

REFERENDUM AMENDMENTS

2013 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: John L. Valentine

House Sponsor: _____

LONG TITLE

General Description:

This bill modifies the Election Code to address a referendum filed on actions taken with regard to property tax rates.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ sets different time periods for actions taken with regard to a referendum petition;
- ▶ addresses absentee ballots;
- ▶ exempts the referendum petition from the voter information pamphlet requirements;
- ▶ addresses the tax rate if the referendum passes or fails; and
- ▶ provides language for the ballot.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

20A-7-613, Utah Code Annotated 1953

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



28 Section 1. Section **20A-7-613** is enacted to read:

29 **20A-7-613. Property tax referendum petition.**

30 (1) As used in this section:

31 (a) "Certified tax rate" is as defined in Section 59-2-924.

32 (b) "Fiscal year taxing entity" means a taxing entity that operates under a fiscal year
33 that begins on July 1 and ends on June 30.

34 (2) Except as provided in this section, the requirements of this part apply to a
35 referendum petition challenging a fiscal year taxing entity's legislative body's vote to impose a
36 tax rate that exceeds the certified tax rate.

37 (3) Notwithstanding Subsection 20A-7-604(5), the local clerk shall number each of the
38 referendum packets and return them to the sponsors within two working days.

39 (4) Notwithstanding Subsection 20A-7-606(1), the sponsors shall deliver each signed
40 and verified referendum packet to the county clerk of the county in which the packet was
41 circulated no later than 30 days from the day on which the petitioners file the application for a
42 referendum petition under Subsection 20A-7-601(3). If the 30-day period ends on a weekend
43 or holiday, the sponsors may deliver the referendum packets on the next working day.

44 (5) Notwithstanding Subsections 20A-7-606(2) and (3), the county clerk shall take the
45 actions required in Subsections 20A-7-606(2) and (3) within 10 days of the day on which the
46 county clerk receives the signed and verified referendum packet as described in Subsection (4).

47 (6) The local clerk shall take the actions required by Section 20A-7-607 within two
48 working days of the day on which the local clerk receives the referendum packets from the
49 county clerk.

50 (7) Notwithstanding Subsection 20A-7-608(2), the local attorney shall prepare the
51 ballot title within two working days after the date the referendum petition is declared sufficient
52 for submission to a vote of the people.

53 (8) Notwithstanding the requirements related to absentee ballots under this title:

54 (a) the election officer shall prepare absentee ballots as soon as possible after the ballot
55 title is prepared as described in Subsection (7); and

56 (b) the election officer shall mail absentee ballots on a referendum under this section
57 the later of:

58 (i) the time provided in Section 20A-3-305 or 20A-16-403; or

59 (ii) the time that absentee ballots are prepared for mailing under this section.
60 (9) Section 20A-7-402 does not apply to a referendum described in this section.
61 (10) (a) If a majority of voters vote in favor of imposing the tax at a rate calculated to
62 generate the increased revenue budgeted, adopted, and approved by the fiscal year taxing
63 entity's legislative body:
64 (i) the certified tax rate for the fiscal year during which the referendum petition is filed
65 is its most recent certified tax rate; and
66 (ii) the proposed increased revenues for purposes of establishing the certified tax rate
67 for the fiscal year after the fiscal year described in Subsection (10)(a)(i) are the proposed
68 increased revenues budgeted, adopted, and approved by the fiscal year taxing entity's legislative
69 body before the filing of the referendum petition.
70 (b) If a majority of voters vote against imposing a tax at the rate established by the vote
71 of the fiscal year taxing entity's legislative body, the certified tax rate for the fiscal year taxing
72 entity is its most recent certified tax rate.
73 (c) If the tax rate is set in accordance with Subsection (10)(a)(ii), a fiscal year taxing
74 entity is not required to comply with the notice and public hearing requirements of Section
75 59-2-919 if the fiscal year taxing entity complied with those notice and public hearing
76 requirements before the referendum petition is filed.
77 (11) The ballot title shall, at a minimum, include in substantially this form the
78 following: "Shall the [name of the taxing entity] be authorized to levy a tax rate in the amount
79 sufficient to generate an increased property tax revenue of [amount] for fiscal year [year] as
80 budgeted, adopted, and approved by the [name of the taxing entity]."

Legislative Review Note
as of 3-1-13 8:12 AM

Office of Legislative Research and General Counsel