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**LOCAL REFERENDUM AMENDMENTS**

2020 SIXTH SPECIAL SESSION  
STATE OF UTAH

**Chief Sponsor: Merrill F. Nelson**

Senate Sponsor: Scott D. Sandall



**LONG TITLE**

**General Description:**

This bill modifies the elections at which a referendum relating to legislative action taken after April 15 may appear on the ballot.

**Highlighted Provisions:**

This bill:

- ▶ modifies the elections at which a referendum relating to legislative action taken after April 15 may appear on the ballot.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

This bill provides a special effective date.

**Utah Code Sections Affected:**

AMENDS:

**20A-7-607**, as last amended by Laws of Utah 2020, Chapter 31



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

Section 1. Section **20A-7-607** is amended to read:

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

(1) When each referendum packet is received from a county clerk, the local clerk shall



28 check off from the local clerk's record the number of each referendum packet filed.

29 (2) Within two days after the day on which the local clerk receives each referendum  
30 packet from a county clerk, the local clerk shall:

31 (a) count the number of the names certified by the county clerks that appear on each  
32 verified signature sheet;

33 (b) if the total number of certified names from each verified signature sheet equals or  
34 exceeds the number of names required by Section 20A-7-601 and the requirements of this part  
35 are met, mark upon the front of the petition the word "sufficient";

36 (c) if the total number of certified names from each verified signature sheet does not  
37 equal or exceed the number of names required by Section 20A-7-601 or a requirement of this part  
38 is not met, mark upon the front of the petition the word "insufficient"; and

39 (d) notify any one of the sponsors of the local clerk's finding.

40 (3) If the local clerk finds the total number of certified signatures from each verified  
41 signature sheet to be insufficient, any sponsor may file a written demand with the local clerk for a  
42 recount of the signatures appearing on the referendum petition in the presence of any sponsor.

43 (4) (a) If the local clerk refuses to accept and file any referendum petition, any voter may  
44 apply to a court for an extraordinary writ to compel the local clerk to do so within 10 days after  
45 the refusal.

46 (b) If a court determines that the referendum petition is legally sufficient, the local clerk  
47 shall file the petition, with a verified copy of the judgment attached to the petition, as of the date  
48 on which it was originally offered for filing in the local clerk's office.

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

51 (i) certifying or printing the ballot title and numbers of that measure on the official ballot  
52 for the next election; or

53 (ii) as it relates to a local tax law that is conducted entirely by mail, certifying, printing, or  
54 mailing the ballot title and numbers of that measure under Section 20A-7-609.5.

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

57 (6) (a) If a referendum relates to legislative action taken after April 15, the election  
58 officer may not place the referendum on an election ballot until:

- 59           (i) subject to Subsection (6)(b), the next general election; or  
60           (ii) a primary election, a general election, or a special election the following year.  
61           (b) An election officer may not place a referendum on the ballot for the election  
62 described in Subsection (6)(a)(i), unless:  
63           (i) for a referendum on legislative action taken by a county, the election officer  
64 determines that the requirements of this part that are required to be completed before placing the  
65 referendum on the ballot will be timely completed; or  
66           (ii) for a referendum on legislative action taken by an entity other than a county, the  
67 election officer and the legislative body of the entity agree that the requirements of this part that  
68 are required to be completed before placing the referendum on the ballot will be timely completed.  
69           (c) The provisions of Subsections (6)(a)(i) and (b) apply to a local referendum:  
70           (i) for which, before the day on which Subsections (6)(a)(i) and (b) become law:  
71           (A) the application for the referendum petition is filed; and  
72           (B) the ballot question on the referendum has not yet been submitted to the voters; and  
73           (ii) for which the application for the referendum petition is filed on or after the day on  
74 which Subsections (6)(a)(i) and (b) become law.  
75           ~~[(b)]~~ (d) For a referendum on a land use law, if, before August 30, the local clerk or a  
76 court determines that the total number of certified names equals or exceeds the number of  
77 signatures required in Section 20A-7-601, the election officer shall place the referendum on the  
78 election ballot for the next general election.

79           Section 2. **Effective date.**

80           If approved by two-thirds of all the members elected to each house, this bill takes effect  
81 upon approval by the governor, or the day following the constitutional time limit of Utah  
82 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto, the  
83 date of veto override.