

INITIATIVE AMENDMENTS

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Daniel McCay

Senate Sponsor: Curtis S. Bramble

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LONG TITLE

General Description:

This bill amends provisions of the Election Code relating to initiatives.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ when an initiative or a petition for an initiative proposes a tax increase, establishes requirements for providing certain information relating to the percentage of the proposed tax increase, including in the initiative petition, the notice of public hearing, the fiscal impact statement, the voter information pamphlet, and the ballot title;
- ▶ changes the format of an initiative petition; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

[20A-7-101](#), as last amended by Laws of Utah 2016, Chapters 53, 176, and 365

[20A-7-202](#), as last amended by Laws of Utah 2011, Chapters 17, 297, and 315

[20A-7-202.5](#), as last amended by Laws of Utah 2013, Chapter 310

[20A-7-203](#), as last amended by Laws of Utah 2014, Chapter 329

- 30            **20A-7-204**, as last amended by Laws of Utah 2011, Chapter 315
  - 31            **20A-7-204.1**, as last amended by Laws of Utah 2013, Chapter 310
  - 32            **20A-7-209**, as last amended by Laws of Utah 2012, Chapter 334
  - 33            **20A-7-402**, as last amended by Laws of Utah 2016, Chapter 53
  - 34            **20A-7-502**, as last amended by Laws of Utah 2011, Chapter 315
  - 35            **20A-7-502.5**, as last amended by Laws of Utah 2014, Chapter 364
  - 36            **20A-7-503**, as last amended by Laws of Utah 2014, Chapter 329
  - 37            **20A-7-508**, as last amended by Laws of Utah 2008, Chapter 315
  - 38            **20A-7-513**, as last amended by Laws of Utah 2014, Chapter 364
  - 39            **20A-7-702**, as last amended by Laws of Utah 2016, Chapter 348
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41 *Be it enacted by the Legislature of the state of Utah:*

42            Section 1. Section **20A-7-101** is amended to read:

43            **20A-7-101. Definitions.**

44            As used in this chapter:

45            (1) "Budget officer" means:

46            (a) for a county, the person designated as budget officer in Section **17-19a-203**;

47            (b) for a city, the person designated as budget officer in Subsection **10-6-106(5)**;

48            (c) for a town, the town council; or

49            (d) for a metro township, the person described in Subsection (1)(a) for the county in  
50 which the metro township is located.

51            (2) "Certified" means that the county clerk has acknowledged a signature as being the  
52 signature of a registered voter.

53            (3) "Circulation" means the process of submitting an initiative or referendum petition  
54 to legal voters for their signature.

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

57            (5) "Final fiscal impact statement" means a financial statement prepared after voters

58 approve an initiative that contains the information required by Subsection 20A-7-202.5(2) or  
59 20A-7-502.5(2).

60 (6) "Initial fiscal impact estimate" means:

61 (a) a financial statement prepared under Section 20A-7-202.5 after the filing of an  
62 application for an initiative petition; or

63 (b) a financial and legal statement prepared under Section 20A-7-502.5 or 20A-7-602.5  
64 for an initiative or referendum petition.

65 (7) "Initiative" means a new law proposed for adoption by the public as provided in  
66 this chapter.

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

69 (9) "Legal signatures" means the number of signatures of legal voters that:

70 (a) meet the numerical requirements of this chapter; and

71 (b) have been certified and verified as provided in this chapter.

72 (10) "Legal voter" means a person who:

73 (a) is registered to vote; or

74 (b) becomes registered to vote before the county clerk certifies the signatures on an  
75 initiative or referendum petition.

76 (11) "Local attorney" means the county attorney, city attorney, or town attorney in  
77 whose jurisdiction a local initiative or referendum petition is circulated.

78 (12) "Local clerk" means the county clerk, city recorder, or town clerk in whose  
79 jurisdiction a local initiative or referendum petition is circulated.

80 (13) (a) "Local law" includes:

81 (i) an ordinance;

82 (ii) a resolution;

83 (iii) a master plan;

84 (iv) a comprehensive zoning regulation adopted by ordinance or resolution; or

85 (v) other legislative action of a local legislative body.

86 (b) "Local law" does not include an individual property zoning decision.

87 (14) "Local legislative body" means the legislative body of a county, city, town, or  
88 metro township.

89 (15) "Local obligation law" means a local law passed by the local legislative body  
90 regarding a bond that was approved by a majority of qualified voters in an election.

91 (16) "Local tax law" means a law, passed by a political subdivision with an annual or  
92 biannual calendar fiscal year, that increases a tax or imposes a new tax.

93 (17) "Measure" means a proposed constitutional amendment, an initiative, or  
94 referendum.

95 (18) "Referendum" means a process by which a law passed by the Legislature or by a  
96 local legislative body is submitted or referred to the voters for their approval or rejection.

97 (19) "Referendum packet" means a copy of the referendum petition, a copy of the law  
98 being submitted or referred to the voters for their approval or rejection, and the signature  
99 sheets, all of which have been bound together as a unit.

100 (20) (a) "Signature" means a holographic signature.

101 (b) "Signature" does not mean an electronic signature.

102 (21) "Signature sheets" means sheets in the form required by this chapter that are used  
103 to collect signatures in support of an initiative or referendum.

104 (22) "Sponsors" means the legal voters who support the initiative or referendum and  
105 who sign the application for petition copies.

106 (23) "Sufficient" means that the signatures submitted in support of an initiative or  
107 referendum petition have been certified and verified as required by this chapter.

108 (24) "Tax percentage difference" means the difference between the tax rate proposed  
109 by an initiative or an initiative petition and the current tax rate.

110 (25) "Tax percentage increase" means a number calculated by dividing the tax  
111 percentage difference by the current tax rate and rounding the result to the nearest thousandth.

112 [~~24~~] (26) "Verified" means acknowledged by the person circulating the petition as  
113 required in Sections [20A-7-205](#) and [20A-7-305](#).

114 Section 2. Section 20A-7-202 is amended to read:

115 **20A-7-202. Statewide initiative process -- Application procedures -- Time to**  
116 **gather signatures -- Grounds for rejection.**

117 (1) Persons wishing to circulate an initiative petition shall file an application with the  
118 lieutenant governor.

119 (2) The application shall contain:

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

121 (b) a statement indicating that each of the sponsors:

122 (i) is a resident of Utah; and

123 (ii) has voted in a regular general election in Utah within the last three years;

124 (c) the signature of each of the sponsors, attested to by a notary public;

125 (d) a copy of the proposed law that includes:

126 (i) the title of the proposed law, which clearly expresses the subject of the law; and

127 (ii) the text of the proposed law; ~~and~~

128 (e) if the initiative petition proposes a tax increase, the following statement, "This  
129 initiative petition seeks to increase the current (insert name of tax) rate by (insert the tax  
130 percentage difference) percent, resulting in a(n) (insert the tax percentage increase) percent  
131 increase in the current tax rate."; and

132 ~~(e)~~ (f) a statement indicating whether ~~or not~~ persons gathering signatures for the  
133 petition may be paid for doing so.

134 (3) The application and its contents are public when filed with the lieutenant governor.

135 (4) If the petition fails to qualify for the ballot of the election described in Subsection  
136 20A-7-201(2)(b), the sponsors shall:

137 (a) submit a new application;

138 (b) obtain new signature sheets; and

139 (c) collect signatures again.

140 (5) The lieutenant governor shall reject the application or application addendum filed  
141 under Subsection 20A-7-204.1~~(4)~~(5) and not issue circulation sheets if:

- 142 (a) the law proposed by the initiative is patently unconstitutional;
- 143 (b) the law proposed by the initiative is nonsensical;
- 144 (c) the proposed law could not become law if passed;
- 145 (d) the proposed law contains more than one subject as evaluated in accordance with
- 146 Subsection (6);
- 147 (e) the subject of the proposed law is not clearly expressed in the law's title; or
- 148 (f) the law proposed by the initiative is identical or substantially similar to a law
- 149 proposed by an initiative that was submitted to the county clerks and lieutenant governor for
- 150 certification and evaluation within two years preceding the date on which the application for
- 151 this initiative was filed.

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

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

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

155 than one subject.

156 Section 3. Section **20A-7-202.5** is amended to read:

157 **20A-7-202.5. Initial fiscal impact estimate -- Preparation of estimate -- Challenge**

158 **to estimate.**

159 (1) Within three working days of receipt of an application for an initiative petition, the

160 lieutenant governor shall submit a copy of the application to the Governor's Office of

161 Management and Budget.

162 (2) (a) The Governor's Office of Management and Budget shall prepare an unbiased,

163 good faith estimate of the fiscal impact of the law proposed by the initiative that contains:

- 164 (i) a dollar amount representing the total estimated fiscal impact of the proposed law;
- 165 (ii) if the proposed law would increase or decrease taxes, a dollar amount representing
- 166 the total estimated increase or decrease for each type of tax affected under the proposed law
- 167 and a dollar amount representing the total estimated increase or decrease in taxes under the
- 168 proposed law;

169 (iii) if the proposed law would increase taxes, the tax percentage difference and the tax

170 percentage increase;

171 [~~(iii)~~] (iv) if the proposed law would result in the issuance or a change in the status of  
172 bonds, notes, or other debt instruments, a dollar amount representing the total estimated  
173 increase or decrease in public debt under the proposed law;

174 [~~(iv)~~] (v) a listing of all sources of funding for the estimated costs associated with the  
175 proposed law showing each source of funding and the percentage of total funding provided  
176 from each source;

177 [~~(v)~~] (vi) a dollar amount representing the estimated costs or savings, if any, to state  
178 and local government entities under the proposed law; and

179 [~~(vi)~~] (vii) a concise explanation, not exceeding 100 words, of the above information  
180 and of the estimated fiscal impact, if any, under the proposed law.

181 (b) (i) If the proposed law is estimated to have no fiscal impact, the Governor's Office  
182 of Management and Budget shall include a summary statement in the initial fiscal impact  
183 statement in substantially the following form:

184 "The Governor's Office of Management and Budget estimates that the law proposed by  
185 this initiative would have no significant fiscal impact and would not result in either an increase  
186 or decrease in taxes or debt."

187 (ii) If the proposed law is estimated to have a fiscal impact, the Governor's Office of  
188 Management and Budget shall include a summary statement in the initial fiscal impact estimate  
189 in substantially the following form:

190 "The Governor's Office of Management and Budget estimates that the law proposed by  
191 this initiative would result in a total fiscal expense/savings of \$\_\_\_\_\_, which includes a (type  
192 of tax or taxes) tax increase/decrease of \$\_\_\_\_\_ and a \$\_\_\_\_\_ increase/decrease in state  
193 debt."

194 (iii) If the estimated fiscal impact of the proposed law is highly variable or is otherwise  
195 difficult to reasonably express in a summary statement, the Governor's Office of Management  
196 and Budget may include in the summary statement a brief explanation that identifies those  
197 factors affecting the variability or difficulty of the estimate.

198            (iv) If the proposed law imposes a tax increase, the Governor's Office of Management  
199 and Budget shall include a summary statement in the initial fiscal impact estimate in  
200 substantially the following form:

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

204            (3) The Governor's Office of Management and Budget shall prepare an unbiased, good  
205 faith estimate of the cost of printing and distributing information related to the initiative  
206 petition in:

207            (a) the voter information pamphlet as required by Title 20A, Chapter 7, Part 7, Voter  
208 Information Pamphlet; or

209            (b) the newspaper, as required by Section 20A-7-702.

210            (4) Within 25 calendar days from the date that the lieutenant governor delivers a copy  
211 of the application, the Governor's Office of Management and Budget shall:

212            (a) deliver a copy of the initial fiscal impact estimate to the lieutenant governor's  
213 office; and

214            (b) mail a copy of the initial fiscal impact estimate to the first five sponsors named in  
215 the initiative application.

216            (5) (a) (i) Three or more of the sponsors of the petition may, within 20 calendar days of  
217 the date of delivery of the initial fiscal impact estimate to the lieutenant governor's office, file a  
218 petition with the Supreme Court, alleging that the initial fiscal impact estimate, taken as a  
219 whole, is an inaccurate estimate of the fiscal impact of the initiative.

220            (ii) After receipt of the appeal, the Supreme Court shall direct the lieutenant governor  
221 to send notice of the petition to:

222            (A) any person or group that has filed an argument with the lieutenant governor's office  
223 for or against the measure that is the subject of the challenge; and

224            (B) any political issues committee established under Section 20A-11-801 that has filed  
225 written or electronic notice with the lieutenant governor that identifies the name, mailing or



226 email address, and telephone number of the person designated to receive notice about any  
227 issues relating to the initiative.

228 (b) (i) There is a presumption that the initial fiscal impact estimate prepared by the  
229 Governor's Office of Management and Budget is based upon reasonable assumptions, uses  
230 reasonable data, and applies accepted analytical methods to present the estimated fiscal impact  
231 of the initiative.

232 (ii) The Supreme Court may not revise the contents of, or direct the revision of, the  
233 initial fiscal impact estimate unless the plaintiffs rebut the presumption by clear and convincing  
234 evidence that establishes that the initial fiscal estimate, taken as a whole, is an inaccurate  
235 statement of the estimated fiscal impact of the initiative.

236 (iii) The Supreme Court may refer an issue related to the initial fiscal impact estimate  
237 to a master to examine the issue and make a report in accordance with Utah Rules of Civil  
238 Procedure, Rule 53.

239 (c) The Supreme Court shall certify to the lieutenant governor a fiscal impact estimate  
240 for the measure that meets the requirements of this section.

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

242 **20A-7-203. Form of initiative petition and signature sheets.**

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

245 "INITIATIVE PETITION To the Honorable \_\_\_\_, Lieutenant Governor:

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

249 Each signer says:

250 I have personally signed this petition;

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

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

254 NOTICE TO SIGNERS:

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

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

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

263 ~~[(b)]~~ (c) The sponsors of an initiative shall attach a copy of the proposed law to each  
264 initiative petition.

265 (2) Each signature sheet shall:

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

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

269 (c) contain the title of the initiative printed below the horizontal line, in at least  
270 14-point, bold type;

271 ~~[(d) contain the initial fiscal impact estimate's summary statement issued by the~~  
272 ~~Governor's Office of Management and Budget according to Subsection 20A-7-202.5(2)(b),~~  
273 ~~including any update according to Subsection 20A-7-204.1(4), and the cost estimate for~~  
274 ~~printing and distributing information related to the initiative petition according to Subsection~~  
275 ~~20A-7-202.5(3), printed or typed in not less than 12-point, bold type, at the top of each~~  
276 ~~signature sheet under the title of the initiative;]~~

277 ~~[(e) contain the word "Warning" printed or typed at the top of each signature sheet~~  
278 ~~under the initial fiscal impact estimate's summary statement;]~~

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

281 ~~["It is a class A misdemeanor for anyone to sign any initiative petition with any other~~

282 name than his own, or knowingly to sign his name more than once for the same measure, or to  
 283 sign an initiative petition when he knows he is not a registered voter and knows that he does  
 284 not intend to become registered to vote before the certification of the petition names by the  
 285 county clerk."; and]

286 [(g)] (d) be vertically divided into columns as follows:

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

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

292 (iii) the next column shall be 2-1/2 inches wide, headed "Signature of Registered  
 293 Voter";

294 (iv) the next column shall be one inch wide, headed "Birth Date or Age (Optional)";  
 295 and

296 (v) the final column shall be 4-3/8 inches wide, headed "Street Address, City, Zip  
 297 Code";

298 [(h)] (e) spanning the sheet horizontally beneath each row on which a registered voter  
 299 may submit the information described in Subsection (2)[(g)](d), contain the following  
 300 statement printed or typed in not less than eight-point[, single-leaded] type:

301 "By signing this petition, you are stating that you have read and understand the law  
 302 proposed by this petition."; and

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

304 (i) the title of the initiative, in at least 14-point, bold type;

305 (ii) the initial fiscal impact estimate's summary statement issued by the Governor's  
 306 Office of Management and Budget in accordance with Subsection 20A-7-202.5(2)(b),  
 307 including any update in accordance with Subsection 20A-7-204.1(4), and the cost estimate for  
 308 printing and distributing information related to the initiative petition in accordance with  
 309 Subsection 20A-7-202.5(3), in not less than 12-point, bold type;

310 (iii) the word "Warning," followed by the following statement in not less than  
311 eight-point type:

312 "It is a class A misdemeanor for an individual to sign an initiative petition with a name  
313 other than the individual's own name, or to knowingly sign the individual's name more than  
314 once for the same measure, or to sign an initiative petition when the individual knows that the  
315 individual is not a registered voter and knows that the individual does not intend to become  
316 registered to vote before the certification of the petition names by the county clerk.";

317 (iv) the following statement: "Birth date or age information is not required, but it may  
318 be used to verify your identity with voter registration records. If you choose not to provide it,  
319 your signature may not be verified as a valid signature if you change your address before  
320 petition signatures are verified or if the information you provide does not match your voter  
321 registration records."; and

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

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

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

329 "Verification

330 State of Utah, County of \_\_\_\_\_

331 I, \_\_\_\_\_, of \_\_\_\_\_, hereby state that:

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

333 All the names that appear in this packet were signed by [~~persons~~] individuals who  
334 professed to be the [~~persons~~] individuals whose names appear in it, and each of [~~them~~] the  
335 individuals signed [~~his~~] the individual's name on it in my presence;

336 I believe that each individual has printed and signed [~~his~~] the individual's name and  
337 written [~~his~~] the individual's post office address and residence correctly, and that each signer is

338 registered to vote in Utah or intends to become registered to vote before the certification of the  
339 petition names by the county clerk.

340 I have not paid or given anything of value to any person who signed this petition to  
341 encourage that person to sign it.

342 \_\_\_\_\_  
343 (Name) (Residence Address) (Date)"

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

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

348 **20A-7-204. Circulation requirements -- Lieutenant governor to provide sponsors**  
349 **with materials.**

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

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

353 (a) a copy of the initiative petition, with any change submitted under Subsection  
354 **20A-7-204.1**~~(4)~~(5); and

355 (b) one signature sheet.

356 (3) The sponsors of the petition shall:

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

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

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

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

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

368 (5) (a) After the sponsors have prepared sufficient initiative packets, they shall return  
369 them to the lieutenant governor.

370 (b) The lieutenant governor shall:

371 (i) number each of the initiative packets and return them to the sponsors within five  
372 working days; and

373 (ii) keep a record of the numbers assigned to each packet.

374 Section 6. Section **20A-7-204.1** is amended to read:

375 **20A-7-204.1. Public hearings to be held before initiative petitions are circulated --**  
376 **Changes to an initiative and initial fiscal impact estimate.**

377 (1) (a) After issuance of the initial fiscal impact estimate by the Governor's Office of  
378 Management and Budget and before circulating initiative petitions for signature statewide,  
379 sponsors of the initiative petition shall hold at least seven public hearings throughout Utah as  
380 follows:

381 (i) one in the Bear River region -- Box Elder, Cache, or Rich County;

382 (ii) one in the Southwest region -- Beaver, Garfield, Iron, Kane, or Washington  
383 County;

384 (iii) one in the Mountain region -- Summit, Utah, or Wasatch County;

385 (iv) one in the Central region -- Juab, Millard, Piute, Sanpete, Sevier, or Wayne  
386 County;

387 (v) one in the Southeast region -- Carbon, Emery, Grand, or San Juan County;

388 (vi) one in the Uintah Basin region -- Daggett, Duchesne, or Uintah County; and

389 (vii) one in the Wasatch Front region -- Davis, Morgan, Salt Lake, Tooele, or Weber  
390 County.

391 (b) Of the seven meetings, at least two of the meetings shall be held in a first or second  
392 class county, but not in the same county.

393 (2) At least three calendar days before the date of the public hearing, the sponsors

394 shall:

395 (a) provide written notice of the public hearing to:

396 (i) the lieutenant governor for posting on the state's website; and

397 (ii) each state senator, state representative, and county commission or county council  
398 member who is elected in whole or in part from the region where the public hearing will be  
399 held; and

400 (b) publish written notice of the public hearing detailing its time, date, and location:

401 (i) in at least one newspaper of general circulation in each county in the region where  
402 the public hearing will be held; and

403 (ii) on the Utah Public Notice Website created in Section 63F-1-701.

404 (3) If the initiative petition proposes a tax increase, the written notice described in  
405 Subsection (2) shall include the following statement, in bold, in the same font and point size as  
406 the largest font and point size appearing in the notice:

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

410 [~~3~~] (4) (a) During the public hearing, the sponsors shall either:

411 (i) video tape or audio tape the public hearing and, when the hearing is complete,  
412 deposit the complete audio or video tape of the meeting with the lieutenant governor; or

413 (ii) take comprehensive minutes of the public hearing, detailing the names and titles of  
414 each speaker and summarizing each speaker's comments.

415 (b) The lieutenant governor shall make copies of the tapes or minutes available to the  
416 public.

417 [~~4~~] (5) (a) Within 14 days after conducting the seventh public hearing required by  
418 Subsection (1)(a) and before circulating an initiative petition for signatures, the sponsors of the  
419 initiative petition may change the text of the proposed law if:

420 (i) a change to the text is:

421 (A) germane to the text of the proposed law filed with the lieutenant governor under

422 Section 20A-7-202; and

423 (B) consistent with the requirements of Subsection 20A-7-202(5); and

424 (ii) each sponsor signs, attested to by a notary public, an application addendum to  
425 change the text of the proposed law.

426 (b) (i) Within three working days of receipt of an application addendum to change the  
427 text of the proposed law in an initiative petition, the lieutenant governor shall submit a copy of  
428 the application addendum to the Governor's Office of Management and Budget.

429 (ii) The Governor's Office of Management and Budget shall update the initial fiscal  
430 impact estimate by following the procedures and requirements of Section 20A-7-202.5 to  
431 reflect a change to the text of the proposed law.

432 Section 7. Section 20A-7-209 is amended to read:

433 **20A-7-209. Ballot title -- Duties of lieutenant governor and Office of Legislative**  
434 **Research and General Counsel.**

435 (1) By June 5 before the regular general election, the lieutenant governor shall deliver a  
436 copy of all of the proposed laws that have qualified for the ballot to the Office of Legislative  
437 Research and General Counsel.

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

439 (i) entitle each state initiative that has qualified for the ballot "Proposition Number \_\_\_"  
440 and give it a number as assigned under Section 20A-6-107;

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

443 (iii) return each petition and ballot title to the lieutenant governor by June 26.

444 (b) The ballot title may be distinct from the title of the proposed law attached to the  
445 initiative petition, and shall be not more than 100 words.

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

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



450 increase in the current tax rate."

451 [~~(c)~~] (d) For each state initiative, the official ballot shall show:

452 (i) the number of the initiative as determined by the Office of Legislative Research and  
453 General Counsel;

454 (ii) the ballot title as determined by the Office of Legislative Research and General  
455 Counsel; and

456 (iii) the initial fiscal impact estimate prepared under Section 20A-7-202.5 or updated  
457 under Section 20A-7-204.1.

458 (3) By June 27, the lieutenant governor shall mail a copy of the ballot title to any  
459 sponsor of the petition.

460 (4) (a) (i) At least three of the sponsors of the petition may, by July 6, challenge the  
461 wording of the ballot title prepared by the Office of Legislative Research and General Counsel  
462 to the Supreme Court.

463 (ii) After receipt of the appeal, the Supreme Court shall direct the lieutenant governor  
464 to send notice of the appeal to:

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

467 (B) any political issues committee established under Section 20A-11-801 that has filed  
468 written or electronic notice with the lieutenant governor that identifies the name, mailing or  
469 email address, and telephone number of the person designated to receive notice about any  
470 issues relating to the initiative.

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

473 (ii) The Supreme Court may not revise the wording of the ballot title unless the  
474 plaintiffs rebut the presumption by clearly and convincingly establishing that the ballot title is  
475 patently false or biased.

476 (c) The Supreme Court shall:

477 (i) examine the ballot title;

478 (ii) hear arguments; and

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

481 (d) The lieutenant governor shall certify the title verified by the Supreme Court to the  
482 county clerks to be printed on the official ballot.

483 Section 8. Section **20A-7-402** is amended to read:

484 **20A-7-402. Local voter information pamphlet -- Contents -- Limitations --**  
485 **Preparation -- Statement on front cover.**

486 (1) The county or municipality that is subject to a ballot proposition shall prepare a  
487 local voter information pamphlet that meets the requirements of this part.

488 (2) (a) The arguments for or against a ballot proposition shall conform to the  
489 requirements of this section.

490 (b) To prepare an argument for or against a ballot proposition, an eligible voter shall  
491 file a request with the election officer at least 65 days before the election at which the ballot  
492 proposition is to be voted on.

493 (c) If more than one eligible voter requests the opportunity to prepare an argument for  
494 or against a ballot proposition, the election officer shall make the final designation according to  
495 the following criteria:

496 (i) sponsors have priority in preparing an argument regarding a ballot proposition; and

497 (ii) members of the local legislative body have priority over others.

498 (d) (i) Except as provided in Subsection (2)(e), a sponsor of a ballot proposition may  
499 prepare an argument in favor of the ballot proposition.

500 (ii) Except as provided in Subsection (2)(e), and subject to Subsection (2)(c), an  
501 eligible voter opposed to the ballot proposition who submits a request under Subsection (2)(b)  
502 may prepare an argument against the ballot proposition.

503 (e) (i) For a referendum, subject to Subsection (2)(c), an eligible voter who is in favor  
504 of a law that is referred to the voters and who submits a request under Subsection (2)(b) may  
505 prepare an argument for adoption of the law.

506 (ii) The sponsors of a referendum may prepare an argument against the adoption of a  
507 law that is referred to the voters.

508 (f) An eligible voter who submits an argument under this section shall:

509 (i) ensure that the argument does not exceed 500 words in length;

510 (ii) ensure that the argument does not list more than five names as sponsors;

511 (iii) submit the argument to the election officer no later than 60 days before the  
512 election day on which the ballot proposition will be submitted to the voters; and

513 (iv) include with the argument the eligible voter's name, residential address, postal  
514 address, email address if available, and phone number.

515 (g) An election officer shall refuse to accept and publish an argument that is submitted  
516 after the deadline described in Subsection (2)(f)(iii).

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

520 (i) a copy of the argument in favor of the ballot proposition to the eligible voter who  
521 submitted the argument against the ballot proposition; and

522 (ii) a copy of the argument against the ballot proposition to the eligible voter who  
523 submitted the argument in favor of the ballot proposition.

524 (b) The eligible voter who submitted a timely argument in favor of the ballot  
525 proposition:

526 (i) may submit to the election officer a rebuttal argument of the argument against the  
527 ballot proposition;

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

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

531 (c) The eligible voter who submitted a timely argument against the ballot proposition:

532 (i) may submit to the election officer a rebuttal argument of the argument in favor of  
533 the ballot proposition;

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

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

537 (d) An election officer shall refuse to accept and publish a rebuttal argument that is  
538 submitted after the deadline described in Subsection (3)(b)(iii) or (3)(c)(iii).

539 (4) (a) Except as provided in Subsection (4)(b):

540 (i) an eligible voter may not modify an argument or rebuttal argument after the eligible  
541 voter submits the argument or rebuttal argument to the election officer; and

542 (ii) a person other than the eligible voter described in Subsection (4)(a)(i) may not  
543 modify an argument or rebuttal argument.

544 (b) The election officer, and the eligible voter who submits an argument or rebuttal  
545 argument, may jointly agree to modify an argument or rebuttal argument in order to:

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

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

549 (c) An election officer shall refuse to accept and publish an argument or rebuttal  
550 argument if the eligible voter who submits the argument or rebuttal argument fails to negotiate,  
551 in good faith, to modify the argument or rebuttal argument in accordance with Subsection  
552 (4)(b).

553 (5) An election officer may designate another eligible voter to take the place of an  
554 eligible voter described in this section if the original eligible voter is, due to injury, illness,  
555 death, or another circumstance, unable to continue to fulfill the duties of an eligible voter  
556 described in this section.

557 (6) (a) The local voter information pamphlet shall include a copy of the initial fiscal  
558 impact estimate prepared for each initiative under Section [20A-7-502.5](#).

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

561 "This initiative seeks to increase the current (insert name of tax) rate by (insert the tax

562 percentage difference) percent, resulting in a(n) (insert the tax percentage increase) percent  
563 increase in the current tax rate."

564 (7) (a) In preparing the local voter information pamphlet, the election officer shall:

565 (i) ensure that the arguments are printed on the same sheet of paper upon which the  
566 ballot proposition is also printed;

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

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

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

571 (iv) distribute either the pamphlets or the notice described in Subsection (7)(c) either by  
572 mail or carrier not less than 15 days before, but not more than 45 days before, the election at  
573 which the ballot propositions are to be voted upon.

574 (b) (i) If the proposed measure exceeds 500 words in length, the election officer may  
575 summarize the measure in 500 words or less.

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

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

581 (ii) The notice described in Subsection (7)(c)(i) shall include:

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

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

586 Section 9. Section [20A-7-502](#) is amended to read:

587 **20A-7-502. Local initiative process -- Application procedures.**

588 (1) Persons wishing to circulate an initiative petition shall file an application with the  
589 local clerk.

- 590 (2) The application shall contain:
- 591 (a) the name and residence address of at least five sponsors of the initiative petition;
- 592 (b) a statement indicating that each of the sponsors:
- 593 (i) is a registered voter; and
- 594 (ii) (A) if the initiative seeks to enact a county ordinance, has voted in a regular general
- 595 election in Utah within the last three years; or
- 596 (B) if the initiative seeks to enact a municipal ordinance, has voted in a regular
- 597 municipal election in Utah:
- 598 (I) except as provided in Subsection (2)(b)(ii)(B)(II), within the last three years; or
- 599 (II) within the last five years, if the sponsor's failure to vote within the last three years
- 600 is due to the sponsor's residing in a municipal district that participates in a municipal election
- 601 every four years;
- 602 (c) the signature of each of the sponsors, attested to by a notary public; [~~and~~]
- 603 (d) a copy of the proposed law that includes:
- 604 (i) the title of the proposed law, which clearly expresses the subject of the law; and
- 605 (ii) the text of the proposed law[-]; and
- 606 (e) if the initiative petition proposes a tax increase, the following statement, "This
- 607 initiative petition seeks to increase the current (insert name of tax) rate by (insert the tax
- 608 percentage difference) percent, resulting in a(n) (insert the tax percentage increase) percent
- 609 increase in the current tax rate."

610 (3) A proposed law submitted under this section may not contain more than one subject

611 to the same extent a bill may not pass containing more than one subject as provided in Utah

612 Constitution, Article VI, Section 22.

613 Section 10. Section **20A-7-502.5** is amended to read:

614 **20A-7-502.5. Initial fiscal and legal impact estimate -- Preparation of estimate --**

615 **Challenge to estimate.**

616 (1) Within three working days of receipt of an application for an initiative petition, the

617 local clerk shall submit a copy of the application to the county, city, or town's budget officer.

618 (2) (a) The budget officer, together with legal counsel, shall prepare an unbiased, good  
619 faith estimate of the fiscal and legal impact of the law proposed by the initiative that contains:

620 (i) a dollar amount representing the total estimated fiscal impact of the proposed law;

621 (ii) if the proposed law would increase or decrease taxes, a dollar amount representing  
622 the total estimated increase or decrease for each type of tax affected under the proposed law  
623 and a dollar amount representing the total estimated increase or decrease in taxes under the  
624 proposed law;

625 (iii) if the proposed law would increase taxes, the tax percentage difference and the tax  
626 percentage increase;

627 [~~(iii)~~] (iv) if the proposed law would result in the issuance or a change in the status of  
628 bonds, notes, or other debt instruments, a dollar amount representing the total estimated  
629 increase or decrease in public debt under the proposed law;

630 [~~(iv)~~] (v) a listing of all sources of funding for the estimated costs associated with the  
631 proposed law showing each source of funding and the percentage of total funding provided  
632 from each source;

633 [~~(v)~~] (vi) a dollar amount representing the estimated costs or savings, if any, to state  
634 and local government entities under the proposed law;

635 [~~(vi)~~] (vii) the proposed law's legal impact, including:

636 (A) any significant effects on a person's vested property rights;

637 (B) any significant effects on other laws or ordinances;

638 (C) any significant legal liability the city, county, or town may incur; and

639 (D) any other significant legal impact as determined by the budget officer and the legal  
640 counsel; and

641 [~~(vii)~~] (viii) a concise explanation, not exceeding 100 words, of the above information  
642 and of the estimated fiscal impact, if any, under the proposed law.

643 (b) (i) If the proposed law is estimated to have no fiscal impact, the local budget officer  
644 shall include a summary statement in the initial fiscal impact statement in substantially the  
645 following form:

646 "The (title of the local budget officer) estimates that the law proposed by this initiative  
647 would have no significant fiscal impact and would not result in either an increase or decrease in  
648 taxes or debt."

649 (ii) If the proposed law is estimated to have a fiscal impact, the local budget officer  
650 shall include a summary statement in the initial fiscal impact estimate in substantially the  
651 following form:

652 "The (title of the local budget officer) estimates that the law proposed by this initiative  
653 would result in a total fiscal expense/savings of \$\_\_\_\_\_, which includes a (type of tax or  
654 taxes) tax increase/decrease of \$\_\_\_\_\_ and a \$\_\_\_\_\_ increase/decrease in public debt."

655 (iii) If the estimated fiscal impact of the proposed law is highly variable or is otherwise  
656 difficult to reasonably express in a summary statement, the local budget officer may include in  
657 the summary statement a brief explanation that identifies those factors affecting the variability  
658 or difficulty of the estimate.

659 (iv) If the proposed law would increase taxes, the local budget officer shall include a  
660 summary statement in the initial fiscal impact statement in substantially the following form:

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

664 (3) The budget officer shall prepare an unbiased, good faith estimate of the cost of  
665 printing and distributing information related to the initiative petition in the voter information  
666 pamphlet as required by Section [20A-7-402](#).

667 (4) Within 25 calendar days from the date that the local clerk delivers a copy of the  
668 application, the budget officer shall:

669 (a) deliver a copy of the initial fiscal impact estimate, including the legal impact  
670 estimate, to the local clerk's office; and

671 (b) mail a copy of the initial fiscal impact estimate, including the legal impact estimate,  
672 to the first five sponsors named in the application.

673 (5) (a) Three or more of the sponsors of the petition may, within 20 calendar days of



674 the date of delivery of the initial fiscal impact estimate to the local clerk's office, file a petition  
675 with the Supreme Court, alleging that the initial fiscal impact estimate, including the legal  
676 impact estimate, taken as a whole, is an inaccurate estimate of the fiscal or legal impact of the  
677 initiative.

678 (b) (i) There is a presumption that the initial fiscal impact estimate, including the legal  
679 impact estimate, prepared by the budget officer and legal counsel is based upon reasonable  
680 assumptions, uses reasonable data, and applies accepted analytical methods to present the  
681 estimated fiscal and legal impact of the initiative.

682 (ii) The Supreme Court may not revise the contents of, or direct the revision of, the  
683 initial fiscal impact estimate, including the legal impact estimate, unless the plaintiffs rebut the  
684 presumption by clear and convincing evidence that establishes that the fiscal estimate,  
685 including the legal impact estimate, taken as a whole, is an inaccurate statement of the  
686 estimated fiscal or legal impact of the initiative.

687 (iii) The Supreme Court may refer an issue related to the initial fiscal impact estimate,  
688 including the legal impact estimate, to a master to examine the issue and make a report in  
689 accordance with Utah Rules of Civil Procedure, Rule 53.

690 (c) The Supreme Court shall certify to the local clerk an initial fiscal impact estimate,  
691 including the legal impact estimate, for the measure that meets the requirements of this section.

692 Section 11. Section **20A-7-503** is amended to read:

693 **20A-7-503. Form of initiative petitions and signature sheets.**

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

696 "INITIATIVE PETITION To the Honorable \_\_\_\_, County Clerk/City Recorder/Town  
697 Clerk:

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

702 Each signer says:  
703 I have personally signed this petition;  
704 I am registered to vote in Utah or intend to become registered to vote in Utah before the  
705 certification of the petition names by the county clerk; and  
706 My residence and post office address are written correctly after my name."

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

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

713 ~~[(b)]~~ (c) The sponsors of an initiative shall attach a copy of the proposed law to each  
714 initiative petition.

715 (2) Each signature sheet shall:

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

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

719 (c) contain the title of the initiative printed below the horizontal line, in at least  
720 14-point, bold type;

721 ~~[(d) contain the initial fiscal impact estimate's summary statement issued by the budget~~  
722 ~~officer according to Subsection 20A-7-502.5(2)(b) and the cost estimate for printing and~~  
723 ~~distributing information related to the initiative petition according to Subsection~~  
724 ~~20A-7-502.5(3) printed or typed in not less than 12-point, bold type, at the top of each~~  
725 ~~signature sheet under the title of the initiative;]~~

726 ~~[(e) contain the word "Warning" printed or typed at the top of each signature sheet~~  
727 ~~under the initial fiscal impact estimate's summary statement;]~~

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

730 ~~["It is a class A misdemeanor for anyone to sign any initiative petition with any other~~  
 731 ~~name than his own, or knowingly to sign his name more than once for the same measure, or to~~  
 732 ~~sign an initiative petition when he knows he is not a registered voter and knows that he does~~  
 733 ~~not intend to become registered to vote before the certification of the petition names by the~~  
 734 ~~county clerk.";~~]

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

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

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

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

743 (iii) the next column shall be 2-1/2 inches wide, headed "Signature of Registered  
 744 Voter";

745 (iv) the next column shall be one inch wide, headed "Birth Date or Age (Optional)";  
 746 and

747 (v) the final column shall be 4-3/8 inches wide, headed "Street Address, City, Zip  
 748 Code";

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

752 "By signing this petition, you are stating that you have read and understand the law  
 753 proposed by this petition."; and

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

755 (i) the title of the initiative, in at least 14-point, bold type;

756 (ii) the initial fiscal impact estimate's summary statement issued by the budget officer  
 757 in accordance with Subsection [20A-7-502.5\(2\)\(b\)](#) and the cost estimate for printing and

758 distributing information related to the initiative petition in accordance with Subsection  
759 20A-7-502.5(3), in not less than 12-point, bold type;

760 (iii) the word "Warning," followed by the following statement in not less than  
761 eight-point type:

762 "It is a class A misdemeanor for an individual to sign an initiative petition with a name  
763 other than the individual's own name, or to knowingly sign the individual's name more than  
764 once for the same measure, or to sign an initiative petition when the individual knows that the  
765 individual is not a registered voter and knows that the individual does not intend to become  
766 registered to vote before the certification of the petition names by the county clerk.";

767 (iv) the following statement: "Birth date or age information is not required, but it may  
768 be used to verify your identity with voter registration records. If you choose not to provide it,  
769 your signature may not be verified as a valid signature if you change your address before  
770 petition signatures are verified or if the information you provide does not match your voter  
771 registration records."; and

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

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

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

779 "Verification  
780 State of Utah, County of \_\_\_\_  
781 I, \_\_\_\_\_, of \_\_\_\_\_, hereby state that:

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

783 All the names that appear in this initiative packet were signed by [~~persons~~] the  
784 individuals who professed to be the [~~persons~~] individuals whose names appear in it, and each  
785 of [~~them~~] the individuals signed [~~his~~] the individual's name on it in my presence;

786 I believe that each individual has printed and signed [his] the individual's name and  
787 written [his] the individual's post office address and residence correctly, and that each signer is  
788 registered to vote in Utah or intends to become registered to vote before the certification of the  
789 petition names by the county clerk.

790 \_\_\_\_\_ "

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

794 Section 12. Section **20A-7-508** is amended to read:

795 **20A-7-508. Ballot title -- Duties of local clerk and local attorney.**

796 (1) Whenever an initiative petition is declared sufficient for submission to a vote of the  
797 people, the local clerk shall deliver a copy of the petition and the proposed law to the local  
798 attorney.

799 (2) The local attorney shall:

800 (a) entitle each county or municipal initiative that has qualified for the ballot  
801 "Proposition Number \_\_\_" and give it a number as assigned under Section **20A-6-107**;

802 (b) prepare a proposed ballot title for the initiative;

803 (c) file the proposed ballot title and the numbered initiative titles with the local clerk  
804 within 15 days after the date the initiative petition is declared sufficient for submission to a  
805 vote of the people; and

806 (d) promptly provide notice of the filing of the proposed ballot title to:

807 (i) the sponsors of the petition; and

808 (ii) the local legislative body for the jurisdiction where the initiative petition was  
809 circulated.

810 (3) (a) The ballot title may be distinct from the title of the proposed law attached to the  
811 initiative petition, and shall express, in not exceeding 100 words, the purpose of the measure.

812 (b) In preparing a ballot title, the local attorney shall, to the best of [his] the local  
813 attorney's ability, give a true and impartial statement of the purpose of the measure.

814 (c) The ballot title may not intentionally be an argument, or likely to create prejudice,  
815 for or against the measure.

816 (d) If the initiative proposes a tax increase, the local attorney shall include the  
817 following statement, in bold, in the ballot title:

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

821 (4) (a) Within five calendar days after the date the local attorney files a proposed ballot  
822 title under Subsection (2)(c), the local legislative body for the jurisdiction where the initiative  
823 petition was circulated and the sponsors of the petition may file written comments in response  
824 to the proposed ballot title with the local clerk.

825 (b) Within five calendar days after the last date to submit written comments under  
826 Subsection (4)(a), the local attorney shall:

- 827 (i) review any written comments filed in accordance with Subsection (4)(a);
- 828 (ii) prepare a final ballot title that meets the requirements of Subsection (3); and
- 829 (iii) return the petition and file the ballot title with the local clerk.

830 (c) Subject to Subsection (6), the ballot title, as determined by the local attorney, shall  
831 be printed on the official ballot.

832 (5) Immediately after the local attorney files a copy of the ballot title with the local  
833 clerk, the local clerk shall serve a copy of the ballot title by mail upon the sponsors of the  
834 petition and the local legislative body for the jurisdiction where the initiative petition was  
835 circulated.

836 (6) (a) If the ballot title furnished by the local attorney is unsatisfactory or does not  
837 comply with the requirements of this section, the decision of the local attorney may be  
838 appealed by a petition to the Supreme Court that is brought by:

- 839 (i) at least three sponsors of the initiative petition; or
- 840 (ii) a majority of the local legislative body for the jurisdiction where the initiative  
841 petition was circulated.

842 (b) The Supreme Court shall examine the measures and consider arguments, and, in its  
843 decision, may certify to the local clerk a ballot title for the measure that fulfills the intent of this  
844 section.

845 (c) The local clerk shall print the title certified by the Supreme Court on the official  
846 ballot.

847 Section 13. Section **20A-7-513** is amended to read:

848 **20A-7-513. Fiscal review -- Repeal, amendment, or resubmission.**

849 (1) No later than 60 days after the date of an election in which the voters approve an  
850 initiative petition, the budget officer shall:

851 (a) for each initiative approved by the voters, prepare a final fiscal impact statement,  
852 using current financial information and containing the information required by Subsection  
853 [20A-7-502.5\(2\)](#), except for the information required by Subsection  
854 [20A-7-502.5\(2\)\(a\)](#)~~(vi)~~(vii); and

855 (b) deliver a copy of the final fiscal impact statement to:

- 856 (i) the local legislative body of the jurisdiction where the initiative was circulated;
- 857 (ii) the local clerk; and
- 858 (iii) the first five sponsors listed on the initiative application.

859 (2) If the final fiscal impact statement exceeds the initial fiscal impact estimate by 25%  
860 or more, the local legislative body shall review the final fiscal impact statement and may, by a  
861 majority vote:

- 862 (a) repeal the law established by passage of the initiative;
- 863 (b) amend the law established by the passage of the initiative; or
- 864 (c) pass a resolution informing the voters that they may file an initiative petition to  
865 repeal the law enacted by the passage of the initiative.

866 Section 14. Section **20A-7-702** is amended to read:

867 **20A-7-702. Voter information pamphlet -- Form -- Contents -- Distribution.**

868 (1) The lieutenant governor shall ensure that all information submitted for publication  
869 in the voter information pamphlet is:

- 870 (a) printed and bound in a single pamphlet;
- 871 (b) printed in clear readable type, no less than 10 point, except that the text of any  
872 measure may be set forth in eight-point type; and
- 873 (c) printed on a quality and weight of paper that best serves the voters.
- 874 (2) The voter information pamphlet shall contain the following items in this order:
- 875 (a) a cover title page;
- 876 (b) an introduction to the pamphlet by the lieutenant governor;
- 877 (c) a table of contents;
- 878 (d) a list of all candidates for constitutional offices;
- 879 (e) a list of candidates for each legislative district;
- 880 (f) a 100-word statement of qualifications for each candidate for the office of governor,  
881 lieutenant governor, attorney general, state auditor, or state treasurer, if submitted by the  
882 candidate to the lieutenant governor's office before 5 p.m. on the date that falls 105 days before  
883 the date of the election;
- 884 (g) information pertaining to all measures to be submitted to the voters, beginning a  
885 new page for each measure and containing, in the following order for each measure:
- 886 (i) a copy of the number and ballot title of the measure;
- 887 (ii) the final vote cast by the Legislature on the measure if it is a measure submitted by  
888 the Legislature or by referendum;
- 889 (iii) the impartial analysis of the measure prepared by the Office of Legislative  
890 Research and General Counsel;
- 891 (iv) the arguments in favor of the measure, the rebuttal to the arguments in favor of the  
892 measure, the arguments against the measure, and the rebuttal to the arguments against the  
893 measure, with the name and title of the authors at the end of each argument or rebuttal;
- 894 (v) for each constitutional amendment, a complete copy of the text of the constitutional  
895 amendment, with all new language underlined, and all deleted language placed within brackets;
- 896 (vi) for each initiative qualified for the ballot[5];
- 897 (A) a copy of the measure as certified by the lieutenant governor and a copy of the



898 fiscal impact estimate prepared according to Section [20A-7-202.5](#); and

899 (B) if the initiative proposes a tax increase, the following statement in bold type:

900 "This initiative seeks to increase the current (insert name of tax) rate by (insert the tax  
901 percentage difference) percent, resulting in a(n) (insert the tax percentage increase) percent  
902 increase in the current tax rate."; and

903 (vii) for each referendum qualified for the ballot, a complete copy of the text of the law  
904 being submitted to the voters for their approval or rejection, with all new language underlined  
905 and all deleted language placed within brackets, as applicable;

906 (h) a description provided by the Judicial Performance Evaluation Commission of the  
907 selection and retention process for judges, including, in the following order:

908 (i) a description of the judicial selection process;

909 (ii) a description of the judicial performance evaluation process;

910 (iii) a description of the judicial retention election process;

911 (iv) a list of the criteria of the judicial performance evaluation and the minimum  
912 performance standards;

913 (v) the names of the judges standing for retention election; and

914 (vi) for each judge:

915 (A) a list of the counties in which the judge is subject to retention election;

916 (B) a short biography of professional qualifications and a recent photograph;

917 (C) a narrative concerning the judge's performance;

918 (D) for each standard of performance, a statement identifying whether or not the judge  
919 met the standard and, if not, the manner in which the judge failed to meet the standard;

920 (E) a statement identifying whether or not the Judicial Performance Evaluation  
921 Commission recommends the judge be retained or declines to make a recommendation and the  
922 number of votes for and against the commission's recommendation;

923 (F) any statement provided by a judge who is not recommended for retention by the  
924 Judicial Performance Evaluation Commission under Section [78A-12-203](#);

925 (G) in a bar graph, the average of responses to each survey category, displayed with an

926 identification of the minimum acceptable score as set by Section 78A-12-205 and the average  
927 score of all judges of the same court level; and

928 (H) a website address that contains the Judicial Performance Evaluation Commission's  
929 report on the judge's performance evaluation;

930 (i) for each judge, a statement provided by the Utah Supreme Court identifying the  
931 cumulative number of informal reprimands, when consented to by the judge in accordance with  
932 Title 78A, Chapter 11, Judicial Conduct Commission, formal reprimands, and all orders of  
933 censure and suspension issued by the Utah Supreme Court under Utah Constitution, Article  
934 VIII, Section 13, during the judge's current term and the immediately preceding term, and a  
935 detailed summary of the supporting reasons for each violation of the Code of Judicial Conduct  
936 that the judge has received;

937 (j) an explanation of ballot marking procedures prepared by the lieutenant governor,  
938 indicating the ballot marking procedure used by each county and explaining how to mark the  
939 ballot for each procedure;

940 (k) voter registration information, including information on how to obtain an absentee  
941 ballot;

942 (l) a list of all county clerks' offices and phone numbers; and

943 (m) on the back cover page, a printed copy of the following statement signed by the  
944 lieutenant governor:

945 "I, \_\_\_\_\_ (print name), Lieutenant Governor of Utah, certify that the  
946 measures contained in this pamphlet will be submitted to the voters of Utah at the election to  
947 be held throughout the state on \_\_\_\_ (date of election), and that this pamphlet is complete and  
948 correct according to law.

949 SEAL

950 Witness my hand and the Great Seal of the State, at Salt Lake City, Utah this \_\_\_\_ day  
951 of \_\_\_\_ (month), \_\_\_\_ (year)

952 (signed) \_\_\_\_\_  
953 Lieutenant Governor"

954 (3) No earlier than 75 days, and no later than 15 days, before the day on which voting  
955 commences, the lieutenant governor shall:

956 (a) (i) distribute one copy of the voter information pamphlet to each household within  
957 the state;

958 (ii) distribute to each household within the state a notice:

959 (A) printed on a postage prepaid, preaddressed return form that a person may use to  
960 request delivery of a voter information pamphlet by mail;

961 (B) that states the address of the Statewide Electronic Voter Information Website  
962 authorized by Section 20A-7-801; and

963 (C) that states the phone number a voter may call to request delivery of a voter  
964 information pamphlet by mail; or

965 (iii) ensure that one copy of the voter information pamphlet is placed in one issue of  
966 every newspaper of general circulation in the state;

967 (b) ensure that a sufficient number of printed voter information pamphlets are available  
968 for distribution as required by this section;

969 (c) provide voter information pamphlets to each county clerk for free distribution upon  
970 request and for placement at polling places; and

971 (d) ensure that the distribution of the voter information pamphlets is completed 15 days  
972 before the election.

973 (4) The lieutenant governor may distribute a voter information pamphlet at a location  
974 frequented by a person who cannot easily access the Statewide Electronic Voter Information  
975 Website authorized by Section 20A-7-801.