not abut  
388 lots intended for high volume traffic or community centers, including schools, recreation  
389 centers, sports complexes, or libraries; and

390 (g) primarily serves traffic within a neighborhood or limited residential area and is not  
391 necessarily continuous through several residential areas.

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

394 (a) parliamentary order and procedure;

395 (b) ethical behavior; and

396 (c) civil discourse.

397 (60) "Sanitary sewer authority" means the department, agency, or public entity with

398 responsibility to review and approve the feasibility of sanitary sewer services or onsite  
399 wastewater systems.

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

403 (62) "Special district" means an entity under Title 17B, Limited Purpose Local  
404 Government Entities - Special Districts, and any other governmental or quasi-governmental  
405 entity that is not a county, municipality, school district, or the state.

406 (63) "Specified public agency" means:

407 (a) the state;

408 (b) a school district; or

409 (c) a charter school.

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

412 (65) "State" includes any department, division, or agency of the state.

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

417 (b) "Subdivision" includes:

418 (i) the division or development of land, whether by deed, metes and bounds  
419 description, devise and testacy, map, plat, or other recorded instrument, regardless of whether  
420 the division includes all or a portion of a parcel or lot; and

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

424 (c) "Subdivision" does not include:

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

- 429 (ii) a boundary line agreement recorded with the county recorder's office between  
430 owners of adjoining parcels adjusting the mutual boundary in accordance with Section  
431 10-9a-524 if no new parcel is created;
- 432 (iii) a recorded document, executed by the owner of record:
- 433 (A) revising the legal descriptions of multiple parcels into one legal description  
434 encompassing all such parcels; or
- 435 (B) joining a lot to a parcel;
- 436 (iv) a boundary line agreement between owners of adjoining subdivided properties  
437 adjusting the mutual lot line boundary in accordance with Sections 10-9a-524 and 10-9a-608 if:
- 438 (A) no new dwelling lot or housing unit will result from the adjustment; and  
439 (B) the adjustment will not violate any applicable land use ordinance;
- 440 (v) a bona fide division of land by deed or other instrument if the deed or other  
441 instrument states in writing that the division:
- 442 (A) is in anticipation of future land use approvals on the parcel or parcels;  
443 (B) does not confer any land use approvals; and  
444 (C) has not been approved by the land use authority;
- 445 (vi) a parcel boundary adjustment;  
446 (vii) a lot line adjustment;  
447 (viii) a road, street, or highway dedication plat;  
448 (ix) a deed or easement for a road, street, or highway purpose; or  
449 (x) any other division of land authorized by law.
- 450 (67) (a) "Subdivision amendment" means an amendment to a recorded subdivision in  
451 accordance with Section 10-9a-608 that:
- 452 (i) vacates all or a portion of the subdivision;  
453 (ii) alters the outside boundary of the subdivision;  
454 (iii) changes the number of lots within the subdivision;  
455 (iv) alters a public right-of-way, a public easement, or public infrastructure within the  
456 subdivision; or  
457 (v) alters a common area or other common amenity within the subdivision.
- 458 (b) "Subdivision amendment" does not include a lot line adjustment, between a single  
459 lot and an adjoining lot or parcel, that alters the outside boundary of the subdivision.

- 460 (68) "Substantial evidence" means evidence that:  
461 (a) is beyond a scintilla; and  
462 (b) a reasonable mind would accept as adequate to support a conclusion.
- 463 (69) "Suspect soil" means soil that has:  
464 (a) a high susceptibility for volumetric change, typically clay rich, having more than a  
465 3% swell potential;  
466 (b) bedrock units with high shrink or swell susceptibility; or  
467 (c) gypsiferous silt and clay, gypsum, or bedrock units containing abundant gypsum  
468 commonly associated with dissolution and collapse features.
- 469 (70) "Therapeutic school" means a residential group living facility:  
470 (a) for four or more individuals who are not related to:  
471 (i) the owner of the facility; or  
472 (ii) the primary service provider of the facility;  
473 (b) that serves students who have a history of failing to function:  
474 (i) at home;  
475 (ii) in a public school; or  
476 (iii) in a nonresidential private school; and  
477 (c) that offers:  
478 (i) room and board; and  
479 (ii) an academic education integrated with:  
480 (A) specialized structure and supervision; or  
481 (B) services or treatment related to a disability, an emotional development, a  
482 behavioral development, a familial development, or a social development.
- 483 (71) "Transferable development right" means a right to develop and use land that  
484 originates by an ordinance that authorizes a land owner in a designated sending zone to transfer  
485 land use rights from a designated sending zone to a designated receiving zone.
- 486 (72) "Unincorporated" means the area outside of the incorporated area of a city or  
487 town.
- 488 (73) "Water interest" means any right to the beneficial use of water, including:  
489 (a) each of the rights listed in Section 73-1-11; and  
490 (b) an ownership interest in the right to the beneficial use of water represented by:



491 (i) a contract; or

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

493 (74) "Zoning map" means a map, adopted as part of a land use ordinance, that depicts  
494 land use zones, overlays, or districts.

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

496 **10-9a-509. Applicant's entitlement to land use application approval --**  
497 **Municipality's requirements and limitations -- Vesting upon submission of development**  
498 **plan and schedule.**

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

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

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

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

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

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

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

517 (i) 180 days have passed since the municipality initiated the proceedings; and

518 (ii) (A) the proceedings have not resulted in an enactment that prohibits approval of the  
519 application as submitted; or

520 (B) during the 12 months prior to the municipality processing the application, or  
521 multiple applications of the same type, are impaired or prohibited under the terms of a

522 temporary land use regulation adopted under Section 10-9a-504.

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

526 (d) A subsequent incorporation of a municipality or a petition that proposes the  
527 incorporation of a municipality does not affect a land use application approved by a county in  
528 accordance with Section 17-27a-508.

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

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

533 (i) this chapter;

534 (ii) a municipal ordinance in effect on the date that the applicant submits a complete  
535 application, subject to Subsection 10-9a-509(1)(a)(ii); or

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

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

540 (i) in a land use permit;

541 (ii) on the subdivision plat;

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

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

545 (v) in this chapter;

546 (vi) in a municipal ordinance; or

547 (vii) in a municipal specification for residential roadways in effect at the time a  
548 residential subdivision was approved.

549 (h) Except as provided in Subsection (1)(i), a municipality may not withhold issuance  
550 of a certificate of occupancy or acceptance of subdivision improvements because of an  
551 applicant's failure to comply with a requirement that is not expressed:

552 (i) in the building permit or subdivision plat, documents on which the building permit

553 or subdivision plat is based, or the written record evidencing approval of the land use permit or  
554 subdivision plat; or

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

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

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

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

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

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

569 (4) Upon a specified public agency's submission of a development plan and schedule as  
570 required in Subsection 10-9a-305(8) that complies with the requirements of that subsection, the  
571 specified public agency vests in the municipality's applicable land use maps, zoning map,  
572 hookup fees, impact fees, other applicable development fees, and land use regulations in effect  
573 on the date of submission.

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

577 (i) to the local clerk as defined in Section 20A-7-101; and

578 (ii) no later than seven days after the day on which a petition for a referendum is  
579 determined sufficient under Subsection 20A-7-607(5).

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

582 (i) the relevant land use approval; and

583 (ii) any land use regulation enacted specifically in relation to the land use approval.

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

585 **17-27a-103. Definitions.**

586 As used in this chapter:

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

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

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

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

594 (3) "Affected entity" means a county, municipality, special district, special service  
595 district under Title 17D, Chapter 1, Special Service District Act, school district, interlocal  
596 cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act, specified  
597 property owner, property owner's association, public utility, or the Department of  
598 Transportation, if:

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

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

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

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

607 (a) a single project;

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

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

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

614 (6) "Billboard" means a freestanding ground sign located on industrial, commercial, or

615 residential property if the sign is designed or intended to direct attention to a business, product,  
616 or service that is not sold, offered, or existing on the property where the sign is located.

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

618 (i) an operating charter school;

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

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

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

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

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

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

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

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

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

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

637 (b) is not a protected utility easement or a public utility easement as defined in Section  
638 [54-3-27](#);

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

640 (d) (i) either:

641 (A) no person uses or occupies; or

642 (B) the county or the county's affiliated governmental entity uses and occupies to  
643 provide a utility service, including sanitary sewer, culinary water, electrical, storm water, or  
644 communications or data lines; or

645 (ii) a person uses or occupies with or without an authorized franchise or other

646 agreement with the county.

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

650 (13) "Development activity" means:

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

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

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

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

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

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

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

667 (16) "Educational facility":

668 (a) means:

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

672 (ii) a structure or facility:

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

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

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

677 (b) does not include:

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

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

681 and

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

683 (ii) a therapeutic school.

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

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

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

689 Management Agency; or

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

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

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

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

698 (b) for a mountainous planning district, the land within the mountainous planning  
699 district.

700 (21) "Geologic hazard" means:

701 (a) a surface fault rupture;

702 (b) shallow groundwater;

703 (c) liquefaction;

704 (d) a landslide;

705 (e) a debris flow;

706 (f) unstable soil;

707 (g) a rock fall; or

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

709 (i) to life;

710 (ii) of substantial loss of real property; or

711 (iii) of substantial damage to real property.

712 (22) "Hookup fee" means a fee for the installation and inspection of any pipe, line,  
713 meter, or appurtenance to connect to a county water, sewer, storm water, power, or other utility  
714 system.

715 (23) "Identical plans" means building plans submitted to a county that:

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

717 (b) are substantially identical building plans that were previously submitted to and  
718 reviewed and approved by the county; and

719 (c) describe a building that:

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

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

724 (iii) has a floor plan identical to the building plan previously submitted to and reviewed  
725 and approved by the county; and

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

727 (24) "Impact fee" means a payment of money imposed under Title 11, Chapter 36a,  
728 Impact Fees Act.

729 (25) "Improvement completion assurance" means a surety bond, letter of credit,  
730 financial institution bond, cash, assignment of rights, lien, or other equivalent security required  
731 by a county to guaranty the proper completion of landscaping or an infrastructure improvement  
732 required as a condition precedent to:

733 (a) recording a subdivision plat; or

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

735 (26) "Improvement warranty" means an applicant's unconditional warranty that the  
736 applicant's installed and accepted landscaping or infrastructure improvement:

737 (a) complies with the county's written standards for design, materials, and  
738 workmanship; and



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

741 (27) "Improvement warranty period" means a period:

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

743 (b) no later than one year after a county's acceptance of required infrastructure, unless  
744 the county:

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

747 (ii) has substantial evidence, on record:

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

749 (B) that the area upon which the infrastructure will be constructed contains suspect soil  
750 and the county has not otherwise required the applicant to mitigate the suspect soil.

751 (28) "Infrastructure improvement" means permanent infrastructure that is essential for  
752 the public health and safety or that:

753 (a) is required for human consumption; and

754 (b) an applicant must install:

755 (i) in accordance with published installation and inspection specifications for public  
756 improvements; and

757 (ii) as a condition of:

758 (A) recording a subdivision plat;

759 (B) obtaining a building permit; or

760 (C) developing a commercial, industrial, mixed use, condominium, or multifamily  
761 project.

762 (29) "Internal lot restriction" means a platted note, platted demarcation, or platted  
763 designation that:

764 (a) runs with the land; and

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

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

769 (30) "Interstate pipeline company" means a person or entity engaged in natural gas

770 transportation subject to the jurisdiction of the Federal Energy Regulatory Commission under  
771 the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.

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

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

777 (33) "Land use application":

778 (a) means an application that is:

779 (i) required by a county; and

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

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

782 (34) "Land use authority" means:

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

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

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

789 (a) a land use permit;

790 (b) a land use application; or

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

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

794 (37) "Land use regulation":

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

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

799 (c) does not include:

800 (i) a land use decision of the legislative body acting as the land use authority, even if

801 the decision is expressed in a resolution or ordinance; or

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

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

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

806 (38) "Legislative body" means the county legislative body, or for a county that has  
807 adopted an alternative form of government, the body exercising legislative powers.

808 (39) "Lot" means a tract of land, regardless of any label, that is created by and shown  
809 on a subdivision plat that has been recorded in the office of the county recorder.

810 (40) (a) "Lot line adjustment" means a relocation of a lot line boundary between  
811 adjoining lots or between a lot and adjoining parcels in accordance with Section 17-27a-608:

812 (i) whether or not the lots are located in the same subdivision; and

813 (ii) with the consent of the owners of record.

814 (b) "Lot line adjustment" does not mean a new boundary line that:

815 (i) creates an additional lot; or

816 (ii) constitutes a subdivision or a subdivision amendment.

817 (c) "Lot line adjustment" does not include a boundary line adjustment made by the  
818 Department of Transportation.

819 (41) "Major transit investment corridor" means public transit service that uses or  
820 occupies:

821 (a) public transit rail right-of-way;

822 (b) dedicated road right-of-way for the use of public transit, such as bus rapid transit;

823 or

824 (c) fixed-route bus corridors subject to an interlocal agreement or contract between a  
825 municipality or county and:

826 (i) a public transit district as defined in Section 17B-2a-802; or

827 (ii) an eligible political subdivision as defined in Section 59-12-2219.

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

831 (43) "Mountainous planning district" means an area designated by a county legislative

832 body in accordance with Section [17-27a-901](#).

833 (44) "Nominal fee" means a fee that reasonably reimburses a county only for time spent  
834 and expenses incurred in:

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

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

838 (45) "Noncomplying structure" means a structure that:

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

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

843 (46) "Nonconforming use" means a use of land that:

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

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

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

849 (47) "Official map" means a map drawn by county authorities and recorded in the  
850 county recorder's office that:

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

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

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

857 (48) "Parcel" means any real property that is not a lot.

858 (49) (a) "Parcel boundary adjustment" means a recorded agreement between owners of  
859 adjoining parcels adjusting the mutual boundary, either by deed or by a boundary line  
860 agreement in accordance with Section [17-27a-523](#), if no additional parcel is created and:

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

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

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

865 (i) creates an additional parcel; or

866 (ii) constitutes a subdivision.

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

869 (50) "Person" means an individual, corporation, partnership, organization, association,  
870 trust, governmental agency, or any other legal entity.

871 (51) "Plan for moderate income housing" means a written document adopted by a  
872 county legislative body that includes:

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

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

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

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

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

882 (52) "Planning advisory area" means a contiguous, geographically defined portion of  
883 the unincorporated area of a county established under this part with planning and zoning  
884 functions as exercised through the planning advisory area planning commission, as provided in  
885 this chapter, but with no legal or political identity separate from the county and no taxing  
886 authority.

887 (53) "Plat" means an instrument subdividing property into lots as depicted on a map or  
888 other graphical representation of lands that a licensed professional land surveyor makes and  
889 prepares in accordance with Section [17-27a-603](#) or [57-8-13](#).

890 (54) "Potential geologic hazard area" means an area that:

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

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

897 (55) "Public agency" means:

898 (a) the federal government;

899 (b) the state;

900 (c) a county, municipality, school district, special district, special service district, or  
901 other political subdivision of the state; or

902 (d) a charter school.

903 (56) "Public hearing" means a hearing at which members of the public are provided a  
904 reasonable opportunity to comment on the subject of the hearing.

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

907 (58) "Public street" means a public right-of-way, including a public highway, public  
908 avenue, public boulevard, public parkway, public road, public lane, public alley, public  
909 viaduct, public subway, public tunnel, public bridge, public byway, other public transportation  
910 easement, or other public way.

911 (59) "Receiving zone" means an unincorporated area of a county that the county  
912 designates, by ordinance, as an area in which an owner of land may receive a transferable  
913 development right.

914 (60) "Record of survey map" means a map of a survey of land prepared in accordance  
915 with Section [10-9a-603](#), [17-23-17](#), [17-27a-603](#), or [57-8-13](#).

916 (61) "Residential facility for persons with a disability" means a residence:

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

918 (b) which is licensed or certified by the Department of Health and Human Services  
919 under:

920 (i) Title 26B, Chapter 2, Part 1, Human Services Programs and Facilities; or

921 (ii) Title 26B, Chapter 2, Part 2, Health Care Facility Licensing and Inspection.

922 (62) "Residential roadway" means a public local residential road that:

923 (a) will serve primarily to provide access to adjacent primarily residential areas and  
924 property;

- 925 (b) is designed to accommodate minimal traffic volumes or vehicular traffic;
- 926 (c) is not identified as a supplementary to a collector or other higher system classified  
927 street in an approved municipal street or transportation master plan;
- 928 (d) has a posted speed limit of 25 miles per hour or less;
- 929 (e) does not have higher traffic volumes resulting from connecting previously separated  
930 areas of the municipal road network;
- 931 (f) cannot have a primary access, but can have a secondary access, and does not abut  
932 lots intended for high volume traffic or community centers, including schools, recreation  
933 centers, sports complexes, or libraries; and
- 934 (g) primarily serves traffic within a neighborhood or limited residential area and is not  
935 necessarily continuous through several residential areas.
- 936 (63) "Rules of order and procedure" means a set of rules that govern and prescribe in a  
937 public meeting:
- 938 (a) parliamentary order and procedure;
- 939 (b) ethical behavior; and
- 940 (c) civil discourse.
- 941 (64) "Sanitary sewer authority" means the department, agency, or public entity with  
942 responsibility to review and approve the feasibility of sanitary sewer services or onsite  
943 wastewater systems.
- 944 (65) "Sending zone" means an unincorporated area of a county that the county  
945 designates, by ordinance, as an area from which an owner of land may transfer a transferable  
946 development right.
- 947 (66) "Site plan" means a document or map that may be required by a county during a  
948 preliminary review preceding the issuance of a building permit to demonstrate that an owner's  
949 or developer's proposed development activity meets a land use requirement.
- 950 (67) (a) "Special district" means an entity under Title 17B, Limited Purpose Local  
951 Government Entities - Special Districts.
- 952 (b) "Special district" includes a governmental or quasi-governmental entity that is not a  
953 county, municipality, school district, or the state.
- 954 (68) "Specified public agency" means:
- 955 (a) the state;

956 (b) a school district; or

957 (c) a charter school.

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

960 (70) "State" includes any department, division, or agency of the state.

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

965 (b) "Subdivision" includes:

966 (i) the division or development of land, whether by deed, metes and bounds  
967 description, devise and testacy, map, plat, or other recorded instrument, regardless of whether  
968 the division includes all or a portion of a parcel or lot; and

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

972 (c) "Subdivision" does not include:

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

974 (ii) a boundary line agreement recorded with the county recorder's office between  
975 owners of adjoining parcels adjusting the mutual boundary in accordance with Section  
976 [17-27a-523](#) if no new lot is created;

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

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

980 (B) joining a lot to a parcel;

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

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

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

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



987 (v) a boundary line agreement between owners of adjoining subdivided properties  
988 adjusting the mutual lot line boundary in accordance with Sections 17-27a-523 and 17-27a-608  
989 if:

990 (A) no new dwelling lot or housing unit will result from the adjustment; and  
991 (B) the adjustment will not violate any applicable land use ordinance;  
992 (vi) a bona fide division of land by deed or other instrument if the deed or other  
993 instrument states in writing that the division:

994 (A) is in anticipation of future land use approvals on the parcel or parcels;  
995 (B) does not confer any land use approvals; and  
996 (C) has not been approved by the land use authority;  
997 (vii) a parcel boundary adjustment;  
998 (viii) a lot line adjustment;  
999 (ix) a road, street, or highway dedication plat;  
1000 (x) a deed or easement for a road, street, or highway purpose; or  
1001 (xi) any other division of land authorized by law.

1002 (72) (a) "Subdivision amendment" means an amendment to a recorded subdivision in  
1003 accordance with Section 17-27a-608 that:

1004 (i) vacates all or a portion of the subdivision;  
1005 (ii) alters the outside boundary of the subdivision;  
1006 (iii) changes the number of lots within the subdivision;  
1007 (iv) alters a public right-of-way, a public easement, or public infrastructure within the  
1008 subdivision; or  
1009 (v) alters a common area or other common amenity within the subdivision.  
1010 (b) "Subdivision amendment" does not include a lot line adjustment, between a single  
1011 lot and an adjoining lot or parcel, that alters the outside boundary of the subdivision.

1012 (73) "Substantial evidence" means evidence that:

1013 (a) is beyond a scintilla; and  
1014 (b) a reasonable mind would accept as adequate to support a conclusion.

1015 (74) "Suspect soil" means soil that has:

1016 (a) a high susceptibility for volumetric change, typically clay rich, having more than a  
1017 3% swell potential;

1018 (b) bedrock units with high shrink or swell susceptibility; or  
1019 (c) gypsiferous silt and clay, gypsum, or bedrock units containing abundant gypsum  
1020 commonly associated with dissolution and collapse features.

1021 (75) "Therapeutic school" means a residential group living facility:

1022 (a) for four or more individuals who are not related to:

1023 (i) the owner of the facility; or

1024 (ii) the primary service provider of the facility;

1025 (b) that serves students who have a history of failing to function:

1026 (i) at home;

1027 (ii) in a public school; or

1028 (iii) in a nonresidential private school; and

1029 (c) that offers:

1030 (i) room and board; and

1031 (ii) an academic education integrated with:

1032 (A) specialized structure and supervision; or

1033 (B) services or treatment related to a disability, an emotional development, a

1034 behavioral development, a familial development, or a social development.

1035 (76) "Transferable development right" means a right to develop and use land that  
1036 originates by an ordinance that authorizes a land owner in a designated sending zone to transfer  
1037 land use rights from a designated sending zone to a designated receiving zone.

1038 (77) "Unincorporated" means the area outside of the incorporated area of a  
1039 municipality.

1040 (78) "Water interest" means any right to the beneficial use of water, including:

1041 (a) each of the rights listed in Section 73-1-11; and

1042 (b) an ownership interest in the right to the beneficial use of water represented by:

1043 (i) a contract; or

1044 (ii) a share in a water company, as defined in Section 73-3-3.5.

1045 (79) "Zoning map" means a map, adopted as part of a land use ordinance, that depicts  
1046 land use zones, overlays, or districts.

1047 Section 4. Section 17-27a-508 is amended to read:

1048 **17-27a-508. Applicant's entitlement to land use application approval --**

1049 **Application relating to land in a high priority transportation corridor -- County's**  
1050 **requirements and limitations -- Vesting upon submission of development plan and**  
1051 **schedule.**

1052 (1) (a) (i) An applicant who has submitted a complete land use application, including  
1053 the payment of all application fees, is entitled to substantive review of the application under the  
1054 land use regulations:

1055 (A) in effect on the date that the application is complete; and

1056 (B) applicable to the application or to the information shown on the submitted  
1057 application.

1058 (ii) An applicant is entitled to approval of a land use application if the application  
1059 conforms to the requirements of the applicable land use regulations, land use decisions, and  
1060 development standards in effect when the applicant submits a complete application and pays all  
1061 application fees, unless:

1062 (A) the land use authority, on the record, formally finds that a compelling,  
1063 countervailing public interest would be jeopardized by approving the application and specifies  
1064 the compelling, countervailing public interest in writing; or

1065 (B) in the manner provided by local ordinance and before the applicant submits the  
1066 application, the county formally initiates proceedings to amend the county's land use  
1067 regulations in a manner that would prohibit approval of the application as submitted.

1068 (b) The county shall process an application without regard to proceedings the county  
1069 initiated to amend the county's ordinances as described in Subsection (1)(a)(ii)(B) if:

1070 (i) 180 days have passed since the county initiated the proceedings; and

1071 (ii) (A) the proceedings have not resulted in an enactment that prohibits approval of the  
1072 application as submitted; or

1073 (B) during the 12 months prior to the county processing the application or multiple  
1074 applications of the same type, the application is impaired or prohibited under the terms of a  
1075 temporary land use regulation adopted under Section [17-27a-504](#).

1076 (c) A land use application is considered submitted and complete when the applicant  
1077 provides the application in a form that complies with the requirements of applicable ordinances  
1078 and pays all applicable fees.

1079 (d) The continuing validity of an approval of a land use application is conditioned upon

1080 the applicant proceeding after approval to implement the approval with reasonable diligence.

1081 (e) A county may not impose on an applicant who has submitted a complete  
1082 application a requirement that is not expressed in:

1083 (i) this chapter;

1084 (ii) a county ordinance in effect on the date that the applicant submits a complete  
1085 application, subject to Subsection 17-27a-508(1)(a)(ii); or

1086 (iii) a county specification for public improvements applicable to a subdivision or  
1087 development that is in effect on the date that the applicant submits an application.

1088 (f) A county may not impose on a holder of an issued land use permit or a final,  
1089 unexpired subdivision plat a requirement that is not expressed:

1090 (i) in a land use permit;

1091 (ii) on the subdivision plat;

1092 (iii) in a document on which the land use permit or subdivision plat is based;

1093 (iv) in the written record evidencing approval of the land use permit or subdivision  
1094 plat;

1095 (v) in this chapter;

1096 (vi) in a county ordinance; or

1097 (vii) in a county specification for residential roadways in effect at the time a residential  
1098 subdivision was approved.

1099 (g) Except as provided in Subsection (1)(h), a county may not withhold issuance of a  
1100 certificate of occupancy or acceptance of subdivision improvements because of an applicant's  
1101 failure to comply with a requirement that is not expressed:

1102 (i) in the building permit or subdivision plat, documents on which the building permit  
1103 or subdivision plat is based, or the written record evidencing approval of the building permit or  
1104 subdivision plat; or

1105 (ii) in this chapter or the county's ordinances.

1106 (h) A county may not unreasonably withhold issuance of a certificate of occupancy  
1107 where an applicant has met all requirements essential for the public health, public safety, and  
1108 general welfare of the occupants, in accordance with this chapter, unless:

1109 (i) the applicant and the county have agreed in a written document to the withholding  
1110 of a certificate of occupancy; or

1111 (ii) the applicant has not provided a financial assurance for required and uncompleted  
1112 public landscaping improvements or infrastructure improvements in accordance with an  
1113 applicable ordinance that the legislative body adopts under this chapter.

1114 (2) A county is bound by the terms and standards of applicable land use regulations and  
1115 shall comply with mandatory provisions of those regulations.

1116 (3) A county may not, as a condition of land use application approval, require a person  
1117 filing a land use application to obtain documentation regarding a school district's willingness,  
1118 capacity, or ability to serve the development proposed in the land use application.

1119 (4) Upon a specified public agency's submission of a development plan and schedule as  
1120 required in Subsection [17-27a-305\(8\)](#) that complies with the requirements of that subsection,  
1121 the specified public agency vests in the county's applicable land use maps, zoning map, hookup  
1122 fees, impact fees, other applicable development fees, and land use regulations in effect on the  
1123 date of submission.

1124 (5) (a) If sponsors of a referendum timely challenge a project in accordance with  
1125 Subsection [~~[20A-7-601\(6\)](#)~~ [20A-7-601\(7\)](#)], the project's affected owner may rescind the  
1126 project's land use approval by delivering a written notice:

1127 (i) to the local clerk as defined in Section [20A-7-101](#); and

1128 (ii) no later than seven days after the day on which a petition for a referendum is  
1129 determined sufficient under Subsection [20A-7-607\(5\)](#).

1130 (b) Upon delivery of a written notice described in Subsection(5)(a) the following are  
1131 rescinded and are of no further force or effect:

1132 (i) the relevant land use approval; and

1133 (ii) any land use regulation enacted specifically in relation to the land use approval.

1134 Section 5. Section **20A-1-102** is amended to read:

1135 **20A-1-102. Definitions.**

1136 As used in this title:

1137 (1) "Active voter" means a registered voter who has not been classified as an inactive  
1138 voter by the county clerk.

1139 (2) "Automatic tabulating equipment" means apparatus that automatically examines  
1140 and counts votes recorded on ballots and tabulates the results.

1141 (3) (a) "Ballot" means the storage medium, including a paper, mechanical, or electronic

1142 storage medium, that records an individual voter's vote.

1143 (b) "Ballot" does not include a record to tally multiple votes.

1144 (4) "Ballot proposition" means a question, issue, or proposal that is submitted to voters  
1145 on the ballot for their approval or rejection including:

1146 (a) an opinion question specifically authorized by the Legislature;

1147 (b) a constitutional amendment;

1148 (c) an initiative;

1149 (d) a referendum;

1150 (e) a bond proposition;

1151 (f) a judicial retention question;

1152 (g) an incorporation of a city or town; or

1153 (h) any other ballot question specifically authorized by the Legislature.

1154 (5) "Bind," "binding," or "bound" means securing more than one piece of paper  
1155 together using staples or another means in at least three places across the top of the paper in the  
1156 blank space reserved for securing the paper.

1157 (6) "Board of canvassers" means the entities established by Sections [20A-4-301](#) and  
1158 [20A-4-306](#) to canvass election returns.

1159 (7) "Bond election" means an election held for the purpose of approving or rejecting  
1160 the proposed issuance of bonds by a government entity.

1161 (8) "Business reply mail envelope" means an envelope that may be mailed free of  
1162 charge by the sender.

1163 (9) "Canvass" means the review of election returns and the official declaration of  
1164 election results by the board of canvassers.

1165 (10) "Canvassing judge" means a poll worker designated to assist in counting ballots at  
1166 the canvass.

1167 (11) "Contracting election officer" means an election officer who enters into a contract  
1168 or interlocal agreement with a provider election officer.

1169 (12) "Convention" means the political party convention at which party officers and  
1170 delegates are selected.

1171 (13) "Counting center" means one or more locations selected by the election officer in  
1172 charge of the election for the automatic counting of ballots.

1173 (14) "Counting judge" means a poll worker designated to count the ballots during  
1174 election day.

1175 (15) "Counting room" means a suitable and convenient private place or room for use  
1176 by the poll workers and counting judges to count ballots.

1177 (16) "County officers" means those county officers that are required by law to be  
1178 elected.

1179 (17) "Date of the election" or "election day" or "day of the election":

1180 (a) means the day that is specified in the calendar year as the day that the election  
1181 occurs; and

1182 (b) does not include:

1183 (i) deadlines established for voting by mail, military-overseas voting, or emergency  
1184 voting; or

1185 (ii) any early voting or early voting period as provided under Chapter 3a, Part 6, Early  
1186 Voting.

1187 (18) "Elected official" means:

1188 (a) a person elected to an office under Section 20A-1-303 or Chapter 4, Part 6,  
1189 Municipal Alternate Voting Methods Pilot Project;

1190 (b) a person who is considered to be elected to a municipal office in accordance with  
1191 Subsection 20A-1-206(1)(c)(ii); or

1192 (c) a person who is considered to be elected to a special district office in accordance  
1193 with Subsection 20A-1-206(3)(b)(ii).

1194 (19) "Election" means a regular general election, a municipal general election, a  
1195 statewide special election, a local special election, a regular primary election, a municipal  
1196 primary election, and a special district election.

1197 (20) "Election Assistance Commission" means the commission established by the Help  
1198 America Vote Act of 2002, Pub. L. No. 107-252.

1199 (21) "Election cycle" means the period beginning on the first day persons are eligible to  
1200 file declarations of candidacy and ending when the canvass is completed.

1201 (22) "Election judge" means a poll worker that is assigned to:

1202 (a) preside over other poll workers at a polling place;

1203 (b) act as the presiding election judge; or

- 1204 (c) serve as a canvassing judge, counting judge, or receiving judge.
- 1205 (23) "Election officer" means:
- 1206 (a) the lieutenant governor, for all statewide ballots and elections;
- 1207 (b) the county clerk for:
- 1208 (i) a county ballot and election; and
- 1209 (ii) a ballot and election as a provider election officer as provided in Section
- 1210 [20A-5-400.1](#) or [20A-5-400.5](#);
- 1211 (c) the municipal clerk for:
- 1212 (i) a municipal ballot and election; and
- 1213 (ii) a ballot and election as a provider election officer as provided in Section
- 1214 [20A-5-400.1](#) or [20A-5-400.5](#);
- 1215 (d) the special district clerk or chief executive officer for:
- 1216 (i) a special district ballot and election; and
- 1217 (ii) a ballot and election as a provider election officer as provided in Section
- 1218 [20A-5-400.1](#) or [20A-5-400.5](#); or
- 1219 (e) the business administrator or superintendent of a school district for:
- 1220 (i) a school district ballot and election, including a ballot and election on a referendum
- 1221 under Subsection [20A-7-102\(4\)](#); and
- 1222 (ii) a ballot and election as a provider election officer as provided in Section
- 1223 [20A-5-400.1](#) or [20A-5-400.5](#).
- 1224 (24) "Election official" means any election officer, election judge, or poll worker.
- 1225 (25) "Election results" means:
- 1226 (a) for an election other than a bond election, the count of votes cast in the election and
- 1227 the election returns requested by the board of canvassers; or
- 1228 (b) for bond elections, the count of those votes cast for and against the bond
- 1229 proposition plus any or all of the election returns that the board of canvassers may request.
- 1230 (26) "Election returns" includes:
- 1231 (a) the pollbook, the military and overseas absentee voter registration and voting
- 1232 certificates, one of the tally sheets, any unprocessed ballots, all counted ballots, all excess
- 1233 ballots, all unused ballots, all spoiled ballots, the ballot disposition form, and the total votes
- 1234 cast form; and



1235 (b) the record, described in Subsection 20A-3a-401(8)(c), of voters contacted to cure a  
1236 ballot.

1237 (27) "Electronic signature" means an electronic sound, symbol, or process attached to  
1238 or logically associated with a record and executed or adopted by a person with the intent to sign  
1239 the record.

1240 (28) "Inactive voter" means a registered voter who is listed as inactive by a county  
1241 clerk under Subsection 20A-2-505(4)(c)(i) or (ii).

1242 (29) "Judicial office" means the office filled by any judicial officer.

1243 (30) "Judicial officer" means any justice or judge of a court of record or any county  
1244 court judge.

1245 (31) "Local election" means a regular county election, a regular municipal election, a  
1246 municipal primary election, a local special election, a special district election, and a bond  
1247 election.

1248 (32) "Local political subdivision" means a county, a municipality, a special district, or  
1249 a local school district.

1250 (33) "Local special election" means a special election called by the governing body of a  
1251 local political subdivision in which all registered voters of the local political subdivision may  
1252 vote.

1253 (34) "Manual ballot" means a paper document produced by an election officer on  
1254 which an individual records an individual's vote by directly placing a mark on the paper  
1255 document using a pen or other marking instrument.

1256 (35) "Mechanical ballot" means a record, including a paper record, electronic record, or  
1257 mechanical record, that:

1258 (a) is created via electronic or mechanical means; and

1259 (b) records an individual voter's vote cast via a method other than an individual directly  
1260 placing a mark, using a pen or other marking instrument, to record an individual voter's vote.

1261 (36) "Municipal executive" means:

1262 (a) the mayor in the council-mayor form of government defined in Section 10-3b-102;

1263 (b) the mayor in the council-manager form of government defined in Subsection  
1264 10-3b-103(7); or

1265 (c) the mayor of a metro township form of government defined in Section 10-3b-102.

- 1266 (37) "Municipal general election" means the election held in municipalities and, as  
1267 applicable, special districts on the first Tuesday after the first Monday in November of each  
1268 odd-numbered year for the purposes established in Section [20A-1-202](#).
- 1269 (38) "Municipal legislative body" means:  
1270 (a) the council of the city or town in any form of municipal government; or  
1271 (b) the council of a metro township.
- 1272 (39) "Municipal office" means an elective office in a municipality.
- 1273 (40) "Municipal officers" means those municipal officers that are required by law to be  
1274 elected.
- 1275 (41) "Municipal primary election" means an election held to nominate candidates for  
1276 municipal office.
- 1277 (42) "Municipality" means a city, town, or metro township.
- 1278 (43) "Official ballot" means the ballots distributed by the election officer for voters to  
1279 record their votes.
- 1280 (44) "Official endorsement" means the information on the ballot that identifies:  
1281 (a) the ballot as an official ballot;  
1282 (b) the date of the election; and  
1283 (c) (i) for a ballot prepared by an election officer other than a county clerk, the  
1284 facsimile signature required by Subsection [20A-6-401\(1\)\(a\)\(iii\)](#); or  
1285 (ii) for a ballot prepared by a county clerk, the words required by Subsection  
1286 [20A-6-301\(1\)\(b\)\(iii\)](#).
- 1287 (45) "Official register" means the official record furnished to election officials by the  
1288 election officer that contains the information required by Section [20A-5-401](#).
- 1289 (46) "Political party" means an organization of registered voters that has qualified to  
1290 participate in an election by meeting the requirements of Chapter 8, Political Party Formation  
1291 and Procedures.
- 1292 (47) (a) "Poll worker" means a person assigned by an election official to assist with an  
1293 election, voting, or counting votes.  
1294 (b) "Poll worker" includes election judges.  
1295 (c) "Poll worker" does not include a watcher.
- 1296 (48) "Pollbook" means a record of the names of voters in the order that they appear to

1297 cast votes.

1298 (49) "Polling place" means a building where voting is conducted.

1299 (50) "Position" means a square, circle, rectangle, or other geometric shape on a ballot  
1300 in which the voter marks the voter's choice.

1301 (51) "Presidential Primary Election" means the election established in Chapter 9, Part  
1302 8, Presidential Primary Election.

1303 (52) "Primary convention" means the political party conventions held during the year  
1304 of the regular general election.

1305 (53) "Protective counter" means a separate counter, which cannot be reset, that:

1306 (a) is built into a voting machine; and

1307 (b) records the total number of movements of the operating lever.

1308 (54) "Provider election officer" means an election officer who enters into a contract or  
1309 interlocal agreement with a contracting election officer to conduct an election for the  
1310 contracting election officer's local political subdivision in accordance with Section  
1311 [20A-5-400.1](#).

1312 (55) "Provisional ballot" means a ballot voted provisionally by a person:

1313 (a) whose name is not listed on the official register at the polling place;

1314 (b) whose legal right to vote is challenged as provided in this title; or

1315 (c) whose identity was not sufficiently established by a poll worker.

1316 (56) "Provisional ballot envelope" means an envelope printed in the form required by  
1317 Section [20A-6-105](#) that is used to identify provisional ballots and to provide information to  
1318 verify a person's legal right to vote.

1319 (57) (a) "Public figure" means an individual who, due to the individual being  
1320 considered for, holding, or having held a position of prominence in a public or private capacity,  
1321 or due to the individual's celebrity status, has an increased risk to the individual's safety.

1322 (b) "Public figure" does not include an individual:

1323 (i) elected to public office; or

1324 (ii) appointed to fill a vacancy in an elected public office.

1325 (58) "Qualify" or "qualified" means to take the oath of office and begin performing the  
1326 duties of the position for which the individual was elected.

1327 (59) "Receiving judge" means the poll worker that checks the voter's name in the

1328 official register at a polling place and provides the voter with a ballot.

1329 (60) "Registration form" means a form by which an individual may register to vote  
1330 under this title.

1331 (61) "Regular ballot" means a ballot that is not a provisional ballot.

1332 (62) "Regular general election" means the election held throughout the state on the first  
1333 Tuesday after the first Monday in November of each even-numbered year for the purposes  
1334 established in Section [20A-1-201](#).

1335 (63) "Regular primary election" means the election, held on the date specified in  
1336 Section [20A-1-201.5](#), to nominate candidates of political parties and candidates for nonpartisan  
1337 local school board positions to advance to the regular general election.

1338 (64) "Resident" means a person who resides within a specific voting precinct in Utah.

1339 (65) "Return envelope" means the envelope, described in Subsection [20A-3a-202\(4\)](#),  
1340 provided to a voter with a manual ballot:

1341 (a) into which the voter places the manual ballot after the voter has voted the manual  
1342 ballot in order to preserve the secrecy of the voter's vote; and

1343 (b) that includes the voter affidavit and a place for the voter's signature.

1344 (66) "Sample ballot" means a mock ballot similar in form to the official ballot,  
1345 published as provided in Section [20A-5-405](#).

1346 (67) "Special district" means a local government entity under Title 17B, Limited  
1347 Purpose Local Government Entities - Special Districts, and includes a special service district  
1348 under Title 17D, Chapter 1, Special Service District Act.

1349 (68) "Special district officers" means those special district board members who are  
1350 required by law to be elected.

1351 (69) "Special election" means an election held as authorized by Section [20A-1-203](#).

1352 (70) "Spoiled ballot" means each ballot that:

1353 (a) is spoiled by the voter;

1354 (b) is unable to be voted because it was spoiled by the printer or a poll worker; or

1355 (c) lacks the official endorsement.

1356 (71) "Statewide special election" means a special election called by the governor or the  
1357 Legislature in which all registered voters in Utah may vote.

1358 (72) "Tabulation system" means a device or system designed for the sole purpose of

1359 tabulating votes cast by voters at an election.

1360 (73) "Ticket" means a list of:

1361 (a) political parties;

1362 (b) candidates for an office; or

1363 (c) ballot propositions.

1364 (74) "Transfer case" means the sealed box used to transport voted ballots to the  
1365 counting center.

1366 (75) "Vacancy" means:

1367 (a) except as provided in Subsection (75)(b), the absence of an individual to serve in a  
1368 position created by state constitution or state statute, whether that absence occurs because of  
1369 death, disability, disqualification, resignation, or other cause; or

1370 (b) in relation to a candidate for a position created by state constitution or state statute,  
1371 the removal of a candidate due to the candidate's death, resignation, or disqualification.

1372 (76) "Valid voter identification" means:

1373 (a) a form of identification that bears the name and photograph of the voter which may  
1374 include:

1375 (i) a currently valid Utah driver license;

1376 (ii) a currently valid identification card that is issued by:

1377 (A) the state; or

1378 (B) a branch, department, or agency of the United States;

1379 (iii) a currently valid Utah permit to carry a concealed weapon;

1380 (iv) a currently valid United States passport; or

1381 (v) a currently valid United States military identification card;

1382 (b) one of the following identification cards, whether or not the card includes a  
1383 photograph of the voter:

1384 (i) a valid tribal identification card;

1385 (ii) a Bureau of Indian Affairs card; or

1386 (iii) a tribal treaty card; or

1387 (c) two forms of identification not listed under Subsection (76)(a) or (b) but that bear  
1388 the name of the voter and provide evidence that the voter resides in the voting precinct, which  
1389 may include:

- 1390 (i) a current utility bill or a legible copy thereof, dated within the 90 days before the  
1391 election;
- 1392 (ii) a bank or other financial account statement, or a legible copy thereof;
- 1393 (iii) a certified birth certificate;
- 1394 (iv) a valid social security card;
- 1395 (v) a check issued by the state or the federal government or a legible copy thereof;
- 1396 (vi) a paycheck from the voter's employer, or a legible copy thereof;
- 1397 (vii) a currently valid Utah hunting or fishing license;
- 1398 (viii) certified naturalization documentation;
- 1399 (ix) a currently valid license issued by an authorized agency of the United States;
- 1400 (x) a certified copy of court records showing the voter's adoption or name change;
- 1401 (xi) a valid Medicaid card, Medicare card, or Electronic Benefits Transfer Card;
- 1402 (xii) a currently valid identification card issued by:
- 1403 (A) a local government within the state;
- 1404 (B) an employer for an employee; or
- 1405 (C) a college, university, technical school, or professional school located within the  
1406 state; or
- 1407 (xiii) a current Utah vehicle registration.
- 1408 (77) "Valid write-in candidate" means a candidate who has qualified as a write-in  
1409 candidate by following the procedures and requirements of this title.
- 1410 (78) "Vote by mail" means to vote, using a manual ballot that is mailed to the voter, by:
- 1411 (a) mailing the ballot to the location designated in the mailing; or
- 1412 (b) depositing the ballot in a ballot drop box designated by the election officer.
- 1413 (79) "Voter" means an individual who:
- 1414 (a) meets the requirements for voting in an election;
- 1415 (b) meets the requirements of election registration;
- 1416 (c) is registered to vote; and
- 1417 (d) is listed in the official register book.
- 1418 (80) "Voter registration deadline" means the registration deadline provided in Section  
1419 [20A-2-102.5](#).
- 1420 (81) "Voting area" means the area within six feet of the voting booths, voting

1421 machines, and ballot box.

1422 (82) "Voting booth" means:

1423 (a) the space or compartment within a polling place that is provided for the preparation  
1424 of ballots, including the voting enclosure or curtain; or

1425 (b) a voting device that is free standing.

1426 (83) "Voting device" means any device provided by an election officer for a voter to  
1427 vote a mechanical ballot.

1428 (84) "Voting precinct" means the smallest geographical voting unit, established under  
1429 Chapter 5, Part 3, Duties of the County and Municipal Legislative Bodies.

1430 (85) "Watcher" means an individual who complies with the requirements described in  
1431 Section [20A-3a-801](#) to become a watcher for an election.

1432 (86) "Write-in ballot" means a ballot containing any write-in votes.

1433 (87) "Write-in vote" means a vote cast for an individual, whose name is not printed on  
1434 the ballot, in accordance with the procedures established in this title.

1435 Section 6. Section **20A-4-301** is amended to read:

1436 **20A-4-301. Board of canvassers.**

1437 (1) (a) Each county legislative body is the board of county canvassers for:

1438 (i) the county; and

1439 (ii) each special district whose election is conducted by the county if:

1440 (A) the election relates to the creation of the special district;

1441 (B) the county legislative body serves as the governing body of the special district; or

1442 (C) there is no duly constituted governing body of the special district.

1443 (b) The board of county canvassers shall meet to canvass the returns at the usual place  
1444 of meeting of the county legislative body, at a date and time determined by the county clerk  
1445 that is no sooner than seven days after the election and no later than 14 days after the election.

1446 (c) If one or more of the county legislative body fails to attend the meeting of the board  
1447 of county canvassers, the remaining members shall replace the absent member by appointing in  
1448 the order named:

1449 (i) the county treasurer;

1450 (ii) the county assessor; or

1451 (iii) the county sheriff.

1452 (d) Attendance of the number of persons equal to a simple majority of the county  
1453 legislative body, but not less than three persons, shall constitute a quorum for conducting the  
1454 canvass.

1455 (e) The county clerk is the clerk of the board of county canvassers.

1456 (2) (a) The mayor and the municipal legislative body are the board of municipal  
1457 canvassers for the municipality.

1458 (b) The board of municipal canvassers shall meet to canvass the returns at the usual  
1459 place of meeting of the municipal legislative body:

1460 (i) for canvassing of returns from a municipal general election, no sooner than seven  
1461 days after the election and no later than 14 days after the election; or

1462 (ii) for canvassing of returns from a municipal primary election, no sooner than seven  
1463 days after the election and no later than 14 days after the election.

1464 (c) Attendance of a simple majority of the municipal legislative body shall constitute a  
1465 quorum for conducting the canvass.

1466 (3) (a) The legislative body of the entity authorizing a bond election is the board of  
1467 canvassers for each bond election.

1468 (b) The board of canvassers for the bond election shall comply with the canvassing  
1469 procedures and requirements of Section [11-14-207](#).

1470 (c) Attendance of a simple majority of the legislative body of the entity authorizing a  
1471 bond election shall constitute a quorum for conducting the canvass.

1472 (4) (a) The local school board of a school district is the board of school district  
1473 canvassers for a referendum election under Subsection [20A-7-102\(4\)](#).

1474 (b) The board of school district canvassers shall meet to canvass the returns at the usual  
1475 place of meeting of the local school board no sooner than seven days after the election and no  
1476 later than 14 days after the election.

1477 (c) Attendance of a simple majority of the local school board shall constitute a quorum  
1478 for conducting the canvass.

1479 Section 7. Section **20A-7-101** is amended to read:

1480 **20A-7-101. Definitions.**

1481 As used in this chapter:

1482 (1) "Approved device" means a device described in Subsection [20A-21-201\(4\)](#) used to



1483 gather signatures for the electronic initiative process, the electronic referendum process, or the  
1484 electronic candidate qualification process.

1485 (2) "Budget officer" means:

1486 (a) for a county, the person designated as finance officer as defined in Section 17-36-3;

1487 (b) for a city, the person designated as budget officer in Subsection 10-6-106(4);

1488 (c) for a town, the town council; [or]

1489 (d) for a metro township, the person described in Subsection (2)(a) for the county in  
1490 which the metro township is located[-]; or

1491 (e) for a school district, the person appointed business administrator under Section  
1492 53G-4-302.

1493 (3) "Certified" means that the county clerk has acknowledged a signature as being the  
1494 signature of a registered voter.

1495 (4) "Circulation" means the process of submitting an initiative petition or a referendum  
1496 petition to legal voters for their signature.

1497 (5) "Electronic initiative process" means:

1498 (a) as it relates to a statewide initiative, the process, described in Sections 20A-7-215  
1499 and 20A-21-201, for gathering signatures; or

1500 (b) as it relates to a local initiative, the process, described in Sections 20A-7-514 and  
1501 20A-21-201, for gathering signatures.

1502 (6) "Electronic referendum process" means:

1503 (a) as it relates to a statewide referendum, the process, described in Sections  
1504 20A-7-313 and 20A-21-201, for gathering signatures; or

1505 (b) as it relates to a local referendum, the process, described in Sections 20A-7-614 and  
1506 20A-21-201, for gathering signatures.

1507 (7) "Eligible voter" means a legal voter who resides in the jurisdiction of the county,  
1508 city, or town that is holding an election on a ballot proposition.

1509 (8) "Final fiscal impact statement" means a financial statement prepared after voters  
1510 approve an initiative that contains the information required by Subsection 20A-7-202.5(2) or  
1511 20A-7-502.5(2).

1512 (9) "Initial fiscal impact statement" means

1513 a financial statement prepared under Section 20A-7-202.5 after the filing of a statewide

1514 initiative application.

1515 (10) "Initial fiscal impact and legal statement" means a financial and legal statement  
1516 prepared under Section 20A-7-502.5 or 20A-7-602.5 for a local initiative or a local  
1517 referendum.

1518 (11) "Initiative" means a new law proposed for adoption by the public as provided in  
1519 this chapter.

1520 (12) "Initiative application" means:

1521 (a) for a statewide initiative, an application described in Subsection 20A-7-202(2) that  
1522 includes all the information, statements, documents, and notarized signatures required under  
1523 Subsection 20A-7-202(2); or

1524 (b) for a local initiative, an application described in Subsection 20A-7-502(2) that  
1525 includes all the information, statements, documents, and notarized signatures required under  
1526 Subsection 20A-7-502(2).

1527 (13) "Initiative packet" means a copy of the initiative petition, a copy of the proposed  
1528 law, and the signature sheets, all of which have been bound together as a unit.

1529 (14) "Initiative petition":

1530 (a) as it relates to a statewide initiative, using the manual initiative process:

1531 (i) means the form described in Subsection 20A-7-203(2)(a), petitioning for  
1532 submission of the initiative to the Legislature or the legal voters; and

1533 (ii) if the initiative proposes a tax increase, includes the statement described in  
1534 Subsection 20A-7-203(2)(b);

1535 (b) as it relates to a statewide initiative, using the electronic initiative process:

1536 (i) means the form described in Subsections 20A-7-215(2) and (3), petitioning for  
1537 submission of the initiative to the Legislature or the legal voters; and

1538 (ii) if the initiative proposes a tax increase, includes the statement described in  
1539 Subsection 20A-7-215(5)(b);

1540 (c) as it relates to a local initiative, using the manual initiative process:

1541 (i) means the form described in Subsection 20A-7-503(2)(a), petitioning for  
1542 submission of the initiative to the legislative body or the legal voters; and

1543 (ii) if the initiative proposes a tax increase, includes the statement described in  
1544 Subsection 20A-7-503(2)(b); or

- 1545 (d) as it relates to a local initiative, using the electronic initiative process:
- 1546 (i) means the form described in Subsection [20A-7-514\(2\)\(a\)](#), petitioning for
- 1547 submission of the initiative to the legislative body or the legal voters; and
- 1548 (ii) if the initiative proposes a tax increase, includes the statement described in
- 1549 Subsection [20A-7-514\(4\)\(a\)](#).
- 1550 (15) (a) "Land use law" means a law of general applicability, enacted based on the
- 1551 weighing of broad, competing policy considerations, that relates to the use of land, including
- 1552 land use regulation, a general plan, a land use development code, an annexation ordinance, the
- 1553 rezoning of a single property or multiple properties, or a comprehensive zoning ordinance or
- 1554 resolution.
- 1555 (b) "Land use law" does not include a land use decision, as defined in Section
- 1556 [10-9a-103](#) or [17-27a-103](#).
- 1557 (16) "Legal signatures" means the number of signatures of legal voters that:
- 1558 (a) meet the numerical requirements of this chapter; and
- 1559 (b) have been obtained, certified, and verified as provided in this chapter.
- 1560 (17) "Legal voter" means an individual who is registered to vote in Utah.
- 1561 (18) "Legally referable to voters" means:
- 1562 (a) for a proposed local initiative, that the proposed local initiative is legally referable
- 1563 to voters under Section [20A-7-502.7](#); or
- 1564 (b) for a proposed local referendum, that the proposed local referendum is legally
- 1565 referable to voters under Section [20A-7-602.7](#).
- 1566 (19) "Local attorney" means the county attorney, city attorney, [or] town attorney, or
- 1567 local school district attorney in whose jurisdiction a local initiative or referendum petition is
- 1568 circulated.
- 1569 (20) "Local clerk" means:
- 1570 (a) the county clerk, city recorder, or town clerk in whose jurisdiction a local initiative
- 1571 or referendum petition is circulated[~~;~~]; or
- 1572 (b) for a referendum petition under Subsection [20A-7-102\(4\)](#), the business
- 1573 administrator or the superintendent of the school district in which the referendum petition is
- 1574 circulated.
- 1575 (21) (a) "Local law" includes:

- 1576 (i) an ordinance;
- 1577 (ii) a resolution;
- 1578 (iii) a land use law;
- 1579 (iv) a land use regulation, as defined in Section 10-9a-103; ~~[or]~~
- 1580 (v) a local tax law;
- 1581 (vi) legislative action of a local school board, other than legislative action that:
- 1582 (A) increases a tax or levy or imposes a new tax or levy; or
- 1583 (B) otherwise imposes a payment obligation on property; or
- 1584 ~~[(v)]~~ (vii) other legislative action of a local legislative body.
- 1585 (b) "Local law" does not include a land use decision, as defined in Section 10-9a-103.
- 1586 (22) (a) "Local legislative body" means the legislative body of a county, city, town, or
- 1587 metro township.
- 1588 (b) "Local legislative body" does not include the local school board of a school district.
- 1589 (23) "Local obligation law" means a local law passed by the local legislative body
- 1590 regarding a bond that was approved by a majority of qualified voters in an election.
- 1591 (24) "Local school board" means a board elected under Chapter 14, Part 2, Election of
- 1592 Members of Local Boards of Education.
- 1593 ~~[(24)]~~ (25) "Local tax law" means a law, passed by a ~~[political subdivision]~~ county,
- 1594 city, town, or metro township with an annual or biannual calendar fiscal year, that increases a
- 1595 tax or imposes a new tax.
- 1596 ~~[(25)]~~ (26) "Manual initiative process" means the process for gathering signatures for
- 1597 an initiative using paper signature packets that a signer physically signs.
- 1598 ~~[(26)]~~ (27) "Manual referendum process" means the process for gathering signatures
- 1599 for a referendum using paper signature packets that a signer physically signs.
- 1600 ~~[(27)]~~ (28) "Measure" means a proposed constitutional amendment, an initiative, or
- 1601 referendum.
- 1602 ~~[(28)]~~ (29) "Referendum" means a process by which a law passed by the Legislature
- 1603 ~~[or by a]~~, a local legislative body, or a local school board is submitted or referred to the voters
- 1604 for their approval or rejection.
- 1605 ~~[(29)]~~ (30) "Referendum application" means:
- 1606 (a) for a statewide referendum, an application described in Subsection 20A-7-302(2)

1607 that includes all the information, statements, documents, and notarized signatures required  
1608 under Subsection 20A-7-302(2); or

1609 (b) for a local referendum, an application described in Subsection 20A-7-602(2) that  
1610 includes all the information, statements, documents, and notarized signatures required under  
1611 Subsection 20A-7-602(2).

1612 [~~(30)~~] (31) "Referendum packet" means a copy of the referendum petition, a copy of  
1613 the law being submitted or referred to the voters for their approval or rejection, and the  
1614 signature sheets, all of which have been bound together as a unit.

1615 [~~(31)~~] (32) "Referendum petition" means:

1616 (a) as it relates to a statewide referendum, using the manual referendum process, the  
1617 form described in Subsection 20A-7-303(2)(a), petitioning for submission of a law passed by  
1618 the Legislature to legal voters for their approval or rejection;

1619 (b) as it relates to a statewide referendum, using the electronic referendum process, the  
1620 form described in Subsection 20A-7-313(2), petitioning for submission of a law passed by the  
1621 Legislature to legal voters for their approval or rejection;

1622 (c) as it relates to a local referendum, using the manual referendum process, the form  
1623 described in Subsection 20A-7-603(2)(a), petitioning for submission of a local law to legal  
1624 voters for their approval or rejection; or

1625 (d) as it relates to a local referendum, using the electronic referendum process, the form  
1626 described in Subsection 20A-7-614(2), petitioning for submission of a local law to legal voters  
1627 for their approval or rejection.

1628 [~~(32)~~] (33) "Signature":

1629 (a) for a statewide initiative:

1630 (i) as it relates to the electronic initiative process, means an electronic signature  
1631 collected under Section 20A-7-215 and Subsection 20A-21-201(6)(c); or

1632 (ii) as it relates to the manual initiative process:

1633 (A) means a holographic signature collected physically on a signature sheet described  
1634 in Section 20A-7-203; and

1635 (B) does not include an electronic signature;

1636 (b) for a statewide referendum:

1637 (i) as it relates to the electronic referendum process, means an electronic signature

1638 collected under Section 20A-7-313 and Subsection 20A-21-201(6)(c); or

1639 (ii) as it relates to the manual referendum process:

1640 (A) means a holographic signature collected physically on a signature sheet described  
1641 in Section 20A-7-303; and

1642 (B) does not include an electronic signature;

1643 (c) for a local initiative:

1644 (i) as it relates to the electronic initiative process, means an electronic signature  
1645 collected under Section 20A-7-514 and Subsection 20A-21-201(6)(c); or

1646 (ii) as it relates to the manual initiative process:

1647 (A) means a holographic signature collected physically on a signature sheet described  
1648 in Section 20A-7-503; and

1649 (B) does not include an electronic signature; or

1650 (d) for a local referendum:

1651 (i) as it relates to the electronic referendum process, means an electronic signature  
1652 collected under Section 20A-7-614 and Subsection 20A-21-201(6)(c); or

1653 (ii) as it relates to the manual referendum process:

1654 (A) means a holographic signature collected physically on a signature sheet described  
1655 in Section 20A-7-603; and

1656 (B) does not include an electronic signature.

1657 ~~[(33)]~~ (34) "Signature sheets" means sheets in the form required by this chapter that are  
1658 used under the manual initiative process or the manual referendum process to collect signatures  
1659 in support of an initiative or referendum.

1660 ~~[(34)]~~ (35) "Special local ballot proposition" means a local ballot proposition that is  
1661 not a standard local ballot proposition.

1662 ~~[(35)]~~ (36) "Sponsors" means the legal voters who support the initiative or referendum  
1663 and who sign the initiative application or referendum application.

1664 ~~[(36)]~~ (37) (a) "Standard local ballot proposition" means a local ballot proposition for  
1665 an initiative or a referendum.

1666 (b) "Standard local ballot proposition" does not include a property tax referendum  
1667 described in Section 20A-7-613.

1668 ~~[(37)]~~ (38) "Tax percentage difference" means the difference between the tax rate

1669 proposed by an initiative or an initiative petition and the current tax rate.

1670 ~~[(38)]~~ (39) "Tax percentage increase" means a number calculated by dividing the tax  
1671 percentage difference by the current tax rate and rounding the result to the nearest thousandth.

1672 ~~[(39)]~~ (40) "Verified" means acknowledged by the person circulating the petition as  
1673 required in Section [20A-7-105](#).

1674 Section 8. Section **20A-7-102** is amended to read:

1675 **20A-7-102. Initiatives and referenda authorized -- Restrictions.**

1676 By following the procedures and requirements of this chapter, Utah voters may, subject  
1677 to the restrictions of Utah Constitution, Article VI, ~~[Sec. 1, Utah Constitution]~~ Section 1, and  
1678 this chapter:

1679 (1) initiate any desired legislation and cause it to be submitted to:

1680 (a) the Legislature or to a vote of the people for approval or rejection if it is a proposed  
1681 state law; or

1682 (b) a local legislative body or to a vote of the people if it is a local law;

1683 (2) require any law passed by the Legislature, except those laws passed by a two-thirds  
1684 vote of the members elected to each house of the Legislature, to be referred to the voters for  
1685 their approval or rejection before the law takes effect; ~~[and]~~

1686 (3) require any ~~[law or ordinance]~~ local law passed by a local legislative body to be  
1687 referred to the voters for their approval or rejection before the local law takes effect~~[-];~~ or

1688 (4) require any local law passed by a local school board to be referred to the voters for  
1689 their approval or rejection before the local law takes effect, unless the local school board is  
1690 comprised of:

1691 (a) five members and the local law passed with four members or more voting in favor  
1692 of the local law;

1693 (b) seven members and the local law passed with five members or more voting in favor  
1694 of the local law; or

1695 (c) nine members and the local law passed with seven members or more voting in favor  
1696 of the local law.

1697 Section 9. Section **20A-7-401.3** is amended to read:

1698 **20A-7-401.3. Voter participation areas.**

1699 (1) (a) Except as provided in Subsection (2):

1700 (i) a metro township with a population of 65,000 or more, a city of the first or second  
1701 class, or a county of the first or second class shall, no later than January 1, 2020, again on  
1702 January 1, 2022, and January 1 each 10 years after 2022, divide the metro township, city, or  
1703 county into eight contiguous and compact voter participation areas of substantially equal  
1704 population; and

1705 (ii) a metro township with a population of 10,000 or more, a city of the third or fourth  
1706 class, or a county of the third or fourth class shall, no later than January 1, 2020, again on  
1707 January 1, 2022, and January 1 each 10 years after 2022, divide the metro township, city, or  
1708 county into four contiguous and compact voter participation areas of substantially equal  
1709 population.

1710 (b) A metro township, city, or county shall use the voter participation areas described  
1711 in Subsection (1)(a) or (2)(b) for the purpose described in Sections 20A-7-501 and 20A-7-601.

1712 (2) (a) This section does not apply to a metro township with a population of less than  
1713 10,000, a county of the fifth or sixth class, a city of the fifth class, [or] a town, or a school  
1714 district.

1715 (b) A metro township, city, or county that has established council districts that are not  
1716 at-large districts may, regardless of the number of council districts that are not at-large districts,  
1717 use the council districts as voter participation areas under this section.

1718 Section 10. Section 20A-7-401.5 is amended to read:

1719 **20A-7-401.5. Proposition information pamphlet.**

1720 (1) (a) (i) Within 15 days after the day on which an eligible voter files an application to  
1721 circulate an initiative petition under Section 20A-7-502 or an application to circulate a  
1722 referendum petition under Section 20A-7-602:

1723 (A) the sponsors of the proposed initiative or referendum may submit a written  
1724 argument in favor of the proposed initiative or referendum to the election officer of the county  
1725 [or], municipality, or school district to which the petition relates; and

1726 (B) the county [or], municipality, or school district to which the application relates may  
1727 submit a written argument in favor of, or against, the proposed initiative or referendum to the  
1728 county's [or], municipality's, or school district's election officer.

1729 (ii) If a county [or], municipality, or school district submits more than one written  
1730 argument under Subsection (1)(a)(i)(B), the election officer shall select one of the written



1731 arguments, giving preference to a written argument submitted by a member of a local  
1732 legislative body or a local school board, as applicable, if a majority of the local legislative body  
1733 or the local school board supports the written argument.

1734 (b) Within one business day after the day on which an election officer receives an  
1735 argument under Subsection (1)(a)(i)(A), the election officer shall provide a copy of the  
1736 argument to the county [or], municipality, or school district described in Subsection (1)(a)(i)(B)  
1737 or (1)(a)(ii), as applicable.

1738 (c) Within one business day after the date on which an election officer receives an  
1739 argument under Subsection (1)(a)(i)(B), the election officer shall provide a copy of the  
1740 argument to the first three sponsors of the proposed initiative or referendum described in  
1741 Subsection (1)(a)(i)(A).

1742 (d) The sponsors of the proposed initiative or referendum may submit a revised version  
1743 of the written argument described in Subsection (1)(a)(i)(A) to the election officer of the  
1744 county [or], municipality, or school district to which the petition relates within 20 days after the  
1745 day on which the eligible voter files an application to circulate an initiative petition under  
1746 Section [20A-7-502](#) or an application to circulate a referendum petition under Section  
1747 [20A-7-602](#).

1748 (e) The author of a written argument described in Subsection (1)(a)(i)(B) submitted by  
1749 a county [or], municipality, or school district may submit a revised version of the written  
1750 argument to the county's [or], municipality's, or school district's election officer within 20 days  
1751 after the day on which the eligible voter files an application to circulate an initiative petition  
1752 under Section [20A-7-502](#) or an application to circulate a referendum petition under Section  
1753 [20A-7-602](#).

1754 (2) (a) A written argument described in Subsection (1) may not exceed 500 words.

1755 (b) Except as provided in Subsection (2)(c), a person may not modify a written  
1756 argument described in Subsection (1)(d) or (e) after the written argument is submitted to the  
1757 election officer.

1758 (c) The election officer and the person that submits the written argument described in  
1759 Subsection (1)(d) or (e) may jointly agree to modify the written argument to:

1760 (i) correct factual, grammatical, or spelling errors; or

1761 (ii) reduce the number of words to come into compliance with Subsection (2)(a).

1762 (d) An election officer shall refuse to include a written argument in the proposition  
1763 information pamphlet described in this section if the person who submits the argument:

1764 (i) fails to negotiate, in good faith, to modify the argument in accordance with  
1765 Subsection (2)(c); or

1766 (ii) does not timely submit the written argument to the election officer.

1767 (e) An election officer shall make a good faith effort to negotiate a modification  
1768 described in Subsection (2)(c) in an expedited manner.

1769 (3) An election officer who receives a written argument described in Subsection (1)  
1770 shall prepare a proposition information pamphlet for publication that includes:

1771 (a) a copy of the application for the proposed initiative or referendum;

1772 (b) except as provided in Subsection (2)(d), immediately after the copy described in  
1773 Subsection (3)(a), the argument prepared by the sponsors of the proposed initiative or  
1774 referendum, if any;

1775 (c) except as provided in Subsection (2)(d), immediately after the argument described  
1776 in Subsection (3)(b), the argument prepared by the county or municipality, if any; and

1777 (d) a copy of the initial fiscal impact statement and legal impact statement described in  
1778 Section [20A-7-502.5](#) or [20A-7-602.5](#).

1779 (4) (a) A proposition information pamphlet is a draft for purposes of Title 63G,  
1780 Chapter 2, Government Records Access and Management Act, until the earlier of when the  
1781 election officer:

1782 (i) complies with Subsection (4)(b); or

1783 (ii) publishes the proposition information pamphlet under Subsection (5) or (6).

1784 (b) Within 21 days after the day on which the eligible voter files an application to  
1785 circulate an initiative petition under Section [20A-7-502](#), or an application to circulate a  
1786 referendum petition under Section [20A-7-602](#), the election officer shall provide a copy of the  
1787 proposition information pamphlet to the sponsors of the initiative or referendum and each  
1788 individual who submitted an argument included in the proposition information pamphlet.

1789 (5) An election officer for a municipality shall publish the proposition information  
1790 pamphlet as follows:

1791 (a) within the later of 10 days after the day on which the municipality or a court  
1792 determines that the proposed initiative or referendum is legally referable to voters, or, if the

1793 election officer modifies an argument under Subsection (2)(c), three days after the day on  
1794 which the election officer and the person that submitted the argument agree on the  
1795 modification:

1796 (i) by sending the proposition information pamphlet electronically to each individual in  
1797 the municipality for whom the municipality has an email address, unless the individual has  
1798 indicated that the municipality is prohibited from using the individual's email address for that  
1799 purpose; and

1800 (ii) by posting the proposition information pamphlet on the Utah Public Notice  
1801 Website, created in Section 63A-16-601, and the home page of the municipality's website, if  
1802 the municipality has a website, until:

1803 (A) if the sponsors of the proposed initiative or referendum or an agent of the sponsors  
1804 do not timely deliver any verified initiative packets or any verified referendum packets under  
1805 Section 20A-7-105, the day after the date of the deadline for delivery of the verified initiative  
1806 packets or verified referendum packets;

1807 (B) the local clerk determines, under Section 20A-7-507 or 20A-7-607, that the  
1808 number of signatures necessary to qualify the proposed initiative or referendum for placement  
1809 on the ballot is insufficient and the determination is not timely appealed or is upheld after  
1810 appeal; or

1811 (C) the day after the date of the election at which the proposed initiative or referendum  
1812 appears on the ballot; and

1813 (b) if the municipality regularly mails a newsletter, utility bill, or other material to the  
1814 municipality's residents, including, in the next mailing, an Internet address[;] where a resident  
1815 may view the proposition information pamphlet[~~in the next mailing,~~] for which the  
1816 municipality has not begun preparation, that falls on or after the later of:

1817 (i) 10 days after the day on which the municipality or a court determines that the  
1818 proposed initiative or referendum is legally referable to voters; or

1819 (ii) if the election officer modifies an argument under Subsection (2)(c), three days  
1820 after the day on which the election officer and the person that submitted the argument agree on  
1821 the modification.

1822 (6) An election officer for a county shall, within the later of 10 days after the day on  
1823 which the county or a court determines that the proposed initiative or referendum is legally

1824 referable to voters, or, if the election officer modifies an argument under Subsection (2)(c),  
1825 three days after the day on which the election officer and the person that submitted the  
1826 argument agree on the modification, publish the proposition information pamphlet as follows:

1827 (a) by sending the proposition information pamphlet electronically to each individual  
1828 in the county for whom the county has an email address obtained via voter registration; and

1829 (b) by posting the proposition information pamphlet on the Utah Public Notice  
1830 Website, created in Section 63A-16-601, and the home page of the county's website, until:

1831 (i) if the sponsors of the proposed initiative or referendum or an agent of the sponsors  
1832 do not timely deliver any verified initiative packets or any verified referendum packets under  
1833 Section 20A-7-105, the day after the date of the deadline for delivery of the verified initiative  
1834 packets or verified referendum packets;

1835 (ii) the local clerk determines, under Section 20A-7-507 or 20A-7-607, that the number  
1836 of signatures necessary to qualify the proposed initiative or referendum for placement on the  
1837 ballot is insufficient and the determination is not timely appealed or is upheld after appeal; or

1838 (iii) the day after the date of the election at which the proposed initiative or referendum  
1839 appears on the ballot.

1840 (7) An election officer for a school district shall, within the later of 10 days after the  
1841 day on which the school district or a court determines that the proposed referendum is legally  
1842 referable to voters, or, if the election officer modifies an argument under Subsection (2)(c),  
1843 three days after the day on which the election officer and the person that submitted the  
1844 argument agree on the modification, publish the proposition information pamphlet as follows:

1845 (a) by sending the proposition information pamphlet electronically to each individual  
1846 in the school district for whom the school district has an email address, unless the individual  
1847 has indicated that the school district is prohibited from using the individual's email address for  
1848 that purpose;

1849 (b) by posting the proposition information pamphlet on the Utah Public Notice  
1850 Website, created in Section 63A-16-601, and the home page of the school district's website, if  
1851 the school district has a website, until:

1852 (i) if the sponsors of the proposed referendum or an agent of the sponsors do not timely  
1853 deliver any verified referendum packets under Section 20A-7-105, the day after the date of the  
1854 deadline for delivery of the verified referendum packets;

1855 (ii) the local clerk determines, under Section 20A-7-607, that the number of signatures  
 1856 necessary to qualify the proposed referendum for placement on the ballot is insufficient and the  
 1857 determination is not timely appealed or is upheld after appeal; or

1858 (iii) the day after the date of the election at which the proposed referendum appears on  
 1859 the ballot; and

1860 (c) if the school district regularly mails a newsletter or other material to the school  
 1861 district's residents, including, in the next mailing, an Internet address where a resident may  
 1862 view the proposition information pamphlet for which the school district has not begun  
 1863 preparation, that falls on or after the later of:

1864 (i) 10 days after the day on which the school district or a court determines that the  
 1865 proposed referendum is legally referable to voters; or

1866 (ii) if the election officer modifies an argument under Subsection (2)(c), three days  
 1867 after the day on which the election officer and the person that submitted the argument agree on  
 1868 the modification.

1869 Section 11. Section 20A-7-402 is amended to read:

1870 **20A-7-402. Local voter information pamphlet -- Notice -- Contents -- Limitations**  
 1871 **-- Preparation -- Statement on front cover.**

1872 (1) The county [~~or~~], municipality, or school district that is subject to a ballot  
 1873 proposition shall prepare a local voter information pamphlet that complies with the  
 1874 requirements of this part.

1875 (2) (a) [~~Within the time requirements described in Subsection (2)(c)(i), a~~] A county,  
 1876 municipality, or school district that is subject to a special local ballot proposition shall provide  
 1877 a notice that complies with the requirements of Subsection [~~(2)(c)(ii)~~] (2)(b)(ii) to the county's,  
 1878 municipality's, or school district's residents by publishing the notice for the municipality, as a  
 1879 class A notice under Section 63G-30-102, for the time period set under Subsection [~~(2)(c)(i)~~]  
 1880 (2)(b)(i).

1881 [~~(b) A county that is subject to a special local ballot proposition shall publish a notice~~  
 1882 ~~that complies with the requirements of Subsection (2)(c)(ii) for the county, as a class A notice~~  
 1883 ~~under Section 63G-30-102.]~~

1884 [~~(c)~~] (b) A [municipality or county] county, municipality, or school district that  
 1885 publishes a notice under Subsection (2)(a) [~~or (b)~~] shall:

1886 (i) publish the notice:

1887 (A) not less than 90 days before the date of the election at which a special local ballot  
1888 proposition will be voted upon; or

1889 (B) if the requirements of Subsection [~~(2)(c)(i)(A)~~] (2)(b)(i)(A) cannot be met, as soon  
1890 as practicable after the special local ballot proposition is approved to be voted upon in an  
1891 election; and

1892 (ii) ensure that the notice contains:

1893 (A) the ballot title for the special local ballot proposition;

1894 (B) instructions on how to file a request under Subsection [~~(2)(d)~~] (2)(c); and

1895 (C) the deadline described in Subsection [~~(2)(d)~~] (2)(c).

1896 [~~(d)~~] (c) To prepare a written argument for or against a special local ballot proposition,  
1897 an eligible voter shall file a request with the election officer before 5 p.m. no later than 64 days  
1898 before the day of the election at which the special local ballot proposition is to be voted on.

1899 [~~(e)~~] (d) If more than one eligible voter requests the opportunity to prepare a written  
1900 argument for or against a special local ballot proposition, the election officer shall make the  
1901 final designation in accordance with the following order of priority:

1902 (i) sponsors have priority in preparing an argument regarding a special local ballot  
1903 proposition; and

1904 (ii) members of the local legislative body or the local school board have priority over  
1905 others if a majority of the local legislative body or the local school board supports the written  
1906 argument.

1907 [~~(f)~~] (e) The election officer shall grant a request described in Subsection [~~(2)(d)~~] (2)(c)  
1908 or [~~(e)~~] (d) no later than 60 days before the day of the election at which the ballot proposition is  
1909 to be voted on.

1910 [~~(g)~~] (f) (i) A sponsor of a special local ballot proposition may prepare a written  
1911 argument in favor of the special local ballot proposition.

1912 (ii) Subject to Subsection [~~(2)(e)~~] (2)(d), an eligible voter opposed to the special local  
1913 ballot proposition who submits a request under Subsection [~~(2)(d)~~] (2)(c) may prepare a written  
1914 argument against the special local ballot proposition.

1915 [~~(h)~~] (g) An eligible voter who submits a written argument under this section in  
1916 relation to a special local ballot proposition shall:

1917 (i) ensure that the written argument does not exceed 500 words in length, not counting  
1918 the information described in Subsection [~~(2)(h)(ii)~~] (2)(g)(ii) or (iv);

1919 (ii) list, at the end of the argument, at least one, but no more than five, names as  
1920 sponsors;

1921 (iii) submit the written argument to the election officer before 5 p.m. no later than 55  
1922 days before the election day on which the ballot proposition will be submitted to the voters;

1923 (iv) list in the argument, immediately after the eligible voter's name, the eligible voter's  
1924 residential address; and

1925 (v) submit with the written argument the eligible voter's name, residential address,  
1926 postal address, email address if available, and phone number.

1927 ~~[(i)]~~ (h) An election officer shall refuse to accept and publish an argument submitted  
1928 after the deadline described in Subsection [~~(2)(h)(iii)~~] (2)(g)(iii).

1929 (3) (a) An election officer who timely receives the written arguments in favor of and  
1930 against a special local ballot proposition shall, within one business day after the day on which  
1931 the election office receives both written arguments, send, via mail or email:

1932 (i) a copy of the written argument in favor of the special local ballot proposition to the  
1933 eligible voter who submitted the written argument against the special local ballot proposition;  
1934 and

1935 (ii) a copy of the written argument against the special local ballot proposition to the  
1936 eligible voter who submitted the written argument in favor of the special local ballot  
1937 proposition.

1938 (b) The eligible voter who submitted a timely written argument in favor of the special  
1939 local ballot proposition:

1940 (i) may submit to the election officer a written rebuttal argument of the written  
1941 argument against the special local ballot proposition;

1942 (ii) shall ensure that the written rebuttal argument does not exceed 250 words in length,  
1943 not counting the information described in Subsection [~~(2)(h)(ii)~~] (2)(g)(ii) or (iv); and

1944 (iii) shall submit the written rebuttal argument before 5 p.m. no later than 45 days  
1945 before the election day on which the special local ballot proposition will be submitted to the  
1946 voters.

1947 (c) The eligible voter who submitted a timely written argument against the special local

1948 ballot proposition:

1949 (i) may submit to the election officer a written rebuttal argument of the written  
1950 argument in favor of the special local ballot proposition;

1951 (ii) shall ensure that the written rebuttal argument does not exceed 250 words in length,  
1952 not counting the information described in Subsection ~~[(2)(h)(ii)]~~ (2)(g)(ii) or (iv); and

1953 (iii) shall submit the written rebuttal argument before 5 p.m. no later than 45 days  
1954 before the election day on which the special local ballot proposition will be submitted to the  
1955 voters.

1956 (d) An election officer shall refuse to accept and publish a written rebuttal argument in  
1957 relation to a special local ballot proposition that is submitted after the deadline described in  
1958 Subsection (3)(b)(iii) or (3)(c)(iii).

1959 (4) (a) Except as provided in Subsection (4)(b), in relation to a special local ballot  
1960 proposition:

1961 (i) an eligible voter may not modify a written argument or a written rebuttal argument  
1962 after the eligible voter submits the written argument or written rebuttal argument to the election  
1963 officer; and

1964 (ii) a person other than the eligible voter described in Subsection (4)(a)(i) may not  
1965 modify a written argument or a written rebuttal argument.

1966 (b) The election officer, and the eligible voter who submits a written argument or  
1967 written rebuttal argument in relation to a special local ballot proposition, may jointly agree to  
1968 modify a written argument or written rebuttal argument in order to:

1969 (i) correct factual, grammatical, or spelling errors; and

1970 (ii) reduce the number of words to come into compliance with the requirements of this  
1971 section.

1972 (c) An election officer shall refuse to accept and publish a written argument or written  
1973 rebuttal argument in relation to a special local ballot proposition if the eligible voter who  
1974 submits the written argument or written rebuttal argument fails to negotiate, in good faith, to  
1975 modify the written argument or written rebuttal argument in accordance with Subsection (4)(b).

1976 (5) In relation to a special local ballot proposition, an election officer may designate  
1977 another eligible voter to take the place of an eligible voter described in this section if the  
1978 original eligible voter is, due to injury, illness, death, or another circumstance, unable to



1979 continue to fulfill the duties of an eligible voter described in this section.

1980 (6) Sponsors whose written argument in favor of a standard local ballot proposition is  
1981 included in a proposition information pamphlet under Section [20A-7-401.5](#):

1982 (a) may, if a written argument against the standard local ballot proposition is included  
1983 in the proposition information pamphlet, submit a written rebuttal argument to the election  
1984 officer;

1985 (b) shall ensure that the written rebuttal argument does not exceed 250 words in length;  
1986 and

1987 (c) shall submit the written rebuttal argument no later than 45 days before the election  
1988 day on which the standard local ballot proposition will be submitted to the voters.

1989 (7) (a) A county ~~[or]~~, municipality, or school district that submitted a written argument  
1990 against a standard local ballot proposition that is included in a proposition information  
1991 pamphlet under Section [20A-7-401.5](#):

1992 (i) may, if a written argument in favor of the standard local ballot proposition is  
1993 included in the proposition information pamphlet, submit a written rebuttal argument to the  
1994 election officer;

1995 (ii) shall ensure that the written rebuttal argument does not exceed 250 words in length;  
1996 and

1997 (iii) shall submit the written rebuttal argument no later than 45 days before the election  
1998 day on which the ballot proposition will be submitted to the voters.

1999 (b) If a county ~~[or]~~, municipality, or school district submits more than one written  
2000 rebuttal argument under Subsection (7)(a)(i), the election officer shall select one of the written  
2001 rebuttal arguments, giving preference to a written rebuttal argument submitted by a member of  
2002 a local legislative body or a local school board.

2003 (8) (a) An election officer shall refuse to accept and publish a written rebuttal argument  
2004 that is submitted after the deadline described in Subsection (6)(c) or (7)(a)(iii).

2005 (b) Before an election officer publishes a local voter information pamphlet under this  
2006 section, a written rebuttal argument is a draft for purposes of Title 63G, Chapter 2, Government  
2007 Records Access and Management Act.

2008 (c) An election officer who receives a written rebuttal argument described in this  
2009 section may not, before publishing the local voter information pamphlet described in this

2010 section, disclose the written rebuttal argument, or any information contained in the written  
2011 rebuttal argument, to any person who may in any way be involved in preparing an opposing  
2012 rebuttal argument.

2013 (9) (a) Except as provided in Subsection (9)(b), a person may not modify a written  
2014 rebuttal argument after the written rebuttal argument is submitted to the election officer.

2015 (b) The election officer, and the person who submits a written rebuttal argument, may  
2016 jointly agree to modify a written rebuttal argument in order to:

2017 (i) correct factual, grammatical, or spelling errors; or

2018 (ii) reduce the number of words to come into compliance with the requirements of this  
2019 section.

2020 (c) An election officer shall refuse to accept and publish a written rebuttal argument if  
2021 the person who submits the written rebuttal argument:

2022 (i) fails to negotiate, in good faith, to modify the written rebuttal argument in  
2023 accordance with Subsection (9)(b); or

2024 (ii) does not timely submit the written rebuttal argument to the election officer.

2025 (d) An election officer shall make a good faith effort to negotiate a modification  
2026 described in Subsection (9)(b) in an expedited manner.

2027 (10) An election officer may designate another person to take the place of a person who  
2028 submits a written rebuttal argument in relation to a standard local ballot proposition if the  
2029 person is, due to injury, illness, death, or another circumstance, unable to continue to fulfill the  
2030 person's duties.

2031 (11) (a) The local voter information pamphlet shall include a copy of the initial fiscal  
2032 impact estimate and the legal impact statement prepared for each initiative under Section  
2033 [20A-7-502.5](#).

2034 (b) If the initiative proposes a tax increase, the local voter information pamphlet shall  
2035 include the following statement in bold type:

2036 "This initiative seeks to increase the current (insert name of tax) rate by (insert the tax  
2037 percentage difference) percent, resulting in a(n) (insert the tax percentage increase) percent  
2038 increase in the current tax rate."

2039 (12) (a) In preparing the local voter information pamphlet, the election officer shall:

2040 (i) ensure that the written arguments are printed on the same sheet of paper upon which

2041 the ballot proposition is also printed;

2042 (ii) ensure that the following statement is printed on the front cover or the heading of  
2043 the first page of the printed written arguments:

2044 "The arguments for or against a ballot proposition are the opinions of the authors.";

2045 (iii) pay for the printing and binding of the local voter information pamphlet; and

2046 (iv) not less than 15 days before, but not more than 45 days before, the election at  
2047 which the ballot proposition will be voted on, distribute, by mail or carrier, to each registered  
2048 voter entitled to vote on the ballot proposition:

2049 (A) a voter information pamphlet; or

2050 (B) the notice described in Subsection (12)(c).

2051 (b) (i) If the language of the ballot proposition exceeds 500 words in length, the  
2052 election officer may summarize the ballot proposition in 500 words or less.

2053 (ii) The summary shall state where a complete copy of the ballot proposition is  
2054 available for public review.

2055 (c) (i) The election officer may distribute a notice printed on a postage prepaid,  
2056 preaddressed return form that a person may use to request delivery of a voter information  
2057 pamphlet by mail.

2058 (ii) The notice described in Subsection (12)(c)(i) shall include:

2059 (A) the address of the Statewide Electronic Voter Information Website authorized by  
2060 Section [20A-7-801](#); and

2061 (B) the phone number a voter may call to request delivery of a voter information  
2062 pamphlet by mail or carrier.

2063 Section 12. Section [20A-7-405](#) is amended to read:

2064 **[20A-7-405. Public meeting.](#)**

2065 (1) A county [~~or~~], municipality, or school district may not discuss a proposed initiative,  
2066 an initiative, a proposed referendum, or a referendum at a public meeting unless the county  
2067 [~~or~~], municipality, or school district complies with the requirements of this section.

2068 (2) The legislative body of a county [~~or~~], municipality, or school district may hold a  
2069 public meeting to discuss a proposed initiative, an initiative, a proposed referendum, or a  
2070 referendum if the legislative body:

2071 (a) allows equal time, within a reasonable limit, for presentations on both sides of the

2072 proposed initiative, initiative, proposed referendum, or referendum;

2073 (b) provides interested parties an opportunity to present oral testimony within  
2074 reasonable time limits; and

2075 (c) holds the public meeting:

2076 (i) during the legislative body's normal meeting time; or

2077 (ii) for a meeting time other than the legislative body's normal meeting time, beginning  
2078 at or after 6 p.m.

2079 (3) This section does not prohibit a working group meeting from being held before 6  
2080 p.m.

2081 Section 13. Section **20A-7-601** is amended to read:

2082 **20A-7-601. Referenda -- General signature requirements -- Signature**  
2083 **requirements for land use laws, subjurisdictional laws, and transit area land use laws --**  
2084 **Time requirements.**

2085 (1) As used in this section:

2086 (a) "Number of active voters" means the number of active voters in the county, city,  
2087 [or] town, or school district on the immediately preceding January 1.

2088 (b) "Qualifying county" means a county that has created a small public transit district,  
2089 as defined in Section **17B-2a-802**, on or before January 1, 2022.

2090 (c) "Qualifying transit area" means:

2091 (i) a station area, as defined in Section **10-9a-403.1**, for which the municipality with  
2092 jurisdiction over the station area has satisfied the requirements of Subsection  
2093 **10-9a-403.1(2)(a)(i)**, as demonstrated by the adoption of a station area plan or resolution under  
2094 Subsection **10-9a-403.1(2)**; or

2095 (ii) a housing and transit reinvestment zone, as defined in Section **63N-3-602**, created  
2096 within a qualifying county.

2097 (d) "Subjurisdiction" means an area comprised of all precincts and subprecincts in the  
2098 jurisdiction of a county, city, or town that are subject to a subjurisdictional law.

2099 (e) (i) "Subjurisdictional law" means a local law or local obligation law passed by a  
2100 local legislative body that imposes a tax or other payment obligation on property in an area that  
2101 does not include all precincts and subprecincts under the jurisdiction of the county, city, town,  
2102 or metro township.

- 2103 (ii) "Subjurisdictional law" does not include a land use law.
- 2104 (f) "Transit area land use law" means a land use law that relates to the use of land
- 2105 within a qualifying transit area.
- 2106 (g) "Voter participation area" means an area described in Subsection [20A-7-401.3\(1\)\(a\)](#)
- 2107 or (2)(b).
- 2108 (2) Except as provided in Subsections (3) through (5), an eligible voter seeking to have
- 2109 a local law passed by the local legislative body submitted to a vote of the people shall, after
- 2110 filing a referendum application, obtain legal signatures equal to:
- 2111 (a) for a county of the first class:
- 2112 (i) 7.75% of the number of active voters in the county; and
- 2113 (ii) [~~beginning on January 1, 2020;~~] 7.75% of the number of active voters in at least
- 2114 75% of the county's voter participation areas;
- 2115 (b) for a metro township with a population of 100,000 or more, or a city of the first
- 2116 class:
- 2117 (i) 7.5% of the number of active voters in the metro township or city; and
- 2118 (ii) [~~beginning on January 1, 2020;~~] 7.5% of the number of active voters in at least 75%
- 2119 of the metro township's or city's voter participation areas;
- 2120 (c) for a county of the second class:
- 2121 (i) 8% of the number of active voters in the county; and
- 2122 (ii) [~~beginning on January 1, 2020;~~] 8% of the number of active voters in at least 75%
- 2123 of the county's voter participation areas;
- 2124 (d) for a metro township with a population of 65,000 or more but less than 100,000, or
- 2125 a city of the second class:
- 2126 (i) 8.25% of the number of active voters in the metro township or city; and
- 2127 (ii) [~~beginning on January 1, 2020;~~] 8.25% of the number of active voters in at least
- 2128 75% of the metro township's or city's voter participation areas;
- 2129 (e) for a county of the third class:
- 2130 (i) 9.5% of the number of active voters in the county; and
- 2131 (ii) [~~beginning on January 1, 2020;~~] 9.5% of the number of active voters in at least 75%
- 2132 of the county's voter participation areas;
- 2133 (f) for a metro township with a population of 30,000 or more but less than 65,000, or a

2134 city of the third class:

2135           (i) 10% of the number of active voters in the metro township or city; and

2136           (ii) [~~beginning on January 1, 2020,~~] 10% of the number of active voters in at least 75%

2137 of the metro township's or city's voter participation areas;

2138           (g) for a county of the fourth class:

2139           (i) 11.5% of the number of active voters in the county; and

2140           (ii) [~~beginning on January 1, 2020,~~] 11.5% of the number of active voters in at least

2141 75% of the county's voter participation areas;

2142           (h) for a metro township with a population of 10,000 or more but less than 30,000, or a

2143 city of the fourth class:

2144           (i) 11.5% of the number of active voters in the metro township or city; and

2145           (ii) [~~beginning on January 1, 2020,~~] 11.5% of the number of active voters in at least

2146 75% of the metro township's or city's voter participation areas;

2147           (i) for a metro township with a population of 1,000 or more but less than 10,000, a city

2148 of the fifth class, or a county of the fifth class, 25% of the number of active voters in the metro

2149 township, city, or county; or

2150           (j) for a metro township with a population of less than 1,000, a town, or a county of the

2151 sixth class, 35% of the number of active voters in the metro township, town, or county.

2152           (3) Except as provided in Subsection (4) or (5), an eligible voter seeking to have a land

2153 use law or local obligation law passed by the local legislative body submitted to a vote of the

2154 people shall, after filing a referendum application, obtain legal signatures equal to:

2155           (a) for a county of the first, second, third, or fourth class:

2156           (i) 16% of the number of active voters in the county; and

2157           (ii) [~~beginning on January 1, 2020,~~] 16% of the number of active voters in at least 75%

2158 of the county's voter participation areas;

2159           (b) for a county of the fifth or sixth class:

2160           (i) 16% of the number of active voters in the county; and

2161           (ii) [~~beginning on January 1, 2020,~~] 16% of the number of active voters in at least 75%

2162 of the county's voter participation areas;

2163           (c) for a metro township with a population of 100,000 or more, or a city of the first

2164 class:

- 2165 (i) 15% of the number of active voters in the metro township or city; and
- 2166 (ii) [~~beginning on January 1, 2020;~~] 15% of the number of active voters in at least 75%
- 2167 of the metro township's or city's voter participation areas;
- 2168 (d) for a metro township with a population of 65,000 or more but less than 100,000, or
- 2169 a city of the second class:
  - 2170 (i) 16% of the number of active voters in the metro township or city; and
  - 2171 (ii) [~~beginning on January 1, 2020;~~] 16% of the number of active voters in at least 75%
  - 2172 of the metro township's or city's voter participation areas;
  - 2173 (e) for a metro township with a population of 30,000 or more but less than 65,000, or a
  - 2174 city of the third class:
    - 2175 (i) 27.5% of the number of active voters in the metro township or city; and
    - 2176 (ii) [~~beginning on January 1, 2020;~~] 27.5% of the number of active voters in at least
    - 2177 75% of the metro township's or city's voter participation areas;
    - 2178 (f) for a metro township with a population of 10,000 or more but less than 30,000, or a
    - 2179 city of the fourth class:
      - 2180 (i) 29% of the number of active voters in the metro township or city; and
      - 2181 (ii) [~~beginning on January 1, 2020;~~] 29% of the number of active voters in at least 75%
      - 2182 of the metro township's or city's voter participation areas;
      - 2183 (g) for a metro township with a population of 1,000 or more but less than 10,000, or a
      - 2184 city of the fifth class, 35% of the number of active voters in the metro township or city; or
      - 2185 (h) for a metro township with a population of less than 1,000 or a town, 40% of the
      - 2186 number of active voters in the metro township or town.
      - 2187 (4) A person seeking to have a subjurisdictional law passed by the local legislative
      - 2188 body submitted to a vote of the people shall, after filing a referendum application, obtain legal
      - 2189 signatures of the residents in the subjurisdiction equal to:
        - 2190 (a) 10% of the number of active voters in the subjurisdiction if the number of active
        - 2191 voters exceeds 25,000;
        - 2192 (b) [~~12-1/2~~] 12.5% of the number of active voters in the subjurisdiction if the number
        - 2193 of active voters does not exceed 25,000 but is more than 10,000;
        - 2194 (c) 15% of the number of active voters in the subjurisdiction if the number of active
        - 2195 voters does not exceed 10,000 but is more than 2,500;

2196 (d) 20% of the number of active voters in the subjurisdiction if the number of active  
2197 voters does not exceed 2,500 but is more than 500;

2198 (e) 25% of the number of active voters in the subjurisdiction if the number of active  
2199 voters does not exceed 500 but is more than 250; [~~and~~] or

2200 (f) 30% of the number of active voters in the subjurisdiction if the number of active  
2201 voters does not exceed 250.

2202 (5) An eligible voter seeking to have a transit area land use law passed by the local  
2203 legislative body submitted to a vote of the people shall, after filing a referendum application,  
2204 obtain legal signatures equal to:

2205 (a) for a county:

2206 (i) 20% of the number of active voters in the county; and

2207 (ii) 21% of the number of active voters in at least 75% of the county's voter  
2208 participation areas;

2209 (b) for a metro township with a population of 100,000 or more, or a city of the first  
2210 class:

2211 (i) 20% of the number of active voters in the metro township or city; and

2212 (ii) 20% of the number of active voters in at least 75% of the metro township's or city's  
2213 voter participation areas;

2214 (c) for a metro township with a population of 65,000 or more but less than 100,000, or  
2215 a city of the second class:

2216 (i) 20% of the number of active voters in the metro township or city; and

2217 (ii) 21% of the number of active voters in at least 75% of the metro township's or city's  
2218 voter participation areas;

2219 (d) for a metro township with a population of 30,000 or more but less than 65,000, or a  
2220 city of the third class:

2221 (i) 34% of the number of active voters in the metro township or city; and

2222 (ii) 34% of the number of active voters in at least 75% of the metro township's or city's  
2223 voter participation areas;

2224 (e) for a metro township with a population of 10,000 or more but less than 30,000, or a  
2225 city of the fourth class:

2226 (i) 36% of the number of active voters in the metro township or city; and



2227 (ii) 36% of the number of active voters in at least 75% of the metro township's or city's  
2228 voter participation areas; or

2229 (f) for a metro township with a population less than 10,000, a city of the fifth class, or a  
2230 town, 40% of the number of active voters in the metro township, city, or town.

2231 (6) An eligible voter seeking to have a local law passed by the local school board of a  
2232 school district submitted to a vote of the people shall, after filing a referendum application,  
2233 obtain legal signatures equal to:

2234 (a) 10% of the number of active voters in the school district if the number of active  
2235 voters exceeds 25,000;

2236 (b) 12.5% of the number of active voters in the school district if the number of active  
2237 voters does not exceed 25,000 but is more than 10,000;

2238 (c) 15% of the number of active voters in the school district if the number of active  
2239 voters does not exceed 10,000 but is more than 2,500;

2240 (d) 20% of the number of active voters in the school district if the number of active  
2241 voters does not exceed 2,500 but is more than 500;

2242 (e) 25% of the number of active voters in the school district if the number of active  
2243 voters does not exceed 500 but is more than 250; or

2244 (f) 30% of the number of active voters in the school district if the number of active  
2245 voters does not exceed 250.

2246 [~~(6)~~] (7) Sponsors of any referendum petition challenging, under Subsection (2), (3),  
2247 (4), [~~or~~] (5), or (6), any local law passed by a local legislative body or a local school board shall  
2248 file the application before 5 p.m. within seven days after the day on which the local law was  
2249 passed.

2250 [~~(7)~~] (8) Nothing in this section authorizes a local legislative body to impose a tax or  
2251 other payment obligation on a subjurisdiction in order to benefit an area outside of the  
2252 subjurisdiction.

2253 Section 14. Section ~~20A-7-602.5~~ is amended to read:

2254 **20A-7-602.5. Initial fiscal and legal impact statement -- Preparation of statement.**

2255 (1) Within three business days after the day on which the local clerk receives a  
2256 referendum application, the local clerk shall submit a copy of the referendum application to the  
2257 [~~county, city, or town's~~] county's, city's, town's, or school district's budget officer.

2258 (2) (a) The budget officer, together with legal counsel, shall prepare an unbiased, good  
2259 faith initial fiscal and legal impact statement for repealing the law the referendum proposes to  
2260 repeal that contains:

2261 (i) a dollar amount representing the total estimated fiscal impact of repealing the law;

2262 (ii) if repealing the law would increase or decrease taxes, a dollar amount representing  
2263 the total estimated increase or decrease for each type of tax that would be impacted by the law's  
2264 repeal and a dollar amount representing the total estimated increase or decrease in taxes that  
2265 would result from the law's repeal;

2266 (iii) if repealing the law would result in the issuance or a change in the status of bonds,  
2267 notes, or other debt instruments, a dollar amount representing the total estimated increase or  
2268 decrease in public debt that would result;

2269 (iv) a listing of all sources of funding for the estimated costs that would be associated  
2270 with the law's repeal, showing each source of funding and the percentage of total funding that  
2271 would be provided from each source;

2272 (v) a dollar amount representing the estimated costs or savings, if any, to state and  
2273 local government entities if the law were repealed;

2274 (vi) the legal impacts that would result from repealing the law, including:

2275 (A) any significant effects on a person's vested property rights;

2276 (B) any significant effects on other laws or ordinances;

2277 (C) any significant legal liability the city, county, ~~or~~ town, or school district may  
2278 incur; and

2279 (D) any other significant legal impact as determined by the budget officer and the legal  
2280 counsel; and

2281 (vii) a concise explanation, not exceeding 100 words, of the information described in  
2282 this Subsection (2)(a) and of the estimated fiscal impact, if any, if the law were repealed.

2283 (b) (i) If repealing the law would have no fiscal impact, the local budget officer shall  
2284 include a summary statement in the initial fiscal impact and legal statement in substantially the  
2285 following form:

2286 "The (title of the local budget officer) estimates that repealing the law this referendum  
2287 proposes to repeal would have no significant fiscal impact and would not result in either an  
2288 increase or decrease in taxes or debt."

2289 (ii) If repealing the law is estimated to have a fiscal impact, the local budget officer  
2290 shall include a summary statement in the initial fiscal and legal impact statement describing the  
2291 fiscal impact.

2292 (iii) If the estimated fiscal impact of repealing the law is highly variable or is otherwise  
2293 difficult to reasonably express in a summary statement, the local budget officer may include in  
2294 the summary statement a brief explanation that identifies those factors impacting the variability  
2295 or difficulty of the estimate.

2296 (3) Within 20 calendar days after the day on which the local clerk submits a copy of the  
2297 application under Subsection (1), the budget officer shall:

2298 (a) deliver a copy of the initial fiscal impact and legal statement to the local clerk's  
2299 office; and

2300 (b) mail a copy of the initial fiscal impact and legal statement to the first three sponsors  
2301 named in the referendum application.

2302 Section 15. Section **20A-7-602.7** is amended to read:

2303 **20A-7-602.7. Referability to voters of local law other than land use law.**

2304 (1) Within 20 days after the day on which an eligible voter files a referendum  
2305 application under Section **20A-7-602** for a local law other than a land use law, counsel for the  
2306 county, city, town, ~~[or]~~ metro township, or school district to which the referendum pertains  
2307 shall:

2308 (a) review the referendum application to determine whether the proposed referendum is  
2309 legally referable to voters; and

2310 (b) notify the first three sponsors, in writing, whether the proposed referendum is:

2311 (i) legally referable to voters; or

2312 (ii) rejected as not legally referable to voters.

2313 (2) For a local law other than a land use law, a proposed referendum is legally referable  
2314 to voters unless:

2315 (a) the proposed referendum challenges an action that is administrative, rather than  
2316 legislative, in nature;

2317 (b) the proposed referendum challenges more than one law passed by the local  
2318 legislative body or the local school board; or

2319 (c) the referendum application was not timely filed or does not comply with the

2320 requirements of this part.

2321 (3) After the end of the 20-day period described in Subsection (1), a county, city, town,  
2322 [~~or~~] metro township, or school district may not, for a local law other than a land use law:

2323 (a) reject a proposed referendum as not legally referable to voters; or

2324 (b) except as provided in Subsection (4), challenge, in a legal action or otherwise, a  
2325 proposed referendum on the grounds that the proposed referendum is not legally referable to  
2326 voters.

2327 (4) (a) If, under Subsection (1)(b)(ii), a county, city, town, [~~or~~] metro township, or  
2328 school district rejects a proposed referendum concerning a local law other than a land use law,  
2329 a sponsor of the proposed referendum may, within 10 days after the day on which a sponsor is  
2330 notified under Subsection (1)(b), challenge or appeal the decision to:

2331 (i) the Supreme Court, by means of an extraordinary writ, if possible; or

2332 (ii) a district court, if the sponsor is prohibited from pursuing an extraordinary writ  
2333 under Subsection (4)(a)(i).

2334 (b) Failure of a sponsor to timely challenge or appeal a rejection under Subsection  
2335 (4)(a) terminates the referendum.

2336 (5) If, on a challenge or appeal, the court determines that the proposed referendum  
2337 described in Subsection (4) is legally referable to voters, the local clerk shall comply with  
2338 Subsection 20A-7-604(3), or give the sponsors access to the website defined in Section  
2339 20A-21-101, within five days after the day on which the determination, and any challenge or  
2340 appeal of the determination, is final.

2341 Section 16. Section 20A-7-603 is amended to read:

2342 **20A-7-603. Manual referendum process -- Form of referendum petition and**  
2343 **signature sheet.**

2344 (1) This section applies only to the manual referendum process.

2345 (2) (a) Each proposed referendum petition shall be printed in substantially the  
2346 following form:

2347 "REFERENDUM PETITION To the Honorable \_\_\_\_, County Clerk/City

2348 Recorder/Town Clerk/Business Administrator/Superintendent:

2349 We, the undersigned citizens of Utah, respectfully order that (description of the local  
2350 law or portion of the local law being challenged), passed by the \_\_\_\_ be referred to the voters

2351 for their approval or rejection at the regular/municipal general election to be held on  
2352 \_\_\_\_\_(month\day\year);

2353 Each signer says:

2354 I have personally signed this referendum petition;

2355 The date next to my signature correctly reflects the date that I actually signed the  
2356 petition;

2357 I have personally reviewed the entire statement included with this packet;

2358 I am registered to vote in Utah; and

2359 My residence and post office address are written correctly after my name."

2360 (b) The sponsors of a referendum or an agent of the sponsors shall attach a copy of the  
2361 law that is the subject of the referendum to each referendum petition.

2362 (3) Each referendum signature sheet shall:

2363 (a) be printed on sheets of paper 8-1/2 inches long and 11 inches wide;

2364 (b) be ruled with a horizontal line three-fourths inch from the top, with the space above  
2365 that line blank for the purpose of binding;

2366 (c) include the title of the referendum printed below the horizontal line, in at least  
2367 14-point type;

2368 (d) include a table immediately below the title of the referendum, and beginning .5 inch  
2369 from the left side of the paper, as follows:

2370 (i) the first column shall be .5 inch wide and include three rows;

2371 (ii) the first row of the first column shall be .85 inch tall and contain the words "For  
2372 Office Use Only" in 10-point type;

2373 (iii) the second row of the first column shall be .35 inch tall;

2374 (iv) the third row of the first column shall be .5 inch tall;

2375 (v) the second column shall be 2.75 inches wide;

2376 (vi) the first row of the second column shall be .35 inch tall and contain the words  
2377 "Registered Voter's Printed Name (must be legible to be counted)" in 10-point type;

2378 (vii) the second row of the second column shall be .5 inch tall;

2379 (viii) the third row of the second column shall be .35 inch tall and contain the words  
2380 "Street Address, City, Zip Code" in 10-point type;

2381 (ix) the fourth row of the second column shall be .5 inch tall;

- 2382 (x) the third column shall be 2.75 inches wide;
- 2383 (xi) the first row of the third column shall be .35 inch tall and contain the words
- 2384 "Signature of Registered Voter" in 10-point type;
- 2385 (xii) the second row of the third column shall be .5 inch tall;
- 2386 (xiii) the third row of the third column shall be .35 inch tall and contain the words
- 2387 "Email Address (optional, to receive additional information)" in 10-point type;
- 2388 (xiv) the fourth row of the third column shall be .5 inch tall;
- 2389 (xv) the fourth column shall be one inch wide;
- 2390 (xvi) the first row of the fourth column shall be .35 inch tall and contain the words
- 2391 "Date Signed" in 10-point type;
- 2392 (xvii) the second row of the fourth column shall be .5 inch tall;
- 2393 (xviii) the third row of the fourth column shall be .35 inch tall and contain the words
- 2394 "Birth Date or Age (optional)" in 10-point type;
- 2395 (xix) the fourth row of the third column shall be .5 inch tall; and
- 2396 (xx) the fifth row of the entire table shall be the width of the entire table, .4 inch tall,
- 2397 and contain the following words, "By signing this referendum petition, you are stating that you
- 2398 have read and understand the law that this referendum petition seeks to overturn." in 12-point
- 2399 type;
- 2400 (e) the table described in Subsection (3)(d) shall be repeated, leaving sufficient room at
- 2401 the bottom of the sheet or the information described in Subsection (3)(f); and
- 2402 (f) at the bottom of the sheet, include the word "Warning," in 12-point, bold type,
- 2403 followed by the following statement in not less than eight-point type:
- 2404 "It is a class A misdemeanor for an individual to sign a referendum petition with a name
- 2405 other than the individual's own name, or to knowingly sign the individual's name more than
- 2406 once for the same referendum petition, or to sign a referendum petition when the individual
- 2407 knows that the individual is not a registered voter.
- 2408 Birth date or age information is not required, but it may be used to verify your identity
- 2409 with voter registration records. If you choose not to provide it, your signature may not be
- 2410 verified as a valid signature if you change your address before petition signatures are verified
- 2411 or if the information you provide does not match your voter registration records."
- 2412 (4) The final page of each referendum packet shall contain the following printed or

2413 typed statement:

2414 "Verification of signature collector

2415 State of Utah, County of \_\_\_\_\_

2416 I, \_\_\_\_\_, of \_\_\_\_\_, hereby state, under penalty of perjury, that:

2417 I am a resident of Utah and am at least 18 years old;

2418 All the names that appear in this packet were signed by individuals who professed to be  
2419 the individuals whose names appear in it, and each of the individuals signed the individual's  
2420 name on it in my presence;

2421 I did not knowingly make a misrepresentation of fact concerning the law this petition  
2422 seeks to overturn;

2423 I believe that each individual has printed and signed the individual's name and written  
2424 the individual's post office address and residence correctly, that each signer has read and  
2425 understands the law that the referendum seeks to overturn, and that each signer is registered to  
2426 vote in Utah.

2427 \_\_\_\_\_

2428 (Name) (Residence Address) (Date)

2429 Each individual who signed the packet wrote the correct date of signature next to the  
2430 individual's name.

2431 I have not paid or given anything of value to any individual who signed this referendum  
2432 packet to encourage that individual to sign it.

2433 \_\_\_\_\_

2434 (Name) (Residence Address) (Date)".

2435 (5) If the forms described in this section are substantially followed, the referendum  
2436 petitions are sufficient, notwithstanding clerical and merely technical errors.

2437 (6) An individual's status as a resident, under Subsection (4), is determined in  
2438 accordance with Section [20A-2-105](#).

2439 Section 17. Section **20A-7-604** is amended to read:

2440 **20A-7-604. Manual referendum process -- Circulation requirements -- Local**  
2441 **clerk to provide sponsors with materials.**

2442 (1) This section applies only to the manual referendum process.

2443 (2) In order to obtain the necessary number of signatures required by this part, the  
2444 sponsors or an agent of the sponsors shall, after the sponsors receive the documents described  
2445 in Subsections (3) and [20A-7-401.5\(4\)\(b\)](#), circulate referendum packets that meet the form  
2446 requirements of this part.

2447 (3) Within five days after the day on which a county, city, town, metro township,  
2448 school district, or court determines, in accordance with Section [20A-7-602.7](#), that a proposed  
2449 referendum is legally referable to voters, the local clerk shall provide the sponsors with  
2450 a copy of the referendum petition and a signature sheet.

2451 (4) The sponsors of the referendum petition shall:

2452 (a) arrange and pay for the printing of all documents that are part of the referendum  
2453 packets; and

2454 (b) ensure that the referendum packets and the documents described in Subsection  
2455 (4)(a) meet the form requirements of this section.

2456 (5) (a) The sponsors or an agent of the sponsors may prepare the referendum packets  
2457 for circulation by creating multiple referendum packets.

2458 (b) The sponsors or an agent of the sponsors shall create referendum packets by  
2459 binding a copy of the referendum petition with the text of the law that is the subject of the  
2460 referendum and no more than 50 signature sheets together at the top in a manner that the  
2461 referendum packets may be conveniently opened for signing.

2462 (c) A referendum packet is not required to have a uniform number of signature sheets.

2463 (d) The sponsors or an agent of the sponsors shall include, with each packet, a copy of  
2464 the proposition information pamphlet provided to the sponsors under Subsection  
2465 [20A-7-401.5\(4\)\(b\)](#).

2466 (6) (a) The sponsors or an agent of the sponsors shall, before gathering signatures:

2467 (i) contact the county clerk to receive a range of numbers that the sponsors may use to  
2468 number referendum packets;

2469 (ii) sign an agreement with the local clerk, specifying the range of numbers that the  
2470 sponsor will use to number the referendum packets; and

2471 (iii) number each referendum packet, sequentially, within the range of numbers  
2472 provided by the county clerk, starting with the lowest number in the range.



2473 (b) The sponsors or an agent of the sponsors may not:  
2474 (i) number a referendum packet in a manner not directed by the county clerk; or  
2475 (ii) circulate or submit a referendum packet that is not numbered in the manner  
2476 directed by the county clerk.

2477 Section 18. Section **20A-7-607** is amended to read:

2478 **20A-7-607. Evaluation by the local clerk -- Determination of election for vote on**  
2479 **referendum.**

2480 (1) In relation to the manual referendum process, when the local clerk receives a  
2481 referendum packet from a county clerk, the local clerk shall record the number of the  
2482 referendum packet received.

2483 (2) The county clerk shall:

2484 (a) in relation to the manual referendum process:

2485 (i) post the names, voter identification numbers, and dates of signatures described in  
2486 Subsection [20A-7-105\(6\)\(a\)\(iii\)](#) on the lieutenant governor's website, in a conspicuous location  
2487 designated by the lieutenant governor, for at least 45 days; and

2488 (ii) update on the local clerk's website the number of signatures certified as of the date  
2489 of the update; or

2490 (b) in relation to the electronic referendum process:

2491 (i) post the names, voter identification numbers, and dates of signatures described in  
2492 Subsection [20A-7-616\(3\)](#) on the lieutenant governor's website, in a conspicuous location  
2493 designated by the lieutenant governor, for at least 45 days; and

2494 (ii) update on the lieutenant governor's website the number of signatures certified as of  
2495 the date of the update.

2496 (3) The local clerk:

2497 (a) shall, except as provided in Subsection (3)(b), declare the referendum petition to be  
2498 sufficient or insufficient:

2499 (i) in relation to the manual referendum process, no later than 111 days after the day of  
2500 the deadline, described in Subsection [20A-7-105\(5\)\(a\)\(iv\)](#), to submit a referendum packet to  
2501 the county clerk; or

2502 (ii) in relation to the electronic referendum process, no later than 111 days after the day  
2503 of the deadline, described in Subsection [20A-7-616\(2\)](#), to collect a signature; or

2504 (b) may declare the referendum petition to be insufficient before the day described in  
2505 Subsection (3)(a) if:

2506 (i) in relation to the manual referendum process, the total of all valid signatures on  
2507 timely and lawfully submitted referendum packets that have been certified by the county clerk,  
2508 plus the number of signatures on timely and lawfully submitted referendum packets that have  
2509 not yet been evaluated for certification, is less than the number of names required under  
2510 Section 20A-7-601;

2511 (ii) in relation to the electronic referendum process, the total of all timely and lawfully  
2512 submitted valid signatures that have been certified by the county clerks, plus the number of  
2513 timely and lawfully submitted valid signatures received under Subsection 20A-21-201(6)(b)  
2514 that have not yet been evaluated for certification, is less than the number of names required  
2515 under Section 20A-7-601; or

2516 (iii) a requirement of this part has not been met.

2517 (4) (a) If the total number of names certified under Subsection (3) equals or exceeds  
2518 the number of names required under Section 20A-7-601, and the requirements of this part are  
2519 met, the local clerk shall mark upon the front of the referendum petition the word "sufficient."

2520 (b) If the total number of names certified under Subsection (3) does not equal or  
2521 exceed the number of names required under Section 20A-7-601 or a requirement of this part is  
2522 not met, the local clerk shall mark upon the front of the referendum petition the word  
2523 "insufficient."

2524 (c) The local clerk shall immediately notify any one of the sponsors of the local clerk's  
2525 finding.

2526 (d) After a referendum petition is declared insufficient, a person may not submit  
2527 additional signatures to qualify the referendum for the ballot.

2528 (5) (a) If the local clerk refuses to declare a referendum petition sufficient, any voter  
2529 may, no later than 10 days after the day on which the local clerk declares the referendum  
2530 petition insufficient, apply to the appropriate court for an order finding the referendum petition  
2531 legally sufficient.

2532 (b) If the court determines that the referendum petition is legally sufficient, the local  
2533 clerk shall mark the referendum petition "sufficient" and consider the declaration of sufficiency  
2534 effective as of the date on which the referendum petition should have been declared sufficient

2535 by the local clerk's office.

2536 (c) If the court determines that a referendum petition filed is not legally sufficient, the  
2537 court may enjoin the local clerk and all other officers from:

2538 (i) certifying or printing the ballot title and numbers of that referendum on the official  
2539 ballot for the next election; or

2540 (ii) as it relates to a local tax law that is conducted entirely by mail, certifying, printing,  
2541 or mailing the ballot title and numbers of that referendum under Section 20A-7-609.5.

2542 (6) A referendum petition determined to be sufficient in accordance with this section is  
2543 qualified for the ballot.

2544 (7) (a) Except as provided in Subsection (7)(b) or (c), if a referendum relates to  
2545 legislative action taken after April 15, the election officer may not place the referendum on an  
2546 election ballot until a primary election, a general election, or a special election the following  
2547 year.

2548 (b) The election officer may place a referendum described in Subsection (7)(a) on the  
2549 ballot for a special, primary, or general election held during the year that the legislative action  
2550 was taken if the following agree, in writing, on a timeline to place the referendum on that  
2551 ballot:

2552 (i) the local clerk;

2553 (ii) the county clerk; and

2554 (iii) the attorney for the county [~~or~~], municipality, or school district that took the  
2555 legislative action.

2556 (c) For a referendum on a land use law, if, before August 30, the local clerk or a court  
2557 determines that the total number of certified names equals or exceeds the number of signatures  
2558 required in Section 20A-7-601, the election officer shall place the referendum on the election  
2559 ballot for:

2560 (i) the next general election; or

2561 (ii) another election, if the following agree, in writing, on a timeline to place the  
2562 referendum on that ballot:

2563 (A) the affected owners, as defined in Section 10-9a-103 or 17-27a-103, as applicable;

2564 (B) the local clerk;

2565 (C) the county clerk; and

2566 (D) the attorney for the county or municipality that took the legislative action.

2567 Section 19. Section **20A-7-608** is amended to read:

2568 **20A-7-608. Short title and summary of referendum -- Duties of local clerk and**  
2569 **local attorney.**

2570 (1) Upon receipt of a referendum petition, the local clerk shall deliver a copy of the  
2571 referendum petition and the law to which the referendum relates to the local attorney.

2572 (2) The local attorney shall:

2573 (a) entitle each county [or],<sup>2</sup> municipal, or school district referendum that qualifies for  
2574 the ballot "Proposition Number \_\_\_" and give the referendum a number assigned in accordance  
2575 with Section [20A-6-107](#);

2576 (b) prepare for the referendum:

2577 (i) an impartial short title, not exceeding 25 words, that generally describes the subject  
2578 of the law to which the referendum relates; and

2579 (ii) an impartial summary of the contents of the law to which the referendum relates,  
2580 not exceeding 125 words;

2581 (c) file the proposed short title, summary, and the numbered referendum title with the  
2582 local clerk within 20 days after the day on which an eligible voter submits the referendum  
2583 petition to the local clerk; and

2584 (d) promptly provide notice of the filing of the proposed short title and summary to:

2585 (i) the sponsors of the petition; and

2586 (ii) the local legislative body or the local school board for the jurisdiction where the  
2587 referendum petition was circulated.

2588 (3) (a) The short title and summary may be distinct from the title of the law that is the  
2589 subject of the referendum petition.

2590 (b) In preparing a short title, the local attorney shall, to the best of the local attorney's  
2591 ability, give a true and impartial description of the subject of the referendum.

2592 (c) In preparing a summary, the local attorney shall, to the best of the local attorney's  
2593 ability, give a true and impartial summary of the contents of the referendum.

2594 (d) The short title and summary may not intentionally be an argument, or likely to  
2595 create prejudice, for or against the referendum.

2596 (4) (a) Within five calendar days after the day on which the local attorney files a

2597 proposed short title and summary under Subsection (2)(c), the local legislative body or local  
2598 school board for the jurisdiction where the referendum petition was circulated and the sponsors  
2599 of the referendum petition may file written comments in response to the proposed short title  
2600 and summary with the local clerk.

2601 (b) Within five calendar days after the last date to submit written comments under  
2602 Subsection (4)(a), the local attorney shall:

2603 (i) review any written comments filed in accordance with Subsection (4)(a);

2604 (ii) prepare a final short title and summary that meets the requirements of Subsection  
2605 (3); and

2606 (iii) return the referendum petition and file the short title and summary with the local  
2607 clerk.

2608 (c) Subject to Subsection (6), for each county [~~or~~], municipal, or school district  
2609 referendum, the following shall be printed on the official ballot:

2610 (i) the short title; and

2611 (ii) except as provided in Subsection (4)(d):

2612 (A) the summary;

2613 (B) a copy of the ordinance, resolution, or written description of the local law; and

2614 (C) a link to a location on the election officer's website where a voter may review  
2615 additional information relating to each referendum, including the information described in  
2616 Subsection 20A-7-602(2) and the arguments relating to the referendum that are included in the  
2617 local voter information pamphlet.

2618 (d) Unless the information described in Subsection (4)(c)(ii) is printed on the official  
2619 ballot, the election officer shall include with the ballot a separate ballot proposition insert that  
2620 includes the short title and summary for each referendum on the ballot and a link to a location  
2621 on the election officer's website where a voter may review the additional information described  
2622 in Subsection (4)(c)(ii)(C).

2623 (e) Unless the information described in Subsection 20A-7-508(4)(c)(ii) for all  
2624 initiatives on the ballot, and the information described in Subsection (4)(c)(ii) for all referenda  
2625 on the ballot, is printed on the ballot, the ballot shall include the following statement at the  
2626 beginning of the portion of the ballot that includes ballot measures, "The ballot proposition  
2627 sheet included with this ballot contains an impartial summary of each initiative and referendum

2628 on this ballot, unless the summary is printed directly on the ballot."

2629 (5) Immediately after the local attorney files a copy of the short title and summary with  
2630 the local clerk, the local clerk shall serve a copy of the short title and summary by mail upon  
2631 the sponsors of the referendum petition and the local legislative body or the local school board  
2632 for the jurisdiction or school district where the referendum petition was circulated.

2633 (6) (a) If the short title or summary provided by the local attorney is unsatisfactory or  
2634 does not comply with the requirements of this section, the decision of the local attorney may be  
2635 appealed to the appropriate court by:

2636 (i) at least three sponsors of the referendum petition; or

2637 (ii) a majority of the local legislative body or the local school board for the jurisdiction  
2638 where the referendum petition was circulated.

2639 (b) The court:

2640 (i) shall examine the short title and summary and consider the arguments; and

2641 (ii) enter an order consistent with the requirements of this section.

2642 (c) The local clerk shall include the short title and summary in the ballot or ballot  
2643 proposition insert, as required by this section.

2644 Section 20. Section **20A-7-609** is amended to read:

2645 **20A-7-609. Form of ballot -- Manner of voting.**

2646 (1) The local clerk shall ensure that the number and ballot title are presented upon the  
2647 official ballot with, immediately adjacent to them, the words "For" and "Against," each word  
2648 presented with an adjacent square in which the elector may indicate the elector's vote.

2649 (2) (a) Except as provided in Subsection [~~(2)(c)(i)~~] (2)(d)(i) or Section [20A-7-609.5](#),  
2650 and unless the county legislative body calls a special election, the county clerk shall ensure that  
2651 a county referenda that [have] has qualified for the ballot [~~appear~~] appears on the next regular  
2652 general election ballot.

2653 (b) Except as provided in Subsection [~~(2)(c)(ii)~~] (2)(d)(ii) or Section [20A-7-609.5](#), and  
2654 unless the municipal legislative body calls a special election, the municipal recorder or clerk  
2655 shall ensure that a municipal referenda that [have] has qualified for the ballot [~~appear~~] appears  
2656 on the next regular municipal election ballot.

2657 (c) Except as provided in Subsection (2)(d)(iii) or Section [20A-7-609.5](#), and unless the  
2658 local school board calls a special election, the business administrator or superintendent shall

2659 ensure that a school district referenda that has qualified for the ballot appears on the next  
2660 regular general election ballot.

2661 ~~[(e)]~~ (d) [(i)] Except as provided in Section 20A-7-609.5[-];

2662 (i) if a local law passes after January 30 of the year in which there is a regular general  
2663 election, the county clerk shall ensure that a county referendum that has qualified for the ballot  
2664 appears on the ballot at the second regular general election immediately following the passage  
2665 of the local law unless the county legislative body calls a special election[-];

2666 (ii) ~~[Except as provided in Section 20A-7-609.5,]~~ if a local law passes after January 30  
2667 of the year in which there is a municipal general election, the municipal recorder or clerk shall  
2668 ensure that a municipal referendum that has qualified for the ballot appears on the ballot at the  
2669 second municipal general election immediately following the passage of the local law unless  
2670 the municipal legislative body calls a special election[-]; or

2671 (iii) if a local law passes after January 30 of the year in which there is a regular general  
2672 election, the business administrator or superintendent shall ensure that a school district  
2673 referendum that has qualified for the ballot appears on the ballot at the second regular general  
2674 election immediately following passage of the local law unless the local school board calls a  
2675 special election.

2676 (3) (a) (i) A voter desiring to vote in favor of the law that is the subject of the  
2677 referendum shall mark the square adjacent to the word "For."

2678 (ii) The law that is the subject of the referendum is effective if a majority of voters  
2679 mark "For."

2680 (b) (i) A voter desiring to vote against the law that is the subject of the referendum  
2681 shall mark the square following the word "Against."

2682 (ii) The law that is the subject of the referendum is not effective if a majority of voters  
2683 mark "Against."

2684 Section 21. Section 20A-7-610 is amended to read:

2685 **20A-7-610. Return and canvass -- Conflicting measures -- Law effective on**  
2686 **proclamation.**

2687 (1) The votes on the law that is the subject of the referendum petition shall be counted,  
2688 canvassed, and delivered as provided in Title 20A, Chapter 4, Part 3, Canvassing Returns.

2689 (2) After the local board of canvassers completes the canvass, the local clerk shall

2690 certify to the local legislative body or the local school board the vote for and against the law  
2691 that is the subject of the referendum petition.

2692 (3) (a) The local legislative body or the local school board shall immediately issue a  
2693 proclamation that:

2694 (i) gives the total number of votes cast in the local jurisdiction for and against each law  
2695 that is the subject of a referendum petition; and

2696 (ii) in accordance with Section 20A-7-611, declares those laws that are the subject of a  
2697 referendum petition that are approved by majority vote to be in full force and effect as the law  
2698 of the local jurisdiction.

2699 (b) When the local legislative body or the local school board determines that two laws,  
2700 or that parts of two laws approved by the people at the same election are entirely in conflict, the  
2701 local legislative body or local school board shall proclaim to be law the law that received the  
2702 greatest number of affirmative votes, regardless of the difference in the majorities which those  
2703 approved laws received.

2704 (4) (a) Within 10 days after the day on which the local legislative body or the local  
2705 school board issues the proclamation described in Subsection (3), any qualified voter residing  
2706 in the jurisdiction for a law that is declared by the local legislative body or the local school  
2707 board to be superseded by another law approved at the same election may bring an action in the  
2708 appropriate court to review the decision.

2709 (b) The court shall:

2710 (i) consider the matter and decide whether the approved laws are entirely in conflict;  
2711 and

2712 (ii) issue an order, consistent with the court's decision, to the local legislative body or  
2713 the local school board.

2714 (5) Within 10 days after the day on which the court enters an order under Subsection  
2715 (4)(b)(ii), the local legislative body or the local school board shall:

2716 (a) proclaim as law all those laws approved by the people that the court determines are  
2717 not in conflict; and

2718 (b) of all those laws approved by the people as law that the court determines to be in  
2719 conflict, proclaim as law the one that receives the greatest number of affirmative votes,  
2720 regardless of the difference in majorities.



2721 Section 22. Section 20A-7-611 is amended to read:

2722 **20A-7-611. Temporary stay -- Effective date -- Effect of repeal by local legislative**  
2723 **body.**

2724 (1) Any law submitted to the people by referendum petition that is rejected by the  
2725 voters at any election is repealed as of the date of the election.

2726 (2) If, at the time during the process described in Subsection 20A-7-607(2), the local  
2727 clerk determines that, at that point in time, an adequate number of signatures are certified to  
2728 comply with the signature requirements, the local clerk shall:

2729 (a) issue an order temporarily staying the law from going into effect; and

2730 (b) continue the process of certifying signatures and removing signatures as required by  
2731 this part.

2732 (3) The temporary stay described in Subsection (2) remains in effect, regardless of  
2733 whether a future count falls below the signature threshold, until the day on which:

2734 (a) if the local clerk declares the referendum petition insufficient, five days after the  
2735 day on which the local clerk declares the referendum petition insufficient; or

2736 (b) if the local clerk declares the referendum petition sufficient, the day on which the  
2737 local legislative body or the local school board issues the proclamation described in Section  
2738 20A-7-610.

2739 (4) A law submitted to the people by referendum that is approved by the voters at an  
2740 election takes effect the later of:

2741 (a) five days after the date of the official proclamation of the vote by the local  
2742 legislative body or the local school board; or

2743 (b) the effective date specified in the approved law.

2744 (5) If, after the local clerk issues a temporary stay order under Subsection (2)(a), the  
2745 local clerk declares the referendum petition insufficient, the law that is the subject of the  
2746 referendum petition takes effect the later of:

2747 (a) five days after the day on which the local clerk declares the petition insufficient; or

2748 (b) the effective date specified in the proposed law.

2749 (6) (a) A law approved by the people under this part is not subject to veto.

2750 (b) The local legislative body or the local school board may amend any laws approved  
2751 by the people under this part after the people approve the law.

2752 (7) If the local legislative body or the local school board repeals a law challenged by  
2753 referendum petition under this part, the referendum petition is void and no further action on the  
2754 referendum petition is required.

2755 Section 23. Section **20A-7-613** is amended to read:

2756 **20A-7-613. Property tax referendum petition.**

2757 (1) As used in this section, "certified tax rate" means the same as that term is defined in  
2758 Section [59-2-924](#).

2759 (2) Except as provided in this section, the requirements of this part apply to a  
2760 referendum petition challenging a taxing entity's legislative body's vote to impose a tax rate that  
2761 exceeds the certified tax rate.

2762 (3) Notwithstanding Subsection [20A-7-105\(5\)\(a\)\(iv\)](#), the sponsors or an agent of the  
2763 sponsors shall deliver a signed and verified referendum packet to the county clerk of the county  
2764 in which the packet was circulated before 5 p.m. no later than the earlier of:

2765 (a) 30 days after the day on which the first individual signs the packet; or

2766 (b) 40 days after the day on which the local clerk complies with Subsection  
2767 [20A-7-604\(3\)](#).

2768 (4) Notwithstanding Subsections [20A-7-105\(6\)\(a\)](#) and (9), the county clerk shall take  
2769 the actions required in Subsections [20A-7-105\(6\)\(a\)](#) and (9) within 10 working days after the  
2770 day on which the county clerk receives the signed and verified referendum packet as described  
2771 in Subsection (3).

2772 (5) The local clerk shall take the actions required by Section [20A-7-607](#) within two  
2773 working days after:

2774 (a) in relation to the manual referendum process, the day on which the local clerk  
2775 receives the referendum packets from the county clerk; or

2776 (b) in relation to the electronic referendum process, the deadline described in  
2777 Subsection [20A-7-616\(2\)](#).

2778 (6) Notwithstanding Subsection [20A-7-608\(2\)](#), the local attorney shall prepare the  
2779 ballot title within two working days after the day on which the referendum petition is declared  
2780 sufficient for submission to a vote of the people.

2781 (7) Notwithstanding Subsection [~~[20A-7-609\(2\)\(c\)](#)~~] [20A-7-609\(2\)\(d\)](#), a referendum that  
2782 qualifies for the ballot under this section shall appear on the ballot for the earlier of the next

2783 regular general election or the next municipal general election unless a special election is  
2784 called.

2785 (8) The election officer shall mail manual ballots on a referendum under this section  
2786 the later of:

2787 (a) the time provided in Section 20A-3a-202 or 20A-16-403; or

2788 (b) the time that ballots are prepared for mailing under this section.

2789 (9) Section 20A-7-402 does not apply to a referendum described in this section.

2790 (10) (a) If a majority of voters does not vote against imposing the tax at a rate  
2791 calculated to generate the increased revenue budgeted, adopted, and approved by the taxing  
2792 entity's legislative body:

2793 (i) the certified tax rate for the fiscal year during which the referendum petition is filed  
2794 is its most recent certified tax rate; and

2795 (ii) the proposed increased revenues for purposes of establishing the certified tax rate  
2796 for the fiscal year after the fiscal year described in Subsection (10)(a)(i) are the proposed  
2797 increased revenues budgeted, adopted, and approved by the taxing entity's legislative body  
2798 before the filing of the referendum petition.

2799 (b) If a majority of voters votes against imposing a tax at the rate established by the  
2800 vote of the taxing entity's legislative body, the certified tax rate for the taxing entity is the  
2801 taxing entity's most recent certified tax rate.

2802 (c) If the tax rate is set in accordance with Subsection (10)(a)(ii), a taxing entity is not  
2803 required to comply with the notice and public hearing requirements of Section 59-2-919 if the  
2804 taxing entity complies with those notice and public hearing requirements before the referendum  
2805 petition is filed.

2806 (11) The ballot title shall, at a minimum, include in substantially this form the  
2807 following: "Shall the [name of the taxing entity] be authorized to levy a tax rate in the amount  
2808 sufficient to generate an increased property tax revenue of [amount] for fiscal year [year] as  
2809 budgeted, adopted, and approved by the [name of the taxing entity].".

2810 (12) A taxing entity shall pay the county the costs incurred by the county that are  
2811 directly related to meeting the requirements of this section and that the county would not have  
2812 incurred but for compliance with this section.

2813 (13) (a) An election officer shall include on a ballot a referendum that has not yet

2814 qualified for placement on the ballot, if:

2815 (i) sponsors file an application for a referendum described in this section;

2816 (ii) the ballot will be used for the election for which the sponsors are attempting to  
2817 qualify the referendum; and

2818 (iii) the deadline for qualifying the referendum for placement on the ballot occurs after  
2819 the day on which the ballot will be printed.

2820 (b) If an election officer includes on a ballot a referendum described in Subsection  
2821 (13)(a), the ballot title shall comply with Subsection (11).

2822 (c) If an election officer includes on a ballot a referendum described in Subsection  
2823 (13)(a) that does not qualify for placement on the ballot, the election officer shall inform the  
2824 voters by any practicable method that the referendum has not qualified for the ballot and that  
2825 votes cast in relation to the referendum will not be counted.

2826 Section 24. Section **20A-7-614** is amended to read:

2827 **20A-7-614. Electronic referendum process -- Form of referendum petition --**

2828 **Circulation requirements -- Signature collection.**

2829 (1) This section applies only to the electronic referendum process.

2830 (2) (a) The first screen presented on the approved device shall include the following  
2831 statement:

2832 "This REFERENDUM PETITION is addressed to the Honorable \_\_\_\_, County  
2833 Clerk/City Recorder/Town Clerk/Business Administrator/Superintendent:

2834 The citizens of Utah who sign this petition respectfully order that (description of the  
2835 local law or portion of the local law being challenged), passed by the \_\_\_\_ be referred to the  
2836 voters for their approval or rejection at the regular/municipal general election to be held on  
2837 \_\_\_\_\_(month\day\year)."

2838 (b) An individual may not advance to the second screen until the individual clicks a  
2839 link at the bottom of the first screen stating, "By clicking here, I attest that I have read and  
2840 understand the information presented on this screen."

2841 (3) (a) The second screen presented on the approved device shall include the entire text  
2842 of the law that is the subject of the referendum petition.

2843 (b) An individual may not advance to the third screen until the individual clicks a link  
2844 at the bottom of the second screen stating, "By clicking here, I attest that I have read and

2845 understand the entire text of the law that is the subject of the referendum petition."

2846 (4) (a) The third screen presented on the approved device shall include a statement  
2847 indicating whether persons gathering signatures for the referendum petition may be paid for  
2848 gathering signatures.

2849 (b) An individual may not advance to the fourth screen until the individual clicks a link  
2850 at the bottom of the third screen stating, "By clicking here, I attest that I have read and  
2851 understand the information presented on this screen."

2852 (5) The fourth screen presented on the approved device shall include the following  
2853 statement, followed by links where the individual may click "yes" or "no":

2854 "I have personally reviewed the entirety of each statement presented on this device;

2855 I am personally signing this referendum petition;

2856 I am registered to vote in Utah; and

2857 All information I enter on this device, including my residence and post office address, is  
2858 accurate.

2859 It is a class A misdemeanor for an individual to sign a referendum petition with a name  
2860 other than the individual's own name, or to knowingly sign the individual's name more than  
2861 once for the same referendum petition, or to sign a referendum petition when the individual  
2862 knows that the individual is not a registered voter.

2863 Do you wish to continue and sign this referendum petition?"

2864 (6) (a) If the individual clicks "no" in response to the question described in Subsection  
2865 (5), the next screen shall include the following statement, "Thank you for your time. Please  
2866 return this device to the signature-gatherer."

2867 (b) If the individual clicks "yes" in response to the question described in Subsection  
2868 (5), the website, or the application that accesses the website, shall take the signature-gatherer  
2869 and the individual signing the referendum petition through the signature process described in  
2870 Section [20A-21-201](#).

2871 Section 25. Section **63G-30-102** is amended to read:

2872 **63G-30-102. Public notice classifications and requirements.**

2873 (1) A public body or a government official that is required to provide a class A notice:

2874 (a) shall publish the public notice on the Utah Public Notice Website;

2875 (b) shall publish the public notice on the public body's or government official's official

2876 website, if the public body or government official:

2877 (i) maintains an official website; and

2878 (ii) has an annual operating budget of \$250,000 or more; and

2879 (c) except as provided in Subsection (4), and subject to Subsection (5), post the public  
2880 notice in connection with the affected area as follows:

2881 (i) if the affected area is a municipality with a population of less than 2,000, in a public  
2882 location in or near the affected area that is reasonably likely to be seen by residents of the  
2883 affected area;

2884 (ii) if the affected area is a proposed municipality with a population of less than 2,000,  
2885 in a public location in or near the affected area that is reasonably likely to be seen by residents  
2886 of the affected area;

2887 (iii) if the affected area is an area other than an area described in Subsections (1)(c)(i),  
2888 (1)(c)(ii), or (1)(c)(iv) through [~~viii~~], (ix), in a public location in or near the affected area that  
2889 is reasonably likely to be seen by:

2890 (A) residents of the affected area; or

2891 (B) if there are no residents within the affected area, individuals who pass through or  
2892 near the affected area;

2893 (iv) if the affected area is a county, in a public location within the county that is  
2894 reasonably likely to be seen by residents of the county;

2895 (v) if the affected area is a municipality with a population of 2,000 or more, or a  
2896 proposed municipality with a population of 2,000 or more, in a public location within the  
2897 municipality or proposed municipality that is reasonably likely to be seen by residents of the  
2898 municipality or proposed municipality;

2899 (vi) if the affected area is a public street, on or adjacent to the public street;

2900 (vii) if the affected area is an easement:

2901 (A) on or adjacent to the easement; or

2902 (B) in a public location that is reasonably likely to be seen by persons who are likely to  
2903 be impacted by the easement; [~~or~~]

2904 (viii) if the affected area is an interlocal entity, within, or as applicable near, each  
2905 jurisdiction that is part of the interlocal entity, in accordance with the provisions of this  
2906 Subsection (1) that apply to that jurisdiction[~~-~~]; or

2907           (ix) if the affected area is a school district, in a public location within the school  
2908 district that is reasonably likely to be seen by residents of the school district.

2909           (2) Subject to Subsection (5), a public body or a government official that is required to  
2910 provide a class B notice shall:

2911           (a) comply with the requirements described in Subsection (1) for a class A notice;

2912           (b) if a statute, county ordinance, or municipal ordinance requires that the notice be  
2913 provided for a designated geographic area, mail or otherwise deliver the public notice or a  
2914 notice summary statement to each residence within, and, in accordance with Subsection (3), to  
2915 each owner of real property located within, the designated geographic area; and

2916           (c) if a statute, county ordinance, or municipal ordinance requires that the notice be  
2917 provided to one or more designated persons or real property owners, mail or otherwise deliver  
2918 the public notice or a notice summary statement, in accordance with Subsection (3), to each  
2919 designated person and real property owner.

2920           (3) When providing notice to a real property owner under Subsection (2)(b) or (c), the  
2921 public body or government official shall:

2922           (a) use the current residential or business address of the real property owner;

2923           (b) if the public body or government official is not reasonably able to obtain the  
2924 address described in Subsection (3)(a), use the last known address of the real property owner  
2925 that the public body or government official is able to obtain via a reasonable inquiry into public  
2926 records; or

2927           (c) if the public body or government official is not reasonably able to obtain an address  
2928 described in Subsection (3)(a) or (b), post the notice on the real property.

2929           (4) A government official, a public body, or any other body that is required to post  
2930 notice under Subsection (1) is not required to comply with Subsection (1)(c) if:

2931           (a) the affected area is the state;

2932           (b) the body is a specified body, as defined in Section [52-4-103](#);

2933           (c) the public body is the Legislature or a public body within the state legislative  
2934 branch; or

2935           (d) the government official is required to post the notice on behalf of a body described  
2936 in Subsection (4)(b) or (c).

2937           (5) If a statute, ordinance, or rule requires a public body or government official to

2938 provide notice for a period of time:

2939 (a) in relation to posting the notice on the Utah Public Notice Website, the requirement  
2940 is not violated due to temporary technological issues that interrupt the posting, unless the  
2941 posting is interrupted for more than 25% of the required posting time;

2942 (b) in relation to posting the notice in a physical location, the requirement is fulfilled if:

2943 (i) the notice is posted at or, except to the extent prohibited by law, before the  
2944 beginning of the period of time;

2945 (ii) the public body or government official does not remove the posting before the end  
2946 of the period of time; and

2947 (iii) until the end of the period of time, the public body or government official:

2948 (A) periodically verifies that the notice remains in place; and

2949 (B) replaces the notice within a reasonable time after discovering that the notice has  
2950 been removed or damaged; and

2951 (c) in relation to mailing, sending, or otherwise delivering notice to a person, the  
2952 mailing is made at or, except to the extent prohibited by law, before, the beginning of the  
2953 period of time.

2954 Section 26. **Effective date.**

2955 This bill takes effect on May 1, 2024.