

**Representative Karen M. Peterson** proposes the following substitute bill:

**LOCAL GOVERNMENT FEES MODIFICATIONS**

2024 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Karen M. Peterson**

Senate Sponsor: Wayne A. Harper

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**LONG TITLE**

**General Description:**

This bill modifies and enacts provisions relating to municipal fees.

**Highlighted Provisions:**

This bill:

- ▶ prohibits a city from imposing a fee on the general public for broadband or public safety service, with exceptions;
- ▶ prohibits a town from imposing a fee on the general public for public safety service, with exceptions;
- ▶ authorizes a city to impose a transportation utility fee if the city complies with certain requirements;
- ▶ establishes a process and requirements for a city to impose a transportation utility fee; and
- ▶ makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**



26 AMENDS:

27 [10-1-406](#), as enacted by Laws of Utah 2003, Chapter 253

28 [20A-7-101](#), as last amended by Laws of Utah 2023, Chapters 107, 116

29 [20A-7-607](#), as last amended by Laws of Utah 2023, Chapters 107, 116

30 [20A-7-609.5](#), as last amended by Laws of Utah 2020, Chapter 31

31 [20A-7-613](#), as last amended by Laws of Utah 2023, Chapter 116

32 ENACTS:

33 [10-5-133](#), Utah Code Annotated 1953

34 [10-6-134.3](#), Utah Code Annotated 1953

35 [10-6-134.5](#), Utah Code Annotated 1953



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

38 Section 1. Section **10-1-406** is amended to read:

39 **10-1-406. Limitation of other telecommunications taxes or fees.**

40 (1) As used in this section:

41 (a) "Broadband" means facilities and services used to make high-capacity, high-speed  
42 Internet service available to users.

43 (b) "General fee" means the same as that term is defined in Section [10-6-134.3](#).

44 (2) (a) Except as provided in Subsection (2)(b), a city may not impose a general fee for  
45 broadband.

46 (b) (i) Subject to Subsection (2)(b)(ii), a city that, before May 1, 2024, imposes a  
47 general fee for broadband shall repeal the general fee no later than July 1, 2025.

48 (ii) (A) A city that, before May 1, 2024, issues a bond secured by revenue from a  
49 general fee for broadband shall repeal the general fee within 60 days after the bond is paid.

50 (B) A city that, before May 1, 2024, imposes a general fee to pay for a bond the city  
51 issued before January 1, 2024 to pay for broadband shall repeal the general fee within 60 days  
52 after the bond is paid.

53 (3) Subject to the other provisions of this section, a municipality may not levy or  
54 collect a telecommunications tax or fee on a person except for a telecommunications tax or fee  
55 imposed by the municipality:

56 (a) on a telecommunications provider to recover the management costs of the

57 municipality caused by the activities of the telecommunications provider in the right-of-way of  
58 a municipality if the telecommunications tax or fee:

59 (i) is imposed in accordance with Section 72-7-102; and

60 (ii) is not related to:

61 (A) a municipality's loss of use of a highway as a result of the activities of the  
62 telecommunications provider in a right-of-way; or

63 (B) increased deterioration of a highway as a result of the activities of the  
64 telecommunications provider in a right-of-way; or

65 (b) on a person that:

66 (i) is not subject to a municipal telecommunications license tax under this part; and

67 (ii) locates telecommunications facilities, as defined in Section 72-7-108, in the  
68 municipality.

69 ~~[(2)]~~ (4) Subsection ~~[(1)(a)]~~ (3)(a) may not be interpreted as exempting a  
70 telecommunications provider from complying with any ordinance:

71 (a) related to excavation, construction, or installation of a telecommunications facility;  
72 and

73 (b) that addresses the safety and quality standards of the municipality for excavation,  
74 construction, or installation.

75 ~~[(3)]~~ (5) A telecommunications tax or fee imposed under Subsection ~~[(1)(b)]~~ (3)(b)  
76 shall be imposed:

77 (a) by ordinance; and

78 (b) on a competitively neutral basis.

79 Section 2. Section 10-5-133 is enacted to read:

80 **10-5-133. General fee for public safety service prohibited -- Exception.**

81 (1) As used in this section:

82 (a) (i) "General fee" means a fee imposed generally on the public at large or on a  
83 segment of the public.

84 (ii) "General fee" does not include:

85 (A) a fee that a town charges an identifiable user of a town-provided service or a town  
86 facility to cover the town's cost of the user's use of the service or facility; or

87 (B) a registration or similar fee that a town charges a participant in an activity or

88 program sponsored by the town to offset the town's administrative cost of sponsoring the  
89 activity or program.

90 (b) "Public safety service" means law enforcement service, fire protection service, 911  
91 ambulance or paramedic service, or emergency service.

92 (2) Except as provided in Subsection (3), a town may not impose a general fee for a  
93 public safety service.

94 (3) A town may impose a general fee for a public safety service if:

95 (a) the fee is to generate revenue to pay for the town's obligation under an agreement  
96 with one or more other political subdivisions for public safety service provided to the town; or

97 (b) the public safety service is volunteer public safety service.

98 (4) A town that, before May 1, 2024, imposes a general fee for a public safety service  
99 that is prohibited under Subsection (2) shall repeal the general fee no later than July 1, 2025.

100 Section 3. Section **10-6-134.3** is enacted to read:

101 **10-6-134.3. General fee for public safety service prohibited -- Exception.**

102 (1) As used in this section:

103 (a) (i) "General fee" means a fee imposed generally on the public at large or on a  
104 segment of the public.

105 (ii) "General fee" does not include:

106 (A) a fee that a city charges an identifiable user of a city-provided service or a city  
107 facility to cover the city's cost of the user's use of the service or facility; or

108 (B) a registration or similar fee that a city charges a participant in an activity or  
109 program sponsored by the city to offset the city's administrative cost of sponsoring the activity  
110 or program.

111 (b) "Public safety service" means law enforcement service, fire protection service, 911  
112 ambulance or paramedic service, or emergency service.

113 (2) Except as provided in Subsection (3), a city may not impose a general fee for a  
114 public safety service.

115 (3) A city of the third, fourth, or fifth class may impose a general fee for a public safety  
116 service if:

117 (a) the fee is to generate revenue to pay for the city's obligation under an agreement  
118 with one or more other political subdivisions for public safety service provided to the city; or

119 (b) the public safety service is volunteer public safety service.

120 (4) A city that, before May 1, 2024, imposes a general fee for a public safety service  
121 that is prohibited under Subsection (2) shall repeal the general fee no later than July 1, 2025.

122 Section 4. Section **10-6-134.5** is enacted to read:

123 **10-6-134.5. Transportation utility fee.**

124 (1) As used in this section:

125 (a) "Transportation facility" means any of the items listed in Subsection  
126 59-12-2212.2(1) as purposes for which revenue from a local option sales and use tax under  
127 Section 59-12-2212.2 may be expended.

128 (b) "Transportation utility fee" means a fee imposed on the public at large or on a user  
129 segment to generate revenue to pay for costs associated with developing, constructing,  
130 maintaining, operating, repairing, upgrading, or replacing a transportation facility.

131 (c) "Transportation fund" means a fund described in and established under Subsection  
132 (8).

133 (d) "User segment" means a segment of the city's population based on a classification  
134 established under Subsection (7).

135 (2) (a) A city may impose and collect a transportation utility fee:

136 (i) if the city establishes a reasonable relationship between:

137 (A) the amount of the transportation utility fee; and

138 (B) the services provided to, the benefits received by, or the need created by those who  
139 pay the transportation utility fee; and

140 (ii) only as provided in this section.

141 (b) A city may impose a transportation utility fee to provide funding for any number of  
142 transportation facilities but may not have more than a single transportation utility fee in effect  
143 at a time.

144 (3) To impose or increase a transportation utility fee, a municipality shall:

145 (a) conduct a study as provided in Subsection (4);

146 (b) follow the process described in Subsection (5); and

147 (c) adopt an ordinance imposing or increasing a transportation utility fee, as provided  
148 in Subsection (6).

149 (4) (a) A city may not impose or increase a transportation utility fee unless the city first

150 conducts a study as described in this Subsection (4).

151 (b) A study under Subsection (4)(a) shall:

152 (i) determine and provide a reasonable estimate of the need for a new transportation  
153 facility or for maintaining, operating, repairing, upgrading, or replacing an existing

154 transportation facility;

155 (ii) identify and provide a reasonable estimate of existing funding sources that could be  
156 used to pay for a new transportation facility or for maintaining, operating, repairing, upgrading,  
157 or replacing an existing transportation facility;

158 (iii) explain and provide a reasonable calculation showing how existing city funding  
159 sources are inadequate to cover the cost of constructing a new transportation facility or  
160 maintaining, operating, repairing, upgrading, or replacing an existing transportation facility;

161 (iv) determine whether the proposed transportation utility fee is reasonably related to:

162 (A) the services provided to those who pay the transportation utility fee;

163 (B) the benefits received by persons who pay the transportation utility fee; or

164 (C) the need created by those who pay the transportation utility fee;

165 (v) explain the reasonable relationship determined under Subsection (4)(a)(iv); and

166 (vi) determine whether there is a reasonable basis for different rates within a proposed  
167 transportation utility fee based on different levels of services provided to, benefit received by,  
168 or need created by those who pay the transportation utility fee, as described in Subsection (7),  
169 and, if so, explain the basis for the proposed different rates.

170 (c) A city that conducts a study under Subsection (4)(a) shall post a copy of the study  
171 on the city's website, if the city has a website.

172 (5) (a) Subject to Subsection (5)(b), before adopting an ordinance imposing or  
173 increasing a transportation utility fee, the governing body shall comply with the notice and  
174 public hearing requirements established in Sections [10-6-113](#) and [10-6-114](#).

175 (b) (i) The governing body of a city that proposes to impose or increase a transportation  
176 utility fee shall, in addition to the notice required under Section [10-6-113](#), provide notice of the  
177 proposed fee and the public hearing:

178 (A) in a notice with the city's monthly utility bill, if the city mails or emails residents a  
179 monthly utility bill; or

180 (B) through another primary means of communicating with residents, if the city does

181 not provide residents a monthly utility bill.

182 (ii) The public hearing required for a proposal to impose or increase a transportation  
183 utility fee may be held in conjunction with a budget hearing under Section 10-6-114 but shall  
184 be separate and distinct from the budget hearing.

185 (6) (a) A transportation utility fee may be imposed or increased only by an ordinance  
186 adopted by the city's governing body.

187 (b) (i) Subject to Subsection (6)(b)(ii), the governing body may adopt an ordinance  
188 imposing or increasing a transportation utility fee at the same meeting in which the public body  
189 adopts the city budget.

190 (ii) The governing body vote on the imposition or increase of a transportation utility  
191 fee shall be separate from the governing body vote on the city budget or any other item.

192 (c) The amount of a transportation utility fee for the city's population or for any user  
193 segment shall be reasonably related to the services provided to, benefits received by, or need  
194 created by those within the city's population or user segment who pay the transportation utility  
195 fee, as determined in the study under Subsection (4).

196 (d) (i) Revenue from a transportation utility fee may not supplant existing general fund  
197 appropriations that the city has budgeted for transportation facilities as of the date the  
198 transportation utility fee becomes effective.

199 (ii) The limitation under Subsection (6)(d)(i) does not apply to a designated  
200 transportation facilities capital or reserve account established before the effective date of a  
201 transportation utility fee under this section.

202 (7) (a) A city shall establish different rates within a transportation utility fee for  
203 different classifications of users of a transportation facility if the rates and classifications have a  
204 reasonable basis.

205 (b) (i) A reasonable basis under Subsection (7)(a) may include:

206 (A) different levels of benefit received by users of a transportation utility fee;

207 (B) different impacts on or usage of transportation facilities by those who pay the  
208 transportation utility fee;

209 (C) a difference in the cost of providing a transportation facility to different  
210 classifications of users;

211 (D) a difference in levels of risk to the operation of a transportation facility for

212 different classifications of users;

213 (E) differing contributions that different classifications of users make, separate from a  
214 transportation utility fee, to the cost of constructing, maintaining, or operating a transportation  
215 facility; and

216 (F) distinguishable differences in the needs or conditions of different classifications of  
217 users based on economic, public policy, or other identifiable elements.

218 (ii) A reasonable basis under Subsection (7)(a) does not include:

219 (A) whether a user resides inside or outside the city boundary; or

220 (B) a consideration of the age of development within areas with the same zoning  
221 designation.

222 (8) (a) A city that imposes a transportation utility fee shall establish a fund as provided  
223 in this Subsection (8).

224 (b) A city shall deposit into the transportation fund all revenue from a transportation  
225 utility fee.

226 (c) A city may not:

227 (i) deposit into or commingle with a transportation fund any money from any other  
228 source; or

229 (ii) use money in a transportation fund for any purpose other than to pay for the cost of:

230 (A) the development or construction of a new transportation facility;

231 (B) upgrading or replacing an existing transportation facility;

232 (C) the maintenance, operation, or repair of an existing transportation facility; or

233 (D) reasonable administrative costs associated with the transportation fund or with  
234 activities described in Subsections (8)(c)(ii)(A), (B), and (C).

235 (d) Notwithstanding Sections [10-6-124](#), [10-6-125](#), and [10-6-135.5](#), a city may not  
236 transfer money in a transportation fund to any other fund or to a separate account.

237 (9) (a) A city that imposes a transportation utility fee shall conduct an annual review of  
238 the transportation utility fee as provided in this Subsection (9) and prepare a written report of  
239 the annual review.

240 (b) In an annual review under Subsection (9)(a), the governing body shall:

241 (i) review the balance of the transportation fund;

242 (ii) review the current amount of the transportation utility fee;



243 (iii) demonstrate that there is still a reasonable relationship between the amount of the  
244 transportation utility fee and the transportation services provided to, benefits received by, or  
245 need created by those who pay the fee;

246 (iv) consider other possible revenue sources that the city could use for transportation  
247 facilities instead of a transportation utility fee;

248 (v) ensure that Subsection (6)(d) is being complied with; and

249 (vi) demonstrate that revenue from the transportation utility fee continues to be needed  
250 to provide a transportation facility that the city could not otherwise provide from other existing  
251 revenue sources.

252 (c) (i) A city shall submit a copy of the written report under Subsection (9)(a) to the  
253 state auditor.

254 (ii) A city may fulfill the requirement of Subsection (9)(c)(i) by submitted the written  
255 report as part of the city's annual financial reports submitted to the state auditor under Section  
256 [10-6-150](#).

257 (10) (a) A transportation utility fee imposed under this section expires 10 years after  
258 the effective date of the ordinance imposing the transportation utility fee.

259 (b) The 10-year period in Subsection (10)(a) begins again with any subsequent  
260 adoption of any ordinance imposing a transportation utility fee after the initial adoption of an  
261 ordinance imposing a transportation utility fee.

262 (11) An ordinance imposing a transportation utility fee is subject to local referendum  
263 as provided in Title 20A, Chapter 7, Part 6, Local Referenda - Procedures.

264 (12) A city that, before May 1, 2024, imposes a fee to pay for a transportation facility  
265 shall, no later than July 1, 2026:

266 (a) ensure that requirements of this section have been complied with for the fee that the  
267 city imposes; or

268 (b) repeal the fee.

269 Section 5. Section **20A-7-101** is amended to read:

270 **20A-7-101. Definitions.**

271 As used in this chapter:

272 (1) "Approved device" means a device described in Subsection [20A-21-201\(4\)](#) used to  
273 gather signatures for the electronic initiative process, the electronic referendum process, or the

274 electronic candidate qualification process.

275 (2) "Budget officer" means:

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

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

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

279 (d) for a metro township, the person described in Subsection (2)(a) for the county in

280 which the metro township is located.

281 (3) "Certified" means that the county clerk has acknowledged a signature as being the

282 signature of a registered voter.

283 (4) "Circulation" means the process of submitting an initiative petition or a referendum

284 petition to legal voters for their signature.

285 (5) "Electronic initiative process" means:

286 (a) as it relates to a statewide initiative, the process, described in Sections 20A-7-215

287 and 20A-21-201, for gathering signatures; or

288 (b) as it relates to a local initiative, the process, described in Sections 20A-7-514 and

289 20A-21-201, for gathering signatures.

290 (6) "Electronic referendum process" means:

291 (a) as it relates to a statewide referendum, the process, described in Sections

292 20A-7-313 and 20A-21-201, for gathering signatures; or

293 (b) as it relates to a local referendum, the process, described in Sections 20A-7-614 and

294 20A-21-201, for gathering signatures.

295 (7) "Eligible voter" means a legal voter who resides in the jurisdiction of the county,

296 city, or town that is holding an election on a ballot proposition.

297 (8) "Final fiscal impact statement" means a financial statement prepared after voters

298 approve an initiative that contains the information required by Subsection 20A-7-202.5(2) or

299 20A-7-502.5(2).

300 (9) "Initial fiscal impact statement" means

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

302 initiative application.

303 (10) "Initial fiscal impact and legal statement" means a financial and legal statement

304 prepared under Section 20A-7-502.5 or 20A-7-602.5 for a local initiative or a local

305 referendum.

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

308 (12) "Initiative application" means:

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

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

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

317 (14) "Initiative petition":

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

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

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

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

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

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

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

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

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

333 (d) as it relates to a local initiative, using the electronic initiative process:

334 (i) means the form described in Subsection 20A-7-514(2)(a), petitioning for  
335 submission of the initiative to the legislative body or the legal voters; and

336 (ii) if the initiative proposes a tax increase, includes the statement described in  
337 Subsection 20A-7-514(4)(a).

338 (15) (a) "Land use law" means a law of general applicability, enacted based on the  
339 weighing of broad, competing policy considerations, that relates to the use of land, including  
340 land use regulation, a general plan, a land use development code, an annexation ordinance, the  
341 rezoning of a single property or multiple properties, or a comprehensive zoning ordinance or  
342 resolution.

343 (b) "Land use law" does not include a land use decision, as defined in Section  
344 10-9a-103 or 17-27a-103.

345 (16) "Legal signatures" means the number of signatures of legal voters that:

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

347 (b) have been obtained, certified, and verified as provided in this chapter.

348 (17) "Legal voter" means an individual who is registered to vote in Utah.

349 (18) "Legally referable to voters" means:

350 (a) for a proposed local initiative, that the proposed local initiative is legally referable  
351 to voters under Section 20A-7-502.7; or

352 (b) for a proposed local referendum, that the proposed local referendum is legally  
353 referable to voters under Section 20A-7-602.7.

354 (19) "Local attorney" means the county attorney, city attorney, or town attorney in  
355 whose jurisdiction a local initiative or referendum petition is circulated.

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

358 (21) "Local fiscal law" means a local tax law or a local transportation fee law.

359 [~~(21)~~] (22) (a) "Local law" includes:

360 (i) an ordinance;

361 (ii) a resolution;

362 (iii) a land use law;

363 (iv) a land use regulation, as defined in Section 10-9a-103; or

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

365 (b) "Local law" does not include a land use decision, as defined in Section 10-9a-103.

366 [~~(22)~~] (23) "Local legislative body" means the legislative body of a county, city, town,

367 or metro township.

368 ~~[(23)]~~ (24) "Local obligation law" means a local law passed by the local legislative  
369 body regarding a bond that was approved by a majority of qualified voters in an election.

370 ~~[(24)]~~ (25) "Local tax law" means a law, passed by a political subdivision with an  
371 annual or biannual calendar fiscal year, that increases a tax or imposes a new tax.

372 (26) "Local transportation fee law" means an ordinance adopted under Section  
373 10-6-134.5 imposing or increasing a transportation utility fee, as defined in Section 10-6-134.5.

374 ~~[(25)]~~ (27) "Manual initiative process" means the process for gathering signatures for  
375 an initiative using paper signature packets that a signer physically signs.

376 ~~[(26)]~~ (28) "Manual referendum process" means the process for gathering signatures  
377 for a referendum using paper signature packets that a signer physically signs.

378 ~~[(27)]~~ (29) "Measure" means a proposed constitutional amendment, an initiative, or  
379 referendum.

380 ~~[(28)]~~ (30) "Referendum" means a process by which a law passed by the Legislature or  
381 by a local legislative body is submitted or referred to the voters for their approval or rejection.

382 ~~[(29)]~~ (31) "Referendum application" means:

383 (a) for a statewide referendum, an application described in Subsection 20A-7-302(2)  
384 that includes all the information, statements, documents, and notarized signatures required  
385 under Subsection 20A-7-302(2); or

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

389 ~~[(30)]~~ (32) "Referendum packet" means a copy of the referendum petition, a copy of  
390 the law being submitted or referred to the voters for their approval or rejection, and the  
391 signature sheets, all of which have been bound together as a unit.

392 ~~[(31)]~~ (33) "Referendum petition" means:

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

396 (b) as it relates to a statewide referendum, using the electronic referendum process, the  
397 form described in Subsection 20A-7-313(2), petitioning for submission of a law passed by the

398 Legislature to legal voters for their approval or rejection;

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

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

405 [~~(32)~~] (34) "Signature":

406 (a) for a statewide initiative:

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

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

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

412 (B) does not include an electronic signature;

413 (b) for a statewide referendum:

414 (i) as it relates to the electronic referendum process, means an electronic signature  
415 collected under Section 20A-7-313 and Subsection 20A-21-201(6)(c); or

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

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

419 (B) does not include an electronic signature;

420 (c) for a local initiative:

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

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

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

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

427 (d) for a local referendum:

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

429 collected under Section 20A-7-614 and Subsection 20A-21-201(6)(c); or

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

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

433 (B) does not include an electronic signature.

434 ~~[(33)]~~ (35) "Signature sheets" means sheets in the form required by this chapter that are  
435 used under the manual initiative process or the manual referendum process to collect signatures  
436 in support of an initiative or referendum.

437 ~~[(34)]~~ (36) "Special local ballot proposition" means a local ballot proposition that is  
438 not a standard local ballot proposition.

439 ~~[(35)]~~ (37) "Sponsors" means the legal voters who support the initiative or referendum  
440 and who sign the initiative application or referendum application.

441 ~~[(36)]~~ (38) (a) "Standard local ballot proposition" means a local ballot proposition for  
442 an initiative or a referendum.

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

445 ~~[(37)]~~ (39) "Tax percentage difference" means the difference between the tax rate  
446 proposed by an initiative or an initiative petition and the current tax rate.

447 ~~[(38)]~~ (40) "Tax percentage increase" means a number calculated by dividing the tax  
448 percentage difference by the current tax rate and rounding the result to the nearest thousandth.

449 ~~[(39)]~~ (41) "Verified" means acknowledged by the person circulating the petition as  
450 required in Section 20A-7-105.

451 Section 6. Section 20A-7-607 is amended to read:

452 **20A-7-607. Evaluation by the local clerk -- Determination of election for vote on**  
453 **referendum.**

454 (1) In relation to the manual referendum process, when the local clerk receives a  
455 referendum packet from a county clerk, the local clerk shall record the number of the  
456 referendum packet received.

457 (2) The county clerk shall:

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

459 (i) post the names, voter identification numbers, and dates of signatures described in

460 Subsection 20A-7-105(6)(a)(iii) on the lieutenant governor's website, in a conspicuous location  
461 designated by the lieutenant governor, for at least 45 days; and

462 (ii) update on the local clerk's website the number of signatures certified as of the date  
463 of the update; or

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

465 (i) post the names, voter identification numbers, and dates of signatures described in  
466 Subsection 20A-7-616(3) on the lieutenant governor's website, in a conspicuous location  
467 designated by the lieutenant governor, for at least 45 days; and

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

470 (3) The local clerk:

471 (a) shall, except as provided in Subsection (3)(b), declare the referendum petition to be  
472 sufficient or insufficient:

473 (i) in relation to the manual referendum process, no later than 111 days after the day of  
474 the deadline, described in Subsection 20A-7-105(5)(a)(iv), to submit a referendum packet to  
475 the county clerk; or

476 (ii) in relation to the electronic referendum process, no later than 111 days after the day  
477 of the deadline, described in Subsection 20A-7-616(2), to collect a signature; or

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

480 (i) in relation to the manual referendum process, the total of all valid signatures on  
481 timely and lawfully submitted referendum packets that have been certified by the county clerk,  
482 plus the number of signatures on timely and lawfully submitted referendum packets that have  
483 not yet been evaluated for certification, is less than the number of names required under  
484 Section 20A-7-601;

485 (ii) in relation to the electronic referendum process, the total of all timely and lawfully  
486 submitted valid signatures that have been certified by the county clerks, plus the number of  
487 timely and lawfully submitted valid signatures received under Subsection 20A-21-201(6)(b)  
488 that have not yet been evaluated for certification, is less than the number of names required  
489 under Section 20A-7-601; or

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



491 (4) (a) If the total number of names certified under Subsection (3) equals or exceeds  
492 the number of names required under Section 20A-7-601, and the requirements of this part are  
493 met, the local clerk shall mark upon the front of the referendum petition the word "sufficient."

494 (b) If the total number of names certified under Subsection (3) does not equal or  
495 exceed the number of names required under Section 20A-7-601 or a requirement of this part is  
496 not met, the local clerk shall mark upon the front of the referendum petition the word  
497 "insufficient."

498 (c) The local clerk shall immediately notify any one of the sponsors of the local clerk's  
499 finding.

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

502 (5) (a) If the local clerk refuses to declare a referendum petition sufficient, any voter  
503 may, no later than 10 days after the day on which the local clerk declares the referendum  
504 petition insufficient, apply to the appropriate court for an order finding the referendum petition  
505 legally sufficient.

506 (b) If the court determines that the referendum petition is legally sufficient, the local  
507 clerk shall mark the referendum petition "sufficient" and consider the declaration of sufficiency  
508 effective as of the date on which the referendum petition should have been declared sufficient  
509 by the local clerk's office.

510 (c) If the court determines that a referendum petition filed is not legally sufficient, the  
511 court may enjoin the local clerk and all other officers from:

512 (i) certifying or printing the ballot title and numbers of that referendum on the official  
513 ballot for the next election; or

514 (ii) as it relates to a local [~~tax~~] fiscal law that is conducted entirely by mail, certifying,  
515 printing, or mailing the ballot title and numbers of that referendum under Section 20A-7-609.5.

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

518 (7) (a) Except as provided in Subsection (7)(b) or (c), if a referendum relates to  
519 legislative action taken after April 15, the election officer may not place the referendum on an  
520 election ballot until a primary election, a general election, or a special election the following  
521 year.

522 (b) The election officer may place a referendum described in Subsection (7)(a) on the  
523 ballot for a special, primary, or general election held during the year that the legislative action  
524 was taken if the following agree, in writing, on a timeline to place the referendum on that  
525 ballot:

- 526 (i) the local clerk;
- 527 (ii) the county clerk; and
- 528 (iii) the attorney for the county or municipality that took the legislative action.

529 (c) For a referendum on a land use law, if, before August 30, the local clerk or a court  
530 determines that the total number of certified names equals or exceeds the number of signatures  
531 required in Section 20A-7-601, the election officer shall place the referendum on the election  
532 ballot for:

- 533 (i) the next general election; or
- 534 (ii) another election, if the following agree, in writing, on a timeline to place the  
535 referendum on that ballot:
  - 536 (A) the affected owners, as defined in Section 10-9a-103 or 17-27a-103, as applicable;
  - 537 (B) the local clerk;
  - 538 (C) the county clerk; and
  - 539 (D) the attorney for the county or municipality that took the legislative action.

540 Section 7. Section 20A-7-609.5 is amended to read:

541 **20A-7-609.5. Election on referendum challenging local fiscal law conducted**  
542 **entirely by mail.**

543 (1) An election officer may administer an election on a referendum challenging a local  
544 [~~tax~~] fiscal law entirely by mail.

545 (2) For purposes of an election conducted under this section, the election officer shall:

546 (a) designate as the election day the day that is 30 days after the day on which the  
547 election officer complies with Subsection (2)(b); and

548 (b) within 30 days after the day on which the referendum described in Subsection (1)  
549 qualifies for the ballot, mail to each registered voter within the voting precincts to which the  
550 local [~~tax~~] fiscal law applies:

- 551 (i) a manual ballot;
- 552 (ii) a statement that there will be no polling place for the election;

- 553 (iii) a statement specifying the election day described in Subsection (2)(a);
- 554 (iv) a business reply mail envelope;
- 555 (v) instructions for returning the ballot that include an express notice about any
- 556 relevant deadlines that the voter must meet in order for the voter's vote to be counted;
- 557 (vi) a warning, on a separate page of colored paper in boldface print, indicating that if
- 558 the voter fails to follow the instructions included with the manual ballot, the voter will be
- 559 unable to vote in that election because there will be no polling place for the election; and
- 560 (vii) (A) a copy of the proposition information pamphlet relating to the referendum if a
- 561 proposition information pamphlet relating to the referendum was published under Section
- 562 [20A-7-401.5](#); or
- 563 (B) a website address where an individual may view a copy of the proposition
- 564 information pamphlet described in Subsection (2)(b)(vii)(A).
- 565 (3) An election officer who administers an election under this section shall:
- 566 (a) (i) obtain, in person, the signatures of each voter within that voting precinct before
- 567 the election; or
- 568 (ii) obtain the signature of each voter within the voting precinct from the county clerk;
- 569 and
- 570 (b) maintain the signatures on file in the election officer's office.
- 571 (4) (a) Upon receiving a returned manual ballot under this section, the election officer
- 572 shall compare the signature on each return envelope with the voter's signature that is
- 573 maintained on file and verify that the signatures are the same.
- 574 (b) If the election officer questions the authenticity of the signature on the return
- 575 envelope, the election officer shall immediately contact the voter to verify the signature.
- 576 (c) If there is not a signature on the return envelope or if the election officer determines
- 577 that the signature on the return envelope does not match the voter's signature that is maintained
- 578 on file, the election officer shall:
- 579 (i) disqualify the ballot; and
- 580 (ii) notify the voter of the disqualification and the reason for the disqualification.
- 581 Section 8. Section **20A-7-613** is amended to read:
- 582 **20A-7-613. Property tax referendum petition.**
- 583 (1) As used in this section, "certified tax rate" means the same as that term is defined in

584 Section [59-2-924](#).

585 (2) Except as provided in this section, the requirements of this part apply to a  
586 referendum petition challenging a taxing entity's legislative body's vote;

587 (a) to impose a tax rate that exceeds the certified tax rate[-]; or

588 (b) to impose or modify a transportation utility fee under Section [10-6-134.5](#).

589 (3) Notwithstanding Subsection [20A-7-105\(5\)\(a\)\(iv\)](#), the sponsors or an agent of the  
590 sponsors shall deliver a signed and verified referendum packet to the county clerk of the county  
591 in which the packet was circulated before 5 p.m. no later than the earlier of:

592 (a) 30 days after the day on which the first individual signs the packet; or

593 (b) 40 days after the day on which the local clerk complies with Subsection  
594 [20A-7-604\(3\)](#).

595 (4) Notwithstanding Subsections [20A-7-105\(6\)\(a\)](#) and (9), the county clerk shall take  
596 the actions required in Subsections [20A-7-105\(6\)\(a\)](#) and (9) within 10 working days after the  
597 day on which the county clerk receives the signed and verified referendum packet as described  
598 in Subsection (3).

599 (5) The local clerk shall take the actions required by Section [20A-7-607](#) within two  
600 working days after:

601 (a) in relation to the manual referendum process, the day on which the local clerk  
602 receives the referendum packets from the county clerk; or

603 (b) in relation to the electronic referendum process, the deadline described in  
604 Subsection [20A-7-616\(2\)](#).

605 (6) Notwithstanding Subsection [20A-7-608\(2\)](#), the local attorney shall prepare the  
606 ballot title within two working days after the day on which the referendum petition is declared  
607 sufficient for submission to a vote of the people.

608 (7) Notwithstanding Subsection [20A-7-609\(2\)\(c\)](#), a referendum that qualifies for the  
609 ballot under this section shall appear on the ballot for the earlier of the next regular general  
610 election or the next municipal general election unless a special election is called.

611 (8) The election officer shall mail manual ballots on a referendum under this section  
612 the later of:

613 (a) the time provided in Section [20A-3a-202](#) or [20A-16-403](#); or

614 (b) the time that ballots are prepared for mailing under this section.

615 (9) Section 20A-7-402 does not apply to a referendum described in this section.

616 (10) (a) If a majority of voters does not vote against imposing the tax at a rate  
617 calculated to generate the increased revenue budgeted, adopted, and approved by the taxing  
618 entity's legislative body:

619 (i) the certified tax rate for the fiscal year during which the referendum petition is filed  
620 is its most recent certified tax rate; and

621 (ii) the proposed increased revenues for purposes of establishing the certified tax rate  
622 for the fiscal year after the fiscal year described in Subsection (10)(a)(i) are the proposed  
623 increased revenues budgeted, adopted, and approved by the taxing entity's legislative body  
624 before the filing of the referendum petition.

625 (b) If a majority of voters votes against imposing a tax at the rate established by the  
626 vote of the taxing entity's legislative body, the certified tax rate for the taxing entity is the  
627 taxing entity's most recent certified tax rate.

628 (c) If the tax rate is set in accordance with Subsection (10)(a)(ii), a taxing entity is not  
629 required to comply with the notice and public hearing requirements of Section 59-2-919 if the  
630 taxing entity complies with those notice and public hearing requirements before the referendum  
631 petition is filed.

632 (11) The ballot title shall, at a minimum, include in substantially this form the  
633 following: "Shall the [name of the taxing entity] be authorized to levy a tax rate in the amount  
634 sufficient to generate an increased property tax revenue of [amount] for fiscal year [year] as  
635 budgeted, adopted, and approved by the [name of the taxing entity].".

636 (12) A taxing entity shall pay the county the costs incurred by the county that are  
637 directly related to meeting the requirements of this section and that the county would not have  
638 incurred but for compliance with this section.

639 (13) (a) An election officer shall include on a ballot a referendum that has not yet  
640 qualified for placement on the ballot, if:

641 (i) sponsors file an application for a referendum described in this section;

642 (ii) the ballot will be used for the election for which the sponsors are attempting to  
643 qualify the referendum; and

644 (iii) the deadline for qualifying the referendum for placement on the ballot occurs after  
645 the day on which the ballot will be printed.

646 (b) If an election officer includes on a ballot a referendum described in Subsection  
647 (13)(a), the ballot title shall comply with Subsection (11).

648 (c) If an election officer includes on a ballot a referendum described in Subsection  
649 (13)(a) that does not qualify for placement on the ballot, the election officer shall inform the  
650 voters by any practicable method that the referendum has not qualified for the ballot and that  
651 votes cast in relation to the referendum will not be counted.

652 Section 9. **Effective date.**

653 This bill takes effect on May 1, 2024.