

1 **INITIATIVES AND REFERENDA AMENDMENTS**

2 2021 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Norman K. Thurston**

5 Senate Sponsor: John D. Johnson

7 **LONG TITLE**

8 **General Description:**

9 This bill amends provisions relating to statewide and local initiatives and referenda.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ modifies petition filing requirements for an initiative or referendum;
- 13 ▶ provides more standardization to forms, requirements, and procedures for state and
- 14 local initiatives and referenda, including procedures for posting and removing
- 15 signatures for a petition;
- 16 ▶ clarifies actions that may be taken by a petition sponsor or an agent of a petition
- 17 sponsor;
- 18 ▶ modifies signature packet preparation requirements;
- 19 ▶ modifies timelines and deadlines for initiatives and referenda;
- 20 ▶ modifies provisions for challenging an action, relating to initiatives or referenda, in
- 21 a court proceeding;
- 22 ▶ addresses the verification of signatures;
- 23 ▶ addresses a temporary stay of a law challenged by referendum and the effective date
- 24 of the law;
- 25 ▶ for a statewide referendum, changes the requirement relating to a certain percentage
- 26 of signatures in at least 15 counties to a certain percentage of signatures in at least
- 27 15 Senate districts; and
- 28 ▶ makes technical and conforming changes.

29 **Money Appropriated in this Bill:**

30 None

31 **Other Special Clauses:**

32 None

33 **Utah Code Sections Affected:**

34 AMENDS:

35 **10-9a-103**, as last amended by Laws of Utah 2020, Chapter 434

36 **10-9a-509**, as last amended by Laws of Utah 2020, Chapter 434

37 **11-14-301**, as last amended by Laws of Utah 2019, Chapter 203

38 **17-27a-103**, as last amended by Laws of Utah 2020, Chapter 434

39 **17-27a-508**, as last amended by Laws of Utah 2019, Chapter 384 and last amended by
40 Coordination Clause, Laws of Utah 2019, Chapter 384

41 **20A-1-609**, as last amended by Laws of Utah 2020, Chapter 31

42 **20A-7-202**, as last amended by Laws of Utah 2019, Chapters 217 and 275

43 **20A-7-203**, as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 20

44 **20A-7-204**, as last amended by Laws of Utah 2017, Chapter 291

45 **20A-7-205**, as last amended by Laws of Utah 2019, Chapters 210, 217, 255 and last
46 amended by Coordination Clause, Laws of Utah 2019, Chapters 210, and 217

47 **20A-7-206**, as last amended by Laws of Utah 2020, Chapters 166 and 349

48 **20A-7-207**, as last amended by Laws of Utah 2019, Chapters 210, 217 and last
49 amended by Coordination Clause, Laws of Utah 2019, Chapter 210

50 **20A-7-209**, as last amended by Laws of Utah 2019, Chapter 275

51 **20A-7-301**, as last amended by Laws of Utah 2019, Chapter 217

52 **20A-7-302**, as last amended by Laws of Utah 2020, Chapter 166

53 **20A-7-303**, as last amended by Laws of Utah 2019, Chapter 210

54 **20A-7-304**, as last amended by Laws of Utah 1995, Chapter 153

55 **20A-7-305**, as last amended by Laws of Utah 2020, Chapter 166

- 56 **20A-7-306**, as last amended by Laws of Utah 2020, Chapter 166
- 57 **20A-7-306.3**, as last amended by Laws of Utah 2011, Chapter 17
- 58 **20A-7-307**, as last amended by Laws of Utah 2020, Chapter 166
- 59 **20A-7-308**, as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 4
- 60 **20A-7-309**, as last amended by Laws of Utah 2010, Chapter 294
- 61 **20A-7-311**, as last amended by Laws of Utah 2020, Chapter 166
- 62 **20A-7-401.5**, as enacted by Laws of Utah 2019, Chapter 203
- 63 **20A-7-502**, as last amended by Laws of Utah 2019, Chapter 203
- 64 **20A-7-503**, as last amended by Laws of Utah 2017, Chapter 291
- 65 **20A-7-504**, as last amended by Laws of Utah 2019, Chapter 203
- 66 **20A-7-505**, as last amended by Laws of Utah 2019, Chapter 203
- 67 **20A-7-506**, as last amended by Laws of Utah 2019, Chapters 203 and 255
- 68 **20A-7-506.3**, as last amended by Laws of Utah 2019, Chapter 203
- 69 **20A-7-507**, as last amended by Laws of Utah 2019, Chapter 203
- 70 **20A-7-508**, as last amended by Laws of Utah 2019, Chapter 203
- 71 **20A-7-510**, as last amended by Laws of Utah 2019, Chapter 203
- 72 **20A-7-601**, as last amended by Laws of Utah 2019, Chapters 203 and 255
- 73 **20A-7-602**, as last amended by Laws of Utah 2019, Chapter 203
- 74 **20A-7-603**, as last amended by Laws of Utah 2019, Chapter 203
- 75 **20A-7-604**, as last amended by Laws of Utah 2019, Chapter 203
- 76 **20A-7-605**, as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 4
- 77 **20A-7-606**, as last amended by Laws of Utah 2019, Chapter 255
- 78 **20A-7-606.3**, as last amended by Laws of Utah 2019, Chapter 203
- 79 **20A-7-607**, as last amended by Laws of Utah 2020, Chapter 31
- 80 **20A-7-608**, as last amended by Laws of Utah 2019, Chapter 203
- 81 **20A-7-610**, as last amended by Laws of Utah 2019, Chapter 203
- 82 **20A-7-611**, as enacted by Laws of Utah 1994, Chapter 272

83 **20A-7-613**, as last amended by Laws of Utah 2020, Chapter 31

84 ENACTS:

85 **20A-7-206.1**, Utah Code Annotated 1953

86 REPEALS:

87 **20A-7-205.5**, as last amended by Laws of Utah 2008, Chapter 237

88

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

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

91 **10-9a-103. Definitions.**

92 As used in this chapter:

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

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

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

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

100 (3) "Affected entity" means a county, municipality, local district, special service
101 district under Title 17D, Chapter 1, Special Service District Act, school district, interlocal
102 cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act, specified
103 public utility, property owner, property owners association, or the Utah Department of
104 Transportation, if:

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

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

109 (c) the entity has filed with the municipality a request for notice during the same

110 calendar year and before the municipality provides notice to an affected entity in compliance
111 with a requirement imposed under this chapter.

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

113 (a) a single project;

114 (b) the subject of a land use approval that sponsors of a referendum timely challenged
115 in accordance with Subsection [20A-7-601\(5\)\(a\)](#); and

116 (c) determined to be legally referable under Section [20A-7-602.8](#).

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

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

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

124 (i) an operating charter school;

125 (ii) a charter school applicant that has its application approved by a charter school
126 authorizer in accordance with Title 53G, Chapter 5, Part 3, Charter School Authorization; or

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

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

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

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

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

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

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

141 (11) "Development activity" means:

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

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

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

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

151 (b) "Disability" does not include current illegal use of, or addiction to, any federally
152 controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C.
153 802.

154 (13) "Educational facility":

155 (a) means:

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

159 (ii) a structure or facility:

160 (A) located on the same property as a building described in Subsection (13)(a)(i); and

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

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

- 164 (b) does not include:
- 165 (i) land or a structure, including land or a structure for inventory storage, equipment
166 storage, food processing or preparing, vehicle storage or maintenance, or similar use that is:
- 167 (A) not located on the same property as a building described in Subsection (13)(a)(i);
168 and
- 169 (B) used in support of the purposes of a building described in Subsection (13)(a)(i); or
170 (ii) a therapeutic school.
- 171 (14) "Fire authority" means the department, agency, or public entity with responsibility
172 to review and approve the feasibility of fire protection and suppression services for the subject
173 property.
- 174 (15) "Flood plain" means land that:
- 175 (a) is within the 100-year flood plain designated by the Federal Emergency
176 Management Agency; or
- 177 (b) has not been studied or designated by the Federal Emergency Management Agency
178 but presents a likelihood of experiencing chronic flooding or a catastrophic flood event because
179 the land has characteristics that are similar to those of a 100-year flood plain designated by the
180 Federal Emergency Management Agency.
- 181 (16) "General plan" means a document that a municipality adopts that sets forth general
182 guidelines for proposed future development of the land within the municipality.
- 183 (17) "Geologic hazard" means:
- 184 (a) a surface fault rupture;
185 (b) shallow groundwater;
186 (c) liquefaction;
187 (d) a landslide;
188 (e) a debris flow;
189 (f) unstable soil;
190 (g) a rock fall; or

- 191 (h) any other geologic condition that presents a risk:
192 (i) to life;
193 (ii) of substantial loss of real property; or
194 (iii) of substantial damage to real property.
- 195 (18) "Historic preservation authority" means a person, board, commission, or other
196 body designated by a legislative body to:
197 (a) recommend land use regulations to preserve local historic districts or areas; and
198 (b) administer local historic preservation land use regulations within a local historic
199 district or area.
- 200 (19) "Hookup fee" means a fee for the installation and inspection of any pipe, line,
201 meter, or appurtenance that connects to a municipal water, sewer, storm water, power, or other
202 utility system.
- 203 (20) "Identical plans" means building plans submitted to a municipality that:
204 (a) are clearly marked as "identical plans";
205 (b) are substantially identical to building plans that were previously submitted to and
206 reviewed and approved by the municipality; and
207 (c) describe a building that:
208 (i) is located on land zoned the same as the land on which the building described in the
209 previously approved plans is located;
210 (ii) is subject to the same geological and meteorological conditions and the same law
211 as the building described in the previously approved plans;
212 (iii) has a floor plan identical to the building plan previously submitted to and reviewed
213 and approved by the municipality; and
214 (iv) does not require any additional engineering or analysis.
- 215 (21) "Impact fee" means a payment of money imposed under Title 11, Chapter 36a,
216 Impact Fees Act.
- 217 (22) "Improvement completion assurance" means a surety bond, letter of credit,

218 financial institution bond, cash, assignment of rights, lien, or other equivalent security required
219 by a municipality to guaranty the proper completion of landscaping or an infrastructure
220 improvement required as a condition precedent to:

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

223 (23) "Improvement warranty" means an applicant's unconditional warranty that the
224 applicant's installed and accepted landscaping or infrastructure improvement:

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

229 (24) "Improvement warranty period" means a period:

- 230 (a) no later than one year after a municipality's acceptance of required landscaping; or
- 231 (b) no later than one year after a municipality's acceptance of required infrastructure,

232 unless the municipality:

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

235 (ii) has substantial evidence, on record:

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

239 (25) "Infrastructure improvement" means permanent infrastructure that is essential for
240 the public health and safety or that:

- 241 (a) is required for human occupation; and
- 242 (b) an applicant must install:
 - 243 (i) in accordance with published installation and inspection specifications for public
244 improvements; and

245 (ii) whether the improvement is public or private, as a condition of:
246 (A) recording a subdivision plat;
247 (B) obtaining a building permit; or
248 (C) development of a commercial, industrial, mixed use, condominium, or multifamily
249 project.

250 (26) "Internal lot restriction" means a platted note, platted demarcation, or platted
251 designation that:

252 (a) runs with the land; and

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

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

257 (27) "Land use applicant" means a property owner, or the property owner's designee,
258 who submits a land use application regarding the property owner's land.

259 (28) "Land use application":

260 (a) means an application that is:

261 (i) required by a municipality; and

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

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

264 (29) "Land use authority" means:

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

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

269 (30) "Land use decision" means an administrative decision of a land use authority or
270 appeal authority regarding:

271 (a) a land use permit;

- 272 (b) a land use application; or
273 (c) the enforcement of a land use regulation, land use permit, or development
274 agreement.
- 275 (31) "Land use permit" means a permit issued by a land use authority.
276 (32) "Land use regulation":
277 (a) means a legislative decision enacted by ordinance, law, code, map, resolution,
278 specification, fee, or rule that governs the use or development of land;
279 (b) includes the adoption or amendment of a zoning map or the text of the zoning code;
280 and
281 (c) does not include:
282 (i) a land use decision of the legislative body acting as the land use authority, even if
283 the decision is expressed in a resolution or ordinance; or
284 (ii) a temporary revision to an engineering specification that does not materially:
285 (A) increase a land use applicant's cost of development compared to the existing
286 specification; or
287 (B) impact a land use applicant's use of land.
288 (33) "Legislative body" means the municipal council.
289 (34) "Local district" means an entity under Title 17B, Limited Purpose Local
290 Government Entities - Local Districts, and any other governmental or quasi-governmental
291 entity that is not a county, municipality, school district, or the state.
292 (35) "Local historic district or area" means a geographically definable area that:
293 (a) contains any combination of buildings, structures, sites, objects, landscape features,
294 archeological sites, or works of art that contribute to the historic preservation goals of a
295 legislative body; and
296 (b) is subject to land use regulations to preserve the historic significance of the local
297 historic district or area.
298 (36) "Lot" means a tract of land, regardless of any label, that is created by and shown

299 on a subdivision plat that has been recorded in the office of the county recorder.

300 (37) (a) "Lot line adjustment" means a relocation of a lot line boundary between
301 adjoining lots or parcels, whether or not the lots are located in the same subdivision, in
302 accordance with Section 10-9a-608, with the consent of the owners of record.

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

304 (i) creates an additional lot; or

305 (ii) constitutes a subdivision.

306 (38) "Major transit investment corridor" means public transit service that uses or
307 occupies:

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

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

310 or

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

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

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

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

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

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

321 (b) is not a protected utility easement or a public utility easement as defined in Section
322 54-3-27;

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

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

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

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

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

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

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

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

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

338 (a) legally existed before its current land use designation; and

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

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

343 (a) legally existed before its current land use designation;

344 (b) has been maintained continuously since the time the land use ordinance governing
345 the land changed; and

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

348 (44) "Official map" means a map drawn by municipal authorities and recorded in a
349 county recorder's office that:

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

352 (b) provides a basis for restricting development in designated rights-of-way or between

353 designated setbacks to allow the government authorities time to purchase or otherwise reserve
354 the land; and

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

356 (45) "Parcel" means any real property that is not a lot created by and shown on a
357 subdivision plat recorded in the office of the county recorder.

358 (46) (a) "Parcel boundary adjustment" means a recorded agreement between owners of
359 adjoining parcels adjusting the mutual boundary, either by deed or by a boundary line
360 agreement in accordance with Section 57-1-45, if no additional parcel is created and:

361 (i) none of the property identified in the agreement is subdivided land; or

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

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

365 (i) creates an additional parcel; or

366 (ii) constitutes a subdivision.

367 (47) "Person" means an individual, corporation, partnership, organization, association,
368 trust, governmental agency, or any other legal entity.

369 (48) "Plan for moderate income housing" means a written document adopted by a
370 municipality's legislative body that includes:

371 (a) an estimate of the existing supply of moderate income housing located within the
372 municipality;

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

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

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

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

380 (49) "Plat" means a map or other graphical representation of lands that a licensed
381 professional land surveyor makes and prepares in accordance with Section 10-9a-603 or
382 57-8-13.

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

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

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

390 (51) "Public agency" means:

391 (a) the federal government;

392 (b) the state;

393 (c) a county, municipality, school district, local district, special service district, or other
394 political subdivision of the state; or

395 (d) a charter school.

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

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

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

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

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

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

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

411 (b) (i) which is licensed or certified by the Department of Human Services under Title
412 62A, Chapter 2, Licensure of Programs and Facilities; or

413 (ii) which is licensed or certified by the Department of Health under Title 26, Chapter
414 21, Health Care Facility Licensing and Inspection Act.

415 (58) "Rules of order and procedure" means a set of rules that govern and prescribe in a
416 public meeting:

417 (a) parliamentary order and procedure;

418 (b) ethical behavior; and

419 (c) civil discourse.

420 (59) "Sanitary sewer authority" means the department, agency, or public entity with
421 responsibility to review and approve the feasibility of sanitary sewer services or onsite
422 wastewater systems.

423 (60) "Sending zone" means an area of a municipality that the municipality designates,
424 by ordinance, as an area from which an owner of land may transfer a transferable development
425 right.

426 (61) "Specified public agency" means:

427 (a) the state;

428 (b) a school district; or

429 (c) a charter school.

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

432 (63) "State" includes any department, division, or agency of the state.

433 (64) "Subdivided land" means the land, tract, or lot described in a recorded subdivision

434 plat.

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

439 (b) "Subdivision" includes:

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

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

446 (c) "Subdivision" does not include:

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

451 (ii) an agreement recorded with the county recorder's office between owners of
452 adjoining unsubdivided properties adjusting the mutual boundary by a boundary line agreement
453 in accordance with Section [57-1-45](#) if:

454 (A) no new lot is created; and

455 (B) the adjustment does not violate applicable land use ordinances;

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

457 (A) revising the legal description of more than one contiguous parcel of property that is
458 not subdivided land into one legal description encompassing all such parcels of property; or

459 (B) joining a subdivided parcel of property to another parcel of property that has not
460 been subdivided, if the joinder does not violate applicable land use ordinances;

461 (iv) an agreement between owners of adjoining subdivided properties adjusting the
462 mutual lot line boundary in accordance with Section 10-9a-603 if:

463 (A) no new dwelling lot or housing unit will result from the adjustment; and

464 (B) the adjustment will not violate any applicable land use ordinance;

465 (v) a bona fide division or partition of land by deed or other instrument where the land
466 use authority expressly approves in writing the division in anticipation of further land use
467 approvals on the parcel or parcels;

468 (vi) a parcel boundary adjustment;

469 (vii) a lot line adjustment;

470 (viii) a road, street, or highway dedication plat; or

471 (ix) a deed or easement for a road, street, or highway purpose.

472 (d) The joining of a subdivided parcel of property to another parcel of property that has
473 not been subdivided does not constitute a subdivision under this Subsection (65) as to the
474 unsubdivided parcel of property or subject the unsubdivided parcel to the municipality's
475 subdivision ordinance.

476 (66) "Subdivision amendment" means an amendment to a recorded subdivision in
477 accordance with Section 10-9a-608 that:

478 (a) vacates all or a portion of the subdivision;

479 (b) alters the outside boundary of the subdivision;

480 (c) changes the number of lots within the subdivision;

481 (d) alters a public right-of-way, a public easement, or public infrastructure within the
482 subdivision; or

483 (e) alters a common area or other common amenity within the subdivision.

484 (67) "Suspect soil" means soil that has:

485 (a) a high susceptibility for volumetric change, typically clay rich, having more than a
486 3% swell potential;

487 (b) bedrock units with high shrink or swell susceptibility; or

488 (c) gypsiferous silt and clay, gypsum, or bedrock units containing abundant gypsum
489 commonly associated with dissolution and collapse features.

490 (68) "Therapeutic school" means a residential group living facility:

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

492 (i) the owner of the facility; or

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

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

495 (i) at home;

496 (ii) in a public school; or

497 (iii) in a nonresidential private school; and

498 (c) that offers:

499 (i) room and board; and

500 (ii) an academic education integrated with:

501 (A) specialized structure and supervision; or

502 (B) services or treatment related to a disability, an emotional development, a
503 behavioral development, a familial development, or a social development.

504 (69) "Transferable development right" means a right to develop and use land that
505 originates by an ordinance that authorizes a land owner in a designated sending zone to transfer
506 land use rights from a designated sending zone to a designated receiving zone.

507 (70) "Unincorporated" means the area outside of the incorporated area of a city or
508 town.

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

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

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

512 (i) a contract; or

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

514 (72) "Zoning map" means a map, adopted as part of a land use ordinance, that depicts

515 land use zones, overlays, or districts.

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

517 **10-9a-509. Applicant's entitlement to land use application approval --**
518 **Municipality's requirements and limitations -- Vesting upon submission of development**
519 **plan and schedule.**

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

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

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

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

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

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

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

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

539 (ii) the proceedings have not resulted in an enactment that prohibits approval of the
540 application as submitted.

541 (c) A land use application is considered submitted and complete when the applicant

542 provides the application in a form that complies with the requirements of applicable ordinances
543 and pays all applicable fees.

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

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

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

551 (i) this chapter;

552 (ii) a municipal ordinance; or

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

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

557 (i) in a land use permit;

558 (ii) on the subdivision plat;

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

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

562 (v) in this chapter; or

563 (vi) in a municipal ordinance.

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

567 (i) in the building permit or subdivision plat, documents on which the building permit
568 or subdivision plat is based, or the written record evidencing approval of the land use permit or

569 subdivision plat; or

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

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

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

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

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

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

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

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

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

593 (ii) no later than seven days after the day on which a petition for a referendum is
594 determined sufficient under [Section]Subsection 20A-7-607[~~(5)~~](4).

595 (b) Upon delivery of a written notice described in Subsection (5)(a) the following are

596 rescinded and are of no further force or effect:

597 (i) the relevant land use approval; and

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

599 Section 3. Section **11-14-301** is amended to read:

600 **11-14-301. Issuance of bonds by governing body -- Computation of indebtedness**
601 **under constitutional and statutory limitations.**

602 (1) If the governing body has declared the bond proposition to have carried and no
603 contest has been filed, or if a contest has been filed and favorably terminated, the governing
604 body may proceed to issue the bonds voted at the election.

605 (2) (a) It is not necessary that all of the bonds be issued at one time, but, except as
606 otherwise provided in this Subsection (2), bonds approved by the voters may not be issued
607 more than 10 years after the day on which the election is held.

608 (b) The 10-year period described in Subsection (2)(a) is tolled if, at any time during the
609 10-year period:

610 (i) an application for a referendum petition is filed with a local clerk, in accordance
611 with Section [20A-7-602](#), with respect to the local obligation law relating to the bonds; or

612 (ii) the bonds are challenged in a court of law or an administrative proceeding in
613 relation to:

614 (A) the legality or validity of the bonds, or the election or proceedings authorizing the
615 bonds;

616 (B) the authority of the local political subdivision to issue the bonds;

617 (C) the provisions made for the security or payment of the bonds; or

618 (D) any other issue that materially and adversely affects the marketability of the bonds,
619 as determined by the individual or body that holds the executive powers of the local political
620 subdivision.

621 (c) For a bond described in this section that is approved by voters on or after May 8,
622 2002, but before May 14, 2019, a tolling period described in Subsection (2)(b)(i) ends on the

623 later of the day on which:

624 (i) the local clerk determines that the petition is insufficient, in accordance with
625 Subsection ~~20A-7-607(2)(c)~~(e), unless an application, described in Subsection
626 ~~20A-7-607(4)~~(3)(a), is made to a court;

627 (ii) a court determines, under Subsection ~~20A-7-607(4)~~(3)(c), that the petition for the
628 referendum is not legally sufficient; or

629 (iii) for a referendum petition that is sufficient, the governing body declares, as
630 provided by law, the results of the referendum election on the local obligation law.

631 (d) For a bond described in this section that was approved by voters on or after May
632 14, 2019, a tolling period described in Subsection (2)(b)(i) ends:

633 (i) if a county, city, town, metro township, or court determines, under Section
634 ~~20A-7-602.7~~, that the proposed referendum is not legally referable to voters, the later of:

635 (A) the day on which the county, city, town, or metro township provides the notice
636 described in Subsection ~~20A-7-602.7~~(1)(b)(ii); or

637 (B) if a sponsor appeals, under Subsection ~~20A-7-602.7~~(4), the day on which a court
638 decision that the proposed referendum is not legally referable to voters becomes final; or

639 (ii) if a county, city, town, metro township, or court determines, under Section
640 ~~20A-7-602.7~~, that the proposed referendum is legally referable to voters, the later of:

641 (A) the day on which the local clerk determines, under Section ~~20A-7-607~~, that the
642 number of certified names is insufficient for the proposed referendum to appear on the ballot;
643 or

644 (B) if the local clerk determines, under Section ~~20A-7-607~~, that the number of certified
645 names is sufficient for the proposed referendum to appear on the ballot, the day on which the
646 governing body declares, as provided by law, the results of the referendum election on the local
647 obligation law.

648 (e) A tolling period described in Subsection (2)(b)(ii) ends after:

649 (i) there is a final settlement, a final adjudication, or another type of final resolution of

650 all challenges described in Subsection (2)(b)(i); and

651 (ii) the individual or body that holds the executive powers of the local political
652 subdivision issues a document indicating that all challenges described in Subsection (2)(b)(ii)
653 are resolved and final.

654 (f) If the 10-year period described in Subsection (2)(a) is tolled under this Subsection
655 (2) and, when the tolling ends and after giving effect to the tolling, the period of time
656 remaining to issue the bonds is less than one year, the period of time remaining to issue the
657 bonds shall be extended to one year.

658 (g) The tolling provisions described in this Subsection (2) apply to all bonds described
659 in this section that were approved by voters on or after May 8, 2002.

660 (3) (a) Bonds approved by the voters may not be issued to an amount that will cause
661 the indebtedness of the local political subdivision to exceed that permitted by the Utah
662 Constitution or statutes.

663 (b) In computing the amount of indebtedness that may be incurred pursuant to
664 constitutional and statutory limitations, the constitutionally or statutorily permitted percentage,
665 as the case may be, shall be applied to the fair market value, as defined under Section 59-2-102,
666 of the taxable property in the local political subdivision, as computed from the last applicable
667 equalized assessment roll before the incurring of the additional indebtedness.

668 (c) In determining the fair market value of the taxable property in the local political
669 subdivision as provided in this section, the value of all tax equivalent property, as defined in
670 Section 59-3-102, shall be included as a part of the total fair market value of taxable property
671 in the local political subdivision, as provided in Title 59, Chapter 3, Tax Equivalent Property
672 Act.

673 (4) Bonds of improvement districts issued in a manner that they are payable solely
674 from the revenues to be derived from the operation of the facilities of the district may not be
675 included as bonded indebtedness for the purposes of the computation.

676 (5) Where bonds are issued by a city, town, or county payable solely from revenues

677 derived from the operation of revenue-producing facilities of the city, town, or county, or
678 payable solely from a special fund into which are deposited excise taxes levied and collected by
679 the city, town, or county, or excise taxes levied by the state and rebated pursuant to law to the
680 city, town, or county, or any combination of those excise taxes, the bonds shall be included as
681 bonded indebtedness of the city, town, or county only to the extent required by the Utah
682 Constitution, and any bonds not so required to be included as bonded indebtedness of the city,
683 town, or county need not be authorized at an election, except as otherwise provided by the Utah
684 Constitution, the bonds being hereby expressly excluded from the election requirement of
685 Section 11-14-201.

686 (6) A bond election is not void when the amount of bonds authorized at the election
687 exceeded the limitation applicable to the local political subdivision at the time of holding the
688 election, but the bonds may be issued from time to time in an amount within the applicable
689 limitation at the time the bonds are issued.

690 (7) (a) A local political subdivision may not receive, from the issuance of bonds
691 approved by the voters at an election, an aggregate amount that exceeds by more than 2% the
692 maximum principal amount stated in the bond proposition.

693 (b) The provision in Subsection (7)(a) applies to bonds issued pursuant to an election
694 held after January 1, 2019.

695 Section 4. Section 17-27a-103 is amended to read:

696 **17-27a-103. Definitions.**

697 As used in this chapter:

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

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

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

703 (b) will suffer a damage different in kind than, or an injury distinct from, that of the

704 general community as a result of the land use decision.

705 (3) "Affected entity" means a county, municipality, local district, special service
706 district under Title 17D, Chapter 1, Special Service District Act, school district, interlocal
707 cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act, specified
708 property owner, property owners association, public utility, or the Utah Department of
709 Transportation, if:

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

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

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

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

718 (a) a single project;

719 (b) the subject of a land use approval that sponsors of a referendum timely challenged
720 in accordance with Subsection [20A-7-601\(5\)\(a\)](#); and

721 (c) determined to be legally referable under Section [20A-7-602.8](#).

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

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

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

729 (i) an operating charter school;

730 (ii) a charter school applicant that has its application approved by a charter school

731 authorizer in accordance with Title 53G, Chapter 5, Part 3, Charter School Authorization; or
732 (iii) an entity that is working on behalf of a charter school or approved charter
733 applicant to develop or construct a charter school building.

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

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

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

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

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

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

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

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

748 (b) is not a protected utility easement or a public utility easement as defined in Section
749 [54-3-27](#);

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

751 (d) (i) either:

752 (A) no person uses or occupies; or

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

756 (ii) a person uses or occupies with or without an authorized franchise or other
757 agreement with the county.

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

761 (13) "Development activity" means:

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

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

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

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

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

774 (15) "Educational facility":

775 (a) means:

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

779 (ii) a structure or facility:

780 (A) located on the same property as a building described in Subsection (15)(a)(i); and

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

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

784 (b) does not include:

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

787 (A) not located on the same property as a building described in Subsection (15)(a)(i);

788 and

789 (B) used in support of the purposes of a building described in Subsection (15)(a)(i); or

790 (ii) a therapeutic school.

791 (16) "Fire authority" means the department, agency, or public entity with responsibility
792 to review and approve the feasibility of fire protection and suppression services for the subject
793 property.

794 (17) "Flood plain" means land that:

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

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

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

802 (19) "General plan" means a document that a county adopts that sets forth general
803 guidelines for proposed future development of:

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

805 (b) for a mountainous planning district, the land within the mountainous planning
806 district.

807 (20) "Geologic hazard" means:

808 (a) a surface fault rupture;

809 (b) shallow groundwater;

810 (c) liquefaction;

811 (d) a landslide;

- 812 (e) a debris flow;
- 813 (f) unstable soil;
- 814 (g) a rock fall; or
- 815 (h) any other geologic condition that presents a risk:
- 816 (i) to life;
- 817 (ii) of substantial loss of real property; or
- 818 (iii) of substantial damage to real property.
- 819 (21) "Hookup fee" means a fee for the installation and inspection of any pipe, line,
- 820 meter, or appurtenance to connect to a county water, sewer, storm water, power, or other utility
- 821 system.
- 822 (22) "Identical plans" means building plans submitted to a county that:
- 823 (a) are clearly marked as "identical plans";
- 824 (b) are substantially identical building plans that were previously submitted to and
- 825 reviewed and approved by the county; and
- 826 (c) describe a building that:
- 827 (i) is located on land zoned the same as the land on which the building described in the
- 828 previously approved plans is located;
- 829 (ii) is subject to the same geological and meteorological conditions and the same law
- 830 as the building described in the previously approved plans;
- 831 (iii) has a floor plan identical to the building plan previously submitted to and reviewed
- 832 and approved by the county; and
- 833 (iv) does not require any additional engineering or analysis.
- 834 (23) "Impact fee" means a payment of money imposed under Title 11, Chapter 36a,
- 835 Impact Fees Act.
- 836 (24) "Improvement completion assurance" means a surety bond, letter of credit,
- 837 financial institution bond, cash, assignment of rights, lien, or other equivalent security required
- 838 by a county to guaranty the proper completion of landscaping or an infrastructure improvement

839 required as a condition precedent to:

840 (a) recording a subdivision plat; or

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

842 (25) "Improvement warranty" means an applicant's unconditional warranty that the
843 applicant's installed and accepted landscaping or infrastructure improvement:

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

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

848 (26) "Improvement warranty period" means a period:

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

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

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

854 (ii) has substantial evidence, on record:

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

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

858 (27) "Infrastructure improvement" means permanent infrastructure that is essential for
859 the public health and safety or that:

860 (a) is required for human consumption; and

861 (b) an applicant must install:

862 (i) in accordance with published installation and inspection specifications for public
863 improvements; and

864 (ii) as a condition of:

865 (A) recording a subdivision plat;

866 (B) obtaining a building permit; or
867 (C) developing a commercial, industrial, mixed use, condominium, or multifamily
868 project.

869 (28) "Internal lot restriction" means a platted note, platted demarcation, or platted
870 designation that:

- 871 (a) runs with the land; and
- 872 (b) (i) creates a restriction that is enclosed within the perimeter of a lot described on
873 the plat; or
- 874 (ii) designates a development condition that is enclosed within the perimeter of a lot
875 described on the plat.

876 (29) "Interstate pipeline company" means a person or entity engaged in natural gas
877 transportation subject to the jurisdiction of the Federal Energy Regulatory Commission under
878 the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.

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

882 (31) "Land use applicant" means a property owner, or the property owner's designee,
883 who submits a land use application regarding the property owner's land.

884 (32) "Land use application":

- 885 (a) means an application that is:
 - 886 (i) required by a county; and
 - 887 (ii) submitted by a land use applicant to obtain a land use decision; and
- 888 (b) does not mean an application to enact, amend, or repeal a land use regulation.

889 (33) "Land use authority" means:

- 890 (a) a person, board, commission, agency, or body, including the local legislative body,
891 designated by the local legislative body to act upon a land use application; or
- 892 (b) if the local legislative body has not designated a person, board, commission,

893 agency, or body, the local legislative body.

894 (34) "Land use decision" means an administrative decision of a land use authority or
895 appeal authority regarding:

896 (a) a land use permit;

897 (b) a land use application; or

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

900 (35) "Land use permit" means a permit issued by a land use authority.

901 (36) "Land use regulation":

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

904 (b) includes the adoption or amendment of a zoning map or the text of the zoning code;

905 and

906 (c) does not include:

907 (i) a land use decision of the legislative body acting as the land use authority, even if
908 the decision is expressed in a resolution or ordinance; or

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

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

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

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

915 (38) "Local district" means any entity under Title 17B, Limited Purpose Local
916 Government Entities - Local Districts, and any other governmental or quasi-governmental
917 entity that is not a county, municipality, school district, or the state.

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

920 (40) (a) "Lot line adjustment" means a relocation of a lot line boundary between
921 adjoining lots or parcels, whether or not the lots are located in the same subdivision, in
922 accordance with Section 17-27a-608, with the consent of the owners of record.

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

924 (i) creates an additional lot; or

925 (ii) constitutes a subdivision.

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

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

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

930 or

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

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

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

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

938 (43) "Mountainous planning district" means an area:

939 (a) designated by a county legislative body in accordance with Section 17-27a-901; and

940 (b) that is not otherwise exempt under Section 10-9a-304.

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

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

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

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

947 (a) legally existed before its current land use designation; and
948 (b) because of one or more subsequent land use ordinance changes, does not conform
949 to the setback, height restrictions, or other regulations, excluding those regulations that govern
950 the use of land.

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

952 (a) legally existed before its current land use designation;
953 (b) has been maintained continuously since the time the land use ordinance regulation
954 governing the land changed; and

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

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

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

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

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

965 (48) "Parcel" means any real property that is not a lot created by and shown on a
966 subdivision plat recorded in the office of the county recorder.

967 (49) (a) "Parcel boundary adjustment" means a recorded agreement between owners of
968 adjoining parcels adjusting the mutual boundary, either by deed or by a boundary line
969 agreement in accordance with Section 57-1-45, if no additional parcel is created and:

970 (i) none of the property identified in the agreement is subdivided land; or

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

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

974 (i) creates an additional parcel; or

975 (ii) constitutes a subdivision.

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

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

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

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

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

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

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

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

994 (53) "Plat" means a map or other graphical representation of lands that a licensed
995 professional land surveyor makes and prepares in accordance with Section [17-27a-603](#) or
996 [57-8-13](#).

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

998 (a) is designated by a Utah Geological Survey map, county geologist map, or other
999 relevant map or report as needing further study to determine the area's potential for geologic
1000 hazard; or

1001 (b) has not been studied by the Utah Geological Survey or a county geologist but
1002 presents the potential of geologic hazard because the area has characteristics similar to those of
1003 a designated geologic hazard area.

1004 (55) "Public agency" means:

1005 (a) the federal government;

1006 (b) the state;

1007 (c) a county, municipality, school district, local district, special service district, or other
1008 political subdivision of the state; or

1009 (d) a charter school.

1010 (56) "Public hearing" means a hearing at which members of the public are provided a
1011 reasonable opportunity to comment on the subject of the hearing.

1012 (57) "Public meeting" means a meeting that is required to be open to the public under
1013 Title 52, Chapter 4, Open and Public Meetings Act.

1014 (58) "Public street" means a public right-of-way, including a public highway, public
1015 avenue, public boulevard, public parkway, public road, public lane, public alley, public
1016 viaduct, public subway, public tunnel, public bridge, public byway, other public transportation
1017 easement, or other public way.

1018 (59) "Receiving zone" means an unincorporated area of a county that the county
1019 designates, by ordinance, as an area in which an owner of land may receive a transferable
1020 development right.

1021 (60) "Record of survey map" means a map of a survey of land prepared in accordance
1022 with Section [10-9a-603](#), [17-23-17](#), [17-27a-603](#), or [57-8-13](#).

1023 (61) "Residential facility for persons with a disability" means a residence:

1024 (a) in which more than one person with a disability resides; and

1025 (b) (i) which is licensed or certified by the Department of Human Services under Title
1026 62A, Chapter 2, Licensure of Programs and Facilities; or

1027 (ii) which is licensed or certified by the Department of Health under Title 26, Chapter

1028 21, Health Care Facility Licensing and Inspection Act.

1029 (62) "Rules of order and procedure" means a set of rules that govern and prescribe in a
1030 public meeting:

1031 (a) parliamentary order and procedure;

1032 (b) ethical behavior; and

1033 (c) civil discourse.

1034 (63) "Sanitary sewer authority" means the department, agency, or public entity with
1035 responsibility to review and approve the feasibility of sanitary sewer services or onsite
1036 wastewater systems.

1037 (64) "Sending zone" means an unincorporated area of a county that the county
1038 designates, by ordinance, as an area from which an owner of land may transfer a transferable
1039 development right.

1040 (65) "Site plan" means a document or map that may be required by a county during a
1041 preliminary review preceding the issuance of a building permit to demonstrate that an owner's
1042 or developer's proposed development activity meets a land use requirement.

1043 (66) "Specified public agency" means:

1044 (a) the state;

1045 (b) a school district; or

1046 (c) a charter school.

1047 (67) "Specified public utility" means an electrical corporation, gas corporation, or
1048 telephone corporation, as those terms are defined in Section [54-2-1](#).

1049 (68) "State" includes any department, division, or agency of the state.

1050 (69) "Subdivided land" means the land, tract, or lot described in a recorded subdivision
1051 plat.

1052 (70) (a) "Subdivision" means any land that is divided, resubdivided, or proposed to be
1053 divided into two or more lots or other division of land for the purpose, whether immediate or
1054 future, for offer, sale, lease, or development either on the installment plan or upon any and all

1055 other plans, terms, and conditions.

1056 (b) "Subdivision" includes:

1057 (i) the division or development of land whether by deed, metes and bounds description,
1058 devise and testacy, map, plat, or other recorded instrument, regardless of whether the division
1059 includes all or a portion of a parcel or lot; and

1060 (ii) except as provided in Subsection (70)(c), divisions of land for residential and
1061 nonresidential uses, including land used or to be used for commercial, agricultural, and
1062 industrial purposes.

1063 (c) "Subdivision" does not include:

1064 (i) a bona fide division or partition of agricultural land for agricultural purposes;

1065 (ii) an agreement recorded with the county recorder's office between owners of
1066 adjoining properties adjusting the mutual boundary by a boundary line agreement in accordance
1067 with Section 57-1-45 if:

1068 (A) no new lot is created; and

1069 (B) the adjustment does not violate applicable land use ordinances;

1070 (iii) a recorded document, executed by the owner of record:

1071 (A) revising the legal description of more than one contiguous parcel of property that is
1072 not subdivided land into one legal description encompassing all such parcels of property; or

1073 (B) joining a subdivided parcel of property to another parcel of property that has not
1074 been subdivided, if the joinder does not violate applicable land use ordinances;

1075 (iv) a bona fide division or partition of land in a county other than a first class county
1076 for the purpose of siting, on one or more of the resulting separate parcels:

1077 (A) an electrical transmission line or a substation;

1078 (B) a natural gas pipeline or a regulation station; or

1079 (C) an unmanned telecommunications, microwave, fiber optic, electrical, or other
1080 utility service regeneration, transformation, retransmission, or amplification facility;

1081 (v) an agreement between owners of adjoining subdivided properties adjusting the

- 1082 mutual lot line boundary in accordance with Section 10-9a-603 if:
- 1083 (A) no new dwelling lot or housing unit will result from the adjustment; and
- 1084 (B) the adjustment will not violate any applicable land use ordinance;
- 1085 (vi) a bona fide division or partition of land by deed or other instrument where the land
- 1086 use authority expressly approves in writing the division in anticipation of further land use
- 1087 approvals on the parcel or parcels;
- 1088 (vii) a parcel boundary adjustment;
- 1089 (viii) a lot line adjustment;
- 1090 (ix) a road, street, or highway dedication plat; or
- 1091 (x) a deed or easement for a road, street, or highway purpose.
- 1092 (d) The joining of a subdivided parcel of property to another parcel of property that has
- 1093 not been subdivided does not constitute a subdivision under this Subsection (70) as to the
- 1094 unsubdivided parcel of property or subject the unsubdivided parcel to the county's subdivision
- 1095 ordinance.
- 1096 (71) "Subdivision amendment" means an amendment to a recorded subdivision in
- 1097 accordance with Section 17-27a-608 that:
- 1098 (a) vacates all or a portion of the subdivision;
- 1099 (b) alters the outside boundary of the subdivision;
- 1100 (c) changes the number of lots within the subdivision;
- 1101 (d) alters a public right-of-way, a public easement, or public infrastructure within the
- 1102 subdivision; or
- 1103 (e) alters a common area or other common amenity within the subdivision.
- 1104 (72) "Suspect soil" means soil that has:
- 1105 (a) a high susceptibility for volumetric change, typically clay rich, having more than a
- 1106 3% swell potential;
- 1107 (b) bedrock units with high shrink or swell susceptibility; or
- 1108 (c) gypsiferous silt and clay, gypsum, or bedrock units containing abundant gypsum

1109 commonly associated with dissolution and collapse features.

1110 (73) "Therapeutic school" means a residential group living facility:

1111 (a) for four or more individuals who are not related to:

1112 (i) the owner of the facility; or

1113 (ii) the primary service provider of the facility;

1114 (b) that serves students who have a history of failing to function:

1115 (i) at home;

1116 (ii) in a public school; or

1117 (iii) in a nonresidential private school; and

1118 (c) that offers:

1119 (i) room and board; and

1120 (ii) an academic education integrated with:

1121 (A) specialized structure and supervision; or

1122 (B) services or treatment related to a disability, an emotional development, a

1123 behavioral development, a familial development, or a social development.

1124 (74) "Transferable development right" means a right to develop and use land that

1125 originates by an ordinance that authorizes a land owner in a designated sending zone to transfer

1126 land use rights from a designated sending zone to a designated receiving zone.

1127 (75) "Unincorporated" means the area outside of the incorporated area of a

1128 municipality.

1129 (76) "Water interest" means any right to the beneficial use of water, including:

1130 (a) each of the rights listed in Section 73-1-11; and

1131 (b) an ownership interest in the right to the beneficial use of water represented by:

1132 (i) a contract; or

1133 (ii) a share in a water company, as defined in Section 73-3-3.5.

1134 (77) "Zoning map" means a map, adopted as part of a land use ordinance, that depicts

1135 land use zones, overlays, or districts.

1136 Section 5. Section 17-27a-508 is amended to read:

1137 **17-27a-508. Applicant's entitlement to land use application approval --**
1138 **Application relating to land in a high priority transportation corridor -- County's**
1139 **requirements and limitations -- Vesting upon submission of development plan and**
1140 **schedule.**

1141 (1) (a) (i) An applicant who has submitted a complete land use application, including
1142 the payment of all application fees, is entitled to substantive review of the application under the
1143 land use regulations:

1144 (A) in effect on the date that the application is complete; and

1145 (B) applicable to the application or to the information shown on the submitted
1146 application.

1147 (ii) An applicant is entitled to approval of a land use application if the application
1148 conforms to the requirements of the applicable land use regulations, land use decisions, and
1149 development standards in effect when the applicant submits a complete application and pays all
1150 application fees, unless:

1151 (A) the land use authority, on the record, formally finds that a compelling,
1152 countervailing public interest would be jeopardized by approving the application and specifies
1153 the compelling, countervailing public interest in writing; or

1154 (B) in the manner provided by local ordinance and before the applicant submits the
1155 application, the county formally initiates proceedings to amend the county's land use
1156 regulations in a manner that would prohibit approval of the application as submitted.

1157 (b) The county shall process an application without regard to proceedings the county
1158 initiated to amend the county's ordinances as described in Subsection (1)(a)(ii)(B) if:

1159 (i) 180 days have passed since the county initiated the proceedings; and

1160 (ii) the proceedings have not resulted in an enactment that prohibits approval of the
1161 application as submitted.

1162 (c) A land use application is considered submitted and complete when the applicant

1163 provides the application in a form that complies with the requirements of applicable ordinances
1164 and pays all applicable fees.

1165 (d) The continuing validity of an approval of a land use application is conditioned upon
1166 the applicant proceeding after approval to implement the approval with reasonable diligence.

1167 (e) A county may not impose on an applicant who has submitted a complete
1168 application a requirement that is not expressed:

1169 (i) in this chapter;

1170 (ii) in a county ordinance; or

1171 (iii) in a county specification for public improvements applicable to a subdivision or
1172 development that is in effect on the date that the applicant submits an application.

1173 (f) A county may not impose on a holder of an issued land use permit or a final,
1174 unexpired subdivision plat a requirement that is not expressed:

1175 (i) in a land use permit;

1176 (ii) on the subdivision plat;

1177 (iii) in a document on which the land use permit or subdivision plat is based;

1178 (iv) in the written record evidencing approval of the land use permit or subdivision
1179 plat;

1180 (v) in this chapter; or

1181 (vi) in a county ordinance.

1182 (g) Except as provided in Subsection (1)(h), a county may not withhold issuance of a
1183 certificate of occupancy or acceptance of subdivision improvements because of an applicant's
1184 failure to comply with a requirement that is not expressed:

1185 (i) in the building permit or subdivision plat, documents on which the building permit
1186 or subdivision plat is based, or the written record evidencing approval of the building permit or
1187 subdivision plat; or

1188 (ii) in this chapter or the county's ordinances.

1189 (h) A county may not unreasonably withhold issuance of a certificate of occupancy

1190 where an applicant has met all requirements essential for the public health, public safety, and
1191 general welfare of the occupants, in accordance with this chapter, unless:

1192 (i) the applicant and the county have agreed in a written document to the withholding
1193 of a certificate of occupancy; or

1194 (ii) the applicant has not provided a financial assurance for required and uncompleted
1195 landscaping or infrastructure improvements in accordance with an applicable ordinance that the
1196 legislative body adopts under this chapter.

1197 (2) A county is bound by the terms and standards of applicable land use regulations and
1198 shall comply with mandatory provisions of those regulations.

1199 (3) A county may not, as a condition of land use application approval, require a person
1200 filing a land use application to obtain documentation regarding a school district's willingness,
1201 capacity, or ability to serve the development proposed in the land use application.

1202 (4) Upon a specified public agency's submission of a development plan and schedule as
1203 required in Subsection 17-27a-305(8) that complies with the requirements of that subsection,
1204 the specified public agency vests in the county's applicable land use maps, zoning map, hookup
1205 fees, impact fees, other applicable development fees, and land use regulations in effect on the
1206 date of submission.

1207 (5) (a) If sponsors of a referendum timely challenge a project in accordance with
1208 Subsection 20A-7-601(5)(~~a~~), the project's affected owner may rescind the project's land use
1209 approval by delivering a written notice:

1210 (i) to the local clerk as defined in Section 20A-7-101; and

1211 (ii) no later than seven days after the day on which a petition for a referendum is
1212 determined sufficient under [Section] Subsection 20A-7-607(~~5~~)(4).

1213 (b) Upon delivery of a written notice described in Subsection (5)(a) the following are
1214 rescinded and are of no further force or effect:

1215 (i) the relevant land use approval; and

1216 (ii) any land use regulation enacted specifically in relation to the land use approval.

1217 Section 6. Section **20A-1-609** is amended to read:

1218 **20A-1-609. Omnibus penalties.**

1219 (1) (a) Except as provided in Subsection (1)(b), a person who violates any provision of
1220 this title is guilty of a class B misdemeanor.

1221 (b) Subsection (1)(a) does not apply to a provision of this title for which another
1222 penalty is expressly stated.

1223 (c) An individual is not guilty of a crime for, by signing a petition for an initiative or
1224 referendum, falsely making the statement described in Subsection ~~20A-7-203(2)(e)(h)(ii)~~,
1225 ~~20A-7-303(2)(h)(ii)~~, ~~20A-7-503(2)(e)(h)(ii)~~, or ~~20A-7-603(2)(h)~~.

1226 (2) Except as provided by Section ~~20A-2-101.3~~ or ~~20A-2-101.5~~, an individual
1227 convicted of any offense under this title may not:

1228 (a) file a declaration of candidacy for any office or appear on the ballot as a candidate
1229 for any office during the election cycle in which the violation occurred;

1230 (b) take or hold the office to which the individual was elected; and

1231 (c) receive the emoluments of the office to which the individual was elected.

1232 (3) (a) Any individual convicted of any offense under this title forfeits the right to vote
1233 at any election unless the right to vote is restored as provided in Section ~~20A-2-101.3~~ or
1234 ~~20A-2-101.5~~.

1235 (b) Any person may challenge the right to vote of a person described in Subsection
1236 (3)(a) by following the procedures and requirements of Section ~~20A-3a-803~~.

1237 Section 7. Section **20A-7-202** is amended to read:

1238 **20A-7-202. Statewide initiative process -- Application procedures -- Time to**
1239 **gather signatures -- Grounds for rejection.**

1240 (1) ~~[Persons]~~ Individuals wishing to circulate an initiative petition shall file an
1241 application with the lieutenant governor.

1242 (2) The application shall contain:

1243 (a) the name and residence address of at least five sponsors of the initiative petition;

- 1244 (b) a statement indicating that each of the sponsors[~~:(i) is a resident of Utah; and~~] is
1245 registered to vote in Utah;
1246 [~~(ii) has voted in a regular general election in Utah within the last three years;~~]
1247 (c) the signature of each of the sponsors, attested to by a notary public;
1248 (d) a copy of the proposed law that includes, in the following order:
1249 (i) the title of the proposed law, that clearly expresses the subject of the law;
1250 (ii) a description of all proposed sources of funding for the costs associated with the
1251 proposed law, including the proposed percentage of total funding from each source; and
1252 (iii) the text of the proposed law;
1253 (e) if the initiative petition proposes a tax increase, the following statement, "This
1254 initiative petition seeks to increase the current (insert name of tax) rate by (insert the tax
1255 percentage difference) percent, resulting in a(n) (insert the tax percentage increase) percent
1256 increase in the current tax rate."; and
1257 (f) a statement indicating whether persons gathering signatures for the petition may be
1258 paid for [~~doing so~~] gathering signatures.
- 1259 (3) (a) An individual's status as a resident, under Subsection (2), is determined in
1260 accordance with Section [20A-2-105](#).
- 1261 (b) The application and the application's contents are public when filed with the
1262 lieutenant governor.
- 1263 (4) If the petition fails to qualify for the ballot of the election described in Subsection
1264 [20A-7-201](#)(2)(b), the sponsors shall:
1265 (a) submit a new application;
1266 (b) obtain new signature sheets; and
1267 (c) collect signatures again.
- 1268 (5) The lieutenant governor shall reject the application or application addendum filed
1269 under Subsection [20A-7-204.1](#)(5) and not issue circulation sheets if:
1270 (a) the law proposed by the initiative is patently unconstitutional;

- 1271 (b) the law proposed by the initiative is nonsensical;
- 1272 (c) the proposed law could not become law if passed;
- 1273 (d) the proposed law contains more than one subject as evaluated in accordance with

1274 Subsection (6);

- 1275 (e) the subject of the proposed law is not clearly expressed in the law's title; or
- 1276 (f) the law proposed by the initiative is identical or substantially similar to a law
- 1277 proposed by an initiative for which signatures were submitted to the county clerks and
- 1278 lieutenant governor for certification within two years preceding the date on which the
- 1279 application for the new initiative is filed.

1280 (6) To evaluate whether the proposed law contains more than one subject under

1281 Subsection (5)(d), the lieutenant governor shall apply the same standard provided in Utah

1282 Constitution, Article VI, Section 22, which prohibits a bill from passing that contains more

1283 than one subject.

1284 Section 8. Section **20A-7-203** is amended to read:

1285 **20A-7-203. Form of initiative petition and signature sheets.**

1286 (1) (a) Each proposed initiative petition shall be printed in substantially the following

1287 form:

1288 "INITIATIVE PETITION To the Honorable _____, Lieutenant Governor:

1289 We, the undersigned citizens of Utah, respectfully demand that the following proposed

1290 law be submitted to the legal voters/Legislature of Utah for their/its approval or rejection at the

1291 regular general election/session to be held/ beginning on _____(month\day\year);

1292 Each signer says:

1293 I have personally signed this petition;

1294 The date next to my signature correctly reflects the date that I actually signed the

1295 petition;

1296 I have personally reviewed the entire statement included with this packet;

1297 I am registered to vote in Utah or intend to become registered to vote in Utah before the

1298 certification of the petition names by the county clerk; and

1299 My residence and post office address are written correctly after my name.

1300 NOTICE TO SIGNERS:

1301 Public hearings to discuss this petition were held at: (list dates and locations of public
1302 hearings.)"

1303 (b) If the initiative petition proposes a tax increase, the following statement shall
1304 appear, in at least 14-point, bold type, immediately following the information described in
1305 Subsection (1)(a):

1306 "This initiative petition seeks to increase the current (insert name of tax) rate by (insert
1307 the tax percentage difference) percent, resulting in a(n) (insert the tax percentage increase)
1308 percent increase in the current tax rate."

1309 (c) The sponsors of an initiative or an agent of the sponsors shall attach a copy of the
1310 proposed law to each initiative petition.

1311 (2) Each signature sheet shall:

1312 (a) be printed on sheets of paper 8-1/2 inches long and 11 inches wide;

1313 (b) be ruled with a horizontal line three-fourths inch from the top, with the space above
1314 that line blank for the purpose of binding;

1315 (c) contain the title of the initiative printed below the horizontal line, in at least
1316 14-point, bold type;

1317 (d) contain the word "Warning" printed or typed at the top of each signature sheet
1318 under the title of the initiative;

1319 (e) contain, to the right of the word "Warning," the following statement printed or
1320 typed in not less than eight-point type:

1321 "It is a class A misdemeanor for an individual to sign an initiative petition with a name
1322 other than the individual's own name, or to knowingly sign the individual's name more than
1323 once for the same measure, or to sign an initiative petition when the individual knows that the
1324 individual is not a registered voter and knows that the individual does not intend to become

1325 registered to vote before the certification of the petition names by the county clerk.;

1326 (f) contain horizontally ruled lines, three-eighths inch apart, under the warning

1327 statement described in Subsection (2)(e); and

1328 ~~[(f)]~~ (g) be vertically divided into columns as follows:

1329 (i) the edge of the first column shall appear .5 inch from the extreme left of the sheet,

1330 be .25 inch wide, and be headed, together with the second column, "For Office Use Only";

1331 (ii) the second column shall be .25 inch wide;

1332 (iii) the third column shall be 2.5 inches wide, headed "Registered Voter's Printed

1333 Name (must be legible to be counted)";

1334 (iv) the fourth column shall be 2.5 inches wide, headed "Signature of Registered

1335 Voter";

1336 (v) the fifth column shall be .75 inch wide, headed "Date Signed";

1337 (vi) the sixth column shall be three inches wide, headed "Street Address, City, Zip

1338 Code"; and

1339 (vii) the seventh column shall be .75 inch wide, headed "Birth Date or Age (Optional)";

1340 ~~[(e)]~~ (h) be horizontally divided into rows as follows:

1341 (i) the top of the first row, for the purpose of entering the information described in

1342 Subsection (2)~~[(f)]~~(g), shall be .5 inch high;

1343 (ii) the second row shall be .15 inch high and contain the following statement printed

1344 or typed in not less than 12-point type:

1345 "By signing this petition, you are stating that you have read and understand the law

1346 proposed by this petition."; and

1347 (iii) the first and second rows shall be repeated, in order, leaving sufficient room at the

1348 bottom of the sheet for the information described in Subsection (2)~~[(f)]~~(i); and

1349 ~~[(f)]~~ (i) at the bottom of the sheet, contain in the following order:

1350 ~~[(i) the title of the initiative, in at least 14-point, bold type;]~~

1351 ~~[(f)]~~ (i) except as provided in Subsection (4), the initial fiscal impact estimate's

1352 summary statement issued by the Office of the Legislative Fiscal Analyst in accordance with
1353 Subsection 20A-7-202.5(2)(a), including any update in accordance with Subsection
1354 20A-7-204.1(5), in not less than 12-point, bold type;

1355 ~~[(iii) the word "Warning," followed by the following statement in not less than~~
1356 ~~eight-point type:]~~

1357 ~~["It is a class A misdemeanor for an individual to sign an initiative petition with a name~~
1358 ~~other than the individual's own name, or to knowingly sign the individual's name more than~~
1359 ~~once for the same measure, or to sign an initiative petition when the individual knows that the~~
1360 ~~individual is not a registered voter and knows that the individual does not intend to become~~
1361 ~~registered to vote before the certification of the petition names by the county clerk."];]~~

1362 [(iv)] (ii) the following statement: "Birth date or age information is not required, but it
1363 may be used to verify your identity with voter registration records. If you choose not to provide
1364 it, your signature may not be verified as a valid signature if you change your address before
1365 petition signatures are verified or if the information you provide does not match your voter
1366 registration records."; and

1367 [(v)] (iii) if the initiative petition proposes a tax increase, spanning the bottom of the
1368 sheet, horizontally, in not less than 14-point, bold type, the following statement:

1369 "This initiative petition seeks to increase the current (insert name of tax) rate by (insert
1370 the tax percentage difference) percent, resulting in a(n) (insert the tax percentage increase)
1371 percent increase in the current tax rate.";

1372 (3) The final page of each initiative packet shall contain the following printed or typed
1373 statement:

1374 "Verification

1375 State of Utah, County of _____

1376 I, _____, of _____, hereby state, under penalty of perjury, that:

1377 I am a resident of Utah and am at least 18 years old;

1378 All the names that appear in this packet were signed by individuals who professed to be

1379 the individuals whose names appear in it, and each of the individuals signed the individual's
1380 name on it in my presence;

1381 I did not knowingly make a misrepresentation of fact concerning the law proposed by
1382 the initiative;

1383 I believe that each individual has printed and signed the individual's name and written
1384 the individual's post office address and residence correctly, that each signer has read and
1385 understands the law proposed by the initiative, and that each signer is registered to vote in Utah
1386 or intends to become registered to vote before the certification of the petition names by the
1387 county clerk.

1388 Each individual who signed the packet wrote the correct date of signature next to the
1389 individual's name.

1390 I have not paid or given anything of value to any individual who signed this petition to
1391 encourage that individual to sign it.

1392 _____
1393 (Name) (Residence Address) (Date)";

1394 (4) If the initial fiscal impact estimate described in Subsection (2)[~~(f)~~](i), as updated in
1395 accordance with Subsection 20A-7-204.1(5), exceeds 200 words, the Office of the Legislative
1396 Fiscal Analyst shall prepare a shorter summary statement, for the purpose of inclusion on a
1397 signature sheet, that does not exceed 200 words.

1398 (5) If the forms described in this section are substantially followed, the initiative
1399 petitions are sufficient, notwithstanding clerical and merely technical errors.

1400 (6) An individual's status as a resident, under Subsection (3), is determined in
1401 accordance with Section 20A-2-105.

1402 Section 9. Section 20A-7-204 is amended to read:

1403 **20A-7-204. Circulation requirements -- Lieutenant governor to provide sponsors**
1404 **with materials.**

1405 (1) In order to obtain the necessary number of signatures required by this part, the

1406 sponsors or an agent of the sponsors shall, after the sponsors receive the documents described
1407 in Subsection (2), circulate initiative packets that meet the form requirements of this part.

1408 (2) The lieutenant governor shall furnish to the sponsors:

1409 (a) a copy of the initiative petition, with any change submitted under Subsection
1410 20A-7-204.1(5); and

1411 (b) ~~[one]~~ a signature sheet.

1412 (3) The sponsors of the petition shall:

1413 (a) arrange and pay for the printing of all additional copies of the petition and signature
1414 sheets; and

1415 (b) ensure that the copies of the petition and signature sheets meet the form
1416 requirements of this section.

1417 (4) (a) The sponsors or an agent of the sponsors may prepare the initiative for
1418 circulation by creating multiple initiative packets.

1419 (b) The sponsors or an agent of the sponsors shall create ~~[those]~~ the initiative packets
1420 by binding a copy of the initiative petition, a copy of the proposed law, and no more than 50
1421 signature sheets together at the top in ~~[such a way]~~ a manner that the packets may be
1422 conveniently opened for signing.

1423 (c) ~~[The sponsors need not attach]~~ An initiative packet is not required to have a
1424 uniform number of signature sheets ~~[to each initiative packet]~~.

1425 ~~[(5) (a) After the sponsors have prepared sufficient initiative packets, they shall return~~
1426 ~~them to the lieutenant governor.]~~

1427 (5) (a) The sponsors or an agent of the sponsors shall, before gathering signatures:

1428 (i) contact the lieutenant governor's office to receive a range of numbers that the
1429 sponsors may use to number signature packets; and

1430 (ii) number each signature packet, sequentially, within the range of numbers provided
1431 by the lieutenant governor's office, starting with the lowest number in the range.

1432 (b) The sponsors or an agent of the sponsors may not:

1433 (i) number a signature packet in a manner not directed by the lieutenant governor's
1434 office; or

1435 (ii) circulate or submit a signature packet that is not numbered in the manner directed
1436 by the lieutenant governor's office.

1437 ~~[(b)]~~ (c) The lieutenant governor shall[:] keep a record of the number range provided
1438 under Subsection (5)(a).

1439 ~~[(i) number each of the initiative packets and return them to the sponsors within five~~
1440 ~~working days; and]~~

1441 ~~[(ii) keep a record of the numbers assigned to each packet.]~~

1442 Section 10. Section **20A-7-205** is amended to read:

1443 **20A-7-205. Obtaining signatures -- Verification -- Removal of signature.**

1444 (1) A Utah voter may sign an initiative petition if the voter is a legal voter.

1445 (2) (a) The sponsors shall ensure that the individual in whose presence each signature
1446 sheet was signed:

1447 (i) is at least 18 years old and meets the residency requirements of Section **20A-2-105**;

1448 (ii) verifies each signature sheet by completing the verification printed on the last page
1449 of each initiative packet; and

1450 (iii) is informed that each signer is required to read and understand the law proposed by
1451 the initiative.

1452 (b) ~~[A person]~~ An individual may not sign the verification printed on the last page of
1453 the initiative packet if the person signed a signature sheet in the initiative packet.

1454 (3) (a) A voter who has signed an initiative petition may have the voter's signature
1455 removed from the petition by submitting to the county clerk a statement requesting that the
1456 voter's signature be removed before 5 p.m. no later than the earlier of:

1457 (i) for an initiative packet received by the county clerk before December 1:

1458 (A) 30 days after the day on which the voter signs the signature removal statement; or

1459 (B) 90 days after the day on which the ~~[county clerk]~~ lieutenant governor posts the

- 1460 voter's name under Subsection [~~20A-7-206(2)(c)~~] 20A-7-207(2)(a); or
- 1461 (ii) for an initiative packet received by the county clerk on or after December 1:
- 1462 (A) 30 days after the day on which the voter signs the signature removal statement; or
- 1463 (B) 45 days after the day on which the [~~county clerk~~] lieutenant governor posts the
- 1464 voter's name under Subsection [~~20A-7-206(3)(c)~~]; 20A-7-207(2)(a).
- 1465 (b) (i) The statement shall include:
- 1466 (A) the name of the voter;
- 1467 (B) the resident address at which the voter is registered to vote;
- 1468 (C) the signature of the voter; and
- 1469 (D) the date of the signature described in Subsection (3)(b)(i)(C).
- 1470 (ii) To increase the likelihood of the voter's signature being identified and removed, the
- 1471 statement may include the voter's birth date or age.
- 1472 (c) A voter may not submit a statement by email or other electronic means.
- 1473 (d) In order for the signature to be removed, the county clerk must receive the
- 1474 statement before 5 p.m. no later than the applicable deadline described in Subsection (3)(a).
- 1475 [~~(d)~~] (e) A person may only remove a signature from an initiative petition in
- 1476 accordance with this Subsection (3).
- 1477 [~~(e)~~] (f) A county clerk shall analyze a signature, for purposes of removing a signature
- 1478 from an initiative petition, in accordance with Section 20A-7-206.3.
- 1479 Section 11. Section **20A-7-206** is amended to read:
- 1480 **20A-7-206. Submitting the initiative petition -- Certification of signatures by the**
- 1481 **county clerks -- Transfer to lieutenant governor.**
- 1482 (1) (a) [~~In order to qualify an initiative petition for placement on the regular general~~
- 1483 ~~election ballot, the] The sponsors or an agent of the sponsors shall [deliver] submit a signed~~
- 1484 and verified initiative packet to the county clerk of the county in which the packet was
- 1485 circulated before 5 p.m. no later than the earlier of:
- 1486 (i) 30 days after the day on which the first individual signs the initiative packet;

1487 (ii) 316 days after the day on which the application for the initiative petition is filed; or
1488 (iii) the February 15 immediately before the next regular general election immediately
1489 after the application is filed under Section 20A-7-202.

1490 (b) A ~~[sponsor]~~ person may not submit an initiative packet after the deadline described
1491 in Subsection (1)(a).

1492 (2) ~~[For an initiative packet received by the county clerk before December 1, the]~~ The
1493 county clerk shall, within ~~[30]~~ 21 days after the day on which the county clerk receives the
1494 packet:

1495 (a) determine whether each signer is a registered voter according to the requirements of
1496 Section 20A-7-206.3;

1497 (b) certify on the petition whether each name is that of a registered voter;

1498 (c) except as provided in Subsection (3), post the name and voter identification number
1499 of each registered voter certified under Subsection (2)(b) [in a conspicuous location on the
1500 county's website for at least 90 days] on the lieutenant governor's website, in a conspicuous
1501 location designated by the lieutenant governor; and

1502 (d) deliver the verified initiative packet to the lieutenant governor.

1503 ~~[(3) For an initiative packet received by the county clerk on or after December 1, the~~
1504 ~~county clerk shall, within 21 days after the day on which the county clerk receives the packet:]~~

1505 ~~[(a) determine whether each signer is a registered voter according to the requirements~~
1506 ~~of Section 20A-7-206.3;]~~

1507 ~~[(b) certify on the petition whether each name is that of a registered voter;]~~

1508 ~~[(c) post the name and voter identification number of each registered voter certified~~
1509 ~~under Subsection (2)(b) in a conspicuous location on the county's website for at least 45 days;~~
1510 ~~and]~~

1511 ~~[(d) deliver the verified initiative packet to the lieutenant governor.]~~

1512 ~~[(4) Within seven days after timely receipt of a statement described in Subsection~~
1513 ~~20A-7-205(3), the county clerk shall:]~~

1514 ~~[(a) remove the voter's name and voter identification number from the posting~~
1515 ~~described in Subsection (2)(c) or (3)(c); and]~~

1516 ~~[(b) (i) remove the voter's signature from the signature packet totals; and]~~
1517 ~~[(ii) inform the lieutenant governor of the removal.]~~

1518 (3) (a) If the county clerk timely receives a statement requesting signature removal
1519 under Subsection 20A-7-205(3), the county clerk shall:

1520 (i) ensure that the voter's name and voter identification number are not included in the
1521 posting described in Subsection (2)(c); and

1522 (ii) remove the voter's signature from the signature packets and signature packet totals.

1523 (b) The county clerk shall comply with Subsection (3)(a) before the later of:

1524 (i) the deadline described in Subsection (2); or

1525 (ii) two business days after the day on which the county clerk receives a statement
1526 requesting signature removal under Subsection 20A-7-205(3).

1527 ~~[(5)]~~ (4) The county clerk may not certify a signature under Subsection (2) [or (3)]:

1528 (a) on an initiative packet that is not verified in accordance with Section 20A-7-205; or
1529 (b) that does not have a date of signature next to the signature.

1530 ~~[(6) In order to qualify an initiative petition for submission to the Legislature, the~~
1531 ~~sponsors shall deliver each signed and verified initiative packet to the county clerk of the~~
1532 ~~county in which the packet was circulated before 5 p.m. no later than the November 15 before~~
1533 ~~the next annual general session of the Legislature immediately after the application is filed~~
1534 ~~under Section 20A-7-202.]~~

1535 ~~[(7) The county clerk may not certify a signature under Subsection (8) on an initiative~~
1536 ~~packet that is not verified in accordance with Section 20A-7-205.]~~

1537 ~~[(8) No later than December 15 before the annual general session of the Legislature,~~
1538 ~~the county clerk shall, for an initiative described in Subsection (6):]~~

1539 ~~[(a) determine whether each signer is a registered voter according to the requirements~~
1540 ~~of Section 20A-7-206.3;]~~

1541 ~~[(b) certify on the petition whether each name is that of a registered voter; and]~~

1542 ~~[(c) deliver all of the verified initiative packets to the lieutenant governor.]~~

1543 ~~[(9) The sponsor or a sponsor's representative may not retrieve an initiative packet~~
1544 ~~from a county clerk after the initiative packet is submitted to the county clerk.]~~

1545 (5) A person may not retrieve an initiative packet from a county clerk, or make any
1546 alterations or corrections to an initiative packet, after the initiative packet is submitted to the
1547 county clerk.

1548 Section 12. Section **20A-7-206.1** is enacted to read:

1549 **20A-7-206.1. Provisions relating only to process for submitting an initiative to the**
1550 **Legislature for approval or rejection.**

1551 (1) This section relates only to the process, described in Subsection [20A-7-201](#)(1), for
1552 submitting an initiative to the Legislature for approval or rejection.

1553 (2) Notwithstanding Section [20A-7-205](#), in order to qualify an initiative petition for
1554 submission to the Legislature, the sponsors, or an agent of the sponsors, shall deliver each
1555 signed and verified initiative packet to the county clerk of the county in which the packet was
1556 circulated before 5 p.m. no later than November 15 before the next annual general session of
1557 the Legislature immediately after the application is filed under Section [20A-7-202](#).

1558 (3) Notwithstanding Section [20A-7-205](#), no later than December 15 before the annual
1559 general session of the Legislature, the county clerk shall, for an initiative for submission to the
1560 Legislature:

1561 (a) determine whether each signer is a registered voter according to the requirements of
1562 Section [20A-7-206.3](#);

1563 (b) certify on the petition whether each name is that of a registered voter; and

1564 (c) deliver the verified packets to the lieutenant governor.

1565 (4) The county clerk may not certify a signature under Subsection (3) on an initiative
1566 packet that is not verified in accordance with Section [20A-7-205](#).

1567 (5) A person may not retrieve an initiative packet from a county clerk, or make any

1568 alterations or corrections to an initiative packet, after the initiative packet is submitted to the
1569 county clerk.

1570 Section 13. Section **20A-7-207** is amended to read:

1571 **20A-7-207. Evaluation by the lieutenant governor.**

1572 (1) When the lieutenant governor receives an initiative packet [~~is received~~] from a
1573 county clerk, the lieutenant governor shall [~~check off from the~~] record the number of the
1574 initiative packet received.

1575 [~~(2) (a) The lieutenant governor shall, within 14 days after the day on which the~~
1576 ~~lieutenant governor receives an initiative packet from a county clerk:~~]

1577 (2) (a) The county clerk shall:

1578 (i) post the names and voter identification numbers described in Subsection
1579 20A-7-206(2)(c) on the lieutenant governor's website, in a conspicuous location designated by
1580 the lieutenant governor:

1581 (A) for an initiative packet received by the county clerk before December 1, for at least
1582 90 days; or

1583 (B) for an initiative packet received by the county clerk on or after December 1, for at
1584 least 45 days; and

1585 [~~(i) count the number of the names certified by the county clerks on each verified~~
1586 ~~signature sheet; and]~~

1587 (ii) update on the lieutenant governor's website the number of signatures certified as of
1588 the date of the update.

1589 (b) The lieutenant governor:

1590 (i) shall, except as provided in Subsection (2)(b)(ii), declare the petition to be sufficient
1591 or insufficient on [~~or before~~] April 30 before the regular general election described in
1592 Subsection 20A-7-201(2)(b)[-]; or

1593 (ii) may declare the petition to be insufficient before the day described in Subsection
1594 (2)(b)(i) if:

1595 (A) the total of all valid signatures on timely and lawfully submitted signature packets
1596 that have been certified by the county clerks, plus the number of signatures on timely and
1597 lawfully submitted signature packets that have not yet been evaluated for certification, is less
1598 than the number of names required under Section 20A-7-201; or

1599 (B) a requirement of this part has not been met.

1600 (c) If the total number of names certified under this Subsection (2) equals or exceeds
1601 the number of names required under Section 20A-7-201, and the requirements of this part are
1602 met, the lieutenant governor shall mark upon the front of the petition the word "sufficient."

1603 (d) If the total number of names certified under this Subsection (2) does not equal or
1604 exceed the number of names required under Section 20A-7-201 or a requirement of this part is
1605 not met, the lieutenant governor shall mark upon the front of the petition the word
1606 "insufficient."

1607 (e) The lieutenant governor shall immediately notify any one of the sponsors of the
1608 lieutenant governor's finding.

1609 (3) After a petition is declared insufficient, [~~the sponsors~~] a person may not submit
1610 additional signatures to qualify the petition for the ballot.

1611 (4) (a) If the lieutenant governor refuses to accept and file an initiative petition that a
1612 [~~sponsor~~] voter believes is legally sufficient, [~~any~~] the voter may, [~~not~~] no later than May 15,
1613 apply to the appropriate court for an extraordinary writ to compel the lieutenant governor to
1614 accept and file the initiative petition.

1615 (b) If the court [~~certifies~~] determines that the initiative petition is legally sufficient, the
1616 lieutenant governor shall file the [~~initiative~~] petition, with a verified copy of the judgment
1617 attached to the [~~initiative~~] petition, as of the date on which the [~~initiative~~] petition was
1618 originally offered for filing in the lieutenant governor's office.

1619 (c) If the court determines that a petition filed is not legally sufficient, the court may
1620 enjoin the lieutenant governor and all other officers from certifying or printing the ballot title
1621 and numbers of that measure on the official ballot.

1622 (5) A petition determined to be sufficient in accordance with this section is qualified
1623 for the ballot.

1624 Section 14. Section **20A-7-209** is amended to read:

1625 **20A-7-209. Ballot title -- Duties of lieutenant governor and Office of Legislative**
1626 **Research and General Counsel.**

1627 (1) On or before June 5 before the regular general election, the lieutenant governor
1628 shall deliver a copy of all of the proposed laws that have qualified for the ballot to the Office of
1629 Legislative Research and General Counsel.

1630 (2) (a) The Office of Legislative Research and General Counsel shall:

1631 (i) entitle each state initiative that has qualified for the ballot "Proposition Number ___"
1632 and give it a number as assigned under Section [20A-6-107](#);

1633 (ii) prepare an impartial ballot title for each initiative summarizing the contents of the
1634 measure; and

1635 (iii) return each petition and ballot title to the lieutenant governor ~~[by]~~ on or before
1636 June 26.

1637 (b) The ballot title may be distinct from the title of the proposed law attached to the
1638 initiative petition, and ~~[shall be not more than]~~ may not exceed 100 words.

1639 (c) If the initiative proposes a tax increase, the Office of Legislative Research and
1640 General Counsel shall include the following statement, in bold, in the ballot title:

1641 "This initiative seeks to increase the current (insert name of tax) rate by (insert the tax
1642 percentage difference) percent, resulting in a(n) (insert the tax percentage increase) percent
1643 increase in the current tax rate.";

1644 (d) For each state initiative, the official ballot shall show, in the following order:

1645 (i) the number of the initiative ~~[as determined by the Office of Legislative Research~~
1646 ~~and General Counsel]~~, determined in accordance with Section [20A-6-107](#);

1647 (ii) the initial fiscal impact estimate prepared under Section [20A-7-202.5](#), as updated
1648 under Section [20A-7-204.1](#); and

1649 (iii) the ballot title [~~as determined by the Office of Legislative Research and General~~
1650 ~~Counsel~~] described in this section.

1651 (3) On or before June 27, the lieutenant governor shall mail a copy of the ballot title to
1652 any sponsor of the petition.

1653 (4) (a) (i) At least three of the sponsors of the petition may, on or before July 6,
1654 challenge the wording of the ballot title prepared by the Office of Legislative Research and
1655 General Counsel to the appropriate court.

1656 (ii) After receipt of the challenge, the court shall direct the lieutenant governor to send
1657 notice of the challenge to:

1658 (A) any person or group that has filed an argument for or against the measure that is the
1659 subject of the challenge; or

1660 (B) any political issues committee established under Section [20A-11-801](#) that has filed
1661 written or electronic notice with the lieutenant governor that identifies the name, mailing or
1662 email address, and telephone number of the [~~person~~] individual designated to receive notice
1663 about any issues relating to the initiative.

1664 (b) (i) There is a presumption that the ballot title prepared by the Office of Legislative
1665 Research and General Counsel is an impartial summary of the contents of the initiative.

1666 (ii) The court may not revise the wording of the ballot title unless the plaintiffs rebut
1667 the presumption by clearly and convincingly establishing that the ballot title is patently false or
1668 biased.

1669 (c) The court shall:

1670 (i) examine the ballot title;

1671 (ii) hear arguments; and

1672 (iii) certify to the lieutenant governor a ballot title for the measure that meets the
1673 requirements of this section.

1674 (d) The lieutenant governor shall certify the title verified by the court to the county
1675 clerks to be printed on the official ballot.

1676 Section 15. Section **20A-7-301** is amended to read:

1677 **20A-7-301. Referendum -- Signature requirements -- Submission to voters.**

1678 (1) (a) A person seeking to have a law passed by the Legislature submitted to a vote of
1679 the people shall obtain:

1680 (i) legal signatures equal to 8% of the number of active voters in the state on January 1
1681 immediately following the last regular general election; and

1682 (ii) from at least 15 [~~counties~~] Senate districts, legal signatures equal to 8% of the
1683 number of active voters in that [~~county~~] Senate district on January 1 immediately following the
1684 last regular general election.

1685 (b) When the lieutenant governor declares a referendum petition sufficient under this
1686 part, the governor shall issue an executive order that:

1687 (i) directs that the referendum be submitted to the voters at the next regular general
1688 election; or

1689 (ii) calls a special election according to the requirements of Section **20A-1-203** and
1690 directs that the referendum be submitted to the voters at that special election.

1691 (2) When a referendum petition has been declared sufficient, the law that is the subject
1692 of the petition does not take effect unless and until it is approved by a vote of the people at a
1693 regular general election or a statewide special election.

1694 (3) The lieutenant governor shall provide the following information to any interested
1695 person:

1696 (a) the number of active voters in the state on January 1 immediately following the last
1697 regular general election; and

1698 (b) for each county, the number of active voters in that [~~county~~] Senate district on
1699 January 1 immediately following the last regular general election.

1700 Section 16. Section **20A-7-302** is amended to read:

1701 **20A-7-302. Referendum process -- Application procedures.**

1702 (1) [~~Persons~~] Individuals wishing to circulate a referendum petition shall file an

1703 application with the lieutenant governor before 5 p.m. within five calendar days after the day
1704 on which the legislative session at which the law passed ends.

1705 (2) The application shall contain:

1706 (a) the name and residence address of at least five sponsors of the referendum petition;

1707 (b) a ~~[certification]~~ statement indicating that each of the sponsors~~[:]~~ is registered to
1708 vote in Utah;

1709 ~~[(i) is a voter; and]~~

1710 ~~[(ii) has voted in a regular general election in Utah within the last three years;]~~

1711 (c) a statement indicating whether persons gathering signatures for the petition may be
1712 paid for gathering signatures;

1713 ~~[(c)]~~ (d) the signature of each of the sponsors, attested to by a notary public; and

1714 ~~[(d)]~~ (e) a copy of the law.

1715 Section 17. Section **20A-7-303** is amended to read:

1716 **20A-7-303. Form of referendum petition and signature sheets.**

1717 (1) (a) Each proposed referendum petition shall be printed in substantially the
1718 following form:

1719 "REFERENDUM PETITION To the Honorable _____, Lieutenant Governor:

1720 We, the undersigned citizens of Utah, respectfully order that Senate (or House) Bill No.
1721 _____, entitled (title of act, and, if the petition is against less than the whole act, set forth here
1722 the part or parts on which the referendum is sought), passed by [~~the _____ Session of~~] the
1723 Legislature of the state of Utah during the _____ Session, be referred to the people of Utah for
1724 their approval or rejection at a regular general election or a statewide special election;

1725 Each signer says:

1726 I have personally signed this petition;

1727 The date next to my signature correctly reflects the date that I actually signed the
1728 petition;

1729 I have personally reviewed the entire statement included with this packet;

1730 I am registered to vote in Utah or intend to become registered to vote in Utah before the
1731 certification of the petition names by the county clerk; and

1732 My residence and post office address are written correctly after my name.";

1733 (b) The sponsors of a referendum or an agent of the sponsors shall attach a copy of the
1734 law that is the subject of the referendum to each referendum petition.

1735 (2) Each signature sheet shall:

1736 (a) be printed on sheets of paper 8-1/2 inches long and 11 inches wide;

1737 (b) be ruled with a horizontal line three-fourths inch from the top, with the space above
1738 that line blank for the purpose of binding;

1739 (c) contain the title of the referendum printed below the horizontal line, in at least
1740 14-point, bold type;

1741 (d) contain the word "Warning" printed or typed at the top of each signature sheet
1742 under the title of the referendum;

1743 (e) contain, to the right of the word "Warning," the following statement printed or
1744 typed in not less than eight-point[~~, single-leaded~~] type:

1745 "It is a class A misdemeanor for an individual to sign a referendum petition with any
1746 other name than the individual's own name, or knowingly to sign the individual's name more
1747 than once for the same measure, or to sign a referendum petition when the individual knows
1748 that the individual is not a registered voter and knows that the individual does not intend to
1749 become registered to vote before the certification of the petition names by the county clerk.";

1750 (f) contain horizontally ruled lines, three-eighths inch apart under the ["Warning"]
1751 warning statement [required by this section] described in Subsection (2)(e); and

1752 (g) be vertically divided into columns as follows:

1753 (i) the edge of the first column shall appear .5 inch from the extreme left of the sheet,
1754 be .25 inch wide, and be headed, together with the second column, "For Office Use Only";

1755 (ii) the second column shall be .25 inch wide;

1756 (iii) the third column shall be 2.5 inches wide, headed "Registered Voter's Printed

1757 Name (must be legible to be counted);

1758 (iv) the fourth column shall be 2.5 inches wide, headed "Signature of Registered

1759 Voter";

1760 (v) the fifth column shall be .75 inch wide, headed "Date Signed";

1761 (vi) the sixth column shall be three inches wide, headed "Street Address, City, Zip

1762 Code"; and

1763 (vii) the seventh column shall be .75 inch wide, headed "Birth Date or Age (Optional)";

1764 (h) be horizontally divided into rows as follows:

1765 (i) the top of the first row, for the purpose of entering the information described in

1766 Subsection (2)(g), shall be .5 inch high;

1767 (ii) the second row shall be .15 inch high and contain the following statement printed

1768 or typed in not less than 12-point type:

1769 "By signing this petition, you are stating that you have read and understand the law this

1770 petition seeks to overturn."; and

1771 (iii) the first and second rows shall be repeated, in order, leaving sufficient room at the

1772 bottom of the sheet for the information described in Subsection (2)(i); and

1773 (i) at the bottom of the sheet, contain the following statement: "Birth date or age

1774 information is not required, but it may be used to verify your identity with voter registration

1775 records. If you choose not to provide it, your signature may not be verified as a valid signature

1776 if you change your address before petition signatures are verified or if the information you

1777 provide does not match your voter registration records.";

1778 (3) The final page of each referendum packet shall contain the following printed or

1779 typed statement:

1780 "Verification

1781 State of Utah, County of _____

1782 I, _____, of _____, hereby state, under penalty of perjury, that:

1783 I am a Utah resident and am at least 18 years old;

1784 All the names that appear in this packet were signed by individuals who professed to be
1785 the individuals whose names appear in it, and each of the individuals signed the individual's
1786 name on it in my presence;

1787 I did not knowingly make a misrepresentation of fact concerning the law this petition
1788 seeks to overturn;

1789 I believe that each individual has printed and signed the individual's name and written
1790 the individual's post office address and residence correctly, that each signer has read and
1791 understands the law that the referendum seeks to overturn, and that each signer is registered to
1792 vote in Utah or intends to become registered to vote before the certification of the petition
1793 names by the county clerk.

1794 Each individual who signed the packet wrote the correct date of signature next to the
1795 individual's name.

1796 I have not paid or given anything of value to any individual who signed this petition to
1797 encourage that individual to sign it.

1798 _____
1799 (Name) (Residence Address) (Date)"_

1800 (4) If the forms described in this section are substantially followed, the referendum
1801 petitions are sufficient, notwithstanding clerical and merely technical errors.

1802 (5) An individual's status as a resident, under Subsection (3), is determined in
1803 accordance with Section [20A-2-105](#).

1804 Section 18. Section **20A-7-304** is amended to read:

1805 **20A-7-304. Circulation requirements -- Lieutenant governor to provide sponsors**
1806 **with materials.**

1807 (1) In order to obtain the necessary number of signatures required by this part, the
1808 sponsors [~~shall~~] or an agent of the sponsors shall, after the sponsors receive the documents
1809 described in Subsection (2), circulate referendum packets that meet the form requirements of
1810 this part.

- 1811 (2) The lieutenant governor shall furnish to the sponsors:
- 1812 (a) a copy of the referendum petition; and
- 1813 (b) a signature sheet.
- 1814 (3) The sponsors of the petition shall:
- 1815 (a) arrange and pay for the printing of all additional copies of the petition and signature
- 1816 sheets; and
- 1817 (b) ensure that the copies of the petition and signature sheets meet the form
- 1818 requirements of this section.
- 1819 (4) (a) The sponsors or an agent of the sponsors may prepare the referendum for
- 1820 circulation by creating multiple referendum packets.
- 1821 (b) The sponsors or an agent of the sponsors shall create ~~[those]~~ referendum packets by
- 1822 binding a copy of the referendum petition, a copy of the law that is the subject of the
- 1823 referendum, and no more than 50 signature sheets together at the top in ~~[such a way]~~ a manner
- 1824 that the packets may be conveniently opened for signing.
- 1825 (c) ~~[The sponsors need not attach]~~ A referendum packet is not required to have a
- 1826 uniform number of signature sheets [to each referendum packet].
- 1827 ~~[(5) (a) After the sponsors have prepared sufficient referendum packets, they shall~~
- 1828 ~~return them to the lieutenant governor.]~~
- 1829 (5) (a) The sponsors or an agent of the sponsors shall, before gathering signatures:
- 1830 (i) contact the lieutenant governor's office to receive a range of numbers that the
- 1831 sponsors may use to number signature packets; and
- 1832 (ii) number each signature packet, sequentially, within the range of numbers provided
- 1833 by the lieutenant governor's office, starting with the lowest number in the range.
- 1834 (b) The sponsors or an agent of the sponsors may not:
- 1835 (i) number a signature packet in a manner not directed by the lieutenant governor's
- 1836 office; or
- 1837 (ii) circulate or submit a signature packet that is not numbered in the manner directed

1838 by the lieutenant governor's office.

1839 ~~[(b)]~~ (c) The lieutenant governor shall~~[:]~~ keep a record of the number range provided
 1840 under Subsection (5)(a).

1841 ~~[(i) number each of the referendum packets and return them to the sponsors within five~~
 1842 ~~working days; and]~~

1843 ~~[(ii) keep a record of the numbers assigned to each packet.]~~

1844 Section 19. Section **20A-7-305** is amended to read:

1845 **20A-7-305. Obtaining signatures -- Verification -- Removal of signature.**

1846 (1) A Utah voter may sign a referendum petition if the voter is a legal voter.

1847 (2) (a) The sponsors shall ensure that the individual in whose presence each signature
 1848 sheet was signed:

1849 (i) is at least 18 years old and meets the residency requirements of Section [20A-2-105](#);

1850 (ii) verifies each signature sheet by completing the verification printed on the last page
 1851 of each referendum packet; and

1852 (iii) is informed that each signer is required to read and understand the law that the
 1853 referendum seeks to overturn.

1854 (b) ~~[A person]~~ An individual may not sign the verification printed on the last page of
 1855 the referendum packet if the person signed a signature sheet in the referendum packet.

1856 (3) (a) A voter who has signed a referendum petition may have the voter's signature
 1857 removed from the petition by submitting to the county clerk a statement requesting that the
 1858 voter's signature be removed before 5 p.m. no later than the earlier of:

1859 (i) ~~[14]~~ 30 days after the day on which the voter signs the statement requesting
 1860 removal; or

1861 (ii) 45 days after the day on which the ~~[county clerk]~~ lieutenant governor posts the
 1862 voter's name under Subsection ~~[20A-7-306(3)(c)]~~ 20A-7-307(2)(a).

1863 (b) (i) The statement shall include:

1864 (A) the name of the voter;

1865 (B) the resident address at which the voter is registered to vote;
1866 (C) the signature of the voter; and
1867 (D) the date of the signature described in Subsection (3)(b)(i)(C).
1868 (ii) To increase the likelihood of the voter's signature being identified and removed, the
1869 statement may include the voter's birth date or age.
1870 (c) A voter may not submit a statement by email or other electronic means.
1871 (d) In order for the signature to be removed, the county clerk must receive the
1872 statement before 5 p.m. no later than 45 days after the day on which the [county clerk]
1873 lieutenant governor posts the voter's name under Subsection [20A-7-306(3)(c)]
1874 20A-7-307(2)(a).
1875 (e) A person may only remove a signature from a referendum petition in accordance
1876 with this Subsection (3).
1877 (f) A county clerk shall analyze a signature, for purposes of removing a signature from
1878 a referendum petition, in accordance with Section 20A-7-206.3.
1879 Section 20. Section **20A-7-306** is amended to read:
1880 **20A-7-306. Submitting the referendum petition -- Certification of signatures by**
1881 **the county clerks -- Transfer to lieutenant governor.**
1882 (1) (a) The sponsors or an agent of the sponsor shall [deliver] submit a signed and
1883 verified referendum packet to the county clerk of the county in which the packet was circulated
1884 before 5 p.m. no later than the earlier of:
1885 (i) [~~14~~] 30 days after the day on which the first individual signs the referendum packet;
1886 or
1887 (ii) 40 days after the day on which the legislative session at which the law passed ends.
1888 (b) A [~~sponsor~~] person may not submit a referendum packet after the deadline
1889 described in Subsection (1)(a).
1890 [~~(2)(a) No later than 14 days after the day on which the county clerk receives a verified~~
1891 ~~referendum packet, the county clerk shall:]~~

1892 ~~[(i) check the name of each individual who completes the verification on the last page~~
1893 ~~of each referendum packet to determine whether the individual is a resident of Utah and is at~~
1894 ~~least 18 years old; and]~~

1895 ~~[(ii) submit the name of each individual who is not a Utah resident or who is not at~~
1896 ~~least 18 years old to the attorney general and county attorney.]~~

1897 ~~[(b) The county clerk may not certify a signature under Subsection (3):]~~

1898 ~~[(i) on a referendum packet that is not verified in accordance with Section 20A-7-305;~~
1899 ~~or]~~

1900 ~~[(ii) that does not have a date of signature next to the signature.]~~

1901 ~~[(3)] (2)~~ No later than ~~[14]~~ 21 days after the day on which the county clerk receives a
1902 verified referendum packet, the county clerk shall:

1903 (a) determine whether each signer is a registered voter according to the requirements of
1904 Section 20A-7-306.3;

1905 (b) certify on the ~~[referendum]~~ petition whether each name is that of a registered voter;

1906 (c) except as provided in Subsection (3), post the name and voter identification number
1907 of each registered voter certified under Subsection [(3)] (2)(b) [in a conspicuous location on the
1908 county's website for at least 45 days] on the lieutenant governor's website, in a conspicuous
1909 location designated by the lieutenant governor; and

1910 (d) deliver the verified ~~[referendum]~~ packet to the lieutenant governor.

1911 ~~[(4) The county clerk shall, after timely receipt of a statement requesting signature~~
1912 ~~removal under Subsection 20A-7-305(3), remove the voter's name and voter identification~~
1913 ~~number from the posting described in Subsection (3)(c), and notify the lieutenant governor's~~
1914 ~~office of the removal, the earlier of:]~~

1915 ~~[(a) within two business days after the day on which the the county clerk timely~~
1916 ~~receives the statement; or]~~

1917 ~~[(b) 99 days after the day on which the legislative session at which the law passed~~
1918 ~~ends:]~~

1919 (3) (a) If the county clerk timely receives a statement requesting signature removal
1920 under Subsection 20A-7-305(3), the county clerk shall:

1921 (i) ensure that the voter's name and voter identification number are not included in the
1922 posting described in Subsection (2)(c); and

1923 (ii) remove the voter's signature from the signature packets and signature packet totals.

1924 (b) The county clerk shall comply with Subsection (3)(a) before the later of:

1925 (i) the deadline described in Subsection (2); or

1926 (ii) two business days after the day on which the county clerk receives a statement
1927 requesting signature removal under Subsection 20A-7-305(3).

1928 (4) The county clerk may not certify a signature under Subsection (2):

1929 (a) on an initiative packet that is not verified in accordance with Section 20A-7-305; or

1930 (b) that does not have a date of signature next to the signature.

1931 ~~[(5) The sponsor or a sponsor's representative]~~

1932 (5) A person may not retrieve a referendum packet from a county clerk, or make any
1933 alterations or corrections to a referendum packet, after the referendum packet is submitted to
1934 the county clerk.

1935 Section 21. Section **20A-7-306.3** is amended to read:

1936 **20A-7-306.3. Verification of petition signatures.**

1937 (1) As used in this section:

1938 (a) ~~[For the purposes of this section, "substantially]~~ "Substantially similar name"

1939 means:

1940 (i) the given name and surname shown on the petition, or both, contain only minor
1941 spelling differences when compared to the given name and surname shown on the official
1942 register;

1943 (ii) the surname shown on the petition exactly matches the surname shown on the
1944 official register, and the given names differ only because one of the given names shown is a
1945 commonly used abbreviation or variation of the other;

1946 (iii) the surname shown on the petition exactly matches the surname shown on the
1947 official register, and the given names differ only because one of the given names shown is
1948 accompanied by a first or middle initial or a middle name which is not shown on the other
1949 record; or

1950 (iv) the surname shown on the petition exactly matches the surname shown on the
1951 official register, and the given names differ only because one of the given names shown is an
1952 alphabetically corresponding initial that has been provided in the place of a given name shown
1953 on the other record.

1954 (b) [~~For the purposes of this section, "substantially~~] "Substantially similar name" does
1955 not [~~mean~~] include a name having an initial or a middle name shown on the petition that does
1956 not match a different initial or middle name shown on the official register.

1957 (2) The county clerk shall use the following procedures in determining whether [~~or not~~]
1958 a signer is a registered voter:

1959 (a) When a signer's name and address shown on the petition exactly match a name and
1960 address shown on the official register and the signer's signature appears substantially similar to
1961 the signature on the statewide voter registration database, the county clerk shall declare the
1962 signature valid.

1963 (b) When there is no exact match of an address and a name, the county clerk shall
1964 declare the signature valid if:

1965 (i) the address on the petition matches the address of a person on the official register
1966 with a substantially similar name; and

1967 (ii) the signer's signature appears substantially similar to the signature on the statewide
1968 voter registration database of the person described in Subsection (2)(b)(i).

1969 (c) When there is no match of an address and a substantially similar name, the county
1970 clerk shall declare the signature valid if:

1971 (i) the birth date or age on the petition matches the birth date or age of a person on the
1972 official register with a substantially similar name; and

1973 (ii) the signer's signature appears substantially similar to the signature on the statewide
1974 voter registration database of the person described in Subsection (2)(c)(i).

1975 (d) If a signature is not declared valid under Subsection (2)(a), (b), or (c), the county
1976 clerk shall declare the signature to be invalid.

1977 (3) The county clerk shall use the following procedures in determining whether to
1978 remove a signature from a petition after receiving a timely, valid statement requesting removal
1979 of the signature:

1980 (a) if a signer's name and address shown on the statement and the petition exactly
1981 match a name and address shown on the official register and the signer's signature on both the
1982 statement and the petition appears substantially similar to the signature on the statewide voter
1983 registration database, the county clerk shall remove the signature from the petition;

1984 (b) if there is no exact match of an address and a name, the county clerk shall remove
1985 the signature from the petition if:

1986 (i) the address on the statement and the petition matches the address of an individual
1987 on the official register with a substantially similar name; and

1988 (ii) the signer's signature on both the statement and the petition appears substantially
1989 similar to the signature on the statewide voter registration database of the individual described
1990 in Subsection (3)(b)(i);

1991 (c) if there is no match of an address and a substantially similar name, the county clerk
1992 shall remove the signature from the petition if:

1993 (i) the birth date or age on the statement and petition match the birth date or age of an
1994 individual on the official register with a substantially similar name; and

1995 (ii) the signer's signature on both the statement and the petition appears substantially
1996 similar to the signature on the statewide voter registration database of the individual described
1997 in Subsection (3)(c)(i); and

1998 (d) if a signature does not qualify for removal under Subsection (3)(a), (b), or (c), the
1999 county clerk may not remove the signature from the petition.

2000 Section 22. Section **20A-7-307** is amended to read:

2001 **20A-7-307. Evaluation by the lieutenant governor.**

2002 (1) When the lieutenant governor receives a referendum packet [~~is received~~] from a

2003 county clerk, the lieutenant governor shall [~~check off from the~~] record the number of the

2004 referendum packet received.

2005 [~~(2) (a) The lieutenant governor shall, within seven days after the day on which the~~

2006 ~~lieutenant governor receives a referendum packet from a county clerk:]~~

2007 [(i) ~~count the number of the names certified by the county clerks on each verified~~

2008 ~~signature sheet; and]~~

2009 (2) (a) The county clerk shall:

2010 (i) post the names and voter identification numbers described in Subsection

2011 20A-7-306(3)(c) on the lieutenant governor's website, in a conspicuous location designated by

2012 the lieutenant governor, for at least 45 days; and

2013 (ii) update on the lieutenant governor's website the number of signatures certified as of

2014 the date of the update.

2015 [(b) ~~The lieutenant governor shall subtract the number of signatures removed from the~~

2016 ~~number of signatures certified and update the number on the lieutenant governor's website~~

2017 ~~accordingly no later than the earlier of:]~~

2018 [(i) ~~one business day after the day on which the county clerk provides the notification~~

2019 ~~described in Subsection 20A-7-306(4); or]~~

2020 [(ii) ~~54 days after the day on which the legislative session at which the law passed~~

2021 ~~ends:]~~

2022 [(~~e~~) (b) The lieutenant governor:

2023 (i) shall, except as provided in Subsection (2)[(~~e~~)](b)(ii), declare the petition to be

2024 sufficient or insufficient [99] 106 days after the end of the legislative session at which the law

2025 passed; or

2026 [(ii) ~~may declare the petition to be insufficient before the day described in Subsection~~

2027 ~~(2)(c)(i) if, after the county clerks have finished certifying all valid signatures on the timely and~~
2028 ~~lawfully submitted signature packets, the lieutenant governor makes the determination~~
2029 ~~described in Subsection (2)(c).]~~

2030 (ii) may declare the petition to be insufficient before the day described in Subsection
2031 (2)(b)(i) if:

2032 (A) the total of all valid signatures on timely and lawfully submitted signature packets
2033 that have been certified by the county clerks, plus the number of signatures on timely and
2034 lawfully submitted signature packets that have not yet been evaluated for certification, is less
2035 than the number of names required under Section 20A-7-301; or

2036 (B) a requirement of this part has not been met.

2037 ~~[(d)]~~ (c) If the total number of names certified under this Subsection (2) equals or
2038 exceeds the number of names required under Section 20A-7-301, and the requirements of this
2039 part are met, the lieutenant governor shall mark upon the front of the petition the word
2040 "sufficient."

2041 ~~[(e)]~~ (d) If the total number of names certified under this Subsection (2) does not equal
2042 or exceed the number of names required under Section 20A-7-301 or a requirement of this part
2043 is not met, the lieutenant governor shall mark upon the front of the petition the word
2044 "insufficient."

2045 ~~[(f)]~~ (e) The lieutenant governor shall immediately notify any one of the sponsors of
2046 the lieutenant governor's finding.

2047 ~~[(g)]~~ (f) After a petition is declared insufficient, ~~[the sponsors]~~ a person may not submit
2048 additional signatures to qualify the petition for the ballot.

2049 (3) (a) If the lieutenant governor refuses to accept and file a referendum ~~[petition, any~~
2050 ~~voter may, not]~~ that a voter believes is legally sufficient, the voter may, no later than 10 days
2051 after the day on which the lieutenant governor declares the petition insufficient, apply to the
2052 appropriate court for an extraordinary writ to compel the lieutenant governor to accept and file
2053 the referendum petition.

2054 (b) If the court determines that the referendum petition is legally sufficient, the
2055 lieutenant governor shall file the ~~[referendum]~~ petition, with a verified copy of the judgment
2056 attached to the referendum petition, as of the date on which the ~~[referendum]~~ petition was
2057 originally offered for filing in the lieutenant governor's office.

2058 (c) If the court determines that a petition filed is not legally sufficient, the court may
2059 enjoin the lieutenant governor and all other officers from certifying or printing the ballot title
2060 and numbers of that measure on the official ballot.

2061 (4) A petition determined to be sufficient in accordance with this section is qualified
2062 for the ballot.

2063 Section 23. Section **20A-7-308** is amended to read:

2064 **20A-7-308. Ballot title -- Duties of lieutenant governor and Office of Legislative**
2065 **Research and General Counsel.**

2066 (1) Whenever a referendum petition is declared sufficient for submission to a vote of
2067 the people, the lieutenant governor shall deliver a copy of the petition and the proposed law to
2068 the Office of Legislative Research and General Counsel.

2069 (2) (a) The Office of Legislative Research and General Counsel shall:

2070 (i) entitle each state referendum that ~~[has qualified]~~ qualifies for the ballot "Proposition
2071 Number ___" and ~~[give it a number as assigned under]~~ assign a number to the referendum in
2072 accordance with Section [20A-6-107](#);

2073 (ii) prepare an impartial ballot title for the referendum summarizing the contents of the
2074 measure; and

2075 (iii) ~~[return the petition and]~~ submit the ballot title to the lieutenant governor within 15
2076 days after ~~[its receipt]~~ the day on which the Office of Legislative Research and General
2077 Counsel receives the petition under Subsection (1).

2078 (b) The ballot title may be distinct from the title of the law that is the subject of the
2079 petition, and ~~[shall be not more than]~~ may not exceed 100 words.

2080 ~~[(c) The ballot title and the number of the measure as determined by the Office of~~

2081 ~~Legislative Research and General Counsel shall be printed on the official ballot.]~~

2082 (c) For each state referendum, the official ballot shall show, in the following order:

2083 (i) the number of the referendum, determined in accordance with Section 20A-6-107;

2084 and

2085 (ii) the ballot title described in this section.

2086 (3) Immediately after the Office of Legislative Research and General Counsel [~~files a~~
2087 ~~copy of~~] submits the ballot title [~~with~~] to the lieutenant governor, the lieutenant governor shall
2088 mail or email a copy of the ballot title to any of the sponsors of the petition.

2089 (4) (a) (i) At least three of the sponsors of the petition may, within 15 days [~~of the date~~]
2090 after the day on which the lieutenant governor mails the ballot title, challenge the wording of
2091 the ballot title prepared by the Office of Legislative Research and General Counsel to the
2092 [~~Supreme Court~~] appropriate court.

2093 (ii) After receipt of the appeal, the [~~Supreme Court~~] court shall direct the lieutenant
2094 governor to send notice of the appeal to:

2095 (A) any person or group that has filed an argument for or against the measure that is the
2096 subject of the challenge; [~~or~~] and

2097 (B) any political issues committee established under Section 20A-11-801 that has filed
2098 written or electronic notice with the lieutenant governor that identifies the name, mailing or
2099 email address, and telephone number of the person designated to receive notice about any
2100 issues relating to the referendum.

2101 (b) (i) There is a presumption that the ballot title prepared by the Office of Legislative
2102 Research and General Counsel is an impartial summary of the contents of the referendum.

2103 (ii) The [~~Supreme Court~~] court may not revise the wording of the ballot title unless the
2104 plaintiffs rebut the presumption by clearly and convincingly establishing that the ballot title is
2105 patently false or biased.

2106 (c) The [~~Supreme Court~~] court shall:

2107 (i) examine the ballot title;

2108 (ii) hear arguments; and
 2109 (iii) [~~certify to the lieutenant governor a ballot title for the measure that meets~~] enter an
 2110 order consistent with the requirements of this section.

2111 (d) The lieutenant governor shall, in accordance with the court's order, certify the ballot
 2112 title [~~verified by the Supreme Court~~] to the county clerks to be printed on the official ballot.

2113 Section 24. Section **20A-7-309** is amended to read:

2114 **20A-7-309. Form of ballot -- Manner of voting.**

2115 (1) [~~The county clerks~~] A county clerk shall ensure that the number and ballot title
 2116 [~~verified to them~~] certified by the lieutenant governor are presented upon the official ballot
 2117 with, immediately adjacent to [~~them~~] the number and ballot title, the words "For" and
 2118 "Against," each word presented with an adjacent square in which [~~the elector~~] a voter may
 2119 indicate the [~~elector's~~] voter's vote.

2120 (2) (a) (i) A voter desiring to vote in favor of the law that is the subject of the
 2121 referendum shall mark the square adjacent to the word "For."

2122 (ii) The law that is the subject of the referendum takes effect if a majority of voters
 2123 mark "For."

2124 (b) (i) A voter desiring to vote against the law that is the subject of the referendum
 2125 petition shall mark the square adjacent to the word "Against."

2126 (ii) The law that is the subject of the referendum does not take effect if a majority of
 2127 voters mark "Against."

2128 Section 25. Section **20A-7-311** is amended to read:

2129 **20A-7-311. Temporary stay -- Effective date -- Effect of repeal by Legislature.**

2130 (1) If, at the time during the counting period described in [~~Subsection~~] Section
 2131 20A-7-307[(2)], the lieutenant governor determines that, at that point in time, an adequate
 2132 number of signatures are certified to comply with the signature requirements, the lieutenant
 2133 governor shall:

2134 (a) issue an order temporarily staying the law from going into effect; and

2135 (b) continue the process of certifying signatures and removing signatures as required by
2136 this part.

2137 (2) The temporary stay described in Subsection (1) remains in effect, regardless of
2138 whether a future count falls below the signature threshold, until the day on which:

2139 (a) if the lieutenant governor declares the petition insufficient, five days after the day
2140 on which the lieutenant governor declares the petition insufficient; or

2141 (b) if the lieutenant governor declares the petition sufficient, the day on which
2142 governor issues the proclamation described in Section [20A-7-310](#).

2143 (3) A proposed law submitted to the people by referendum petition that is approved by
2144 the voters at an election takes effect the later of:

2145 (a) five days after the date of the official proclamation of the vote by the governor; or

2146 (b) the effective date specified in the proposed law.

2147 (4) If, after the lieutenant governor issues a temporary stay order under Subsection
2148 (1)(a), the lieutenant governor declares the petition insufficient, the proposed law takes effect
2149 the later of:

2150 (a) five days after the day on which the lieutenant governor declares the petition
2151 insufficient; or

2152 (b) the effective date specified in the proposed law.

2153 (5) (a) The governor may not veto a law adopted by the people.

2154 (b) The Legislature may amend any laws approved by the people at any legislative
2155 session after the people approve the law.

2156 (6) If the Legislature repeals a law challenged by referendum petition under this part,
2157 the referendum petition is void and no further action on the referendum petition is required.

2158 Section 26. Section **20A-7-401.5** is amended to read:

2159 **20A-7-401.5. Proposition information pamphlet.**

2160 (1) (a) (i) Within 15 days after the day on which an eligible voter files an application to
2161 circulate an initiative petition under Section [20A-7-502](#) or an application to circulate a

2162 referendum petition under Section [20A-7-602](#):

2163 (A) the sponsors of the proposed initiative or referendum may submit a written
2164 argument in favor of the proposed initiative or referendum to the election officer of the county
2165 or municipality to which the petition relates; and

2166 (B) the county or municipality to which the application relates may submit a written
2167 argument in favor of, or against, the proposed initiative or referendum to the county's or
2168 municipality's election officer.

2169 (ii) If a county or municipality submits more than one written argument under
2170 Subsection (1)(a)(i)(B), the election officer shall select one of the written arguments, giving
2171 preference to a written argument submitted by a member of a local legislative body if a
2172 majority of the local legislative body supports the written argument.

2173 (b) Within one business day after the day on which an election officer receives an
2174 argument under Subsection (1)(a)(i)(A), the election officer shall provide a copy of the
2175 argument to the county or municipality described in Subsection (1)(a)(i)(B) or (1)(a)(ii), as
2176 applicable.

2177 (c) Within one business day after the date on which an election officer receives an
2178 argument under Subsection (1)(a)(i)(B), the election officer shall provide a copy of the
2179 argument to the first three sponsors of the proposed initiative or referendum described in
2180 Subsection (1)(a)(i)(A).

2181 (d) The sponsors of the proposed initiative or referendum may submit a revised version
2182 of the written argument described in Subsection (1)(a)(i)(A) to the election officer of the
2183 county or municipality to which the petition relates within 20 days after the day on which the
2184 eligible voter files an application to circulate an initiative petition under Section [20A-7-502](#) or
2185 an application to circulate a referendum petition under Section [20A-7-602](#).

2186 (e) The author of a written argument described in Subsection (1)(a)(i)(B) submitted by
2187 a county or municipality may submit a revised version of the written argument to the county's
2188 or municipality's election officer within 20 days after the day on which the eligible voter files

2189 an application to circulate an initiative petition under Section 20A-7-502 or an application to
2190 circulate a referendum petition under Section 20A-7-602.

2191 (2) (a) A written argument described in Subsection (1) may not exceed 500 words.

2192 (b) Except as provided in Subsection (2)(c), a person may not modify a written
2193 argument described in Subsection (1)(d) or (e) after the written argument is submitted to the
2194 election officer.

2195 (c) The election officer and the person that submits the written argument described in
2196 Subsection (1)(d) or (e) may jointly agree to modify the written argument to:

2197 (i) correct factual, grammatical, or spelling errors; or

2198 (ii) reduce the number of words to come into compliance with Subsection (2)(a).

2199 (d) An election officer shall refuse to include a written argument in the proposition
2200 information pamphlet described in this section if the person who submits the argument:

2201 (i) fails to negotiate, in good faith, to modify the argument in accordance with
2202 Subsection (2)(c); or

2203 (ii) does not timely submit the written argument to the election officer.

2204 (e) An election officer shall make a good faith effort to negotiate a modification
2205 described in Subsection (2)(c) in an expedited manner.

2206 (3) An election officer who receives a written argument described in Subsection (1)
2207 shall prepare a proposition information pamphlet for publication that includes:

2208 (a) a copy of the application for the proposed initiative or referendum;

2209 (b) except as provided in Subsection (2)(d), immediately after the copy described in
2210 Subsection (3)(a), the argument prepared by the sponsors of the proposed initiative or
2211 referendum, if any;

2212 (c) except as provided in Subsection (2)(d), immediately after the argument described
2213 in Subsection (3)(b), the argument prepared by the county or municipality, if any; and

2214 (d) a copy of the initial fiscal impact statement and legal impact statement described in
2215 Section 20A-7-502.5 or 20A-7-602.5.

2216 (4) (a) A proposition information pamphlet is a draft for purposes of Title 63G,
2217 Chapter 2, Government Records Access and Management Act, until the earlier of when the
2218 election officer:

- 2219 (i) complies with Subsection (4)(b); or
- 2220 (ii) publishes the proposition information pamphlet under Subsection (5) or (6).

2221 (b) Within 21 days after the day on which the eligible voter files an application to
2222 circulate an initiative petition under Section 20A-7-502, or an application to circulate a
2223 referendum petition under Section 20A-7-602, the election officer shall provide a copy of the
2224 proposition information pamphlet to the sponsors of the initiative or referendum and each
2225 individual who submitted an argument included in the proposition information pamphlet.

2226 (5) An election officer for a municipality shall publish the proposition information
2227 pamphlet as follows:

2228 (a) within the later of 10 days after the day on which the municipality or a court
2229 determines that the proposed initiative or referendum is legally referable to voters, or, if the
2230 election officer modifies an argument under Subsection (2)(c), three days after the day on
2231 which the election officer and the person that submitted the argument agree on the
2232 modification:

2233 (i) by sending the proposition information pamphlet electronically to each individual in
2234 the municipality for whom the municipality has an email address, unless the individual has
2235 indicated that the municipality is prohibited from using the individual's email address for that
2236 purpose; and

2237 (ii) by posting the proposition information pamphlet on the Utah Public Notice
2238 Website, created in Section 63F-1-701, and the home page of the municipality's website, if the
2239 municipality has a website, until:

2240 (A) if the sponsors of the proposed initiative or referendum or an agent of the sponsors
2241 do not timely deliver any verified initiative packets under Section 20A-7-506 or any verified
2242 referendum packets under Section 20A-7-606, the day after the date of the deadline for delivery

2243 of the verified initiative packets or verified referendum packets;

2244 (B) the local clerk determines, under Section 20A-7-507 or 20A-7-607, that the
2245 number of signatures necessary to qualify the proposed initiative or referendum for placement
2246 on the ballot is insufficient and the determination is not timely appealed or is upheld after
2247 appeal; or

2248 (C) the day after the date of the election at which the proposed initiative or referendum
2249 appears on the ballot; and

2250 (b) if the municipality regularly mails a newsletter, utility bill, or other material to the
2251 municipality's residents, including an Internet address, where a resident may view the
2252 proposition information pamphlet, in the next mailing, for which the municipality has not
2253 begun preparation, that falls on or after the later of:

2254 (i) 10 days after the day on which the municipality or a court determines that the
2255 proposed initiative or referendum is legally referable to voters; or

2256 (ii) if the election officer modifies an argument under Subsection (2)(c), three days
2257 after the day on which the election officer and the person that submitted the argument agree on
2258 the modification.

2259 (6) An election officer for a county shall, within the later of 10 days after the day on
2260 which the county or a court determines that the proposed initiative or referendum is legally
2261 referable to voters, or, if the election officer modifies an argument under Subsection (2)(c),
2262 three days after the day on which the election officer and the person that submitted the
2263 argument agree on the modification, publish the proposition information pamphlet as follows:

2264 (a) by sending the proposition information pamphlet electronically to each individual
2265 in the county for whom the county has an email address obtained via voter registration; and

2266 (b) by posting the proposition information pamphlet on the Utah Public Notice
2267 Website, created in Section 63F-1-701, and the home page of the county's website, until:

2268 (i) if the sponsors of the proposed initiative or referendum or an agent of the sponsors
2269 do not timely deliver any verified initiative packets under Section 20A-7-506 or any verified

2270 referendum packets under Section 20A-7-606, the day after the date of the deadline for delivery
2271 of the verified initiative packets or verified referendum packets;

2272 (ii) the local clerk determines, under Section 20A-7-507 or 20A-7-607, that the number
2273 of signatures necessary to qualify the proposed initiative or referendum for placement on the
2274 ballot is insufficient and the determination is not timely appealed or is upheld after appeal; or

2275 (iii) the day after the date of the election at which the proposed initiative or referendum
2276 appears on the ballot.

2277 Section 27. Section 20A-7-502 is amended to read:

2278 **20A-7-502. Local initiative process -- Application procedures.**

2279 (1) ~~[An eligible voter]~~ Individuals wishing to circulate an initiative petition shall file an
2280 application with the local clerk.

2281 (2) The application shall contain:

2282 (a) the name and residence address of at least five sponsors of the initiative petition;

2283 ~~[(b) a statement indicating that each of the sponsors is a registered voter;]~~

2284 ~~[(c)]~~ (b) a statement indicating that each of the sponsors ~~[has voted in an election in~~
2285 ~~Utah in the last three years;]~~ is registered to vote in Utah;

2286 ~~[(d)]~~ (c) the signature of each of the sponsors, acknowledged by a notary public;

2287 ~~[(e)]~~ (d) a copy of the proposed law that includes:

2288 (i) the title of the proposed law~~[-, which]~~ that clearly expresses the subject of the law;

2289 ~~[and]~~

2290 (ii) a description of all proposed sources of funding for the costs associated with the
2291 proposed law, including the proposed percentage of total funding from each source; and

2292 ~~[(ii)]~~ (iii) the text of the proposed law; ~~[and]~~

2293 ~~[(f)]~~ (e) if the initiative petition proposes a tax increase, the following statement, "This
2294 initiative petition seeks to increase the current (insert name of tax) rate by (insert the tax
2295 percentage difference) percent, resulting in a(n) (insert the tax percentage increase) percent
2296 increase in the current tax rate."; and

2297 (f) a statement indicating whether persons gathering signatures for the petition may be
2298 paid for gathering signatures.

2299 (3) A proposed law submitted under this section may not contain more than one subject
2300 to the same extent a bill may not pass containing more than one subject as provided in Utah
2301 Constitution, Article VI, Section 22.

2302 Section 28. Section **20A-7-503** is amended to read:

2303 **20A-7-503. Form of initiative petitions and signature sheets.**

2304 (1) (a) Each proposed initiative petition shall be printed in substantially the following
2305 form:

2306 "INITIATIVE PETITION To the Honorable ____, County Clerk/City Recorder/Town
2307 Clerk:

2308 We, the undersigned citizens of Utah, respectfully demand that the following proposed
2309 law be submitted to: the legislative body for its approval or rejection at its next meeting; and
2310 the legal voters of the county/city/town, if the legislative body rejects the proposed law or takes
2311 no action on it.

2312 Each signer says:

2313 I have personally signed this petition;

2314 The date next to my signature correctly reflects the date that I actually signed the
2315 petition;

2316 I have personally reviewed the entire statement included with this packet;

2317 I am registered to vote in Utah or intend to become registered to vote in Utah before the
2318 certification of the petition names by the county clerk; and

2319 My residence and post office address are written correctly after my name.";

2320 (b) If the initiative petition proposes a tax increase, the following statement shall
2321 appear, in at least 14-point, bold type, immediately following the information described in
2322 Subsection (1)(a):

2323 "This initiative petition seeks to increase the current (insert name of tax) rate by (insert

2324 the tax percentage difference) percent, resulting in a(n) (insert the tax percentage increase)
2325 percent increase in the current tax rate.".

2326 (c) The sponsors of an initiative or an agent of the sponsors shall attach a copy of the
2327 proposed law to each initiative petition.

2328 (2) Each signature sheet shall:

2329 (a) be printed on sheets of paper 8-1/2 inches long and 11 inches wide;

2330 (b) be ruled with a horizontal line three-fourths inch from the top, with the space above
2331 that line blank for the purpose of binding;

2332 (c) contain the title of the initiative printed below the horizontal line, in at least
2333 14-point, bold type;

2334 (d) contain the word "Warning" printed or typed at the top of each signature sheet
2335 under the title of the initiative;

2336 (e) contain, to the right of the word "Warning," the following statement printed or
2337 typed in not less than eight-point type:

2338 "It is a class A misdemeanor for an individual to sign an initiative petition with a name
2339 other than the individual's own name, or to knowingly sign the individual's name more than
2340 once for the same measure, or to sign an initiative petition when the individual knows that the
2341 individual is not a registered voter and knows that the individual does not intend to become
2342 registered to vote before the certification of the petition names by the county clerk.";

2343 (f) contain horizontally ruled lines, three-eighths inch apart under the warning
2344 statement described in Subsection (2)(e); and

2345 [~~(d)~~] (g) be vertically divided into columns as follows:

2346 [(i) ~~the first column shall appear at the extreme left of the sheet, be five-eighths inch~~
2347 ~~wide, be headed with "For Office Use Only", and be subdivided with a light vertical line down~~
2348 ~~the middle with the left subdivision entitled "Registered" and the right subdivision left~~
2349 ~~untitled;]~~

2350 [(ii) ~~the next column shall be 2-1/2 inches wide, headed "Registered Voter's Printed~~

2351 Name (must be legible to be counted)";]

2352 ~~[(iii) the next column shall be 2-1/2 inches wide, headed "Signature of Registered~~

2353 ~~Voter";]~~

2354 ~~[(iv) the next column shall be one inch wide, headed "Birth Date or Age (Optional)";~~

2355 ~~and]~~

2356 ~~[(v) the final column shall be 4-3/8 inches wide, headed "Street Address, City, Zip~~

2357 ~~Code";]~~

2358 ~~[(e) spanning the sheet horizontally beneath each row on which a registered voter may~~

2359 ~~submit the information described in Subsection (2)(d), contain the following statement printed~~

2360 ~~or typed in not less than eight-point type:]~~

2361 (i) the edge of the first column shall appear .5 inch from the extreme left of the sheet,

2362 be .25 inch wide, and be headed, together with the second column, "For Office Use Only";

2363 (ii) the second column shall be .25 inch wide;

2364 (iii) the third column shall be 2.5 inches wide, headed "Registered Voter's Printed

2365 Name (must be legible to be counted)";

2366 (iv) the fourth column shall be 2.5 inches wide, headed "Signature of Registered

2367 Voter";

2368 (v) the fifth column shall be .75 inch wide, headed "Date Signed";

2369 (vi) the sixth column shall be three inches wide, headed "Street Address, City, Zip

2370 Code"; and

2371 (vii) the seventh column shall be .75 inch wide, headed "Birth Date or Age (Optional)";

2372 (h) be horizontally divided into rows as follows:

2373 (i) the top of the first row, for the purpose of entering the information described in

2374 Subsection (2)(g), shall be .5 inch high;

2375 (ii) the second row shall be .15 inch high and contain the following statement printed

2376 or typed in not less than 12-point type:

2377 "By signing this petition, you are stating that you have read and understand the law

2378 proposed by this petition."; and

2379 (iii) the first and second rows shall be repeated, in order, leaving sufficient room at the
 2380 bottom of the sheet for the information described in Subsection (2)(i); and

2381 [~~(f)~~] (i) at the bottom of the sheet, contain in the following order:

2382 [~~(i)~~] the title of the initiative, in at least 14-point, bold type;]

2383 [~~(ii)~~] (i) the initial fiscal impact estimate's summary statement issued by the budget
 2384 officer in accordance with Subsection 20A-7-502.5(2)(b) and the cost estimate for printing and
 2385 distributing information related to the initiative petition in accordance with Subsection
 2386 20A-7-502.5(3), in not less than 12-point, bold type;

2387 [~~(iii)~~] the word "Warning," followed by the following statement in not less than
 2388 eight-point type:]

2389 ["It is a class A misdemeanor for an individual to sign an initiative petition with a name
 2390 other than the individual's own name, or to knowingly sign the individual's name more than
 2391 once for the same measure, or to sign an initiative petition when the individual knows that the
 2392 individual is not a registered voter and knows that the individual does not intend to become
 2393 registered to vote before the certification of the petition names by the county clerk.";]

2394 [~~(iv)~~] (ii) the following statement: "Birth date or age information is not required, but it
 2395 may be used to verify your identity with voter registration records. If you choose not to provide
 2396 it, your signature may not be verified as a valid signature if you change your address before
 2397 petition signatures are verified or if the information you provide does not match your voter
 2398 registration records."; and

2399 [~~(v)~~] (iii) if the initiative petition proposes a tax increase, spanning the bottom of the
 2400 sheet, horizontally, in not less than 14-point, bold type, the following statement:

2401 "This initiative petition seeks to increase the current (insert name of tax) rate by (insert
 2402 the tax percentage difference) percent, resulting in a(n) (insert the tax percentage increase)
 2403 percent increase in the current tax rate.";

2404 (3) The final page of each initiative packet shall contain the following printed or typed

2405 statement:

2406 "Verification

2407 State of Utah, County of _____

2408 I, _____, of _____, hereby state, under penalty of perjury, that:

2409 I am a resident of Utah and am at least 18 years old;

2410 All the names that appear in this [initiative] packet were signed by [the] individuals
2411 who professed to be the individuals whose names appear in it, and each of the individuals
2412 signed the individual's name on it in my presence;

2413 I did not knowingly make a misrepresentation of fact concerning the law proposed by
2414 the initiative;

2415 I believe that each individual has printed and signed the individual's name and written
2416 the individual's post office address and residence correctly, that each signer has read and
2417 understands the law proposed by the initiative, and that each signer is registered to vote in Utah
2418 or intends to become registered to vote before the certification of the petition names by the
2419 county clerk.

2420 [_____"]

2421 [~~(4) The forms prescribed in this section are not mandatory, and, if]~~

2422 Each individual who signed the packet wrote the correct date of signature next to the
2423 individual's name.

2424 I have not paid or given anything of value to any individual who signed this petition to
2425 encourage that individual to sign it.

2426 _____

2427 (Name) _____ (Residence Address) _____ (Date)".

2428 (4) If the forms described in this section are substantially followed, the initiative
2429 petitions are sufficient, notwithstanding clerical and merely technical errors.

2430 (5) An individual's status as a resident, under Subsection (3), is determined in
2431 accordance with Section [20A-2-105](#).

2432 Section 29. Section **20A-7-504** is amended to read:

2433 **20A-7-504. Circulation requirements -- Local clerk to provide sponsors with**
2434 **materials.**

2435 (1) In order to obtain the necessary number of signatures required by this part, the
2436 sponsors or an agent of the sponsors shall, after the sponsors receive the documents described
2437 in Subsections (2)[(a) and (b)] and [Subsection] 20A-7-401.5(4)(b), circulate initiative packets
2438 that meet the form requirements of this part.

2439 (2) Within five days after the day on which a county, city, town, metro township, or
2440 court determines, in accordance with Section 20A-7-502.7, that a law proposed in an initiative
2441 petition is legally referable to voters, the local clerk shall furnish to the sponsors:

2442 (a) [~~one~~] a copy of the initiative petition; and

2443 (b) [~~one~~] a signature sheet.

2444 (3) The sponsors of the petition shall:

2445 (a) arrange and pay for the printing of all additional copies of the petition and signature
2446 sheets; and

2447 (b) ensure that the copies of the petition and signature sheets meet the form
2448 requirements of this section.

2449 (4) (a) The sponsors or an agent of the sponsors may prepare the initiative for
2450 circulation by creating multiple initiative packets.

2451 (b) The sponsors or an agent of the sponsors shall create [~~those~~] initiative packets by
2452 binding a copy of the initiative petition, a copy of the proposed law, and no more than 50
2453 signature sheets together at the top in [~~such a way~~] a manner that the packets may be
2454 conveniently opened for signing.

2455 (c) [~~The sponsors need not attach~~] An initiative packet is not required to have a
2456 uniform number of signature sheets [~~to each initiative packet~~].

2457 (d) The sponsors or an agent of the sponsors shall include, with each packet, a copy of
2458 the proposition information pamphlet provided to the sponsors under Subsection

2459 20A-7-401.5(4)(b).

2460 (5) (a) The sponsors or an agent of the sponsors shall, before gathering signatures:

2461 (i) contact the county clerk to receive a range of numbers that the sponsors may use to
2462 number signature packets; and

2463 (ii) number each signature packet, sequentially, within the range of numbers provided
2464 by the county clerk, starting with the lowest number in the range.

2465 (b) The sponsors or an agent of the sponsors may not:

2466 (i) number a signature packet in a manner not directed by the county clerk; or

2467 (ii) circulate or submit a signature packet that is not numbered in the manner directed
2468 by the county clerk.

2469 (c) The county clerk shall keep a record of the number range provided under

2470 Subsection (5)(a).

2471 Section 30. Section **20A-7-505** is amended to read:

2472 **20A-7-505. Obtaining signatures -- Verification -- Removal of signature.**

2473 (1) ~~[Any]~~ A Utah voter may sign a local initiative petition if the voter is a legal voter
2474 and resides in the local jurisdiction.

2475 (2) (a) The sponsors shall ensure that the individual in whose presence each signature
2476 sheet was signed:

2477 (i) is at least 18 years old and meets the residency requirements of Section **20A-2-105**;

2478 ~~[and]~~

2479 (ii) verifies each signature sheet by completing the verification printed on the last page
2480 of each initiative packet~~[-]~~; and

2481 (iii) is informed that each signer is required to read and understand the law proposed by
2482 the initiative.

2483 (b) An individual may not sign the verification printed on the last page of the initiative
2484 packet if the individual signed a signature sheet in the initiative packet.

2485 ~~[(3) (a) (i) Any voter who has signed an initiative petition may have the voter's~~

2486 ~~signature removed from the petition by submitting a notarized statement to that effect to the~~
2487 ~~county clerk.]~~

2488 ~~[(ii) In order for the signature to be removed, the statement must be received by the~~
2489 ~~county clerk no later than seven days after the day on which the sponsors submit the last~~
2490 ~~signature packet to the county clerk.]~~

2491 ~~[(b) Upon timely receipt of the statement, the county clerk shall remove the signature~~
2492 ~~of the individual submitting the statement from the initiative petition.]~~

2493 (3) (a) A voter who has signed an initiative petition may have the voter's signature
2494 removed from the petition by submitting a statement requesting that the voter's signature be
2495 removed before 5 p.m. no later than the earlier of:

2496 (i) 30 days after the day on which the voter signs the signature removal statement;

2497 (ii) 90 days after the day on which the local clerk posts the voter's name under

2498 Subsection [20A-7-507\(2\)\(a\)](#);

2499 (iii) 316 days after the day on which the application is filed; or

2500 (iv) (A) for a county initiative, April 15 immediately before the next regular general
2501 election immediately after the application is filed under Section [20A-7-502](#); or

2502 (B) for a municipal initiative, April 15 immediately before the next municipal general
2503 election immediately after the application is filed under Section [20A-7-502](#).

2504 (b) (i) The statement shall include:

2505 (A) the name of the voter;

2506 (B) the resident address at which the voter is registered to vote;

2507 (C) the signature of the voter; and

2508 (D) the date of the signature described in Subsection (3)(b)(i)(C).

2509 (ii) To increase the likelihood of the voter's signature being identified and removed, the
2510 statement may include the voter's birth date or age.

2511 (c) A voter may not submit a statement by email or other electronic means.

2512 (d) In order for the signature to be removed, the county clerk must receive the

2513 statement before 5 p.m. no later than the applicable deadline described in Subsection (3)(a).

2514 (e) A person may only remove a signature from an initiative petition in accordance
2515 with this Subsection (3).

2516 (f) A county clerk shall analyze a signature, for purposes of removing a signature from
2517 an initiative petition, in accordance with Section [20A-7-506.3](#).

2518 Section 31. Section **20A-7-506** is amended to read:

2519 **20A-7-506. Submitting the initiative petition -- Certification of signatures by the**
2520 **county clerks -- Transfer to local clerk.**

2521 (1) (a) The sponsors or an agent of the sponsors shall ~~[deliver each]~~ submit a signed
2522 and verified initiative packet to the county clerk of the county in which the packet was
2523 circulated before 5 p.m. no later than the earlier of:

2524 ~~[(i) for county initiatives:]~~

2525 (i) 30 days after the day on which the first individual signs the initiative packet;

2526 ~~[(A)]~~ (ii) 316 days after the day on which the application is filed; or

2527 ~~[(B) the]~~ (iii) (A) for a county initiative, April 15 immediately before the next regular
2528 general election immediately after the application is filed under Section [20A-7-502](#); or

2529 ~~[(ii) for municipal initiatives:]~~

2530 ~~[(A) 316 days after the day on which the application is filed; or]~~

2531 (B) ~~the~~ for a municipal initiative, April 15 immediately before the next municipal
2532 general election immediately after the application is filed under Section [20A-7-502](#).

2533 (b) A ~~[sponsor]~~ person may not submit an initiative packet after the deadline
2534 established in ~~[this]~~ Subsection (1)(a).

2535 (2) The county clerk shall, within 21 days after the day on which the county clerk
2536 receives the packet:

2537 (a) determine whether each signer is a registered voter according to the requirements of
2538 Section [20A-7-506.3](#);

2539 (b) certify on the petition whether each name is that of a registered voter;

2540 (c) except as provided in Subsection (3), post the name and voter identification number
2541 of each registered voter certified under Subsection (2)(b) on the lieutenant governor's website,
2542 in a conspicuous location designated by the lieutenant governor; and

2543 (d) deliver the verified initiative packet to the local clerk.

2544 (3) (a) If the county clerk timely receives a statement requesting signature removal
2545 under Subsection 20A-7-505(3), the county clerk shall:

2546 (i) ensure that the voter's name and voter identification number are not included in the
2547 posting described in Subsection (2)(c); and

2548 (ii) remove the voter's signature from the signature packets and signature packet totals.

2549 (b) The county clerk shall comply with Subsection (3)(a) before the later of:

2550 (i) the deadline described in Subsection (2); or

2551 (ii) two business days after the day on which the county clerk receives a statement
2552 requesting signature removal under Subsection 20A-7-505(3).

2553 (c) The local clerk shall post a link in a conspicuous location on the local government's
2554 website to the posting described in Subsection (2)(c) during the period of time described in
2555 Subsection 20A-7-507(2)(a)(i).

2556 ~~[(2)] (4) The county clerk may not certify a signature under Subsection [(3)] (2) on an~~
2557 ~~initiative packet that is not verified in accordance with Section 20A-7-505.~~

2558 ~~[(3) No later than May 15, the county clerk shall:]~~

2559 ~~[(a) determine whether or not each signer is a voter according to the requirements of~~
2560 ~~Section 20A-7-506.3;]~~

2561 ~~[(b) certify on the petition whether or not each name is that of a voter; and]~~

2562 ~~[(c) deliver all of the verified packets to the local clerk.]~~

2563 (5) A person may not retrieve an initiative packet from a county clerk, or make any
2564 alterations or corrections to an initiative packet, after the initiative packet is submitted to the
2565 county clerk.

2566 Section 32. Section 20A-7-506.3 is amended to read:

2567 **20A-7-506.3. Verification of petition signatures.**

2568 (1) As used in this section:

2569 (a) [~~For the purposes of this section, "substantially]~~ "Substantially similar name"

2570 means:

2571 (i) the given name and surname shown on the petition, or both, contain only minor
2572 spelling differences when compared to the given name and surname shown on the official
2573 register;

2574 (ii) the surname shown on the petition exactly matches the surname shown on the
2575 official register, and the given names differ only because one of the given names shown is a
2576 commonly used abbreviation or variation of the other;

2577 (iii) the surname shown on the petition exactly matches the surname shown on the
2578 official register, and the given names differ only because one of the given names shown is
2579 accompanied by a first or middle initial or a middle name which is not shown on the other
2580 record; or

2581 (iv) the surname shown on the petition exactly matches the surname shown on the
2582 official register, and the given names differ only because one of the given names shown is an
2583 alphabetically corresponding initial that has been provided in the place of a given name shown
2584 on the other record.

2585 (b) [~~For the purposes of this section, "substantially]~~ "Substantially similar name" does
2586 not mean a name having an initial or a middle name shown on the petition that does not match
2587 a different initial or middle name shown on the official register.

2588 (2) The county clerk shall use the following procedures in determining whether [~~or not]~~
2589 a signer is a registered voter:

2590 (a) When a signer's name and address shown on the petition exactly match a name and
2591 address shown on the official register and the signer's signature appears substantially similar to
2592 the signature on the statewide voter registration database, the county clerk shall declare the
2593 signature valid.

2594 (b) When there is no exact match of an address and a name, the county clerk shall
2595 declare the signature valid if:

2596 (i) the address on the petition matches the address of an individual on the official
2597 register with a substantially similar name; and

2598 (ii) the signer's signature appears substantially similar to the signature on the statewide
2599 voter registration database of the individual described in Subsection (2)(b)(i).

2600 (c) When there is no match of an address and a substantially similar name, the county
2601 clerk shall declare the signature valid if:

2602 (i) the birth date or age on the petition matches the birth date or age of an individual on
2603 the official register with a substantially similar name; and

2604 (ii) the signer's signature appears substantially similar to the signature on the statewide
2605 voter registration database of the individual described in Subsection (2)(c)(i).

2606 (d) If a signature is not declared valid under Subsection (2)(a), (2)(b), or (2)(c), the
2607 county clerk shall declare the signature to be invalid.

2608 (3) The county clerk shall use the following procedures in determining whether to
2609 remove a signature from a petition after receiving a timely, valid statement requesting removal
2610 of the signature:

2611 (a) if a signer's name and address shown on the statement and the petition exactly
2612 match a name and address shown on the official register and the signer's signature on both the
2613 statement and the petition appears substantially similar to the signature on the statewide voter
2614 registration database, the county clerk shall remove the signature from the petition;

2615 (b) if there is no exact match of an address and a name, the county clerk shall remove
2616 the signature from the petition if:

2617 (i) the address on the statement and the petition matches the address of an individual
2618 on the official register with a substantially similar name; and

2619 (ii) the signer's signature on both the statement and the petition appears substantially
2620 similar to the signature on the statewide voter registration database of the individual described

2621 in Subsection (3)(b)(i);
2622 (c) if there is no match of an address and a substantially similar name, the county clerk
2623 shall remove the signature from the petition if:

2624 (i) the birth date or age on the statement and petition match the birth date or age of an
2625 individual on the official register with a substantially similar name; and

2626 (ii) the signer's signature on both the statement and the petition appears substantially
2627 similar to the signature on the statewide voter registration database of the individual described
2628 in Subsection (3)(c)(i); and

2629 (d) if a signature does not qualify for removal under Subsection (3)(a), (b), or (c), the
2630 county clerk may not remove the signature from the petition.

2631 Section 33. Section **20A-7-507** is amended to read:

2632 **20A-7-507. Evaluation by the local clerk.**

2633 (1) When ~~[each]~~ a local clerk receives an initiative packet ~~[is received]~~ from a county
2634 clerk, the local clerk shall ~~[check off from the local clerk's]~~ record the number of ~~[each]~~ the
2635 initiative packet ~~[filed]~~ received.

2636 ~~[(2) (a) After all of the initiative packets have been received by the local clerk, the local~~
2637 ~~clerk shall count the number of the names certified by the county clerk that appear on each~~
2638 ~~verified signature sheet.]~~

2639 (2) (a) The county clerk shall:

2640 (i) post the names and voter identification numbers described in Subsection
2641 20A-7-506(2)(c) on the lieutenant governor's website, in a conspicuous location designated by
2642 the lieutenant governor, for at least 90 days; and

2643 (ii) update on the local government's website the number of signatures certified as of
2644 the date of the update.

2645 (b) The local clerk:

2646 (i) shall, except as provided in Subsection (2)(b)(ii), declare the petition to be sufficient
2647 or insufficient no later than 21 days after the day of the applicable deadline described in

2648 Subsection 20A-7-506(1)(a); or
2649 (ii) may declare the petition to be insufficient before the day described in Subsection
2650 (2)(b)(i) if:
2651 (A) the total of all valid signatures on timely and lawfully submitted signature packets
2652 that have been certified by the county clerks, plus the number of signatures on timely and
2653 lawfully submitted signature packets that have not yet been evaluated for certification, is less
2654 than the number of names required under Section 20A-7-501; or
2655 (B) a requirement of this part has not been met.
2656 ~~[(b)]~~ (c) If the total number of certified names from each verified signature sheet equals
2657 or exceeds the number of names required by Section 20A-7-501 and the requirements of this
2658 part are met, the local clerk shall mark upon the front of the petition the word "sufficient."
2659 ~~[(c)]~~ (d) If the total number of certified names from each verified signature sheet does
2660 not equal or exceed the number of names required by Section 20A-7-501 or a requirement of
2661 this part is not met, the local clerk shall mark upon the front of the petition the word
2662 "insufficient."
2663 ~~[(d)]~~ (e) The local clerk shall immediately notify any one of the sponsors of the local
2664 clerk's finding.
2665 (f) After a petition is declared insufficient, a person may not submit additional
2666 signatures to qualify the petition for the ballot.
2667 (3) If the local clerk finds the total number of certified signatures from each verified
2668 signature sheet to be insufficient, any sponsor may file a written demand with the local clerk
2669 for a recount of the signatures appearing on the initiative petition in the presence of any
2670 sponsor.
2671 ~~[(4) Once a petition is declared insufficient, the sponsors may not submit additional~~
2672 ~~signatures to qualify the petition for the ballot.]~~
2673 ~~[(5)]~~ (4) A petition determined to be sufficient in accordance with this section is
2674 qualified for the ballot.

2675 Section 34. Section **20A-7-508** is amended to read:

2676 **20A-7-508. Ballot title -- Duties of local clerk and local attorney.**

2677 (1) Upon receipt of an initiative petition, the local clerk shall deliver a copy of the
2678 petition and the proposed law to the local attorney.

2679 (2) The local attorney shall:

2680 (a) entitle each county or municipal initiative that has qualified for the ballot

2681 "Proposition Number ___" and give it a number as assigned under Section **20A-6-107**;

2682 (b) prepare a proposed ballot title for the initiative;

2683 (c) file the proposed ballot title and the numbered initiative titles with the local clerk
2684 within 20 days after the day on which an eligible voter submits the initiative petition to the
2685 local clerk; and

2686 (d) promptly provide notice of the filing of the proposed ballot title to:

2687 (i) the sponsors of the petition; and

2688 (ii) the local legislative body for the jurisdiction where the initiative petition was
2689 circulated.

2690 (3) (a) The ballot title may be distinct from the title of the proposed law attached to the
2691 initiative petition, and shall express, in not exceeding 100 words, the purpose of the measure.

2692 (b) In preparing a ballot title, the local attorney shall, to the best of the local attorney's
2693 ability, give a true and impartial statement of the purpose of the measure.

2694 (c) The ballot title may not intentionally be an argument, or likely to create prejudice,
2695 for or against the measure.

2696 (d) If the initiative proposes a tax increase, the local attorney shall include the
2697 following statement, in bold, in the ballot title:

2698 "This initiative seeks to increase the current (insert name of tax) rate by (insert the tax
2699 percentage difference) percent, resulting in a(n) (insert the tax percentage increase) percent
2700 increase in the current tax rate.";

2701 (4) (a) Within five calendar days after the date the local attorney files a proposed ballot

2702 title under Subsection (2)(c), the local legislative body for the jurisdiction where the initiative
2703 petition was circulated and the sponsors of the petition may file written comments in response
2704 to the proposed ballot title with the local clerk.

2705 (b) Within five calendar days after the last date to submit written comments under
2706 Subsection (4)(a), the local attorney shall:

- 2707 (i) review any written comments filed in accordance with Subsection (4)(a);
- 2708 (ii) prepare a final ballot title that meets the requirements of Subsection (3); and
- 2709 (iii) return the petition and file the ballot title with the local clerk.

2710 (c) Subject to Subsection (6), the ballot title, as determined by the local attorney, shall
2711 be printed on the official ballot.

2712 (5) Immediately after the local attorney files a copy of the ballot title with the local
2713 clerk, the local clerk shall serve a copy of the ballot title by mail upon the sponsors of the
2714 petition and the local legislative body for the jurisdiction where the initiative petition was
2715 circulated.

2716 (6) (a) If the ballot title furnished by the local attorney is unsatisfactory or does not
2717 comply with the requirements of this section, the decision of the local attorney may be
2718 appealed to the [~~district court, or, if the Supreme Court has original jurisdiction, to the~~
2719 ~~Supreme Court, brought~~] appropriate court by:

- 2720 (i) at least three sponsors of the initiative petition; or
- 2721 (ii) a majority of the local legislative body for the jurisdiction where the initiative
2722 petition was circulated.

2723 (b) The court:

- 2724 (i) shall examine the measures and consider arguments; and
- 2725 (ii) may certify to the local clerk a ballot title for the measure that fulfills the intent of
2726 this section.

2727 (c) The local clerk shall print the title certified by the court on the official ballot.

2728 Section 35. Section **20A-7-510** is amended to read:

2729 **20A-7-510. Return and canvass -- Conflicting measures -- Law effective on**
2730 **proclamation.**

2731 (1) The votes on the law proposed by the initiative petition shall be counted,
2732 canvassed, and delivered as provided in Title 20A, Chapter 4, Part 3, Canvassing Returns.

2733 (2) After the local board of canvassers completes ~~[its]~~ the canvass, the local clerk shall
2734 certify to the local legislative body the vote for and against the law proposed by the initiative
2735 petition.

2736 (3) (a) The local legislative body shall immediately issue a proclamation that:

2737 (i) gives the total number of votes cast in the local jurisdiction for and against each law
2738 proposed by an initiative petition; and

2739 (ii) declares those laws proposed by an initiative petition that were approved by
2740 majority vote to be in full force and effect as the law of the local jurisdiction.

2741 (b) When the local legislative body determines that two proposed laws, or that parts of
2742 two proposed laws approved by the people at the same election are entirely in conflict, ~~[they]~~
2743 the local legislative body shall proclaim that measure to be law that ~~[has]~~ received the greatest
2744 number of affirmative votes, regardless of the difference in the majorities which those
2745 measures have received.

2746 (c) (i) Within 10 days after the day on which the local legislative ~~[body's]~~ body issues
2747 the proclamation, any qualified voter who signed the initiative petition proposing the law that
2748 is declared by the local legislative body to be superseded by another measure approved at the
2749 same election may bring an action in ~~[district court, or, if the Supreme Court has original~~
2750 ~~jurisdiction, the Supreme Court]~~ the appropriate court to review the decision.

2751 (ii) The court shall:

2752 (A) consider the matter and decide whether the proposed laws are entirely in conflict;
2753 and

2754 (B) issue an order, consistent with the court's decision, to the local legislative body.

2755 (4) Within 10 days after the day on which the court ~~[certifies the decision]~~ enters an

2756 order under Subsection (3)(c)(ii), the local legislative body shall:

2757 (a) proclaim as law all measures approved by the people that the court determines are
2758 not in conflict; and

2759 (b) for the measures approved by the people as law that the court determines to be in
2760 conflict, proclaim as law the measure that received the greatest number of affirmative votes,
2761 regardless of the difference in majorities.

2762 Section 36. Section **20A-7-601** is amended to read:

2763 **20A-7-601. Referenda -- General signature requirements -- Signature**
2764 **requirements for land use laws and subjurisdictional laws -- Time requirements.**

2765 (1) As used in this section:

2766 (a) "Number of active voters" means the number of active voters in the county, city, or
2767 town on the immediately preceding January 1.

2768 (b) "Subjurisdiction" means an area comprised of all precincts and subprecincts in the
2769 jurisdiction of a county, city, or town that are subject to a subjurisdictional law.

2770 (c) (i) "Subjurisdictional law" means a local law or local obligation law passed by a
2771 local legislative body that imposes a tax or other payment obligation on property in an area that
2772 does not include all precincts and subprecincts under the jurisdiction of the county, city, town,
2773 or metro township.

2774 (ii) "Subjurisdictional law" does not include a land use law.

2775 (d) "Voter participation area" means an area described in Subsection [20A-7-401.3\(1\)\(a\)](#)
2776 or (2)(b).

2777 (2) Except as provided in Subsection (3) or (4), an eligible voter seeking to have a local
2778 law passed by the local legislative body submitted to a vote of the people shall obtain legal
2779 signatures equal to:

2780 (a) for a county of the first class:

2781 (i) 7.75% of the number of active voters in the county; and

2782 (ii) beginning on January 1, 2020, 7.75% of the number of active voters in at least 75%

- 2783 of the county's voter participation areas;
- 2784 (b) for a metro township with a population of 100,000 or more, or a city of the first
- 2785 class:
- 2786 (i) 7.5% of the number of active voters in the metro township or city; and
- 2787 (ii) beginning on January 1, 2020, 7.5% of the number of active voters in at least 75%
- 2788 of the metro township's or city's voter participation areas;
- 2789 (c) for a county of the second class:
- 2790 (i) 8% of the number of active voters in the county; and
- 2791 (ii) beginning on January 1, 2020, 8% of the number of active voters in at least 75% of
- 2792 the county's voter participation areas;
- 2793 (d) for a metro township with a population of 65,000 or more but less than 100,000, or
- 2794 a city of the second class:
- 2795 (i) 8.25% of the number of active voters in the metro township or city; and
- 2796 (ii) beginning on January 1, 2020, 8.25% of the number of active voters in at least 75%
- 2797 of the metro township's or city's voter participation areas;
- 2798 (e) for a county of the third class:
- 2799 (i) 9.5% of the number of active voters in the county; and
- 2800 (ii) beginning on January 1, 2020, 9.5% of the number of active voters in at least 75%
- 2801 of the county's voter participation areas;
- 2802 (f) for a metro township with a population of 30,000 or more but less than 65,000, or a
- 2803 city of the third class:
- 2804 (i) 10% of the number of active voters in the metro township or city; and
- 2805 (ii) beginning on January 1, 2020, 10% of the number of active voters in at least 75%
- 2806 of the metro township's or city's voter participation areas;
- 2807 (g) for a county of the fourth class:
- 2808 (i) 11.5% of the number of active voters in the county; and
- 2809 (ii) beginning on January 1, 2020, 11.5% of the number of active voters in at least 75%

2810 of the county's voter participation areas;

2811 (h) for a metro township with a population of 10,000 or more but less than 30,000, or a
2812 city of the fourth class:

2813 (i) 11.5% of the number of active voters in the metro township or city; and

2814 (ii) beginning on January 1, 2020, 11.5% of the number of active voters in at least 75%
2815 of the metro township's or city's voter participation areas;

2816 (i) for a metro township with a population of 1,000 or more but less than 10,000, a city
2817 of the fifth class, or a county of the fifth class, 25% of the number of active voters in the metro
2818 township, city, or county; or

2819 (j) for a metro township with a population of less than 1,000, a town, or a county of the
2820 sixth class, 35% of the number of active voters in the metro township, town, or county.

2821 (3) Except as provided in Subsection (4), an eligible voter seeking to have a land use
2822 law or local obligation law passed by the local legislative body submitted to a vote of the
2823 people shall obtain legal signatures equal to:

2824 (a) for a county of the first, second, third, or fourth class:

2825 (i) 16% of the number of active voters in the county; and

2826 (ii) beginning on January 1, 2020, 16% of the number of active voters in at least 75%
2827 of the county's voter participation areas;

2828 (b) for a county of the fifth or sixth class:

2829 (i) 16% of the number of active voters in the county; and

2830 (ii) beginning on January 1, 2020, 16% of the number of active voters in at least 75%
2831 of the county's voter participation areas;

2832 (c) for a metro township with a population of 100,000 or more, or a city of the first
2833 class:

2834 (i) 15% of the number of active voters in the metro township or city; and

2835 (ii) beginning on January 1, 2020, 15% of the number of active voters in at least 75%
2836 of the metro township's or city's voter participation areas;

2837 (d) for a metro township with a population of 65,000 or more but less than 100,000, or
2838 a city of the second class:

2839 (i) 16% of the number of active voters in the metro township or city; and

2840 (ii) beginning on January 1, 2020, 16% of the number of active voters in at least 75%
2841 of the metro township's or city's voter participation areas;

2842 (e) for a metro township with a population of 30,000 or more but less than 65,000, or a
2843 city of the third class:

2844 (i) 27.5% of the number of active voters in the metro township or city; and

2845 (ii) beginning on January 1, 2020, 27.5% of the number of active voters in at least 75%
2846 of the metro township's or city's voter participation areas;

2847 (f) for a metro township with a population of 10,000 or more but less than 30,000, or a
2848 city of the fourth class:

2849 (i) 29% of the number of active voters in the metro township or city; and

2850 (ii) beginning on January 1, 2020, 29% of the number of active voters in at least 75%
2851 of the metro township's or city's voter participation areas;

2852 (g) for a metro township with a population of 1,000 or more but less than 10,000, or a
2853 city of the fifth class, 35% of the number of active voters in the metro township or city; or

2854 (h) for a metro township with a population of less than 1,000 or a town, 40% of the
2855 number of active voters in the metro township or town.

2856 (4) A person seeking to have a subjurisdictional law passed by the local legislative
2857 body submitted to a vote of the people shall obtain legal signatures of the residents in the
2858 subjurisdiction equal to:

2859 (a) 10% of the number of active voters in the subjurisdiction if the number of active
2860 voters exceeds 25,000;

2861 (b) 12-1/2% of the number of active voters in the subjurisdiction if the number of
2862 active voters does not exceed 25,000 but is more than 10,000;

2863 (c) 15% of the number of active voters in the subjurisdiction if the number of active

2864 voters does not exceed 10,000 but is more than 2,500;

2865 (d) 20% of the number of active voters in the subjurisdiction if the number of active
2866 voters does not exceed 2,500 but is more than 500;

2867 (e) 25% of the number of active voters in the subjurisdiction if the number of active
2868 voters does not exceed 500 but is more than 250; and

2869 (f) 30% of the number of active voters in the subjurisdiction if the number of active
2870 voters does not exceed 250.

2871 (5) ~~[(a)]~~ Sponsors of any referendum petition challenging, under Subsection (2), (3), or
2872 (4), any local law passed by a local legislative body shall file the application before 5 p.m.
2873 within seven days after the day on which the local law was passed.

2874 ~~[(b) Except as provided in Subsection (5)(c), when a referendum petition has been
2875 declared sufficient, the local law that is the subject of the petition does not take effect unless
2876 and until the local law is approved by a vote of the people.]~~

2877 ~~[(c) When a referendum petition challenging a subjurisdictional law has been declared
2878 sufficient, the subjurisdictional law that is the subject of the petition does not take effect unless
2879 and until the subjurisdictional law is approved by a vote of the people who reside in the
2880 subjurisdiction.]~~

2881 ~~[(6) If the referendum passes, the local law that was challenged by the referendum is
2882 repealed as of the date of the election.]~~

2883 ~~[(7)]~~ (6) Nothing in this section authorizes a local legislative body to impose a tax or
2884 other payment obligation on a subjurisdiction in order to benefit an area outside of the
2885 subjurisdiction.

2886 Section 37. Section **20A-7-602** is amended to read:

2887 **20A-7-602. Local referendum process -- Application procedures.**

2888 (1) ~~[An eligible voter]~~ Individuals wishing to circulate a referendum petition shall file
2889 an application with the local clerk.

2890 (2) The application shall contain:

- 2891 (a) the name and residence address of at least five sponsors of the referendum petition;
- 2892 [~~(b) a certification indicating that each of the sponsors is a resident of Utah;~~]
- 2893 [~~(c)~~] (b) a statement indicating that each of the sponsors [~~has voted in an election in~~
- 2894 ~~Utah in the last three years;~~] is registered to vote in Utah;
- 2895 (c) a statement indicating whether persons gathering signatures for the petition may be
- 2896 paid for gathering signatures;
- 2897 (d) the signature of each of the sponsors, acknowledged by a notary public; and
- 2898 (e) (i) if the referendum challenges an ordinance or resolution, one copy of the law; or
- 2899 (ii) if the referendum challenges a local law that is not an ordinance or resolution, a
- 2900 written description of the local law, including the result of the vote on the local law.

2901 Section 38. Section **20A-7-603** is amended to read:

2902 **20A-7-603. Form of referendum petition and signature sheets.**

2903 (1) (a) Each proposed referendum petition shall be printed in substantially the

2904 following form:

2905 "REFERENDUM PETITION To the Honorable ____, County Clerk/City

2906 Recorder/Town Clerk:

2907 We, the undersigned citizens of Utah, respectfully order that (description of local law or

2908 portion of local law being challenged), passed by the ____ be referred to the voters for their

2909 approval or rejection at the regular/municipal general election to be held on

2910 _____(month\day\year);

2911 Each signer says:

2912 I have personally signed this petition;

2913 The date next to my signature correctly reflects the date that I actually signed the

2914 petition;

2915 I have personally reviewed the entire statement included with this packet;

2916 I am registered to vote in Utah or intend to become registered to vote in Utah before the

2917 certification of the petition names by the county clerk; and

- 2918 My residence and post office address are written correctly after my name.";
- 2919 (b) The sponsors of a referendum or an agent of the sponsors shall attach a copy of the
- 2920 law that is the subject of the referendum to each referendum petition.
- 2921 (2) Each signature sheet shall:
- 2922 (a) be printed on sheets of paper 8-1/2 inches long and 11 inches wide;
- 2923 (b) be ruled with a horizontal line three-fourths inch from the top, with the space above
- 2924 that line blank for the purpose of binding;
- 2925 (c) contain the title of the referendum printed below the horizontal line, in at least
- 2926 14-point bold type;
- 2927 (d) contain the word "Warning" printed or typed at the top of each signature sheet
- 2928 under the title of the referendum;
- 2929 (e) contain, to the right of the word "Warning," the following statement printed or
- 2930 typed in not less than eight-point[~~, single-leaded~~] type:
- 2931 "It is a class A misdemeanor for an individual to sign a referendum petition with any
- 2932 other name than the individual's own name, or to knowingly sign the individual's name more
- 2933 than once for the same measure, or to sign a referendum petition when the individual knows
- 2934 that the individual is not a registered voter and knows that the individual does not intend to
- 2935 become registered to vote before the certification of the petition names by the county clerk.";
- 2936 (f) contain horizontally ruled lines three-eighths inch apart under the ["Warning"]
- 2937 warning statement [required by this section] described in Subsection (2)(e);
- 2938 (g) be vertically divided into columns as follows:
- 2939 (i) the edge of the first column shall appear .5 inch from the extreme left of the sheet,
- 2940 be .25 inch wide, and be headed, together with the second column, "For Office Use Only";
- 2941 (ii) the second column shall be .25 inch wide;
- 2942 (iii) the third column shall be 2.5 inches wide, headed "Registered Voter's Printed
- 2943 Name (must be legible to be counted)";
- 2944 (iv) the fourth column shall be 2.5 inches wide, headed "Signature of Registered

2945 Voter";

2946 (v) the fifth column shall be .75 inch wide, headed "Date Signed";

2947 (vi) the sixth column shall be three inches wide, headed "Street Address, City, Zip

2948 Code"; and

2949 (vii) the seventh column shall be .75 inch wide, headed "Birth Date or Age (Optional)";

2950 (h) be horizontally divided into rows as follows:

2951 (i) the top of the first row, for the purpose of entering the information described in

2952 Subsection (2)(g), shall be .5 inch high;

2953 (ii) the second row shall be .15 inch high and contain the following statement printed

2954 or typed in not less than [~~eight-point, single-leaded~~] 12-point type: "By signing this petition,

2955 you are stating that you have read and understand the law this petition seeks to overturn."; and

2956 (iii) the first and second rows shall be repeated, in order, leaving sufficient room at the

2957 bottom of the sheet for the information described in Subsection (2)(i); and

2958 (i) at the bottom of the sheet, contain the following statement: "Birth date or age

2959 information is not required, but it may be used to verify your identity with voter registration

2960 records. If you choose not to provide it, your signature may not be verified as a valid signature

2961 if you change your address before petition signatures are verified or if the information you

2962 provide does not match your voter registration records.";

2963 (3) The final page of each referendum packet shall contain the following printed or

2964 typed statement:

2965 "Verification

2966 State of Utah, County of _____

2967 I, _____, of _____, hereby state, under penalty of perjury, that:

2968 I am a resident of Utah and am at least 18 years old;

2969 All the names that appear in this [~~referendum~~] packet were signed by individuals who

2970 professed to be the individuals whose names appear in it, and each of the individuals signed the

2971 individual's name on it in my presence;

2972 I did not knowingly make a misrepresentation of fact concerning the law this petition
2973 seeks to overturn;

2974 I believe that each individual has printed and signed the individual's name and written
2975 the individual's post office address and residence correctly, that each signer has read and
2976 understands the law that the referendum seeks to overturn, and that each signer is registered to
2977 vote in Utah or intends to become registered to vote before the certification of the petition
2978 names by the county clerk.

2979 [_____"]

2980 [~~(4) The forms prescribed in this section are not mandatory, and, if]~~

2981 Each individual who signed the packet wrote the correct date of signature next to the
2982 individual's name.

2983 I have not paid or given anything of value to any individual who signed this petition to
2984 encourage that individual to sign it.

2985 _____

2986 (Name) (Residence Address) (Date)".

2987 (4) If the forms described in this section are substantially followed, the referendum
2988 petitions are sufficient, notwithstanding clerical and merely technical errors.

2989 (5) An individual's status as a resident, under Subsection (3), is determined in
2990 accordance with Section [20A-2-105](#).

2991 Section 39. Section **20A-7-604** is amended to read:

2992 **20A-7-604. Circulation requirements -- Local clerk to provide sponsors with**
2993 **materials.**

2994 (1) In order to obtain the necessary number of signatures required by this part, the
2995 sponsors or an agent of the sponsors shall, after the sponsors receive the documents described
2996 in [~~Subsection~~] Subsections (2) and [~~Subsection~~] [20A-7-401.5\(4\)\(b\)](#), circulate referendum
2997 packets that meet the form requirements of this part.

2998 (2) Within five days after the day on which a county, city, town, metro township, or

2999 court determines, in accordance with Section [20A-7-602.7](#), that a proposed referendum is
3000 legally referable to voters, the local clerk shall furnish to the sponsors:

3001 (a) a copy of the referendum petition; and

3002 (b) a signature sheet.

3003 (3) The sponsors of the petition shall:

3004 (a) arrange and pay for the printing of all additional copies of the petition and signature
3005 sheets; and

3006 (b) ensure that the copies of the petition and signature sheets meet the form
3007 requirements of this section.

3008 (4) (a) The sponsors or an agent of the sponsors may prepare the referendum for
3009 circulation by creating multiple referendum packets.

3010 (b) The sponsors or an agent of the sponsors shall create ~~[those]~~ referendum packets by
3011 binding a copy of the referendum petition, a copy of the law that is the subject of the
3012 referendum, and no more than 50 signature sheets together at the top in ~~[such a way]~~ a manner
3013 that the packets may be conveniently opened for signing.

3014 (c) ~~[The sponsors need not attach]~~ A referendum packet is not required to have a
3015 uniform number of signature sheets ~~[to each referendum packet]~~.

3016 (d) The sponsors or an agent of the sponsors shall include, with each packet, a copy of
3017 the proposition information pamphlet provided to the sponsors under Subsection
3018 [20A-7-401.5\(4\)\(b\)](#).

3019 (5) (a) The sponsors or an agent of the sponsors shall, before gathering signatures:

3020 (i) contact the county clerk to receive a range of numbers that the sponsors may use to
3021 number signature packets; and

3022 (ii) number each signature packet, sequentially, within the range of numbers provided
3023 by the county clerk, starting with the lowest number in the range.

3024 (b) The sponsors or an agent of the sponsors may not:

3025 (i) number a signature packet in a manner not directed by the county clerk; or

3026 (ii) circulate or submit a signature packet that is not numbered in the manner directed
3027 by the county clerk.

3028 (c) The county clerk shall keep a record of the number range provided under
3029 Subsection (5)(a).

3030 Section 40. Section **20A-7-605** is amended to read:

3031 **20A-7-605. Obtaining signatures -- Verification -- Removal of signature.**

3032 (1) ~~[Any]~~ A Utah voter may sign a local referendum petition if the voter is a legal voter
3033 and resides in the local jurisdiction.

3034 (2) (a) The sponsors shall ensure that the individual in whose presence each signature
3035 sheet was signed:

3036 (i) is at least 18 years old and meets the residency requirements of Section **20A-2-105**;
3037 ~~[and]~~

3038 (ii) verifies each signature sheet by completing the verification printed on the last page
3039 of each referendum packet~~[-]; and~~

3040 (iii) is informed that each signer is required to read and understand the law that the
3041 referendum seeks to overturn.

3042 (b) An individual may not sign the verification printed on the last page of the
3043 referendum packet if the individual signed a signature sheet in the referendum packet.

3044 ~~[(3)(a) Any voter who has signed a referendum petition may have the voter's signature~~
3045 ~~removed from the petition by submitting a statement to that effect to the county clerk.]~~

3046 ~~[(b) Except as provided in Subsection (3)(c), upon receipt of the statement, the county~~
3047 ~~clerk shall remove the signature of the individual submitting the statement from the referendum~~
3048 ~~petition.]~~

3049 ~~[(c) A county clerk may not remove signatures from a referendum petition later than~~
3050 ~~seven days after the day on which the sponsors timely submit the last signature packet to the~~
3051 ~~county clerk.]~~

3052 ~~[(4) The sponsors of a referendum petition:]~~

3053 ~~[(a) shall, for each signature packet:]~~
3054 ~~[(i) within seven days after the day on which the first individual signs the signature~~
3055 ~~packet, provide a clear, legible image of all signatures on the signature packet to the county~~
3056 ~~clerk via email or other electronic means; and]~~
3057 ~~[(ii) immediately send a new image if the county clerk informs the sponsors that the~~
3058 ~~image is not clear and legible;]~~
3059 ~~[(b) may not permit additional signatures on a signature packet of which the sponsors~~
3060 ~~have sent an image under Subsection (4)(a); and]~~
3061 ~~[(c) may not submit a signature packet to the county clerk unless the sponsors timely~~
3062 ~~comply with the requirements of Subsection (4)(a) in relation to the signature packet.]~~
3063 ~~[(5) Each person who gathers a signature removal statement described in Subsection~~
3064 ~~(3):]~~
3065 ~~[(a) shall, within seven days after the day on which the individual signs the signature~~
3066 ~~removal statement, provide a clear, legible image of the statement to the county clerk via email~~
3067 ~~or other electronic means; and]~~
3068 ~~[(b) shall, immediately send a new image if the local clerk informs the sender that the~~
3069 ~~image is not clear and legible; and]~~
3070 ~~[(c) may not submit a signature removal statement to the county clerk, unless the~~
3071 ~~sender timely complies with the requirements of Subsections (5)(a) and (b) in relation to the~~
3072 ~~signature removal statement.]~~
3073 ~~[(6) (a) The county clerk shall provide to an individual, upon request, a document or~~
3074 ~~electronic list containing the name and voter identification number of each individual who~~
3075 ~~signed the referendum packet.]~~
3076 ~~[(b) Subject to Subsection [20A-7-606.3\(3\)](#), the local clerk may begin certifying,~~
3077 ~~removing, and tallying signatures upon receipt of an image described in Subsection (4) or (5).]~~
3078 (3) (a) A voter who has signed a referendum petition may have the voter's signature
3079 removed from the petition by submitting to the county clerk a statement requesting that the

3080 voter's signature be removed no later than the earlier of:

3081 (i) 30 days after the day on which the voter signs the statement requesting removal; or

3082 (ii) 45 days after the day on which the local clerk posts the voter's name under

3083 Subsection [20A-7-607\(2\)\(a\)](#).

3084 (b) (i) The statement shall include:

3085 (A) the name of the voter;

3086 (B) the resident address at which the voter is registered to vote;

3087 (C) the signature of the voter; and

3088 (D) the date of the signature described in Subsection (3)(b)(i)(C).

3089 (ii) To increase the likelihood of the voter's signature being identified and removed, the
 3090 statement may include the voter's birth date or age.

3091 (c) A voter may not submit a statement by email or other electronic means.

3092 (d) In order for the signature to be removed, the county clerk must receive the
 3093 statement before 5 p.m. no later than 45 days after the day on which the local clerk posts the
 3094 voter's name under Subsection [20A-7-607\(2\)\(a\)](#).

3095 (e) A person may only remove a signature from a referendum petition in accordance
 3096 with this Subsection (3).

3097 (f) A county clerk shall analyze a signature, for purposes of removing a signature from
 3098 a referendum petition, in accordance with Section [20A-7-606.3](#).

3099 Section 41. Section **20A-7-606** is amended to read:

3100 **20A-7-606. Submitting the referendum petition -- Certification of signatures by**
 3101 **the county clerks -- Transfer to local clerk.**

3102 (1) (a) The sponsors or an agent of the sponsors shall [~~deliver each~~] submit a signed
 3103 and verified referendum packet to the county clerk of the county in which the packet was
 3104 circulated before 5 p.m. no later than the earlier of:

3105 (i) 30 days after the day on which the first individual signs the referendum packet; or

3106 (ii) 45 days after the day on which the sponsors receive the items described in

3107 Subsection [20A-7-604](#)(2) from the local clerk.

3108 (b) A ~~[sponsor]~~ person may not submit a referendum packet after the deadline
3109 ~~[established in this]~~ described in Subsection (1)(a).

3110 ~~[(2)(a) No later than 15 days after the day on which a county clerk receives a~~
3111 ~~referendum packet under Subsection (1)(a), the county clerk shall:]~~

3112 ~~[(i) check the names of all persons completing the verification on the last page of each~~
3113 ~~referendum packet to determine whether those persons are Utah residents and are at least 18~~
3114 ~~years old; and]~~

3115 ~~[(ii) submit the name of each of those persons who is not a Utah resident or who is not~~
3116 ~~at least 18 years old to the attorney general and county attorney.]~~

3117 ~~[(b) The county clerk may not certify a signature under Subsection (3) on a referendum~~
3118 ~~packet that is not verified in accordance with Section [20A-7-605](#).]~~

3119 ~~[(3)]~~ (2) No later than ~~[30]~~ 21 days after the day on which a county clerk receives a
3120 verified referendum packet under Subsection (1)(a), the county clerk shall:

3121 (a) determine whether each signer is a registered voter according to the requirements of
3122 Section [20A-7-606.3](#);

3123 (b) certify on the ~~[referendum]~~ petition whether each name is that of a registered voter;
3124 ~~[and]~~

3125 (c) provide the name and voter identification number of each registered voter certified
3126 under Subsection (2)(b); and

3127 ~~[(c)]~~ (d) deliver ~~[all of]~~ the verified ~~[referendum packets]~~ packet to the local clerk.

3128 (3) (a) If the county clerk timely receives a statement requesting signature removal
3129 under Subsection [20A-7-605](#)(3), the county clerk shall:

3130 (i) ensure that the voter's name and voter identification number are not included in the
3131 posting described in Subsection [20A-7-607](#)(2)(a); and

3132 (ii) remove the voter's signature from the signature packets and signature packet totals.

3133 (b) The county clerk shall comply with Subsection (3)(a) before the later of:

3134 (i) the deadline described in Subsection (2); or
3135 (ii) two business days after the day on which the county clerk receives a statement
3136 requesting signature removal under Subsection 20A-7-605(3).
3137 (c) The local clerk shall post a link in a conspicuous location on the local government's
3138 website to the posting described in Subsection 20A-7-607(2)(a) during the period of time
3139 described in Subsection 20A-7-607(2)(a)(i).
3140 (4) The county clerk may not certify a signature under Subsection (2):
3141 (a) on a referendum packet that is not verified in accordance with Section 20A-7-605;
3142 or
3143 (b) that does not have a date of signature next to the signature.
3144 (5) A person may not retrieve a referendum packet from a county clerk, or make any
3145 alterations or corrections to a referendum packet, after the referendum packet is submitted to
3146 the county clerk.
3147 Section 42. Section **20A-7-606.3** is amended to read:
3148 **20A-7-606.3. Verification of petition signatures.**
3149 (1) As used in this section:
3150 (a) [~~For the purposes of this section, "substantially~~] "Substantially similar name"
3151 means:
3152 (i) the given name and surname shown on the petition, or both, contain only minor
3153 spelling differences when compared to the given name and surname shown on the official
3154 register;
3155 (ii) the surname shown on the petition exactly matches the surname shown on the
3156 official register, and the given names differ only because one of the given names shown is a
3157 commonly used abbreviation or variation of the other;
3158 (iii) the surname shown on the petition exactly matches the surname shown on the
3159 official register, and the given names differ only because one of the given names shown is
3160 accompanied by a first or middle initial or a middle name which is not shown on the other

3161 record; or

3162 (iv) the surname shown on the petition exactly matches the surname shown on the
3163 official register, and the given names differ only because one of the given names shown is an
3164 alphabetically corresponding initial that has been provided in the place of a given name shown
3165 on the other record.

3166 (b) [~~For the purposes of this section, "substantially]~~ "Substantially similar name" does
3167 not mean a name having an initial or a middle name shown on the petition that does not match
3168 a different initial or middle name shown on the official register.

3169 (2) The county clerk shall use the following procedures in determining whether [~~or not]~~
3170 a signer is a registered voter:

3171 (a) When a signer's name and address shown on the petition exactly match a name and
3172 address shown on the official register and the signer's signature appears substantially similar to
3173 the signature on the statewide voter registration database, the county clerk shall declare the
3174 signature valid.

3175 (b) When there is no exact match of an address and a name, the county clerk shall
3176 declare the signature valid if:

3177 (i) the address on the petition matches the address of an individual on the official
3178 register with a substantially similar name; and

3179 (ii) the signer's signature appears substantially similar to the signature on the statewide
3180 voter registration database of the individual described in Subsection (2)(b)(i).

3181 (c) When there is no match of an address and a substantially similar name, the county
3182 clerk shall declare the signature valid if:

3183 (i) the birth date or age on the petition matches the birth date or age of an individual on
3184 the official register with a substantially similar name; and

3185 (ii) the signer's signature appears substantially similar to the signature on the statewide
3186 voter registration database of the individual described in Subsection (2)(c)(i).

3187 (d) If a signature is not declared valid under Subsection (2)(a), (b), or (c), the county

3188 clerk shall declare the signature to be invalid.

3189 ~~[(3) The county clerk may not provide a final verification of the signature packets~~
3190 ~~submitted for a proposed referendum until eight days after the day on which a sponsor submits~~
3191 ~~the final, timely signature packet to the county clerk to be certified.]~~

3192 (3) The county clerk shall use the following procedures in determining whether to
3193 remove a signature from a petition after receiving a timely, valid statement requesting removal
3194 of the signature:

3195 (a) if a signer's name and address shown on the statement and the petition exactly
3196 match a name and address shown on the official register and the signer's signature on both the
3197 statement and the petition appears substantially similar to the signature on the statewide voter
3198 registration database, the county clerk shall remove the signature from the petition;

3199 (b) if there is no exact match of an address and a name, the county clerk shall remove
3200 the signature from the petition if:

3201 (i) the address on the statement and the petition matches the address of an individual
3202 on the official register with a substantially similar name; and

3203 (ii) the signer's signature on both the statement and the petition appears substantially
3204 similar to the signature on the statewide voter registration database of the individual described
3205 in Subsection (3)(b)(i);

3206 (c) if there is no match of an address and a substantially similar name, the county clerk
3207 shall remove the signature from the petition if:

3208 (i) the birth date or age on the statement and petition match the birth date or age of an
3209 individual on the official register with a substantially similar name; and

3210 (ii) the signer's signature on both the statement and the petition appears substantially
3211 similar to the signature on the statewide voter registration database of the individual described
3212 in Subsection (3)(c)(i); and

3213 (d) if a signature does not qualify for removal under Subsection (3)(a), (b), or (c), the
3214 county clerk may not remove the signature from the petition.

3215 Section 43. Section ~~20A-7-607~~ is amended to read:

3216 **20A-7-607. Evaluation by the local clerk -- Determination of election for vote on**
3217 **referendum.**

3218 (1) When ~~[each]~~ the local clerk receives a referendum packet ~~[is received]~~ from a
3219 county clerk, the local clerk shall ~~[check off from the local clerk's]~~ record the number of ~~[each]~~
3220 the referendum packet ~~[filed]~~ received.

3221 ~~[(2) Within two days after the day on which the local clerk receives each referendum~~
3222 ~~packet from a county clerk, the local clerk shall:]~~

3223 ~~[(a) count the number of the names certified by the county clerks that appear on each~~
3224 ~~verified signature sheet;]~~

3225 (2) (a) The county clerk shall:

3226 (i) post the names and voter identification numbers described in Subsection
3227 20A-7-606(3)(c) on the lieutenant governor's website, in a conspicuous location designated by
3228 the lieutenant governor, for at least 45 days; and

3229 (ii) update on the local clerk's website the number of signatures certified as of the date
3230 of the update.

3231 (b) The local clerk:

3232 (i) shall, except as provided in Subsection (2)(b)(ii), declare the petition to be sufficient
3233 or insufficient no later than 111 days after the day of the deadline, described in Subsection
3234 20A-7-606(1), to submit a referendum packet to the county clerk; or

3235 (ii) may declare the petition to be insufficient before the day described in Subsection
3236 (2)(b)(i) if:

3237 (A) the total of all valid signatures on timely and lawfully submitted signature packets
3238 that have been certified by the county clerk, plus the number of signatures on timely and
3239 lawfully submitted signature packets that have not yet been evaluated for certification, is less
3240 than the number of names required under Section 20A-7-601; or

3241 (B) a requirement of this part has not been met.

3242 ~~[(b)]~~ (c) ~~[if]~~ If the total number of ~~[certified names from each verified signature sheet]~~
3243 names certified under this Subsection (2) equals or exceeds the number of names required ~~[by]~~
3244 under Section 20A-7-601, and the requirements of this part are met, the local clerk shall mark
3245 upon the front of the petition the word "sufficient";

3246 ~~[(c)]~~ (d) ~~[if]~~ If the total number of ~~[certified names from each verified signature sheet]~~
3247 names certified under this Subsection (2) does not equal or exceed the number of names
3248 required ~~[by]~~ under Section 20A-7-601 or a requirement of this part is not met, the local clerk
3249 shall mark upon the front of the petition the word "insufficient." ~~[; and]~~

3250 ~~[(d)]~~ (e) The local clerk shall immediately notify any one of the sponsors of the local
3251 clerk's finding.

3252 (f) After a petition is declared insufficient, a person may not submit additional
3253 signatures to qualify the petition for the ballot.

3254 ~~[(3)]~~ ~~If the local clerk finds the total number of certified signatures from each verified~~
3255 ~~signature sheet to be insufficient, any sponsor may file a written demand with the local clerk~~
3256 ~~for a recount of the signatures appearing on the referendum petition in the presence of any~~
3257 ~~sponsor.]~~

3258 ~~[(4)]~~ (3) (a) If the local clerk refuses to accept and file any referendum petition, any
3259 voter may apply to a court for an extraordinary writ to compel the local clerk to do so within 10
3260 days after the refusal.

3261 (b) If ~~[a]~~ the court determines that the referendum petition is legally sufficient, the local
3262 clerk shall file the petition, with a verified copy of the judgment attached to the petition, as of
3263 the date on which ~~[it]~~ the petition was originally offered for filing in the local clerk's office.

3264 (c) If ~~[a]~~ the court determines that any petition filed is not legally sufficient, the court
3265 may enjoin the local clerk and all other officers from:

3266 (i) certifying or printing the ballot title and numbers of that measure on the official
3267 ballot for the next election; or

3268 (ii) as it relates to a local tax law that is conducted entirely by mail, certifying, printing,

3269 or mailing the ballot title and numbers of that measure under Section 20A-7-609.5.

3270 ~~[(5)]~~ (4) A petition determined to be sufficient in accordance with this section is
3271 qualified for the ballot.

3272 ~~[(6)]~~ (5) (a) If a referendum relates to legislative action taken after April 15, the
3273 election officer may not place the referendum on an election ballot until a primary election, a
3274 general election, or a special election the following year.

3275 (b) For a referendum on a land use law, if, before August 30, the local clerk or a court
3276 determines that the total number of certified names equals or exceeds the number of signatures
3277 required in Section 20A-7-601, the election officer shall place the referendum on the election
3278 ballot for the next general election.

3279 Section 44. Section 20A-7-608 is amended to read:

3280 **20A-7-608. Ballot title -- Duties of local clerk and local attorney.**

3281 (1) Upon receipt of a referendum petition, the local clerk shall deliver a copy of the
3282 petition and the proposed law to the local attorney.

3283 (2) The local attorney shall:

3284 (a) entitle each county or municipal referendum that ~~[has qualified]~~ qualifies for the
3285 ballot "Proposition Number ___" and give ~~[it]~~ the referendum a number ~~[as]~~ assigned ~~[under]~~ in
3286 accordance with Section 20A-6-107;

3287 (b) prepare a proposed ballot title for the referendum;

3288 (c) file the proposed ballot title and the numbered referendum ~~[titles]~~ title with the
3289 local clerk within 20 days after the day on which an eligible voter submits the referendum
3290 petition to the local clerk; and

3291 (d) promptly provide notice of the filing of the proposed ballot title to:

3292 (i) the sponsors of the petition; and

3293 (ii) the local legislative body for the jurisdiction where the referendum petition was
3294 circulated.

3295 (3) (a) The ballot title may be distinct from the title of the law that is the subject of the

3296 petition, and shall express, in not exceeding 100 words, the purpose of the measure.

3297 (b) In preparing a ballot title, the local attorney shall, to the best of the local attorney's
3298 ability, give a true and impartial statement of the purpose of the measure.

3299 (c) The ballot title may not intentionally be an argument, or likely to create prejudice,
3300 for or against the measure.

3301 (4) (a) Within five calendar days after the ~~[date]~~ day on which the local attorney files a
3302 proposed ballot title under Subsection (2)(c), the local legislative body for the jurisdiction
3303 where the referendum petition was circulated and the sponsors of the petition may file written
3304 comments in response to the proposed ballot title with the local clerk.

3305 (b) Within five calendar days after the last date to submit written comments under
3306 Subsection (4)(a), the local attorney shall:

- 3307 (i) review any written comments filed in accordance with Subsection (4)(a);
- 3308 (ii) prepare a final ballot title that meets the requirements of Subsection (3); and
- 3309 (iii) return the petition and file the ballot title with the local clerk.

3310 (c) Subject to Subsection (6), the ballot title, as determined by the local attorney, shall
3311 be printed on the official ballot.

3312 (5) Immediately after the local attorney files a copy of the ballot title with the local
3313 clerk, the local clerk shall serve a copy of the ballot title by mail upon the sponsors of the
3314 petition and the local legislative body for the jurisdiction where the referendum petition was
3315 circulated.

3316 (6) (a) If the ballot title furnished by the local attorney is unsatisfactory or does not
3317 comply with the requirements of this section, the decision of the local attorney may be
3318 appealed to the ~~[district court, or, if the Supreme Court has original jurisdiction, to the~~
3319 ~~Supreme Court, brought]~~ appropriate court by:

- 3320 (i) at least three sponsors of the referendum petition; or
- 3321 (ii) a majority of the local legislative body for the jurisdiction where the referendum
3322 petition was circulated.

3323 (b) The court:
3324 (i) shall examine the measures and consider the arguments; and
3325 (ii) may issue an order to the local clerk that includes a ballot title for the measure that
3326 fulfills the intent of this section.

3327 (c) The local clerk shall print the title [~~certified~~], as directed by the court, on the
3328 official ballot.

3329 Section 45. Section **20A-7-610** is amended to read:

3330 **20A-7-610. Return and canvass -- Conflicting measures -- Law effective on**
3331 **proclamation.**

3332 (1) The votes on the proposed law that is the subject of the referendum petition shall be
3333 counted, canvassed, and delivered as provided in Title 20A, Chapter 4, Part 3, Canvassing
3334 Returns.

3335 (2) After the local board of canvassers completes the canvass, the local clerk shall
3336 certify to the local legislative body the vote for and against the proposed law that is the subject
3337 of the referendum petition.

3338 (3) (a) The local legislative body shall immediately issue a proclamation that:

3339 (i) gives the total number of votes cast in the local jurisdiction for and against each
3340 proposed law that is the subject of a referendum petition; and

3341 (ii) in accordance with Section 20A-7-611, declares those laws that are the subject of a
3342 referendum petition that were approved by majority vote to be in full force and effect as the law
3343 of the local jurisdiction.

3344 (b) When the local legislative body determines that two proposed laws, or that parts of
3345 two proposed laws approved by the people at the same election are entirely in conflict, [~~they~~]
3346 the local legislative body shall proclaim that measure to be law that [~~has~~] received the greatest
3347 number of affirmative votes, regardless of the difference in the majorities which those
3348 measures have received.

3349 (4) (a) Within 10 days after the day on which the local legislative [~~body's~~] body issues

3350 the proclamation, any qualified voter residing in the jurisdiction for a law that is declared by
3351 the local legislative body to be superseded by another measure approved at the same election
3352 may bring an action in [a district court, or, if the Supreme Court has original jurisdiction, the
3353 Supreme Court] the appropriate court to review the decision.

3354 (b) The court shall:

3355 (i) consider the matter and decide whether the proposed laws are entirely in conflict;

3356 and

3357 (ii) issue an order, consistent with the court's decision, to the local legislative body.

3358 (5) Within 10 days after the day on which the court [~~certifies the decision~~] enters an
3359 order under Subsection (4)(b)(ii), the local legislative body shall:

3360 (a) proclaim as law all measures approved by the people that the court determines are
3361 not in conflict; and

3362 (b) for the measures approved by the people as law that the court determines to be in
3363 conflict, proclaim as law the measure that received the greatest number of affirmative votes,
3364 regardless of the difference in majorities.

3365 Section 46. Section **20A-7-611** is amended to read:

3366 **20A-7-611. Temporary stay -- Effective date -- Effect of repeal by local legislative**
3367 **body.**

3368 (1) Any proposed law submitted to the people by referendum petition that is rejected by
3369 the voters at any election is repealed as of the date of the election.

3370 (2) If, at the time during the process described in Subsection 20A-7-307(2), the local
3371 clerk determines that, at that point in time, an adequate number of signatures are certified to
3372 comply with the signature requirements, the local clerk shall:

3373 (a) issue an order temporarily staying the law from going into effect; and

3374 (b) continue the process of certifying signatures and removing signatures as required by
3375 this part.

3376 (3) The temporary stay described in Subsection (2) remains in effect, regardless of

3377 whether a future count falls below the signature threshold, until the day on which:

3378 (a) if the local clerk declares the petition insufficient, five days after the day on which
3379 the local clerk declares the petition insufficient; or

3380 (b) if the local clerk declares the petition sufficient, the day on which the local
3381 legislative body issues the proclamation described in Section [20A-7-610](#).

3382 (4) A proposed law submitted to the people by referendum petition that is approved by
3383 the voters at an election takes effect the later of:

3384 (a) five days after the date of the official proclamation of the vote by the local
3385 legislative body; or

3386 (b) the effective date specified in the proposed law.

3387 (5) If, after the local clerk issues a temporary stay order under Subsection (2)(a), the
3388 local clerk declares the petition insufficient, the proposed law takes effect the later of:

3389 (a) five days after the day on which the local clerk declares the petition insufficient; or

3390 (b) the effective date specified in the proposed law.

3391 (6) (a) A law adopted by the people under this part is not subject to veto.

3392 (b) The local legislative body may amend any laws approved by the people under this
3393 part after the people approve the law.

3394 (7) If the local legislative body repeals a law challenged by referendum petition under
3395 this part, the referendum petition is void and no further action on the referendum petition is
3396 required.

3397 Section 47. Section **20A-7-613** is amended to read:

3398 **20A-7-613. Property tax referendum petition.**

3399 (1) As used in this section, "certified tax rate" means the same as that term is defined in
3400 Section [59-2-924](#).

3401 (2) Except as provided in this section, the requirements of this part apply to a
3402 referendum petition challenging a taxing entity's legislative body's vote to impose a tax rate that
3403 exceeds the certified tax rate.

3404 (3) Notwithstanding Subsection 20A-7-606(1), the sponsors or an agent of the sponsors
3405 shall deliver [~~each~~] a signed and verified referendum packet to the county clerk of the county in
3406 which the packet was circulated before 5 p.m. no later than the earlier of:

3407 (a) 30 days after the day on which the first individual signs the packet; or

3408 (b) 40 days after the day on which the local clerk complies with Subsection
3409 20A-7-604(2).

3410 (4) Notwithstanding Subsections 20A-7-606(2) and (3), the county clerk shall take the
3411 actions required in Subsections 20A-7-606(2) and (3) within 10 working days after the day on
3412 which the county clerk receives the signed and verified referendum packet as described in
3413 Subsection (3).

3414 (5) The local clerk shall take the actions required by Section 20A-7-607 within two
3415 working days after the day on which the local clerk receives the referendum packets from the
3416 county clerk.

3417 (6) Notwithstanding Subsection 20A-7-608(2), the local attorney shall prepare the
3418 ballot title within two working days after the day on which the referendum petition is declared
3419 sufficient for submission to a vote of the people.

3420 (7) Notwithstanding Subsection 20A-7-609(2)(c), a referendum that qualifies for the
3421 ballot under this section shall appear on the ballot for the earlier of the next regular general
3422 election or the next municipal general election unless a special election is called.

3423 (8) The election officer shall mail manual ballots on a referendum under this section the
3424 later of:

3425 (a) the time provided in Section 20A-3a-202 or 20A-16-403; or

3426 (b) the time that ballots are prepared for mailing under this section.

3427 (9) Section 20A-7-402 does not apply to a referendum described in this section.

3428 (10) (a) If a majority of voters does not vote against imposing the tax at a rate
3429 calculated to generate the increased revenue budgeted, adopted, and approved by the taxing
3430 entity's legislative body:

3431 (i) the certified tax rate for the fiscal year during which the referendum petition is filed
3432 is its most recent certified tax rate; and

3433 (ii) the proposed increased revenues for purposes of establishing the certified tax rate
3434 for the fiscal year after the fiscal year described in Subsection (10)(a)(i) are the proposed
3435 increased revenues budgeted, adopted, and approved by the taxing entity's legislative body
3436 before the filing of the referendum petition.

3437 (b) If a majority of voters votes against imposing a tax at the rate established by the
3438 vote of the taxing entity's legislative body, the certified tax rate for the taxing entity is the
3439 taxing entity's most recent certified tax rate.

3440 (c) If the tax rate is set in accordance with Subsection (10)(a)(ii), a taxing entity is not
3441 required to comply with the notice and public hearing requirements of Section 59-2-919 if the
3442 taxing entity complies with those notice and public hearing requirements before the referendum
3443 petition is filed.

3444 (11) The ballot title shall, at a minimum, include in substantially this form the
3445 following: "Shall the [name of the taxing entity] be authorized to levy a tax rate in the amount
3446 sufficient to generate an increased property tax revenue of [amount] for fiscal year [year] as
3447 budgeted, adopted, and approved by the [name of the taxing entity].".

3448 (12) A taxing entity shall pay the county the costs incurred by the county that are
3449 directly related to meeting the requirements of this section and that the county would not have
3450 incurred but for compliance with this section.

3451 (13) (a) An election officer shall include on a ballot a referendum that has not yet
3452 qualified for placement on the ballot, if:

3453 (i) sponsors file an application for a referendum described in this section;

3454 (ii) the ballot will be used for the election for which the sponsors are attempting to
3455 qualify the referendum; and

3456 (iii) the deadline for qualifying the referendum for placement on the ballot occurs after
3457 the day on which the ballot will be printed.

3458 (b) If an election officer includes on a ballot a referendum described in Subsection
3459 (13)(a), the ballot title shall comply with Subsection (11).

3460 (c) If an election officer includes on a ballot a referendum described in Subsection
3461 (13)(a) that does not qualify for placement on the ballot, the election officer shall inform the
3462 voters by any practicable method that the referendum has not qualified for the ballot and that
3463 votes cast in relation to the referendum will not be counted.

3464 Section 48. **Repealer.**

3465 This bill repeals:

3466 Section **20A-7-205.5, Initial disclosures -- Paid circulators.**