

Representative Candice B. Pierucci proposes the following substitute bill:

LOCAL SCHOOL BOARD AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Candice B. Pierucci

Senate Sponsor: _____

LONG TITLE

General Description:

This bill addresses actions of a school district that may be subject to a referendum.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ subject to certain exceptions, provides that a law passed by a local school board that increases a tax or imposes a new tax may be referred to the voters of the school district for the voters approval or rejection; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

10-9a-103, as last amended by Laws of Utah 2023, Chapters 16, 327 and 478

10-9a-509, as last amended by Laws of Utah 2023, Chapter 478

17-27a-103, as last amended by Laws of Utah 2023, Chapters 15, 327 and 478



- 26 **17-27a-508**, as last amended by Laws of Utah 2023, Chapter 478
- 27 **20A-1-102**, as last amended by Laws of Utah 2023, Chapters 15, 234 and 297
- 28 **20A-4-301**, as last amended by Laws of Utah 2023, Chapter 15
- 29 **20A-7-101**, as last amended by Laws of Utah 2023, Chapters 107, 116
- 30 **20A-7-102**, as last amended by Laws of Utah 1994, Chapter 272
- 31 **20A-7-401.3**, as enacted by Laws of Utah 2019, Chapter 203
- 32 **20A-7-401.5**, as last amended by Laws of Utah 2023, Chapter 116
- 33 **20A-7-402**, as last amended by Laws of Utah 2023, Chapter 435
- 34 **20A-7-405**, as enacted by Laws of Utah 2019, Chapter 203
- 35 **20A-7-601**, as last amended by Laws of Utah 2023, Chapters 107, 219
- 36 **20A-7-602.5**, as last amended by Laws of Utah 2023, Chapter 107
- 37 **20A-7-602.7**, as last amended by Laws of Utah 2023, Chapter 107
- 38 **20A-7-603**, as last amended by Laws of Utah 2023, Chapter 107
- 39 **20A-7-604**, as last amended by Laws of Utah 2023, Chapter 107
- 40 **20A-7-607**, as last amended by Laws of Utah 2023, Chapters 107, 116
- 41 **20A-7-608**, as last amended by Laws of Utah 2023, Chapters 45, 107
- 42 **20A-7-609**, as last amended by Laws of Utah 2023, Chapter 107
- 43 **20A-7-609.5**, as last amended by Laws of Utah 2020, Chapter 31
- 44 **20A-7-610**, as last amended by Laws of Utah 2023, Chapter 107
- 45 **20A-7-611**, as last amended by Laws of Utah 2023, Chapter 107
- 46 **20A-7-613**, as last amended by Laws of Utah 2023, Chapter 116
- 47 **20A-7-614**, as last amended by Laws of Utah 2023, Chapter 107
- 48 **63G-30-102**, as enacted by Laws of Utah 2023, Chapter 435

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

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

52 **10-9a-103. Definitions.**

53 As used in this chapter:

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

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

- 57 (a) owns real property adjoining the property that is the subject of a land use
58 application or land use decision; or
- 59 (b) will suffer a damage different in kind than, or an injury distinct from, that of the
60 general community as a result of the land use decision.
- 61 (3) "Affected entity" means a county, municipality, special district, special service
62 district under Title 17D, Chapter 1, Special Service District Act, school district, interlocal
63 cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act, specified
64 public utility, property owner, property owners association, or the Department of
65 Transportation, if:
- 66 (a) the entity's services or facilities are likely to require expansion or significant
67 modification because of an intended use of land;
- 68 (b) the entity has filed with the municipality a copy of the entity's general or long-range
69 plan; or
- 70 (c) the entity has filed with the municipality a request for notice during the same
71 calendar year and before the municipality provides notice to an affected entity in compliance
72 with a requirement imposed under this chapter.
- 73 (4) "Affected owner" means the owner of real property that is:
- 74 (a) a single project;
- 75 (b) the subject of a land use approval that sponsors of a referendum timely challenged
76 in accordance with Subsection [~~20A-7-601(6)~~] 20A-7-601(7); and
- 77 (c) determined to be legally referable under Section 20A-7-602.8.
- 78 (5) "Appeal authority" means the person, board, commission, agency, or other body
79 designated by ordinance to decide an appeal of a decision of a land use application or a
80 variance.
- 81 (6) "Billboard" means a freestanding ground sign located on industrial, commercial, or
82 residential property if the sign is designed or intended to direct attention to a business, product,
83 or service that is not sold, offered, or existing on the property where the sign is located.
- 84 (7) (a) "Charter school" means:
- 85 (i) an operating charter school;
- 86 (ii) a charter school applicant that a charter school authorizer approves in accordance
87 with Title 53G, Chapter 5, Part 3, Charter School Authorization; or

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

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

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

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

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

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

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

102 (11) "Development activity" means:

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

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

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

109 (12) (a) "Development agreement" means a written agreement or amendment to a
110 written agreement between a municipality and one or more parties that regulates or controls the
111 use or development of a specific area of land.

112 (b) "Development agreement" does not include an improvement completion assurance.

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

116 (b) "Disability" does not include current illegal use of, or addiction to, any federally
117 controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C.
118 802.

- 119 (14) "Educational facility":
120 (a) means:
121 (i) a school district's building at which pupils assemble to receive instruction in a
122 program for any combination of grades from preschool through grade 12, including
123 kindergarten and a program for children with disabilities;
124 (ii) a structure or facility:
125 (A) located on the same property as a building described in Subsection (14)(a)(i); and
126 (B) used in support of the use of that building; and
127 (iii) a building to provide office and related space to a school district's administrative
128 personnel; and
129 (b) does not include:
130 (i) land or a structure, including land or a structure for inventory storage, equipment
131 storage, food processing or preparing, vehicle storage or maintenance, or similar use that is:
132 (A) not located on the same property as a building described in Subsection (14)(a)(i);
133 and
134 (B) used in support of the purposes of a building described in Subsection (14)(a)(i); or
135 (ii) a therapeutic school.
136 (15) "Fire authority" means the department, agency, or public entity with responsibility
137 to review and approve the feasibility of fire protection and suppression services for the subject
138 property.
139 (16) "Flood plain" means land that:
140 (a) is within the 100-year flood plain designated by the Federal Emergency
141 Management Agency; or
142 (b) has not been studied or designated by the Federal Emergency Management Agency
143 but presents a likelihood of experiencing chronic flooding or a catastrophic flood event because
144 the land has characteristics that are similar to those of a 100-year flood plain designated by the
145 Federal Emergency Management Agency.
146 (17) "General plan" means a document that a municipality adopts that sets forth general
147 guidelines for proposed future development of the land within the municipality.
148 (18) "Geologic hazard" means:
149 (a) a surface fault rupture;

- 150 (b) shallow groundwater;
- 151 (c) liquefaction;
- 152 (d) a landslide;
- 153 (e) a debris flow;
- 154 (f) unstable soil;
- 155 (g) a rock fall; or
- 156 (h) any other geologic condition that presents a risk:
- 157 (i) to life;
- 158 (ii) of substantial loss of real property; or
- 159 (iii) of substantial damage to real property.
- 160 (19) "Historic preservation authority" means a person, board, commission, or other
- 161 body designated by a legislative body to:
 - 162 (a) recommend land use regulations to preserve local historic districts or areas; and
 - 163 (b) administer local historic preservation land use regulations within a local historic
 - 164 district or area.
- 165 (20) "Hookup fee" means a fee for the installation and inspection of any pipe, line,
- 166 meter, or appurtenance that connects to a municipal water, sewer, storm water, power, or other
- 167 utility system.
- 168 (21) "Identical plans" means building plans submitted to a municipality that:
 - 169 (a) are clearly marked as "identical plans";
 - 170 (b) are substantially identical to building plans that were previously submitted to and
 - 171 reviewed and approved by the municipality; and
 - 172 (c) describe a building that:
 - 173 (i) is located on land zoned the same as the land on which the building described in the
 - 174 previously approved plans is located;
 - 175 (ii) is subject to the same geological and meteorological conditions and the same law
 - 176 as the building described in the previously approved plans;
 - 177 (iii) has a floor plan identical to the building plan previously submitted to and reviewed
 - 178 and approved by the municipality; and
 - 179 (iv) does not require any additional engineering or analysis.
- 180 (22) "Impact fee" means a payment of money imposed under Title 11, Chapter 36a,

181 Impact Fees Act.

182 (23) "Improvement completion assurance" means a surety bond, letter of credit,
183 financial institution bond, cash, assignment of rights, lien, or other equivalent security required
184 by a municipality to guaranty the proper completion of landscaping or an infrastructure
185 improvement required as a condition precedent to:

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

188 (24) "Improvement warranty" means an applicant's unconditional warranty that the
189 applicant's installed and accepted landscaping or infrastructure improvement:

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

194 (25) "Improvement warranty period" means a period:

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

197 unless the municipality:

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

200 (ii) has substantial evidence, on record:

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

204 (26) "Infrastructure improvement" means permanent infrastructure that is essential for
205 the public health and safety or that:

- 206 (a) is required for human occupation; and
- 207 (b) an applicant must install:

208 (i) in accordance with published installation and inspection specifications for public
209 improvements; and

210 (ii) whether the improvement is public or private, as a condition of:

- 211 (A) recording a subdivision plat;

212 (B) obtaining a building permit; or
213 (C) development of a commercial, industrial, mixed use, condominium, or multifamily
214 project.

215 (27) "Internal lot restriction" means a platted note, platted demarcation, or platted
216 designation that:

217 (a) runs with the land; and

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

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

222 (28) "Land use applicant" means a property owner, or the property owner's designee,
223 who submits a land use application regarding the property owner's land.

224 (29) "Land use application":

225 (a) means an application that is:

226 (i) required by a municipality; and

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

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

229 (30) "Land use authority" means:

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

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

234 (31) "Land use decision" means an administrative decision of a land use authority or
235 appeal authority regarding:

236 (a) a land use permit; or

237 (b) a land use application.

238 (32) "Land use permit" means a permit issued by a land use authority.

239 (33) "Land use regulation":

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

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

243 and

244 (c) does not include:

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

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

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

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

251 (34) "Legislative body" means the municipal council.

252 (35) "Local historic district or area" means a geographically definable area that:

253 (a) contains any combination of buildings, structures, sites, objects, landscape features,
254 archeological sites, or works of art that contribute to the historic preservation goals of a
255 legislative body; and

256 (b) is subject to land use regulations to preserve the historic significance of the local
257 historic district or area.

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

260 (37) (a) "Lot line adjustment" means a relocation of a lot line boundary between
261 adjoining lots or between a lot and adjoining parcels in accordance with Section [10-9a-608](#):

262 (i) whether or not the lots are located in the same subdivision; and

263 (ii) with the consent of the owners of record.

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

265 (i) creates an additional lot; or

266 (ii) constitutes a subdivision or a subdivision amendment.

267 (c) "Lot line adjustment" does not include a boundary line adjustment made by the
268 Department of Transportation.

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

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

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

273 or

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

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

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

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

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

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

284 (b) is not a protected utility easement or a public utility easement as defined in Section
285 54-3-27;

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

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

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

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

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

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

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

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

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

301 (a) legally existed before the structure's current land use designation; and

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

305 (43) "Nonconforming use" means a use of land that:
306 (a) legally existed before its current land use designation;
307 (b) has been maintained continuously since the time the land use ordinance governing
308 the land changed; and
309 (c) because of one or more subsequent land use ordinance changes, does not conform
310 to the regulations that now govern the use of the land.

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

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

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

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

319 (45) "Parcel" means any real property that is not a lot.

320 (46) (a) "Parcel boundary adjustment" means a recorded agreement between owners of
321 adjoining parcels adjusting the mutual boundary, either by deed or by a boundary line
322 agreement in accordance with Section [10-9a-524](#), if no additional parcel is created and:

323 (i) none of the property identified in the agreement is a lot; or

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

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

327 (i) creates an additional parcel; or

328 (ii) constitutes a subdivision.

329 (c) "Parcel boundary adjustment" does not include a boundary line adjustment made by
330 the Department of Transportation.

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

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

335 (a) an estimate of the existing supply of moderate income housing located within the

336 municipality;

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

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

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

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

344 (49) "Plat" means an instrument subdividing property into lots as depicted on a map or
345 other graphical representation of lands that a licensed professional land surveyor makes and
346 prepares in accordance with Section 10-9a-603 or 57-8-13.

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

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

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

354 (51) "Public agency" means:

355 (a) the federal government;

356 (b) the state;

357 (c) a county, municipality, school district, special district, special service district, or
358 other political subdivision of the state; or

359 (d) a charter school.

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

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

364 (54) "Public street" means a public right-of-way, including a public highway, public
365 avenue, public boulevard, public parkway, public road, public lane, public alley, public
366 viaduct, public subway, public tunnel, public bridge, public byway, other public transportation

367 easement, or other public way.

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

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

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

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

375 (b) which is licensed or certified by the Department of Health and Human Services
376 under:

377 (i) Title 26B, Chapter 2, Part 1, Human Services Programs and Facilities; or

378 (ii) Title 26B, Chapter 2, Part 2, Health Care Facility Licensing and Inspection.

379 (58) "Residential roadway" means a public local residential road that:

380 (a) will serve primarily to provide access to adjacent primarily residential areas and
381 property;

382 (b) is designed to accommodate minimal traffic volumes or vehicular traffic;

383 (c) is not identified as a supplementary to a collector or other higher system classified
384 street in an approved municipal street or transportation master plan;

385 (d) has a posted speed limit of 25 miles per hour or less;

386 (e) does not have higher traffic volumes resulting from connecting previously separated
387 areas of the municipal road network;

388 (f) cannot have a primary access, but can have a secondary access, and does not abut
389 lots intended for high volume traffic or community centers, including schools, recreation
390 centers, sports complexes, or libraries; and

391 (g) primarily serves traffic within a neighborhood or limited residential area and is not
392 necessarily continuous through several residential areas.

393 (59) "Rules of order and procedure" means a set of rules that govern and prescribe in a
394 public meeting:

395 (a) parliamentary order and procedure;

396 (b) ethical behavior; and

397 (c) civil discourse.

398 (60) "Sanitary sewer authority" means the department, agency, or public entity with
399 responsibility to review and approve the feasibility of sanitary sewer services or onsite
400 wastewater systems.

401 (61) "Sending zone" means an area of a municipality that the municipality designates,
402 by ordinance, as an area from which an owner of land may transfer a transferable development
403 right.

404 (62) "Special district" means an entity under Title 17B, Limited Purpose Local
405 Government Entities - Special Districts, and any other governmental or quasi-governmental
406 entity that is not a county, municipality, school district, or the state.

407 (63) "Specified public agency" means:

- 408 (a) the state;
- 409 (b) a school district; or
- 410 (c) a charter school.

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

413 (65) "State" includes any department, division, or agency of the state.

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

418 (b) "Subdivision" includes:

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

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

425 (c) "Subdivision" does not include:

426 (i) a bona fide division or partition of agricultural land for the purpose of joining one of
427 the resulting separate parcels to a contiguous parcel of unsubdivided agricultural land, if
428 neither the resulting combined parcel nor the parcel remaining from the division or partition

- 429 violates an applicable land use ordinance;
- 430 (ii) a boundary line agreement recorded with the county recorder's office between
431 owners of adjoining parcels adjusting the mutual boundary in accordance with Section
432 10-9a-524 if no new parcel is created;
- 433 (iii) a recorded document, executed by the owner of record:
- 434 (A) revising the legal descriptions of multiple parcels into one legal description
435 encompassing all such parcels; or
- 436 (B) joining a lot to a parcel;
- 437 (iv) a boundary line agreement between owners of adjoining subdivided properties
438 adjusting the mutual lot line boundary in accordance with Sections 10-9a-524 and 10-9a-608 if:
- 439 (A) no new dwelling lot or housing unit will result from the adjustment; and
440 (B) the adjustment will not violate any applicable land use ordinance;
- 441 (v) a bona fide division of land by deed or other instrument if the deed or other
442 instrument states in writing that the division:
- 443 (A) is in anticipation of future land use approvals on the parcel or parcels;
444 (B) does not confer any land use approvals; and
445 (C) has not been approved by the land use authority;
- 446 (vi) a parcel boundary adjustment;
- 447 (vii) a lot line adjustment;
- 448 (viii) a road, street, or highway dedication plat;
- 449 (ix) a deed or easement for a road, street, or highway purpose; or
450 (x) any other division of land authorized by law.
- 451 (67) (a) "Subdivision amendment" means an amendment to a recorded subdivision in
452 accordance with Section 10-9a-608 that:
- 453 (i) vacates all or a portion of the subdivision;
454 (ii) alters the outside boundary of the subdivision;
455 (iii) changes the number of lots within the subdivision;
456 (iv) alters a public right-of-way, a public easement, or public infrastructure within the
457 subdivision; or
458 (v) alters a common area or other common amenity within the subdivision.
- 459 (b) "Subdivision amendment" does not include a lot line adjustment, between a single

460 lot and an adjoining lot or parcel, that alters the outside boundary of the subdivision.

461 (68) "Substantial evidence" means evidence that:

462 (a) is beyond a scintilla; and

463 (b) a reasonable mind would accept as adequate to support a conclusion.

464 (69) "Suspect soil" means soil that has:

465 (a) a high susceptibility for volumetric change, typically clay rich, having more than a
466 3% swell potential;

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

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

470 (70) "Therapeutic school" means a residential group living facility:

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

472 (i) the owner of the facility; or

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

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

475 (i) at home;

476 (ii) in a public school; or

477 (iii) in a nonresidential private school; and

478 (c) that offers:

479 (i) room and board; and

480 (ii) an academic education integrated with:

481 (A) specialized structure and supervision; or

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

484 (71) "Transferable development right" means a right to develop and use land that
485 originates by an ordinance that authorizes a land owner in a designated sending zone to transfer
486 land use rights from a designated sending zone to a designated receiving zone.

487 (72) "Unincorporated" means the area outside of the incorporated area of a city or
488 town.

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

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

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

492 (i) a contract; or

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

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

495 land use zones, overlays, or districts.

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

497 **10-9a-509. Applicant's entitlement to land use application approval --**

498 **Municipality's requirements and limitations -- Vesting upon submission of development**

499 **plan and schedule.**

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

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

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

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

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

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

515 (b) The municipality shall process an application without regard to proceedings the
516 municipality initiated to amend the municipality's ordinances as described in Subsection

517 (1)(a)(ii)(B) if:

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

519 (ii) (A) the proceedings have not resulted in an enactment that prohibits approval of the
520 application as submitted; or

521 (B) during the 12 months prior to the municipality processing the application, or

522 multiple applications of the same type, are impaired or prohibited under the terms of a
523 temporary land use regulation adopted under Section 10-9a-504.

524 (c) A land use application is considered submitted and complete when the applicant
525 provides the application in a form that complies with the requirements of applicable ordinances
526 and pays all applicable fees.

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

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

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

534 (i) this chapter;

535 (ii) a municipal ordinance in effect on the date that the applicant submits a complete
536 application, subject to Subsection 10-9a-509(1)(a)(ii); or

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

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

541 (i) in a land use permit;

542 (ii) on the subdivision plat;

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

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

546 (v) in this chapter;

547 (vi) in a municipal ordinance; or

548 (vii) in a municipal specification for residential roadways in effect at the time a
549 residential subdivision was approved.

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

553 (i) in the building permit or subdivision plat, documents on which the building permit
554 or subdivision plat is based, or the written record evidencing approval of the land use permit or
555 subdivision plat; or

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

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

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

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

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

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

570 (4) Upon a specified public agency's submission of a development plan and schedule as
571 required in Subsection [10-9a-305\(8\)](#) that complies with the requirements of that subsection, the
572 specified public agency vests in the municipality's applicable land use maps, zoning map,
573 hookup fees, impact fees, other applicable development fees, and land use regulations in effect
574 on the date of submission.

575 (5) (a) If sponsors of a referendum timely challenge a project in accordance with
576 Subsection [~~[20A-7-601\(6\)](#)~~ [20A-7-601\(7\)](#)], the project's affected owner may rescind the
577 project's land use approval by delivering a written notice:

578 (i) to the local clerk as defined in Section [20A-7-101](#); and

579 (ii) no later than seven days after the day on which a petition for a referendum is
580 determined sufficient under Subsection [20A-7-607\(5\)](#).

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

583 (i) the relevant land use approval; and

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

585 Section 3. Section 17-27a-103 is amended to read:

586 **17-27a-103. Definitions.**

587 As used in this chapter:

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

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

591 (a) owns real property adjoining the property that is the subject of a land use

592 application or land use decision; or

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

595 (3) "Affected entity" means a county, municipality, special district, special service
596 district under Title 17D, Chapter 1, Special Service District Act, school district, interlocal
597 cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act, specified
598 property owner, property owner's association, public utility, or the Department of
599 Transportation, if:

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

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

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

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

608 (a) a single project;

609 (b) the subject of a land use approval that sponsors of a referendum timely challenged
610 in accordance with Subsection [~~20A-7-601(6)~~] 20A-7-601(7); and

611 (c) determined to be legally referable under Section 20A-7-602.8.

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

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

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

619 (i) an operating charter school;

620 (ii) a charter school applicant that a charter school authorizer approves in accordance
621 with Title 53G, Chapter 5, Part 3, Charter School Authorization; or

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

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

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

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

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

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

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

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

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

638 (b) is not a protected utility easement or a public utility easement as defined in Section
639 [54-3-27](#);

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

641 (d) (i) either:

642 (A) no person uses or occupies; or

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

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

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

651 (13) "Development activity" means:

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

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

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

658 (14) (a) "Development agreement" means a written agreement or amendment to a
659 written agreement between a county and one or more parties that regulates or controls the use
660 or development of a specific area of land.

661 (b) "Development agreement" does not include an improvement completion assurance.

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

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

668 (16) "Educational facility":

669 (a) means:

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

673 (ii) a structure or facility:

674 (A) located on the same property as a building described in Subsection (16)(a)(i); and

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

676 (iii) a building to provide office and related space to a school district's administrative

677 personnel; and

678 (b) does not include:

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

681 (A) not located on the same property as a building described in Subsection (16)(a)(i);

682 and

683 (B) used in support of the purposes of a building described in Subsection (16)(a)(i); or

684 (ii) a therapeutic school.

685 (17) "Fire authority" means the department, agency, or public entity with responsibility
686 to review and approve the feasibility of fire protection and suppression services for the subject
687 property.

688 (18) "Flood plain" means land that:

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

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

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

696 (20) "General plan" means a document that a county adopts that sets forth general
697 guidelines for proposed future development of:

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

699 (b) for a mountainous planning district, the land within the mountainous planning
700 district.

701 (21) "Geologic hazard" means:

702 (a) a surface fault rupture;

703 (b) shallow groundwater;

704 (c) liquefaction;

705 (d) a landslide;

706 (e) a debris flow;

707 (f) unstable soil;

- 708 (g) a rock fall; or
- 709 (h) any other geologic condition that presents a risk:
- 710 (i) to life;
- 711 (ii) of substantial loss of real property; or
- 712 (iii) of substantial damage to real property.
- 713 (22) "Hookup fee" means a fee for the installation and inspection of any pipe, line,
- 714 meter, or appurtenance to connect to a county water, sewer, storm water, power, or other utility
- 715 system.
- 716 (23) "Identical plans" means building plans submitted to a county that:
- 717 (a) are clearly marked as "identical plans";
- 718 (b) are substantially identical building plans that were previously submitted to and
- 719 reviewed and approved by the county; and
- 720 (c) describe a building that:
- 721 (i) is located on land zoned the same as the land on which the building described in the
- 722 previously approved plans is located;
- 723 (ii) is subject to the same geological and meteorological conditions and the same law
- 724 as the building described in the previously approved plans;
- 725 (iii) has a floor plan identical to the building plan previously submitted to and reviewed
- 726 and approved by the county; and
- 727 (iv) does not require any additional engineering or analysis.
- 728 (24) "Impact fee" means a payment of money imposed under Title 11, Chapter 36a,
- 729 Impact Fees Act.
- 730 (25) "Improvement completion assurance" means a surety bond, letter of credit,
- 731 financial institution bond, cash, assignment of rights, lien, or other equivalent security required
- 732 by a county to guaranty the proper completion of landscaping or an infrastructure improvement
- 733 required as a condition precedent to:
- 734 (a) recording a subdivision plat; or
- 735 (b) development of a commercial, industrial, mixed use, or multifamily project.
- 736 (26) "Improvement warranty" means an applicant's unconditional warranty that the
- 737 applicant's installed and accepted landscaping or infrastructure improvement:
- 738 (a) complies with the county's written standards for design, materials, and

739 workmanship; and

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

742 (27) "Improvement warranty period" means a period:

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

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

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

748 (ii) has substantial evidence, on record:

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

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

752 (28) "Infrastructure improvement" means permanent infrastructure that is essential for
753 the public health and safety or that:

754 (a) is required for human consumption; and

755 (b) an applicant must install:

756 (i) in accordance with published installation and inspection specifications for public
757 improvements; and

758 (ii) as a condition of:

759 (A) recording a subdivision plat;

760 (B) obtaining a building permit; or

761 (C) developing a commercial, industrial, mixed use, condominium, or multifamily
762 project.

763 (29) "Internal lot restriction" means a platted note, platted demarcation, or platted
764 designation that:

765 (a) runs with the land; and

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

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

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

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

776 (32) "Land use applicant" means a property owner, or the property owner's designee,
777 who submits a land use application regarding the property owner's land.

778 (33) "Land use application":

779 (a) means an application that is:

780 (i) required by a county; and

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

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

783 (34) "Land use authority" means:

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

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

788 (35) "Land use decision" means an administrative decision of a land use authority or
789 appeal authority regarding:

790 (a) a land use permit;

791 (b) a land use application; or

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

794 (36) "Land use permit" means a permit issued by a land use authority.

795 (37) "Land use regulation":

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

798 (b) includes the adoption or amendment of a zoning map or the text of the zoning code;
799 and

800 (c) does not include:

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

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

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

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

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

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

811 (40) (a) "Lot line adjustment" means a relocation of a lot line boundary between
812 adjoining lots or between a lot and adjoining parcels in accordance with Section 17-27a-608:

813 (i) whether or not the lots are located in the same subdivision; and

814 (ii) with the consent of the owners of record.

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

816 (i) creates an additional lot; or

817 (ii) constitutes a subdivision or a subdivision amendment.

818 (c) "Lot line adjustment" does not include a boundary line adjustment made by the
819 Department of Transportation.

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

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

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

824 or

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

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

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

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

832 (43) "Mountainous planning district" means an area designated by a county legislative
833 body in accordance with Section 17-27a-901.

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

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

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

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

840 (a) legally existed before the structure's current land use designation; and

841 (b) because of one or more subsequent land use ordinance changes, does not conform
842 to the setback, height restrictions, or other regulations, excluding those regulations that govern
843 the use of land.

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

845 (a) legally existed before the current land use designation;

846 (b) has been maintained continuously since the time the land use ordinance regulation
847 governing the land changed; and

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

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

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

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

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

858 (48) "Parcel" means any real property that is not a lot.

859 (49) (a) "Parcel boundary adjustment" means a recorded agreement between owners of
860 adjoining parcels adjusting the mutual boundary, either by deed or by a boundary line
861 agreement in accordance with Section 17-27a-523, if no additional parcel is created and:

862 (i) none of the property identified in the agreement is a lot; or

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

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

866 (i) creates an additional parcel; or

867 (ii) constitutes a subdivision.

868 (c) "Parcel boundary adjustment" does not include a boundary line adjustment made by
869 the Department of Transportation.

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

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

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

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

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

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

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

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

888 (53) "Plat" means an instrument subdividing property into lots as depicted on a map or
889 other graphical representation of lands that a licensed professional land surveyor makes and
890 prepares in accordance with Section [17-27a-603](#) or [57-8-13](#).

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

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

894 hazard; or

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

898 (55) "Public agency" means:

899 (a) the federal government;

900 (b) the state;

901 (c) a county, municipality, school district, special district, special service district, or
902 other political subdivision of the state; or

903 (d) a charter school.

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

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

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

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

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

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

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

919 (b) which is licensed or certified by the Department of Health and Human Services
920 under:

921 (i) Title 26B, Chapter 2, Part 1, Human Services Programs and Facilities; or

922 (ii) Title 26B, Chapter 2, Part 2, Health Care Facility Licensing and Inspection.

923 (62) "Residential roadway" means a public local residential road that:

924 (a) will serve primarily to provide access to adjacent primarily residential areas and

925 property;

926 (b) is designed to accommodate minimal traffic volumes or vehicular traffic;

927 (c) is not identified as a supplementary to a collector or other higher system classified
928 street in an approved municipal street or transportation master plan;

929 (d) has a posted speed limit of 25 miles per hour or less;

930 (e) does not have higher traffic volumes resulting from connecting previously separated
931 areas of the municipal road network;

932 (f) cannot have a primary access, but can have a secondary access, and does not abut
933 lots intended for high volume traffic or community centers, including schools, recreation
934 centers, sports complexes, or libraries; and

935 (g) primarily serves traffic within a neighborhood or limited residential area and is not
936 necessarily continuous through several residential areas.

937 (63) "Rules of order and procedure" means a set of rules that govern and prescribe in a
938 public meeting:

939 (a) parliamentary order and procedure;

940 (b) ethical behavior; and

941 (c) civil discourse.

942 (64) "Sanitary sewer authority" means the department, agency, or public entity with
943 responsibility to review and approve the feasibility of sanitary sewer services or onsite
944 wastewater systems.

945 (65) "Sending zone" means an unincorporated area of a county that the county
946 designates, by ordinance, as an area from which an owner of land may transfer a transferable
947 development right.

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

951 (67) (a) "Special district" means an entity under Title 17B, Limited Purpose Local
952 Government Entities - Special Districts.

953 (b) "Special district" includes a governmental or quasi-governmental entity that is not a
954 county, municipality, school district, or the state.

955 (68) "Specified public agency" means:

- 956 (a) the state;
- 957 (b) a school district; or
- 958 (c) a charter school.
- 959 (69) "Specified public utility" means an electrical corporation, gas corporation, or
- 960 telephone corporation, as those terms are defined in Section [54-2-1](#).
- 961 (70) "State" includes any department, division, or agency of the state.
- 962 (71) (a) "Subdivision" means any land that is divided, resubdivided, or proposed to be
- 963 divided into two or more lots or other division of land for the purpose, whether immediate or
- 964 future, for offer, sale, lease, or development either on the installment plan or upon any and all
- 965 other plans, terms, and conditions.
- 966 (b) "Subdivision" includes:
- 967 (i) the division or development of land, whether by deed, metes and bounds
- 968 description, devise and testacy, map, plat, or other recorded instrument, regardless of whether
- 969 the division includes all or a portion of a parcel or lot; and
- 970 (ii) except as provided in Subsection (70)(c), divisions of land for residential and
- 971 nonresidential uses, including land used or to be used for commercial, agricultural, and
- 972 industrial purposes.
- 973 (c) "Subdivision" does not include:
- 974 (i) a bona fide division or partition of agricultural land for agricultural purposes;
- 975 (ii) a boundary line agreement recorded with the county recorder's office between
- 976 owners of adjoining parcels adjusting the mutual boundary in accordance with Section
- 977 [17-27a-523](#) if no new lot is created;
- 978 (iii) a recorded document, executed by the owner of record:
- 979 (A) revising the legal descriptions of multiple parcels into one legal description
- 980 encompassing all such parcels; or
- 981 (B) joining a lot to a parcel;
- 982 (iv) a bona fide division or partition of land in a county other than a first class county
- 983 for the purpose of siting, on one or more of the resulting separate parcels:
- 984 (A) an electrical transmission line or a substation;
- 985 (B) a natural gas pipeline or a regulation station; or
- 986 (C) an unmanned telecommunications, microwave, fiber optic, electrical, or other

987 utility service regeneration, transformation, retransmission, or amplification facility;

988 (v) a boundary line agreement between owners of adjoining subdivided properties

989 adjusting the mutual lot line boundary in accordance with Sections [17-27a-523](#) and [17-27a-608](#)

990 if:

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

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

993 (vi) a bona fide division of land by deed or other instrument if the deed or other

994 instrument states in writing that the division:

995 (A) is in anticipation of future land use approvals on the parcel or parcels;

996 (B) does not confer any land use approvals; and

997 (C) has not been approved by the land use authority;

998 (vii) a parcel boundary adjustment;

999 (viii) a lot line adjustment;

1000 (ix) a road, street, or highway dedication plat;

1001 (x) a deed or easement for a road, street, or highway purpose; or

1002 (xi) any other division of land authorized by law.

1003 (72) (a) "Subdivision amendment" means an amendment to a recorded subdivision in

1004 accordance with Section [17-27a-608](#) that:

1005 (i) vacates all or a portion of the subdivision;

1006 (ii) alters the outside boundary of the subdivision;

1007 (iii) changes the number of lots within the subdivision;

1008 (iv) alters a public right-of-way, a public easement, or public infrastructure within the

1009 subdivision; or

1010 (v) alters a common area or other common amenity within the subdivision.

1011 (b) "Subdivision amendment" does not include a lot line adjustment, between a single

1012 lot and an adjoining lot or parcel, that alters the outside boundary of the subdivision.

1013 (73) "Substantial evidence" means evidence that:

1014 (a) is beyond a scintilla; and

1015 (b) a reasonable mind would accept as adequate to support a conclusion.

1016 (74) "Suspect soil" means soil that has:

1017 (a) a high susceptibility for volumetric change, typically clay rich, having more than a

- 1018 3% swell potential;
- 1019 (b) bedrock units with high shrink or swell susceptibility; or
- 1020 (c) gypsiferous silt and clay, gypsum, or bedrock units containing abundant gypsum
- 1021 commonly associated with dissolution and collapse features.
- 1022 (75) "Therapeutic school" means a residential group living facility:
- 1023 (a) for four or more individuals who are not related to:
- 1024 (i) the owner of the facility; or
- 1025 (ii) the primary service provider of the facility;
- 1026 (b) that serves students who have a history of failing to function:
- 1027 (i) at home;
- 1028 (ii) in a public school; or
- 1029 (iii) in a nonresidential private school; and
- 1030 (c) that offers:
- 1031 (i) room and board; and
- 1032 (ii) an academic education integrated with:
- 1033 (A) specialized structure and supervision; or
- 1034 (B) services or treatment related to a disability, an emotional development, a
- 1035 behavioral development, a familial development, or a social development.
- 1036 (76) "Transferable development right" means a right to develop and use land that
- 1037 originates by an ordinance that authorizes a land owner in a designated sending zone to transfer
- 1038 land use rights from a designated sending zone to a designated receiving zone.
- 1039 (77) "Unincorporated" means the area outside of the incorporated area of a
- 1040 municipality.
- 1041 (78) "Water interest" means any right to the beneficial use of water, including:
- 1042 (a) each of the rights listed in Section 73-1-11; and
- 1043 (b) an ownership interest in the right to the beneficial use of water represented by:
- 1044 (i) a contract; or
- 1045 (ii) a share in a water company, as defined in Section 73-3-3.5.
- 1046 (79) "Zoning map" means a map, adopted as part of a land use ordinance, that depicts
- 1047 land use zones, overlays, or districts.
- 1048 Section 4. Section 17-27a-508 is amended to read:

1049 **17-27a-508. Applicant's entitlement to land use application approval --**
1050 **Application relating to land in a high priority transportation corridor -- County's**
1051 **requirements and limitations -- Vesting upon submission of development plan and**
1052 **schedule.**

1053 (1) (a) (i) An applicant who has submitted a complete land use application, including
1054 the payment of all application fees, is entitled to substantive review of the application under the
1055 land use regulations:

1056 (A) in effect on the date that the application is complete; and

1057 (B) applicable to the application or to the information shown on the submitted
1058 application.

1059 (ii) An applicant is entitled to approval of a land use application if the application
1060 conforms to the requirements of the applicable land use regulations, land use decisions, and
1061 development standards in effect when the applicant submits a complete application and pays all
1062 application fees, unless:

1063 (A) the land use authority, on the record, formally finds that a compelling,
1064 countervailing public interest would be jeopardized by approving the application and specifies
1065 the compelling, countervailing public interest in writing; or

1066 (B) in the manner provided by local ordinance and before the applicant submits the
1067 application, the county formally initiates proceedings to amend the county's land use
1068 regulations in a manner that would prohibit approval of the application as submitted.

1069 (b) The county shall process an application without regard to proceedings the county
1070 initiated to amend the county's ordinances as described in Subsection (1)(a)(ii)(B) if:

1071 (i) 180 days have passed since the county initiated the proceedings; and

1072 (ii) (A) the proceedings have not resulted in an enactment that prohibits approval of the
1073 application as submitted; or

1074 (B) during the 12 months prior to the county processing the application or multiple
1075 applications of the same type, the application is impaired or prohibited under the terms of a
1076 temporary land use regulation adopted under Section [17-27a-504](#).

1077 (c) A land use application is considered submitted and complete when the applicant
1078 provides the application in a form that complies with the requirements of applicable ordinances
1079 and pays all applicable fees.

1080 (d) The continuing validity of an approval of a land use application is conditioned upon
1081 the applicant proceeding after approval to implement the approval with reasonable diligence.

1082 (e) A county may not impose on an applicant who has submitted a complete
1083 application a requirement that is not expressed in:

1084 (i) this chapter;

1085 (ii) a county ordinance in effect on the date that the applicant submits a complete
1086 application, subject to Subsection 17-27a-508(1)(a)(ii); or

1087 (iii) a county specification for public improvements applicable to a subdivision or
1088 development that is in effect on the date that the applicant submits an application.

1089 (f) A county may not impose on a holder of an issued land use permit or a final,
1090 unexpired subdivision plat a requirement that is not expressed:

1091 (i) in a land use permit;

1092 (ii) on the subdivision plat;

1093 (iii) in a document on which the land use permit or subdivision plat is based;

1094 (iv) in the written record evidencing approval of the land use permit or subdivision
1095 plat;

1096 (v) in this chapter;

1097 (vi) in a county ordinance; or

1098 (vii) in a county specification for residential roadways in effect at the time a residential
1099 subdivision was approved.

1100 (g) Except as provided in Subsection (1)(h), a county may not withhold issuance of a
1101 certificate of occupancy or acceptance of subdivision improvements because of an applicant's
1102 failure to comply with a requirement that is not expressed:

1103 (i) in the building permit or subdivision plat, documents on which the building permit
1104 or subdivision plat is based, or the written record evidencing approval of the building permit or
1105 subdivision plat; or

1106 (ii) in this chapter or the county's ordinances.

1107 (h) A county may not unreasonably withhold issuance of a certificate of occupancy
1108 where an applicant has met all requirements essential for the public health, public safety, and
1109 general welfare of the occupants, in accordance with this chapter, unless:

1110 (i) the applicant and the county have agreed in a written document to the withholding

1111 of a certificate of occupancy; or

1112 (ii) the applicant has not provided a financial assurance for required and uncompleted
1113 public landscaping improvements or infrastructure improvements in accordance with an
1114 applicable ordinance that the legislative body adopts under this chapter.

1115 (2) A county is bound by the terms and standards of applicable land use regulations and
1116 shall comply with mandatory provisions of those regulations.

1117 (3) A county may not, as a condition of land use application approval, require a person
1118 filing a land use application to obtain documentation regarding a school district's willingness,
1119 capacity, or ability to serve the development proposed in the land use application.

1120 (4) Upon a specified public agency's submission of a development plan and schedule as
1121 required in Subsection [17-27a-305\(8\)](#) that complies with the requirements of that subsection,
1122 the specified public agency vests in the county's applicable land use maps, zoning map, hookup
1123 fees, impact fees, other applicable development fees, and land use regulations in effect on the
1124 date of submission.

1125 (5) (a) If sponsors of a referendum timely challenge a project in accordance with
1126 Subsection [~~[20A-7-601\(6\)](#)~~ [20A-7-601\(7\)](#)], the project's affected owner may rescind the
1127 project's land use approval by delivering a written notice:

1128 (i) to the local clerk as defined in Section [20A-7-101](#); and

1129 (ii) no later than seven days after the day on which a petition for a referendum is
1130 determined sufficient under Subsection [20A-7-607\(5\)](#).

1131 (b) Upon delivery of a written notice described in Subsection(5)(a) the following are
1132 rescinded and are of no further force or effect:

1133 (i) the relevant land use approval; and

1134 (ii) any land use regulation enacted specifically in relation to the land use approval.

1135 Section 5. Section **20A-1-102** is amended to read:

1136 **20A-1-102. Definitions.**

1137 As used in this title:

1138 (1) "Active voter" means a registered voter who has not been classified as an inactive
1139 voter by the county clerk.

1140 (2) "Automatic tabulating equipment" means apparatus that automatically examines
1141 and counts votes recorded on ballots and tabulates the results.

1142 (3) (a) "Ballot" means the storage medium, including a paper, mechanical, or electronic
1143 storage medium, that records an individual voter's vote.

1144 (b) "Ballot" does not include a record to tally multiple votes.

1145 (4) "Ballot proposition" means a question, issue, or proposal that is submitted to voters
1146 on the ballot for their approval or rejection including:

1147 (a) an opinion question specifically authorized by the Legislature;

1148 (b) a constitutional amendment;

1149 (c) an initiative;

1150 (d) a referendum;

1151 (e) a bond proposition;

1152 (f) a judicial retention question;

1153 (g) an incorporation of a city or town; or

1154 (h) any other ballot question specifically authorized by the Legislature.

1155 (5) "Bind," "binding," or "bound" means securing more than one piece of paper
1156 together using staples or another means in at least three places across the top of the paper in the
1157 blank space reserved for securing the paper.

1158 (6) "Board of canvassers" means the entities established by Sections [20A-4-301](#) and
1159 [20A-4-306](#) to canvass election returns.

1160 (7) "Bond election" means an election held for the purpose of approving or rejecting
1161 the proposed issuance of bonds by a government entity.

1162 (8) "Business reply mail envelope" means an envelope that may be mailed free of
1163 charge by the sender.

1164 (9) "Canvass" means the review of election returns and the official declaration of
1165 election results by the board of canvassers.

1166 (10) "Canvassing judge" means a poll worker designated to assist in counting ballots at
1167 the canvass.

1168 (11) "Contracting election officer" means an election officer who enters into a contract
1169 or interlocal agreement with a provider election officer.

1170 (12) "Convention" means the political party convention at which party officers and
1171 delegates are selected.

1172 (13) "Counting center" means one or more locations selected by the election officer in

1173 charge of the election for the automatic counting of ballots.

1174 (14) "Counting judge" means a poll worker designated to count the ballots during
1175 election day.

1176 (15) "Counting room" means a suitable and convenient private place or room for use
1177 by the poll workers and counting judges to count ballots.

1178 (16) "County officers" means those county officers that are required by law to be
1179 elected.

1180 (17) "Date of the election" or "election day" or "day of the election":

1181 (a) means the day that is specified in the calendar year as the day that the election
1182 occurs; and

1183 (b) does not include:

1184 (i) deadlines established for voting by mail, military-overseas voting, or emergency
1185 voting; or

1186 (ii) any early voting or early voting period as provided under Chapter 3a, Part 6, Early
1187 Voting.

1188 (18) "Elected official" means:

1189 (a) a person elected to an office under Section 20A-1-303 or Chapter 4, Part 6,
1190 Municipal Alternate Voting Methods Pilot Project;

1191 (b) a person who is considered to be elected to a municipal office in accordance with
1192 Subsection 20A-1-206(1)(c)(ii); or

1193 (c) a person who is considered to be elected to a special district office in accordance
1194 with Subsection 20A-1-206(3)(b)(ii).

1195 (19) "Election" means a regular general election, a municipal general election, a
1196 statewide special election, a local special election, a regular primary election, a municipal
1197 primary election, and a special district election.

1198 (20) "Election Assistance Commission" means the commission established by the Help
1199 America Vote Act of 2002, Pub. L. No. 107-252.

1200 (21) "Election cycle" means the period beginning on the first day persons are eligible to
1201 file declarations of candidacy and ending when the canvass is completed.

1202 (22) "Election judge" means a poll worker that is assigned to:

1203 (a) preside over other poll workers at a polling place;

- 1204 (b) act as the presiding election judge; or
- 1205 (c) serve as a canvassing judge, counting judge, or receiving judge.
- 1206 (23) "Election officer" means:
- 1207 (a) the lieutenant governor, for all statewide ballots and elections;
- 1208 (b) the county clerk for:
- 1209 (i) a county ballot and election; and
- 1210 (ii) a ballot and election as a provider election officer as provided in Section
- 1211 [20A-5-400.1](#) or [20A-5-400.5](#);
- 1212 (c) the municipal clerk for:
- 1213 (i) a municipal ballot and election; and
- 1214 (ii) a ballot and election as a provider election officer as provided in Section
- 1215 [20A-5-400.1](#) or [20A-5-400.5](#);
- 1216 (d) the special district clerk or chief executive officer for:
- 1217 (i) a special district ballot and election; and
- 1218 (ii) a ballot and election as a provider election officer as provided in Section
- 1219 [20A-5-400.1](#) or [20A-5-400.5](#); or
- 1220 (e) the business administrator or superintendent of a school district for:
- 1221 (i) a school district ballot and election, including a ballot and election on a referendum
- 1222 under Subsection [20A-7-102\(4\)](#); and
- 1223 (ii) a ballot and election as a provider election officer as provided in Section
- 1224 [20A-5-400.1](#) or [20A-5-400.5](#).
- 1225 (24) "Election official" means any election officer, election judge, or poll worker.
- 1226 (25) "Election results" means:
- 1227 (a) for an election other than a bond election, the count of votes cast in the election and
- 1228 the election returns requested by the board of canvassers; or
- 1229 (b) for bond elections, the count of those votes cast for and against the bond
- 1230 proposition plus any or all of the election returns that the board of canvassers may request.
- 1231 (26) "Election returns" includes:
- 1232 (a) the pollbook, the military and overseas absentee voter registration and voting
- 1233 certificates, one of the tally sheets, any unprocessed ballots, all counted ballots, all excess
- 1234 ballots, all unused ballots, all spoiled ballots, the ballot disposition form, and the total votes

1235 cast form; and

1236 (b) the record, described in Subsection 20A-3a-401(8)(c), of voters contacted to cure a
1237 ballot.

1238 (27) "Electronic signature" means an electronic sound, symbol, or process attached to
1239 or logically associated with a record and executed or adopted by a person with the intent to sign
1240 the record.

1241 (28) "Inactive voter" means a registered voter who is listed as inactive by a county
1242 clerk under Subsection 20A-2-505(4)(c)(i) or (ii).

1243 (29) "Judicial office" means the office filled by any judicial officer.

1244 (30) "Judicial officer" means any justice or judge of a court of record or any county
1245 court judge.

1246 (31) "Local election" means a regular county election, a regular municipal election, a
1247 municipal primary election, a local special election, a special district election, and a bond
1248 election.

1249 (32) "Local political subdivision" means a county, a municipality, a special district, or
1250 a local school district.

1251 (33) "Local special election" means a special election called by the governing body of a
1252 local political subdivision in which all registered voters of the local political subdivision may
1253 vote.

1254 (34) "Manual ballot" means a paper document produced by an election officer on
1255 which an individual records an individual's vote by directly placing a mark on the paper
1256 document using a pen or other marking instrument.

1257 (35) "Mechanical ballot" means a record, including a paper record, electronic record, or
1258 mechanical record, that:

1259 (a) is created via electronic or mechanical means; and

1260 (b) records an individual voter's vote cast via a method other than an individual directly
1261 placing a mark, using a pen or other marking instrument, to record an individual voter's vote.

1262 (36) "Municipal executive" means:

1263 (a) the mayor in the council-mayor form of government defined in Section 10-3b-102;

1264 (b) the mayor in the council-manager form of government defined in Subsection

1265 10-3b-103(7); or

1266 (c) the mayor of a metro township form of government defined in Section 10-3b-102.

1267 (37) "Municipal general election" means the election held in municipalities and, as
1268 applicable, special districts on the first Tuesday after the first Monday in November of each
1269 odd-numbered year for the purposes established in Section 20A-1-202.

1270 (38) "Municipal legislative body" means:

1271 (a) the council of the city or town in any form of municipal government; or

1272 (b) the council of a metro township.

1273 (39) "Municipal office" means an elective office in a municipality.

1274 (40) "Municipal officers" means those municipal officers that are required by law to be
1275 elected.

1276 (41) "Municipal primary election" means an election held to nominate candidates for
1277 municipal office.

1278 (42) "Municipality" means a city, town, or metro township.

1279 (43) "Official ballot" means the ballots distributed by the election officer for voters to
1280 record their votes.

1281 (44) "Official endorsement" means the information on the ballot that identifies:

1282 (a) the ballot as an official ballot;

1283 (b) the date of the election; and

1284 (c) (i) for a ballot prepared by an election officer other than a county clerk, the
1285 facsimile signature required by Subsection 20A-6-401(1)(a)(iii); or

1286 (ii) for a ballot prepared by a county clerk, the words required by Subsection
1287 20A-6-301(1)(b)(iii).

1288 (45) "Official register" means the official record furnished to election officials by the
1289 election officer that contains the information required by Section 20A-5-401.

1290 (46) "Political party" means an organization of registered voters that has qualified to
1291 participate in an election by meeting the requirements of Chapter 8, Political Party Formation
1292 and Procedures.

1293 (47) (a) "Poll worker" means a person assigned by an election official to assist with an
1294 election, voting, or counting votes.

1295 (b) "Poll worker" includes election judges.

1296 (c) "Poll worker" does not include a watcher.

1297 (48) "Pollbook" means a record of the names of voters in the order that they appear to
1298 cast votes.

1299 (49) "Polling place" means a building where voting is conducted.

1300 (50) "Position" means a square, circle, rectangle, or other geometric shape on a ballot
1301 in which the voter marks the voter's choice.

1302 (51) "Presidential Primary Election" means the election established in Chapter 9, Part
1303 8, Presidential Primary Election.

1304 (52) "Primary convention" means the political party conventions held during the year
1305 of the regular general election.

1306 (53) "Protective counter" means a separate counter, which cannot be reset, that:

1307 (a) is built into a voting machine; and

1308 (b) records the total number of movements of the operating lever.

1309 (54) "Provider election officer" means an election officer who enters into a contract or
1310 interlocal agreement with a contracting election officer to conduct an election for the
1311 contracting election officer's local political subdivision in accordance with Section
1312 [20A-5-400.1](#).

1313 (55) "Provisional ballot" means a ballot voted provisionally by a person:

1314 (a) whose name is not listed on the official register at the polling place;

1315 (b) whose legal right to vote is challenged as provided in this title; or

1316 (c) whose identity was not sufficiently established by a poll worker.

1317 (56) "Provisional ballot envelope" means an envelope printed in the form required by
1318 Section [20A-6-105](#) that is used to identify provisional ballots and to provide information to
1319 verify a person's legal right to vote.

1320 (57) (a) "Public figure" means an individual who, due to the individual being
1321 considered for, holding, or having held a position of prominence in a public or private capacity,
1322 or due to the individual's celebrity status, has an increased risk to the individual's safety.

1323 (b) "Public figure" does not include an individual:

1324 (i) elected to public office; or

1325 (ii) appointed to fill a vacancy in an elected public office.

1326 (58) "Qualify" or "qualified" means to take the oath of office and begin performing the
1327 duties of the position for which the individual was elected.

1328 (59) "Receiving judge" means the poll worker that checks the voter's name in the
1329 official register at a polling place and provides the voter with a ballot.

1330 (60) "Registration form" means a form by which an individual may register to vote
1331 under this title.

1332 (61) "Regular ballot" means a ballot that is not a provisional ballot.

1333 (62) "Regular general election" means the election held throughout the state on the first
1334 Tuesday after the first Monday in November of each even-numbered year for the purposes
1335 established in Section [20A-1-201](#).

1336 (63) "Regular primary election" means the election, held on the date specified in
1337 Section [20A-1-201.5](#), to nominate candidates of political parties and candidates for nonpartisan
1338 local school board positions to advance to the regular general election.

1339 (64) "Resident" means a person who resides within a specific voting precinct in Utah.

1340 (65) "Return envelope" means the envelope, described in Subsection [20A-3a-202\(4\)](#),
1341 provided to a voter with a manual ballot:

1342 (a) into which the voter places the manual ballot after the voter has voted the manual
1343 ballot in order to preserve the secrecy of the voter's vote; and

1344 (b) that includes the voter affidavit and a place for the voter's signature.

1345 (66) "Sample ballot" means a mock ballot similar in form to the official ballot,
1346 published as provided in Section [20A-5-405](#).

1347 (67) "Special district" means a local government entity under Title 17B, Limited
1348 Purpose Local Government Entities - Special Districts, and includes a special service district
1349 under Title 17D, Chapter 1, Special Service District Act.

1350 (68) "Special district officers" means those special district board members who are
1351 required by law to be elected.

1352 (69) "Special election" means an election held as authorized by Section [20A-1-203](#).

1353 (70) "Spoiled ballot" means each ballot that:

1354 (a) is spoiled by the voter;

1355 (b) is unable to be voted because it was spoiled by the printer or a poll worker; or

1356 (c) lacks the official endorsement.

1357 (71) "Statewide special election" means a special election called by the governor or the
1358 Legislature in which all registered voters in Utah may vote.

1359 (72) "Tabulation system" means a device or system designed for the sole purpose of
1360 tabulating votes cast by voters at an election.

1361 (73) "Ticket" means a list of:

1362 (a) political parties;

1363 (b) candidates for an office; or

1364 (c) ballot propositions.

1365 (74) "Transfer case" means the sealed box used to transport voted ballots to the
1366 counting center.

1367 (75) "Vacancy" means:

1368 (a) except as provided in Subsection (75)(b), the absence of an individual to serve in a
1369 position created by state constitution or state statute, whether that absence occurs because of
1370 death, disability, disqualification, resignation, or other cause; or

1371 (b) in relation to a candidate for a position created by state constitution or state statute,
1372 the removal of a candidate due to the candidate's death, resignation, or disqualification.

1373 (76) "Valid voter identification" means:

1374 (a) a form of identification that bears the name and photograph of the voter which may
1375 include:

1376 (i) a currently valid Utah driver license;

1377 (ii) a currently valid identification card that is issued by:

1378 (A) the state; or

1379 (B) a branch, department, or agency of the United States;

1380 (iii) a currently valid Utah permit to carry a concealed weapon;

1381 (iv) a currently valid United States passport; or

1382 (v) a currently valid United States military identification card;

1383 (b) one of the following identification cards, whether or not the card includes a
1384 photograph of the voter:

1385 (i) a valid tribal identification card;

1386 (ii) a Bureau of Indian Affairs card; or

1387 (iii) a tribal treaty card; or

1388 (c) two forms of identification not listed under Subsection (76)(a) or (b) but that bear
1389 the name of the voter and provide evidence that the voter resides in the voting precinct, which

1390 may include:

1391 (i) a current utility bill or a legible copy thereof, dated within the 90 days before the
1392 election;

1393 (ii) a bank or other financial account statement, or a legible copy thereof;

1394 (iii) a certified birth certificate;

1395 (iv) a valid social security card;

1396 (v) a check issued by the state or the federal government or a legible copy thereof;

1397 (vi) a paycheck from the voter's employer, or a legible copy thereof;

1398 (vii) a currently valid Utah hunting or fishing license;

1399 (viii) certified naturalization documentation;

1400 (ix) a currently valid license issued by an authorized agency of the United States;

1401 (x) a certified copy of court records showing the voter's adoption or name change;

1402 (xi) a valid Medicaid card, Medicare card, or Electronic Benefits Transfer Card;

1403 (xii) a currently valid identification card issued by:

1404 (A) a local government within the state;

1405 (B) an employer for an employee; or

1406 (C) a college, university, technical school, or professional school located within the
1407 state; or

1408 (xiii) a current Utah vehicle registration.

1409 (77) "Valid write-in candidate" means a candidate who has qualified as a write-in
1410 candidate by following the procedures and requirements of this title.

1411 (78) "Vote by mail" means to vote, using a manual ballot that is mailed to the voter, by:

1412 (a) mailing the ballot to the location designated in the mailing; or

1413 (b) depositing the ballot in a ballot drop box designated by the election officer.

1414 (79) "Voter" means an individual who:

1415 (a) meets the requirements for voting in an election;

1416 (b) meets the requirements of election registration;

1417 (c) is registered to vote; and

1418 (d) is listed in the official register book.

1419 (80) "Voter registration deadline" means the registration deadline provided in Section
1420 [20A-2-102.5](#).

1421 (81) "Voting area" means the area within six feet of the voting booths, voting
1422 machines, and ballot box.

1423 (82) "Voting booth" means:

1424 (a) the space or compartment within a polling place that is provided for the preparation
1425 of ballots, including the voting enclosure or curtain; or

1426 (b) a voting device that is free standing.

1427 (83) "Voting device" means any device provided by an election officer for a voter to
1428 vote a mechanical ballot.

1429 (84) "Voting precinct" means the smallest geographical voting unit, established under
1430 Chapter 5, Part 3, Duties of the County and Municipal Legislative Bodies.

1431 (85) "Watcher" means an individual who complies with the requirements described in
1432 Section [20A-3a-801](#) to become a watcher for an election.

1433 (86) "Write-in ballot" means a ballot containing any write-in votes.

1434 (87) "Write-in vote" means a vote cast for an individual, whose name is not printed on
1435 the ballot, in accordance with the procedures established in this title.

1436 Section 6. Section **20A-4-301** is amended to read:

1437 **20A-4-301. Board of canvassers.**

1438 (1) (a) Each county legislative body is the board of county canvassers for:

1439 (i) the county; and

1440 (ii) each special district whose election is conducted by the county if:

1441 (A) the election relates to the creation of the special district;

1442 (B) the county legislative body serves as the governing body of the special district; or

1443 (C) there is no duly constituted governing body of the special district.

1444 (b) The board of county canvassers shall meet to canvass the returns at the usual place
1445 of meeting of the county legislative body, at a date and time determined by the county clerk
1446 that is no sooner than seven days after the election and no later than 14 days after the election.

1447 (c) If one or more of the county legislative body fails to attend the meeting of the board
1448 of county canvassers, the remaining members shall replace the absent member by appointing in
1449 the order named:

1450 (i) the county treasurer;

1451 (ii) the county assessor; or

1452 (iii) the county sheriff.
1453 (d) Attendance of the number of persons equal to a simple majority of the county
1454 legislative body, but not less than three persons, shall constitute a quorum for conducting the
1455 canvass.

1456 (e) The county clerk is the clerk of the board of county canvassers.

1457 (2) (a) The mayor and the municipal legislative body are the board of municipal
1458 canvassers for the municipality.

1459 (b) The board of municipal canvassers shall meet to canvass the returns at the usual
1460 place of meeting of the municipal legislative body:

1461 (i) for canvassing of returns from a municipal general election, no sooner than seven
1462 days after the election and no later than 14 days after the election; or

1463 (ii) for canvassing of returns from a municipal primary election, no sooner than seven
1464 days after the election and no later than 14 days after the election.

1465 (c) Attendance of a simple majority of the municipal legislative body shall constitute a
1466 quorum for conducting the canvass.

1467 (3) (a) The legislative body of the entity authorizing a bond election is the board of
1468 canvassers for each bond election.

1469 (b) The board of canvassers for the bond election shall comply with the canvassing
1470 procedures and requirements of Section [11-14-207](#).

1471 (c) Attendance of a simple majority of the legislative body of the entity authorizing a
1472 bond election shall constitute a quorum for conducting the canvass.

1473 (4) (a) The local school board of a school district is the board of school district
1474 canvassers for a referendum election under Subsection [20A-7-102\(4\)](#).

1475 (b) The board of school district canvassers shall meet to canvass the returns at the usual
1476 place of meeting of the local school board no sooner than seven days after the election and no
1477 later than 14 days after the election.

1478 (c) Attendance of a simple majority of the local school board shall constitute a quorum
1479 for conducting the canvass.

1480 Section 7. Section **20A-7-101** is amended to read:

1481 **20A-7-101. Definitions.**

1482 As used in this chapter:

1483 (1) "Approved device" means a device described in Subsection [20A-21-201](#)(4) used to
1484 gather signatures for the electronic initiative process, the electronic referendum process, or the
1485 electronic candidate qualification process.

1486 (2) "Budget officer" means:

1487 (a) for a county, the person designated as finance officer as defined in Section [17-36-3](#);

1488 (b) for a city, the person designated as budget officer in Subsection [10-6-106](#)(4);

1489 (c) for a town, the town council; [or]

1490 (d) for a metro township, the person described in Subsection (2)(a) for the county in

1491 which the metro township is located[-]; or

1492 (e) for a school district, the person appointed business administrator under Section

1493 [53G-4-302](#).

1494 (3) "Certified" means that the county clerk has acknowledged a signature as being the
1495 signature of a registered voter.

1496 (4) "Circulation" means the process of submitting an initiative petition or a referendum
1497 petition to legal voters for their signature.

1498 (5) "Electronic initiative process" means:

1499 (a) as it relates to a statewide initiative, the process, described in Sections [20A-7-215](#)
1500 and [20A-21-201](#), for gathering signatures; or

1501 (b) as it relates to a local initiative, the process, described in Sections [20A-7-514](#) and
1502 [20A-21-201](#), for gathering signatures.

1503 (6) "Electronic referendum process" means:

1504 (a) as it relates to a statewide referendum, the process, described in Sections
1505 [20A-7-313](#) and [20A-21-201](#), for gathering signatures; or

1506 (b) as it relates to a local referendum, the process, described in Sections [20A-7-614](#) and
1507 [20A-21-201](#), for gathering signatures.

1508 (7) "Eligible voter" means a legal voter who resides in the jurisdiction of the county,
1509 city, or town that is holding an election on a ballot proposition.

1510 (8) "Final fiscal impact statement" means a financial statement prepared after voters
1511 approve an initiative that contains the information required by Subsection [20A-7-202.5](#)(2) or
1512 [20A-7-502.5](#)(2).

1513 (9) "Initial fiscal impact statement" means

1514 a financial statement prepared under Section 20A-7-202.5 after the filing of a statewide
1515 initiative application.

1516 (10) "Initial fiscal impact and legal statement" means a financial and legal statement
1517 prepared under Section 20A-7-502.5 or 20A-7-602.5 for a local initiative or a local
1518 referendum.

1519 (11) "Initiative" means a new law proposed for adoption by the public as provided in
1520 this chapter.

1521 (12) "Initiative application" means:

1522 (a) for a statewide initiative, an application described in Subsection 20A-7-202(2) that
1523 includes all the information, statements, documents, and notarized signatures required under
1524 Subsection 20A-7-202(2); or

1525 (b) for a local initiative, an application described in Subsection 20A-7-502(2) that
1526 includes all the information, statements, documents, and notarized signatures required under
1527 Subsection 20A-7-502(2).

1528 (13) "Initiative packet" means a copy of the initiative petition, a copy of the proposed
1529 law, and the signature sheets, all of which have been bound together as a unit.

1530 (14) "Initiative petition":

1531 (a) as it relates to a statewide initiative, using the manual initiative process:

1532 (i) means the form described in Subsection 20A-7-203(2)(a), petitioning for
1533 submission of the initiative to the Legislature or the legal voters; and

1534 (ii) if the initiative proposes a tax increase, includes the statement described in
1535 Subsection 20A-7-203(2)(b);

1536 (b) as it relates to a statewide initiative, using the electronic initiative process:

1537 (i) means the form described in Subsections 20A-7-215(2) and (3), petitioning for
1538 submission of the initiative to the Legislature or the legal voters; and

1539 (ii) if the initiative proposes a tax increase, includes the statement described in
1540 Subsection 20A-7-215(5)(b);

1541 (c) as it relates to a local initiative, using the manual initiative process:

1542 (i) means the form described in Subsection 20A-7-503(2)(a), petitioning for
1543 submission of the initiative to the legislative body or the legal voters; and

1544 (ii) if the initiative proposes a tax increase, includes the statement described in

1545 Subsection 20A-7-503(2)(b); or

1546 (d) as it relates to a local initiative, using the electronic initiative process:

1547 (i) means the form described in Subsection 20A-7-514(2)(a), petitioning for
1548 submission of the initiative to the legislative body or the legal voters; and

1549 (ii) if the initiative proposes a tax increase, includes the statement described in
1550 Subsection 20A-7-514(4)(a).

1551 (15) (a) "Land use law" means a law of general applicability, enacted based on the
1552 weighing of broad, competing policy considerations, that relates to the use of land, including
1553 land use regulation, a general plan, a land use development code, an annexation ordinance, the
1554 rezoning of a single property or multiple properties, or a comprehensive zoning ordinance or
1555 resolution.

1556 (b) "Land use law" does not include a land use decision, as defined in Section
1557 10-9a-103 or 17-27a-103.

1558 (16) "Legal signatures" means the number of signatures of legal voters that:

1559 (a) meet the numerical requirements of this chapter; and

1560 (b) have been obtained, certified, and verified as provided in this chapter.

1561 (17) "Legal voter" means an individual who is registered to vote in Utah.

1562 (18) "Legally referable to voters" means:

1563 (a) for a proposed local initiative, that the proposed local initiative is legally referable
1564 to voters under Section 20A-7-502.7; or

1565 (b) for a proposed local referendum, that the proposed local referendum is legally
1566 referable to voters under Section 20A-7-602.7.

1567 (19) "Local attorney" means the county attorney, city attorney, [or] town attorney, or
1568 local school district attorney in whose jurisdiction a local initiative or referendum petition is
1569 circulated.

1570 (20) "Local clerk" means:

1571 (a) the county clerk, city recorder, or town clerk in whose jurisdiction a local initiative
1572 or referendum petition is circulated[-]; or

1573 (b) for a referendum petition under Subsection 20A-7-102(4), the business
1574 administrator or the superintendent of the school district in which the referendum petition is
1575 circulated.

- 1576 (21) (a) "Local law" includes:
- 1577 (i) an ordinance;
- 1578 (ii) a resolution;
- 1579 (iii) a land use law;
- 1580 (iv) a land use regulation, as defined in Section 10-9a-103; ~~[or]~~
- 1581 (v) a local tax law; or
- 1582 ~~[(v)]~~ (vi) other legislative action of a local legislative body.
- 1583 (b) "Local law" does not include:
- 1584 (i) a land use decision, as defined in Section 10-9a-103[-]; or
- 1585 (ii) a local school tax law.
- 1586 (22) (a) "Local legislative body" means the legislative body of a county, city, town, or
- 1587 metro township.
- 1588 (b) "Local legislative body" does not include the local school board of a school district.
- 1589 (23) "Local obligation law" means a local law passed by the local legislative body
- 1590 regarding a bond that was approved by a majority of qualified voters in an election.
- 1591 (24) "Local school board" means a board elected under Chapter 14, Part 2, Election of
- 1592 Members of Local Boards of Education.
- 1593 ~~[(24)]~~ (25) (a) "Local tax law" means a law, passed by a [political subdivision] county,
- 1594 city, town, or metro township with an annual or biannual calendar fiscal year, that increases a
- 1595 tax or imposes a new tax.
- 1596 (b) "Local tax law" does not include a local school tax law.
- 1597 (26) (a) "Local school tax law" means a law passed by a local school board that
- 1598 increases a tax or levy or imposes a new tax or levy.
- 1599 (b) "Local school tax law" includes:
- 1600 (i) a board local levy under Section 53F-8-302;
- 1601 (ii) a capital local levy under Section 53F-8-303;
- 1602 (iii) a judgment levy imposed by a local school board under Section 59-2-1330; or
- 1603 (iv) any other tax or levy that is within a local school board's discretion to impose.
- 1604 (c) "Local school tax law" does not include a law passed by a local school board that
- 1605 increases a tax or levy or imposes a new tax or levy, if the increased tax or levy or new tax or
- 1606 levy:

1607 (i) relates to a voted local levy under Section 53F-8-301, or to the issuance of a bond
1608 that was approved by a majority of the qualified voters within a school district; or

1609 (ii) is required to be imposed by state law or rule, or is otherwise not within a local
1610 school board's discretion to impose.

1611 [~~25~~] (27) "Manual initiative process" means the process for gathering signatures for
1612 an initiative using paper signature packets that a signer physically signs.

1613 [~~26~~] (28) "Manual referendum process" means the process for gathering signatures
1614 for a referendum using paper signature packets that a signer physically signs.

1615 [~~27~~] (29) "Measure" means a proposed constitutional amendment, an initiative, or
1616 referendum.

1617 [~~28~~] (30) "Referendum" means a process by which a law passed by the Legislature
1618 [~~or by a~~, a local legislative body, or a local school board is submitted or referred to the voters
1619 for their approval or rejection.

1620 [~~29~~] (31) "Referendum application" means:

1621 (a) for a statewide referendum, an application described in Subsection 20A-7-302(2)
1622 that includes all the information, statements, documents, and notarized signatures required
1623 under Subsection 20A-7-302(2); or

1624 (b) for a local referendum, an application described in Subsection 20A-7-602(2) that
1625 includes all the information, statements, documents, and notarized signatures required under
1626 Subsection 20A-7-602(2).

1627 [~~30~~] (32) "Referendum packet" means a copy of the referendum petition, a copy of
1628 the law being submitted or referred to the voters for their approval or rejection, and the
1629 signature sheets, all of which have been bound together as a unit.

1630 [~~31~~] (33) "Referendum petition" means:

1631 (a) as it relates to a statewide referendum, using the manual referendum process, the
1632 form described in Subsection 20A-7-303(2)(a), petitioning for submission of a law passed by
1633 the Legislature to legal voters for their approval or rejection;

1634 (b) as it relates to a statewide referendum, using the electronic referendum process, the
1635 form described in Subsection 20A-7-313(2), petitioning for submission of a law passed by the
1636 Legislature to legal voters for their approval or rejection;

1637 (c) as it relates to a local referendum, using the manual referendum process, the form

1638 described in Subsection 20A-7-603(2)(a), petitioning for submission of a local law or a local
1639 school tax law to legal voters for their approval or rejection; or

1640 (d) as it relates to a local referendum, using the electronic referendum process, the form
1641 described in Subsection 20A-7-614(2), petitioning for submission of a local law or a local
1642 school tax law to legal voters for their approval or rejection.

1643 [~~32~~] (34) "Signature":

1644 (a) for a statewide initiative:

1645 (i) as it relates to the electronic initiative process, means an electronic signature

1646 collected under Section 20A-7-215 and Subsection 20A-21-201(6)(c); or

1647 (ii) as it relates to the manual initiative process:

1648 (A) means a holographic signature collected physically on a signature sheet described
1649 in Section 20A-7-203; and

1650 (B) does not include an electronic signature;

1651 (b) for a statewide referendum:

1652 (i) as it relates to the electronic referendum process, means an electronic signature

1653 collected under Section 20A-7-313 and Subsection 20A-21-201(6)(c); or

1654 (ii) as it relates to the manual referendum process:

1655 (A) means a holographic signature collected physically on a signature sheet described
1656 in Section 20A-7-303; and

1657 (B) does not include an electronic signature;

1658 (c) for a local initiative:

1659 (i) as it relates to the electronic initiative process, means an electronic signature

1660 collected under Section 20A-7-514 and Subsection 20A-21-201(6)(c); or

1661 (ii) as it relates to the manual initiative process:

1662 (A) means a holographic signature collected physically on a signature sheet described
1663 in Section 20A-7-503; and

1664 (B) does not include an electronic signature; or

1665 (d) for a local referendum:

1666 (i) as it relates to the electronic referendum process, means an electronic signature

1667 collected under Section 20A-7-614 and Subsection 20A-21-201(6)(c); or

1668 (ii) as it relates to the manual referendum process:

1669 (A) means a holographic signature collected physically on a signature sheet described
1670 in Section [20A-7-603](#); and

1671 (B) does not include an electronic signature.

1672 [~~33~~] [\(35\)](#) "Signature sheets" means sheets in the form required by this chapter that are
1673 used under the manual initiative process or the manual referendum process to collect signatures
1674 in support of an initiative or referendum.

1675 [~~34~~] [\(36\)](#) "Special local ballot proposition" means a local ballot proposition that is
1676 not a standard local ballot proposition.

1677 [~~35~~] [\(37\)](#) "Sponsors" means the legal voters who support the initiative or referendum
1678 and who sign the initiative application or referendum application.

1679 [~~36~~] [\(38\)](#) (a) "Standard local ballot proposition" means a local ballot proposition for
1680 an initiative or a referendum.

1681 (b) "Standard local ballot proposition" does not include a property tax referendum
1682 described in Section [20A-7-613](#).

1683 [~~37~~] [\(39\)](#) "Tax percentage difference" means the difference between the tax rate
1684 proposed by an initiative or an initiative petition and the current tax rate.

1685 [~~38~~] [\(40\)](#) "Tax percentage increase" means a number calculated by dividing the tax
1686 percentage difference by the current tax rate and rounding the result to the nearest thousandth.

1687 [~~39~~] [\(41\)](#) "Verified" means acknowledged by the person circulating the petition as
1688 required in Section [20A-7-105](#).

1689 Section 8. Section [20A-7-102](#) is amended to read:

1690 **[20A-7-102. Initiatives and referenda authorized -- Restrictions.](#)**

1691 By following the procedures and requirements of this chapter, Utah voters may, subject
1692 to the restrictions of Utah Constitution, Article VI, [~~Sec. 1, Utah Constitution~~] Section 1, and
1693 this chapter:

1694 (1) initiate any desired legislation and cause it to be submitted to:

1695 (a) the Legislature or to a vote of the people for approval or rejection if it is a proposed
1696 state law; or

1697 (b) a local legislative body or to a vote of the people if it is a local law;

1698 (2) require any law passed by the Legislature, except those laws passed by a two-thirds
1699 vote of the members elected to each house of the Legislature, to be referred to the voters for

1700 their approval or rejection before the law takes effect; ~~and~~

1701 (3) require any ~~law or ordinance~~ local law passed by a local legislative body to be
1702 referred to the voters for their approval or rejection before the local law takes effect~~[-]; or~~

1703 (4) require any local school tax law passed by a local school board to be referred to the
1704 voters for their approval or rejection before the local school tax law takes effect.

1705 Section 9. Section **20A-7-401.3** is amended to read:

1706 **20A-7-401.3. Voter participation areas.**

1707 (1) (a) Except as provided in Subsection (2):

1708 (i) a metro township with a population of 65,000 or more, a city of the first or second
1709 class, or a county of the first or second class shall, no later than January 1, 2020, again on
1710 January 1, 2022, and January 1 each 10 years after 2022, divide the metro township, city, or
1711 county into eight contiguous and compact voter participation areas of substantially equal
1712 population; and

1713 (ii) a metro township with a population of 10,000 or more, a city of the third or fourth
1714 class, or a county of the third or fourth class shall, no later than January 1, 2020, again on
1715 January 1, 2022, and January 1 each 10 years after 2022, divide the metro township, city, or
1716 county into four contiguous and compact voter participation areas of substantially equal
1717 population.

1718 (b) A metro township, city, or county shall use the voter participation areas described
1719 in Subsection (1)(a) or (2)(b) for the purpose described in Sections [20A-7-501](#) and [20A-7-601](#).

1720 (2) (a) This section does not apply to a metro township with a population of less than
1721 10,000, a county of the fifth or sixth class, a city of the fifth class, ~~or~~ a town, or a school
1722 district.

1723 (b) A metro township, city, or county that has established council districts that are not
1724 at-large districts may, regardless of the number of council districts that are not at-large districts,
1725 use the council districts as voter participation areas under this section.

1726 Section 10. Section **20A-7-401.5** is amended to read:

1727 **20A-7-401.5. Proposition information pamphlet.**

1728 (1) (a) (i) Within 15 days after the day on which an eligible voter files an application to
1729 circulate an initiative petition under Section [20A-7-502](#) or an application to circulate a
1730 referendum petition under Section [20A-7-602](#):

1731 (A) the sponsors of the proposed initiative or referendum may submit a written
1732 argument in favor of the proposed initiative or referendum to the election officer of the county
1733 [~~or~~], municipality, or school district to which the petition relates; and

1734 (B) the county [~~or~~], municipality, or school district to which the application relates may
1735 submit a written argument in favor of, or against, the proposed initiative or referendum to the
1736 county's [~~or~~], municipality's, or school district's election officer.

1737 (ii) If a county [~~or~~], municipality, or school district submits more than one written
1738 argument under Subsection (1)(a)(i)(B), the election officer shall select one of the written
1739 arguments, giving preference to a written argument submitted by a member of a local
1740 legislative body or a local school board, as applicable, if a majority of the local legislative body
1741 or the local school board supports the written argument.

1742 (b) Within one business day after the day on which an election officer receives an
1743 argument under Subsection (1)(a)(i)(A), the election officer shall provide a copy of the
1744 argument to the county [~~or~~], municipality, or school district described in Subsection (1)(a)(i)(B)
1745 or (1)(a)(ii), as applicable.

1746 (c) Within one business day after the date on which an election officer receives an
1747 argument under Subsection (1)(a)(i)(B), the election officer shall provide a copy of the
1748 argument to the first three sponsors of the proposed initiative or referendum described in
1749 Subsection (1)(a)(i)(A).

1750 (d) The sponsors of the proposed initiative or referendum may submit a revised version
1751 of the written argument described in Subsection (1)(a)(i)(A) to the election officer of the
1752 county [~~or~~], municipality, or school district to which the petition relates within 20 days after the
1753 day on which the eligible voter files an application to circulate an initiative petition under
1754 Section [20A-7-502](#) or an application to circulate a referendum petition under Section
1755 [20A-7-602](#).

1756 (e) The author of a written argument described in Subsection (1)(a)(i)(B) submitted by
1757 a county [~~or~~], municipality, or school district may submit a revised version of the written
1758 argument to the county's [~~or~~], municipality's, or school district's election officer within 20 days
1759 after the day on which the eligible voter files an application to circulate an initiative petition
1760 under Section [20A-7-502](#) or an application to circulate a referendum petition under Section
1761 [20A-7-602](#).

- 1762 (2) (a) A written argument described in Subsection (1) may not exceed 500 words.
- 1763 (b) Except as provided in Subsection (2)(c), a person may not modify a written
1764 argument described in Subsection (1)(d) or (e) after the written argument is submitted to the
1765 election officer.
- 1766 (c) The election officer and the person that submits the written argument described in
1767 Subsection (1)(d) or (e) may jointly agree to modify the written argument to:
- 1768 (i) correct factual, grammatical, or spelling errors; or
1769 (ii) reduce the number of words to come into compliance with Subsection (2)(a).
- 1770 (d) An election officer shall refuse to include a written argument in the proposition
1771 information pamphlet described in this section if the person who submits the argument:
- 1772 (i) fails to negotiate, in good faith, to modify the argument in accordance with
1773 Subsection (2)(c); or
1774 (ii) does not timely submit the written argument to the election officer.
- 1775 (e) An election officer shall make a good faith effort to negotiate a modification
1776 described in Subsection (2)(c) in an expedited manner.
- 1777 (3) An election officer who receives a written argument described in Subsection (1)
1778 shall prepare a proposition information pamphlet for publication that includes:
- 1779 (a) a copy of the application for the proposed initiative or referendum;
1780 (b) except as provided in Subsection (2)(d), immediately after the copy described in
1781 Subsection (3)(a), the argument prepared by the sponsors of the proposed initiative or
1782 referendum, if any;
- 1783 (c) except as provided in Subsection (2)(d), immediately after the argument described
1784 in Subsection (3)(b), the argument prepared by the county or municipality, if any; and
1785 (d) a copy of the initial fiscal impact statement and legal impact statement described in
1786 Section [20A-7-502.5](#) or [20A-7-602.5](#).
- 1787 (4) (a) A proposition information pamphlet is a draft for purposes of Title 63G,
1788 Chapter 2, Government Records Access and Management Act, until the earlier of when the
1789 election officer:
- 1790 (i) complies with Subsection (4)(b); or
1791 (ii) publishes the proposition information pamphlet under Subsection (5) or (6).
1792 (b) Within 21 days after the day on which the eligible voter files an application to

1793 circulate an initiative petition under Section 20A-7-502, or an application to circulate a
1794 referendum petition under Section 20A-7-602, the election officer shall provide a copy of the
1795 proposition information pamphlet to the sponsors of the initiative or referendum and each
1796 individual who submitted an argument included in the proposition information pamphlet.

1797 (5) An election officer for a municipality shall publish the proposition information
1798 pamphlet as follows:

1799 (a) within the later of 10 days after the day on which the municipality or a court
1800 determines that the proposed initiative or referendum is legally referable to voters, or, if the
1801 election officer modifies an argument under Subsection (2)(c), three days after the day on
1802 which the election officer and the person that submitted the argument agree on the
1803 modification:

1804 (i) by sending the proposition information pamphlet electronically to each individual in
1805 the municipality for whom the municipality has an email address, unless the individual has
1806 indicated that the municipality is prohibited from using the individual's email address for that
1807 purpose; and

1808 (ii) by posting the proposition information pamphlet on the Utah Public Notice
1809 Website, created in Section 63A-16-601, and the home page of the municipality's website, if
1810 the municipality has a website, until:

1811 (A) if the sponsors of the proposed initiative or referendum or an agent of the sponsors
1812 do not timely deliver any verified initiative packets or any verified referendum packets under
1813 Section 20A-7-105, the day after the date of the deadline for delivery of the verified initiative
1814 packets or verified referendum packets;

1815 (B) the local clerk determines, under Section 20A-7-507 or 20A-7-607, that the
1816 number of signatures necessary to qualify the proposed initiative or referendum for placement
1817 on the ballot is insufficient and the determination is not timely appealed or is upheld after
1818 appeal; or

1819 (C) the day after the date of the election at which the proposed initiative or referendum
1820 appears on the ballot; and

1821 (b) if the municipality regularly mails a newsletter, utility bill, or other material to the
1822 municipality's residents, including, in the next mailing, an Internet address[;] where a resident
1823 may view the proposition information pamphlet[; ~~in the next mailing;~~] for which the

1824 municipality has not begun preparation, that falls on or after the later of:

1825 (i) 10 days after the day on which the municipality or a court determines that the
1826 proposed initiative or referendum is legally referable to voters; or

1827 (ii) if the election officer modifies an argument under Subsection (2)(c), three days
1828 after the day on which the election officer and the person that submitted the argument agree on
1829 the modification.

1830 (6) An election officer for a county shall, within the later of 10 days after the day on
1831 which the county or a court determines that the proposed initiative or referendum is legally
1832 referable to voters, or, if the election officer modifies an argument under Subsection (2)(c),
1833 three days after the day on which the election officer and the person that submitted the
1834 argument agree on the modification, publish the proposition information pamphlet as follows:

1835 (a) by sending the proposition information pamphlet electronically to each individual
1836 in the county for whom the county has an email address obtained via voter registration; and

1837 (b) by posting the proposition information pamphlet on the Utah Public Notice
1838 Website, created in Section 63A-16-601, and the home page of the county's website, until:

1839 (i) if the sponsors of the proposed initiative or referendum or an agent of the sponsors
1840 do not timely deliver any verified initiative packets or any verified referendum packets under
1841 Section 20A-7-105, the day after the date of the deadline for delivery of the verified initiative
1842 packets or verified referendum packets;

1843 (ii) the local clerk determines, under Section 20A-7-507 or 20A-7-607, that the number
1844 of signatures necessary to qualify the proposed initiative or referendum for placement on the
1845 ballot is insufficient and the determination is not timely appealed or is upheld after appeal; or

1846 (iii) the day after the date of the election at which the proposed initiative or referendum
1847 appears on the ballot.

1848 (7) An election officer for a school district shall, within the later of 10 days after the
1849 day on which the school district or a court determines that the proposed referendum is legally
1850 referable to voters, or, if the election officer modifies an argument under Subsection (2)(c),
1851 three days after the day on which the election officer and the person that submitted the
1852 argument agree on the modification, publish the proposition information pamphlet as follows:

1853 (a) by sending the proposition information pamphlet electronically to each individual
1854 in the school district for whom the school district has an email address, unless the individual

1855 has indicated that the school district is prohibited from using the individual's email address for
 1856 that purpose;

1857 (b) by posting the proposition information pamphlet on the Utah Public Notice
 1858 Website, created in Section 63A-16-601, and the home page of the school district's website, if
 1859 the school district has a website, until:

1860 (i) if the sponsors of the proposed referendum or an agent of the sponsors do not timely
 1861 deliver any verified referendum packets under Section 20A-7-105, the day after the date of the
 1862 deadline for delivery of the verified referendum packets;

1863 (ii) the local clerk determines, under Section 20A-7-607, that the number of signatures
 1864 necessary to qualify the proposed referendum for placement on the ballot is insufficient and the
 1865 determination is not timely appealed or is upheld after appeal; or

1866 (iii) the day after the date of the election at which the proposed referendum appears on
 1867 the ballot; and

1868 (c) if the school district regularly mails a newsletter or other material to the school
 1869 district's residents, including, in the next mailing, an Internet address where a resident may
 1870 view the proposition information pamphlet for which the school district has not begun
 1871 preparation, that falls on or after the later of:

1872 (i) 10 days after the day on which the school district or a court determines that the
 1873 proposed referendum is legally referable to voters; or

1874 (ii) if the election officer modifies an argument under Subsection (2)(c), three days
 1875 after the day on which the election officer and the person that submitted the argument agree on
 1876 the modification.

1877 Section 11. Section 20A-7-402 is amended to read:

1878 **20A-7-402. Local voter information pamphlet -- Notice -- Contents -- Limitations**
 1879 **-- Preparation -- Statement on front cover.**

1880 (1) The county [or], municipality, or school district that is subject to a ballot
 1881 proposition shall prepare a local voter information pamphlet that complies with the
 1882 requirements of this part.

1883 (2) (a) [~~Within the time requirements described in Subsection (2)(c)(i), a~~] A county,
 1884 municipality, or school district that is subject to a special local ballot proposition shall provide
 1885 a notice that complies with the requirements of Subsection [~~(2)(c)(ii)~~] (2)(b)(ii) to the county's,

1886 municipality's, or school district's residents by publishing the notice for the municipality, as a
1887 class A notice under Section 63G-30-102, for the time period set under Subsection [(2)(c)(i)]
1888 (2)(b)(i).

1889 ~~[(b) A county that is subject to a special local ballot proposition shall publish a notice~~
1890 ~~that complies with the requirements of Subsection (2)(c)(ii) for the county, as a class A notice~~
1891 ~~under Section 63G-30-102.]~~

1892 [(e)] (b) A [~~municipality or county~~] county, municipality, or school district that
1893 publishes a notice under Subsection (2)(a) [~~or (b)~~] shall:

1894 (i) publish the notice:

1895 (A) not less than 90 days before the date of the election at which a special local ballot
1896 proposition will be voted upon; or

1897 (B) if the requirements of Subsection [(2)(c)(i)(A)] (2)(b)(i)(A) cannot be met, as soon
1898 as practicable after the special local ballot proposition is approved to be voted upon in an
1899 election; and

1900 (ii) ensure that the notice contains:

1901 (A) the ballot title for the special local ballot proposition;

1902 (B) instructions on how to file a request under Subsection [(2)(d)] (2)(c); and

1903 (C) the deadline described in Subsection [(2)(d)] (2)(c).

1904 [(d)] (c) To prepare a written argument for or against a special local ballot proposition,
1905 an eligible voter shall file a request with the election officer before 5 p.m. no later than 64 days
1906 before the day of the election at which the special local ballot proposition is to be voted on.

1907 [(e)] (d) If more than one eligible voter requests the opportunity to prepare a written
1908 argument for or against a special local ballot proposition, the election officer shall make the
1909 final designation in accordance with the following order of priority:

1910 (i) sponsors have priority in preparing an argument regarding a special local ballot
1911 proposition; and

1912 (ii) members of the local legislative body or the local school board have priority over
1913 others if a majority of the local legislative body or the local school board supports the written
1914 argument.

1915 [(f)] (e) The election officer shall grant a request described in Subsection [(2)(d)] (2)(c)
1916 or [(e)] (d) no later than 60 days before the day of the election at which the ballot proposition is

1917 to be voted on.

1918 ~~[(g)]~~ (f) (i) A sponsor of a special local ballot proposition may prepare a written
1919 argument in favor of the special local ballot proposition.

1920 (ii) Subject to Subsection ~~[(2)(e)]~~ (2)(d), an eligible voter opposed to the special local
1921 ballot proposition who submits a request under Subsection ~~[(2)(d)]~~ (2)(c) may prepare a written
1922 argument against the special local ballot proposition.

1923 ~~[(h)]~~ (g) An eligible voter who submits a written argument under this section in
1924 relation to a special local ballot proposition shall:

1925 (i) ensure that the written argument does not exceed 500 words in length, not counting
1926 the information described in Subsection ~~[(2)(h)(ii)]~~ (2)(g)(ii) or (iv);

1927 (ii) list, at the end of the argument, at least one, but no more than five, names as
1928 sponsors;

1929 (iii) submit the written argument to the election officer before 5 p.m. no later than 55
1930 days before the election day on which the ballot proposition will be submitted to the voters;

1931 (iv) list in the argument, immediately after the eligible voter's name, the eligible voter's
1932 residential address; and

1933 (v) submit with the written argument the eligible voter's name, residential address,
1934 postal address, email address if available, and phone number.

1935 ~~[(i)]~~ (h) An election officer shall refuse to accept and publish an argument submitted
1936 after the deadline described in Subsection ~~[(2)(h)(iii)]~~ (2)(g)(iii).

1937 (3) (a) An election officer who timely receives the written arguments in favor of and
1938 against a special local ballot proposition shall, within one business day after the day on which
1939 the election office receives both written arguments, send, via mail or email:

1940 (i) a copy of the written argument in favor of the special local ballot proposition to the
1941 eligible voter who submitted the written argument against the special local ballot proposition;
1942 and

1943 (ii) a copy of the written argument against the special local ballot proposition to the
1944 eligible voter who submitted the written argument in favor of the special local ballot
1945 proposition.

1946 (b) The eligible voter who submitted a timely written argument in favor of the special
1947 local ballot proposition:

- 1948 (i) may submit to the election officer a written rebuttal argument of the written
1949 argument against the special local ballot proposition;
- 1950 (ii) shall ensure that the written rebuttal argument does not exceed 250 words in length,
1951 not counting the information described in Subsection [~~(2)(h)(ii)~~] (2)(g)(ii) or (iv); and
- 1952 (iii) shall submit the written rebuttal argument before 5 p.m. no later than 45 days
1953 before the election day on which the special local ballot proposition will be submitted to the
1954 voters.
- 1955 (c) The eligible voter who submitted a timely written argument against the special local
1956 ballot proposition:
- 1957 (i) may submit to the election officer a written rebuttal argument of the written
1958 argument in favor of the special local ballot proposition;
- 1959 (ii) shall ensure that the written rebuttal argument does not exceed 250 words in length,
1960 not counting the information described in Subsection [~~(2)(h)(ii)~~] (2)(g)(ii) or (iv); and
- 1961 (iii) shall submit the written rebuttal argument before 5 p.m. no later than 45 days
1962 before the election day on which the special local ballot proposition will be submitted to the
1963 voters.
- 1964 (d) An election officer shall refuse to accept and publish a written rebuttal argument in
1965 relation to a special local ballot proposition that is submitted after the deadline described in
1966 Subsection (3)(b)(iii) or (3)(c)(iii).
- 1967 (4) (a) Except as provided in Subsection (4)(b), in relation to a special local ballot
1968 proposition:
- 1969 (i) an eligible voter may not modify a written argument or a written rebuttal argument
1970 after the eligible voter submits the written argument or written rebuttal argument to the election
1971 officer; and
- 1972 (ii) a person other than the eligible voter described in Subsection (4)(a)(i) may not
1973 modify a written argument or a written rebuttal argument.
- 1974 (b) The election officer, and the eligible voter who submits a written argument or
1975 written rebuttal argument in relation to a special local ballot proposition, may jointly agree to
1976 modify a written argument or written rebuttal argument in order to:
- 1977 (i) correct factual, grammatical, or spelling errors; and
- 1978 (ii) reduce the number of words to come into compliance with the requirements of this

1979 section.

1980 (c) An election officer shall refuse to accept and publish a written argument or written
1981 rebuttal argument in relation to a special local ballot proposition if the eligible voter who
1982 submits the written argument or written rebuttal argument fails to negotiate, in good faith, to
1983 modify the written argument or written rebuttal argument in accordance with Subsection (4)(b).

1984 (5) In relation to a special local ballot proposition, an election officer may designate
1985 another eligible voter to take the place of an eligible voter described in this section if the
1986 original eligible voter is, due to injury, illness, death, or another circumstance, unable to
1987 continue to fulfill the duties of an eligible voter described in this section.

1988 (6) Sponsors whose written argument in favor of a standard local ballot proposition is
1989 included in a proposition information pamphlet under Section [20A-7-401.5](#):

1990 (a) may, if a written argument against the standard local ballot proposition is included
1991 in the proposition information pamphlet, submit a written rebuttal argument to the election
1992 officer;

1993 (b) shall ensure that the written rebuttal argument does not exceed 250 words in length;
1994 and

1995 (c) shall submit the written rebuttal argument no later than 45 days before the election
1996 day on which the standard local ballot proposition will be submitted to the voters.

1997 (7) (a) A county [or], municipality, or school district that submitted a written argument
1998 against a standard local ballot proposition that is included in a proposition information
1999 pamphlet under Section [20A-7-401.5](#):

2000 (i) may, if a written argument in favor of the standard local ballot proposition is
2001 included in the proposition information pamphlet, submit a written rebuttal argument to the
2002 election officer;

2003 (ii) shall ensure that the written rebuttal argument does not exceed 250 words in length;
2004 and

2005 (iii) shall submit the written rebuttal argument no later than 45 days before the election
2006 day on which the ballot proposition will be submitted to the voters.

2007 (b) If a county [or], municipality, or school district submits more than one written
2008 rebuttal argument under Subsection (7)(a)(i), the election officer shall select one of the written
2009 rebuttal arguments, giving preference to a written rebuttal argument submitted by a member of

2010 a local legislative body or a local school board.

2011 (8) (a) An election officer shall refuse to accept and publish a written rebuttal argument
2012 that is submitted after the deadline described in Subsection (6)(c) or (7)(a)(iii).

2013 (b) Before an election officer publishes a local voter information pamphlet under this
2014 section, a written rebuttal argument is a draft for purposes of Title 63G, Chapter 2, Government
2015 Records Access and Management Act.

2016 (c) An election officer who receives a written rebuttal argument described in this
2017 section may not, before publishing the local voter information pamphlet described in this
2018 section, disclose the written rebuttal argument, or any information contained in the written
2019 rebuttal argument, to any person who may in any way be involved in preparing an opposing
2020 rebuttal argument.

2021 (9) (a) Except as provided in Subsection (9)(b), a person may not modify a written
2022 rebuttal argument after the written rebuttal argument is submitted to the election officer.

2023 (b) The election officer, and the person who submits a written rebuttal argument, may
2024 jointly agree to modify a written rebuttal argument in order to:

2025 (i) correct factual, grammatical, or spelling errors; or

2026 (ii) reduce the number of words to come into compliance with the requirements of this
2027 section.

2028 (c) An election officer shall refuse to accept and publish a written rebuttal argument if
2029 the person who submits the written rebuttal argument:

2030 (i) fails to negotiate, in good faith, to modify the written rebuttal argument in
2031 accordance with Subsection (9)(b); or

2032 (ii) does not timely submit the written rebuttal argument to the election officer.

2033 (d) An election officer shall make a good faith effort to negotiate a modification
2034 described in Subsection (9)(b) in an expedited manner.

2035 (10) An election officer may designate another person to take the place of a person who
2036 submits a written rebuttal argument in relation to a standard local ballot proposition if the
2037 person is, due to injury, illness, death, or another circumstance, unable to continue to fulfill the
2038 person's duties.

2039 (11) (a) The local voter information pamphlet shall include a copy of the initial fiscal
2040 impact estimate and the legal impact statement prepared for each initiative under Section

2041 20A-7-502.5.

2042 (b) If the initiative proposes a tax increase, the local voter information pamphlet shall
2043 include the following statement in bold type:

2044 "This initiative seeks to increase the current (insert name of tax) rate by (insert the tax
2045 percentage difference) percent, resulting in a(n) (insert the tax percentage increase) percent
2046 increase in the current tax rate."

2047 (12) (a) In preparing the local voter information pamphlet, the election officer shall:

2048 (i) ensure that the written arguments are printed on the same sheet of paper upon which
2049 the ballot proposition is also printed;

2050 (ii) ensure that the following statement is printed on the front cover or the heading of
2051 the first page of the printed written arguments:

2052 "The arguments for or against a ballot proposition are the opinions of the authors.";

2053 (iii) pay for the printing and binding of the local voter information pamphlet; and

2054 (iv) not less than 15 days before, but not more than 45 days before, the election at
2055 which the ballot proposition will be voted on, distribute, by mail or carrier, to each registered
2056 voter entitled to vote on the ballot proposition:

2057 (A) a voter information pamphlet; or

2058 (B) the notice described in Subsection (12)(c).

2059 (b) (i) If the language of the ballot proposition exceeds 500 words in length, the
2060 election officer may summarize the ballot proposition in 500 words or less.

2061 (ii) The summary shall state where a complete copy of the ballot proposition is
2062 available for public review.

2063 (c) (i) The election officer may distribute a notice printed on a postage prepaid,
2064 preaddressed return form that a person may use to request delivery of a voter information
2065 pamphlet by mail.

2066 (ii) The notice described in Subsection (12)(c)(i) shall include:

2067 (A) the address of the Statewide Electronic Voter Information Website authorized by
2068 Section 20A-7-801; and

2069 (B) the phone number a voter may call to request delivery of a voter information
2070 pamphlet by mail or carrier.

2071 Section 12. Section 20A-7-405 is amended to read:

2072 **20A-7-405. Public meeting.**

2073 (1) A county [or], municipality, or school district may not discuss a proposed initiative,
2074 an initiative, a proposed referendum, or a referendum at a public meeting unless the county
2075 [or], municipality, or school district complies with the requirements of this section.

2076 (2) The legislative body of a county [or], municipality, or school district may hold a
2077 public meeting to discuss a proposed initiative, an initiative, a proposed referendum, or a
2078 referendum if the legislative body:

2079 (a) allows equal time, within a reasonable limit, for presentations on both sides of the
2080 proposed initiative, initiative, proposed referendum, or referendum;

2081 (b) provides interested parties an opportunity to present oral testimony within
2082 reasonable time limits; and

2083 (c) holds the public meeting:

2084 (i) during the legislative body's normal meeting time; or

2085 (ii) for a meeting time other than the legislative body's normal meeting time, beginning
2086 at or after 6 p.m.

2087 (3) This section does not prohibit a working group meeting from being held before 6
2088 p.m.

2089 Section 13. Section **20A-7-601** is amended to read:

2090 **20A-7-601. Referenda -- General signature requirements -- Signature**
2091 **requirements for land use laws, subjurisdictional laws, and transit area land use laws --**
2092 **Time requirements.**

2093 (1) As used in this section:

2094 (a) "Number of active voters" means the number of active voters in the county, city,
2095 [or] town, or school district on the immediately preceding January 1.

2096 (b) "Qualifying county" means a county that has created a small public transit district,
2097 as defined in Section **17B-2a-802**, on or before January 1, 2022.

2098 (c) "Qualifying transit area" means:

2099 (i) a station area, as defined in Section **10-9a-403.1**, for which the municipality with
2100 jurisdiction over the station area has satisfied the requirements of Subsection
2101 **10-9a-403.1(2)(a)(i)**, as demonstrated by the adoption of a station area plan or resolution under
2102 Subsection **10-9a-403.1(2)**; or

2103 (ii) a housing and transit reinvestment zone, as defined in Section 63N-3-602, created
2104 within a qualifying county.

2105 (d) "Subjurisdiction" means an area comprised of all precincts and subprecincts in the
2106 jurisdiction of a county, city, or town that are subject to a subjurisdictional law.

2107 (e) (i) "Subjurisdictional law" means a local law or local obligation law passed by a
2108 local legislative body that imposes a tax or other payment obligation on property in an area that
2109 does not include all precincts and subprecincts under the jurisdiction of the county, city, town,
2110 or metro township.

2111 (ii) "Subjurisdictional law" does not include a land use law.

2112 (f) "Transit area land use law" means a land use law that relates to the use of land
2113 within a qualifying transit area.

2114 (g) "Voter participation area" means an area described in Subsection 20A-7-401.3(1)(a)
2115 or (2)(b).

2116 (2) Except as provided in Subsections (3) through (5), an eligible voter seeking to have
2117 a local law passed by the local legislative body submitted to a vote of the people shall, after
2118 filing a referendum application, obtain legal signatures equal to:

2119 (a) for a county of the first class:

2120 (i) 7.75% of the number of active voters in the county; and

2121 (ii) [~~beginning on January 1, 2020;~~] 7.75% of the number of active voters in at least
2122 75% of the county's voter participation areas;

2123 (b) for a metro township with a population of 100,000 or more, or a city of the first
2124 class:

2125 (i) 7.5% of the number of active voters in the metro township or city; and

2126 (ii) [~~beginning on January 1, 2020;~~] 7.5% of the number of active voters in at least 75%
2127 of the metro township's or city's voter participation areas;

2128 (c) for a county of the second class:

2129 (i) 8% of the number of active voters in the county; and

2130 (ii) [~~beginning on January 1, 2020;~~] 8% of the number of active voters in at least 75%
2131 of the county's voter participation areas;

2132 (d) for a metro township with a population of 65,000 or more but less than 100,000, or
2133 a city of the second class:

- 2134 (i) 8.25% of the number of active voters in the metro township or city; and
- 2135 (ii) [~~beginning on January 1, 2020,~~] 8.25% of the number of active voters in at least
- 2136 75% of the metro township's or city's voter participation areas;
- 2137 (e) for a county of the third class:
- 2138 (i) 9.5% of the number of active voters in the county; and
- 2139 (ii) [~~beginning on January 1, 2020,~~] 9.5% of the number of active voters in at least 75%
- 2140 of the county's voter participation areas;
- 2141 (f) for a metro township with a population of 30,000 or more but less than 65,000, or a
- 2142 city of the third class:
- 2143 (i) 10% of the number of active voters in the metro township or city; and
- 2144 (ii) [~~beginning on January 1, 2020,~~] 10% of the number of active voters in at least 75%
- 2145 of the metro township's or city's voter participation areas;
- 2146 (g) for a county of the fourth class:
- 2147 (i) 11.5% of the number of active voters in the county; and
- 2148 (ii) [~~beginning on January 1, 2020,~~] 11.5% of the number of active voters in at least
- 2149 75% of the county's voter participation areas;
- 2150 (h) for a metro township with a population of 10,000 or more but less than 30,000, or a
- 2151 city of the fourth class:
- 2152 (i) 11.5% of the number of active voters in the metro township or city; and
- 2153 (ii) [~~beginning on January 1, 2020,~~] 11.5% of the number of active voters in at least
- 2154 75% of the metro township's or city's voter participation areas;
- 2155 (i) for a metro township with a population of 1,000 or more but less than 10,000, a city
- 2156 of the fifth class, or a county of the fifth class, 25% of the number of active voters in the metro
- 2157 township, city, or county; or
- 2158 (j) for a metro township with a population of less than 1,000, a town, or a county of the
- 2159 sixth class, 35% of the number of active voters in the metro township, town, or county.
- 2160 (3) Except as provided in Subsection (4) or (5), an eligible voter seeking to have a land
- 2161 use law or local obligation law passed by the local legislative body submitted to a vote of the
- 2162 people shall, after filing a referendum application, obtain legal signatures equal to:
- 2163 (a) for a county of the first, second, third, or fourth class:
- 2164 (i) 16% of the number of active voters in the county; and

- 2165 (ii) [~~beginning on January 1, 2020,~~] 16% of the number of active voters in at least 75%
2166 of the county's voter participation areas;
- 2167 (b) for a county of the fifth or sixth class:
- 2168 (i) 16% of the number of active voters in the county; and
- 2169 (ii) [~~beginning on January 1, 2020,~~] 16% of the number of active voters in at least 75%
2170 of the county's voter participation areas;
- 2171 (c) for a metro township with a population of 100,000 or more, or a city of the first
2172 class:
- 2173 (i) 15% of the number of active voters in the metro township or city; and
- 2174 (ii) [~~beginning on January 1, 2020,~~] 15% of the number of active voters in at least 75%
2175 of the metro township's or city's voter participation areas;
- 2176 (d) for a metro township with a population of 65,000 or more but less than 100,000, or
2177 a city of the second class:
- 2178 (i) 16% of the number of active voters in the metro township or city; and
- 2179 (ii) [~~beginning on January 1, 2020,~~] 16% of the number of active voters in at least 75%
2180 of the metro township's or city's voter participation areas;
- 2181 (e) for a metro township with a population of 30,000 or more but less than 65,000, or a
2182 city of the third class:
- 2183 (i) 27.5% of the number of active voters in the metro township or city; and
- 2184 (ii) [~~beginning on January 1, 2020,~~] 27.5% of the number of active voters in at least
2185 75% of the metro township's or city's voter participation areas;
- 2186 (f) for a metro township with a population of 10,000 or more but less than 30,000, or a
2187 city of the fourth class:
- 2188 (i) 29% of the number of active voters in the metro township or city; and
- 2189 (ii) [~~beginning on January 1, 2020,~~] 29% of the number of active voters in at least 75%
2190 of the metro township's or city's voter participation areas;
- 2191 (g) for a metro township with a population of 1,000 or more but less than 10,000, or a
2192 city of the fifth class, 35% of the number of active voters in the metro township or city; or
- 2193 (h) for a metro township with a population of less than 1,000 or a town, 40% of the
2194 number of active voters in the metro township or town.
- 2195 (4) A person seeking to have a subjurisdictional law passed by the local legislative

2196 body submitted to a vote of the people shall, after filing a referendum application, obtain legal
2197 signatures of the residents in the subjurisdiction equal to:

2198 (a) 10% of the number of active voters in the subjurisdiction if the number of active
2199 voters exceeds 25,000;

2200 (b) [~~12-1/2~~] 12.5% of the number of active voters in the subjurisdiction if the number
2201 of active voters does not exceed 25,000 but is more than 10,000;

2202 (c) 15% of the number of active voters in the subjurisdiction if the number of active
2203 voters does not exceed 10,000 but is more than 2,500;

2204 (d) 20% of the number of active voters in the subjurisdiction if the number of active
2205 voters does not exceed 2,500 but is more than 500;

2206 (e) 25% of the number of active voters in the subjurisdiction if the number of active
2207 voters does not exceed 500 but is more than 250; [~~and~~] or

2208 (f) 30% of the number of active voters in the subjurisdiction if the number of active
2209 voters does not exceed 250.

2210 (5) An eligible voter seeking to have a transit area land use law passed by the local
2211 legislative body submitted to a vote of the people shall, after filing a referendum application,
2212 obtain legal signatures equal to:

2213 (a) for a county:

2214 (i) 20% of the number of active voters in the county; and

2215 (ii) 21% of the number of active voters in at least 75% of the county's voter
2216 participation areas;

2217 (b) for a metro township with a population of 100,000 or more, or a city of the first
2218 class:

2219 (i) 20% of the number of active voters in the metro township or city; and

2220 (ii) 20% of the number of active voters in at least 75% of the metro township's or city's
2221 voter participation areas;

2222 (c) for a metro township with a population of 65,000 or more but less than 100,000, or
2223 a city of the second class:

2224 (i) 20% of the number of active voters in the metro township or city; and

2225 (ii) 21% of the number of active voters in at least 75% of the metro township's or city's
2226 voter participation areas;

2227 (d) for a metro township with a population of 30,000 or more but less than 65,000, or a
2228 city of the third class:

2229 (i) 34% of the number of active voters in the metro township or city; and

2230 (ii) 34% of the number of active voters in at least 75% of the metro township's or city's
2231 voter participation areas;

2232 (e) for a metro township with a population of 10,000 or more but less than 30,000, or a
2233 city of the fourth class:

2234 (i) 36% of the number of active voters in the metro township or city; and

2235 (ii) 36% of the number of active voters in at least 75% of the metro township's or city's
2236 voter participation areas; or

2237 (f) for a metro township with a population less than 10,000, a city of the fifth class, or a
2238 town, 40% of the number of active voters in the metro township, city, or town.

2239 (6) An eligible voter seeking to have a local school tax law passed by the local school
2240 board of a school district submitted to a vote of the people shall, after filing a referendum
2241 application, obtain legal signatures equal to:

2242 (a) 10% of the number of active voters in the school district if the number of active
2243 voters exceeds 25,000;

2244 (b) 12.5% of the number of active voters in the school district if the number of active
2245 voters does not exceed 25,000 but is more than 10,000;

2246 (c) 15% of the number of active voters in the school district if the number of active
2247 voters does not exceed 10,000 but is more than 2,500;

2248 (d) 20% of the number of active voters in the school district if the number of active
2249 voters does not exceed 2,500 but is more than 500;

2250 (e) 25% of the number of active voters in the school district if the number of active
2251 voters does not exceed 500 but is more than 250; or

2252 (f) 30% of the number of active voters in the school district if the number of active
2253 voters does not exceed 250.

2254 ~~[(6)]~~ (7) Sponsors of any referendum petition challenging, under Subsection (2), (3),
2255 (4), ~~[(or)]~~ (5), or (6), any local law or any local school tax law passed by a local legislative body
2256 or a local school board shall file the application before 5 p.m. within seven days after the day
2257 on which the local law or the local school tax law was passed.

2258 [(7)] (8) Nothing in this section authorizes a local legislative body to impose a tax or
2259 other payment obligation on a subjurisdiction in order to benefit an area outside of the
2260 subjurisdiction.

2261 Section 14. Section **20A-7-602.5** is amended to read:

2262 **20A-7-602.5. Initial fiscal and legal impact statement -- Preparation of statement.**

2263 (1) Within three business days after the day on which the local clerk receives a
2264 referendum application, the local clerk shall submit a copy of the referendum application to the
2265 county, city, [~~or town's~~] town, or school district's budget officer.

2266 (2) (a) The budget officer, together with legal counsel, shall prepare an unbiased, good
2267 faith initial fiscal and legal impact statement for repealing the law the referendum proposes to
2268 repeal that contains:

2269 (i) a dollar amount representing the total estimated fiscal impact of repealing the law;

2270 (ii) if repealing the law would increase or decrease taxes, a dollar amount representing
2271 the total estimated increase or decrease for each type of tax that would be impacted by the law's
2272 repeal and a dollar amount representing the total estimated increase or decrease in taxes that
2273 would result from the law's repeal;

2274 (iii) if repealing the law would result in the issuance or a change in the status of bonds,
2275 notes, or other debt instruments, a dollar amount representing the total estimated increase or
2276 decrease in public debt that would result;

2277 (iv) a listing of all sources of funding for the estimated costs that would be associated
2278 with the law's repeal, showing each source of funding and the percentage of total funding that
2279 would be provided from each source;

2280 (v) a dollar amount representing the estimated costs or savings, if any, to state and
2281 local government entities if the law were repealed;

2282 (vi) the legal impacts that would result from repealing the law, including:

2283 (A) any significant effects on a person's vested property rights;

2284 (B) any significant effects on other laws or ordinances;

2285 (C) any significant legal liability the city, county, [~~or~~] town, or school district may
2286 incur; and

2287 (D) any other significant legal impact as determined by the budget officer and the legal
2288 counsel; and

2289 (vii) a concise explanation, not exceeding 100 words, of the information described in
2290 this Subsection (2)(a) and of the estimated fiscal impact, if any, if the law were repealed.

2291 (b) (i) If repealing the law would have no fiscal impact, the local budget officer shall
2292 include a summary statement in the initial fiscal impact and legal statement in substantially the
2293 following form:

2294 "The (title of the local budget officer) estimates that repealing the law this referendum
2295 proposes to repeal would have no significant fiscal impact and would not result in either an
2296 increase or decrease in taxes or debt."

2297 (ii) If repealing the law is estimated to have a fiscal impact, the local budget officer
2298 shall include a summary statement in the initial fiscal and legal impact statement describing the
2299 fiscal impact.

2300 (iii) If the estimated fiscal impact of repealing the law is highly variable or is otherwise
2301 difficult to reasonably express in a summary statement, the local budget officer may include in
2302 the summary statement a brief explanation that identifies those factors impacting the variability
2303 or difficulty of the estimate.

2304 (3) Within 20 calendar days after the day on which the local clerk submits a copy of the
2305 application under Subsection (1), the budget officer shall:

2306 (a) deliver a copy of the initial fiscal impact and legal statement to the local clerk's
2307 office; and

2308 (b) mail a copy of the initial fiscal impact and legal statement to the first three sponsors
2309 named in the referendum application.

2310 Section 15. Section **20A-7-602.7** is amended to read:

2311 **20A-7-602.7. Referability to voters of a local school tax law, or a local law other**
2312 **than land use law.**

2313 (1) Within 20 days after the day on which an eligible voter files a referendum
2314 application under Section **20A-7-602** for a local school tax law, or a local law other than a land
2315 use law, counsel for the county, city, town, [or] metro township, or school district to which the
2316 referendum pertains shall:

2317 (a) review the referendum application to determine whether the proposed referendum is
2318 legally referable to voters; and

2319 (b) notify the first three sponsors, in writing, whether the proposed referendum is:

2320 (i) legally referable to voters; or
2321 (ii) rejected as not legally referable to voters.
2322 (2) For a local school tax law, or a local law other than a land use law, a proposed
2323 referendum is legally referable to voters unless:
2324 (a) the proposed referendum challenges an action that is administrative, rather than
2325 legislative, in nature;
2326 (b) the proposed referendum challenges more than one law passed by the local
2327 legislative body or the local school board; or
2328 (c) the referendum application was not timely filed or does not comply with the
2329 requirements of this part.
2330 (3) After the end of the 20-day period described in Subsection (1), a county, city, town,
2331 [~~or~~] metro township, or school district may not, for a local school tax law, or a local law other
2332 than a land use law:
2333 (a) reject a proposed referendum as not legally referable to voters; or
2334 (b) except as provided in Subsection (4), challenge, in a legal action or otherwise, a
2335 proposed referendum on the grounds that the proposed referendum is not legally referable to
2336 voters.
2337 (4) (a) If, under Subsection (1)(b)(ii), a county, city, town, [~~or~~] metro township, or
2338 school district rejects a proposed referendum concerning a local school tax law, or a local law
2339 other than a land use law, a sponsor of the proposed referendum may, within 10 days after the
2340 day on which a sponsor is notified under Subsection (1)(b), challenge or appeal the decision to:
2341 (i) the Supreme Court, by means of an extraordinary writ, if possible; or
2342 (ii) a district court, if the sponsor is prohibited from pursuing an extraordinary writ
2343 under Subsection (4)(a)(i).
2344 (b) Failure of a sponsor to timely challenge or appeal a rejection under Subsection
2345 (4)(a) terminates the referendum.
2346 (5) If, on a challenge or appeal, the court determines that the proposed referendum
2347 described in Subsection (4) is legally referable to voters, the local clerk shall comply with
2348 Subsection [20A-7-604\(3\)](#), or give the sponsors access to the website defined in Section
2349 [20A-21-101](#), within five days after the day on which the determination, and any challenge or
2350 appeal of the determination, is final.

2351 Section 16. Section **20A-7-603** is amended to read:

2352 **20A-7-603. Manual referendum process -- Form of referendum petition and**
2353 **signature sheet.**

2354 (1) This section applies only to the manual referendum process.

2355 (2) (a) Each proposed referendum petition shall be printed in substantially the
2356 following form:

2357 "REFERENDUM PETITION To the Honorable ____, County Clerk/City
2358 Recorder/Town Clerk/Business Administrator/Superintendent:

2359 We, the undersigned citizens of Utah, respectfully order that (description of the local
2360 law or the local school tax law, or portion of the local law or the local school tax law, being
2361 challenged), passed by the ____ be referred to the voters for their approval or rejection at the
2362 regular/municipal general election to be held on _____(month\day\year);

2363 Each signer says:

2364 I have personally signed this referendum petition;

2365 The date next to my signature correctly reflects the date that I actually signed the
2366 petition;

2367 I have personally reviewed the entire statement included with this packet;

2368 I am registered to vote in Utah; and

2369 My residence and post office address are written correctly after my name."

2370 (b) The sponsors of a referendum or an agent of the sponsors shall attach a copy of the
2371 law that is the subject of the referendum to each referendum petition.

2372 (3) Each referendum signature sheet shall:

2373 (a) be printed on sheets of paper 8-1/2 inches long and 11 inches wide;

2374 (b) be ruled with a horizontal line three-fourths inch from the top, with the space above
2375 that line blank for the purpose of binding;

2376 (c) include the title of the referendum printed below the horizontal line, in at least
2377 14-point type;

2378 (d) include a table immediately below the title of the referendum, and beginning .5 inch
2379 from the left side of the paper, as follows:

2380 (i) the first column shall be .5 inch wide and include three rows;

2381 (ii) the first row of the first column shall be .85 inch tall and contain the words "For

- 2382 Office Use Only" in 10-point type;
- 2383 (iii) the second row of the first column shall be .35 inch tall;
- 2384 (iv) the third row of the first column shall be .5 inch tall;
- 2385 (v) the second column shall be 2.75 inches wide;
- 2386 (vi) the first row of the second column shall be .35 inch tall and contain the words
- 2387 "Registered Voter's Printed Name (must be legible to be counted)" in 10-point type;
- 2388 (vii) the second row of the second column shall be .5 inch tall;
- 2389 (viii) the third row of the second column shall be .35 inch tall and contain the words
- 2390 "Street Address, City, Zip Code" in 10-point type;
- 2391 (ix) the fourth row of the second column shall be .5 inch tall;
- 2392 (x) the third column shall be 2.75 inches wide;
- 2393 (xi) the first row of the third column shall be .35 inch tall and contain the words
- 2394 "Signature of Registered Voter" in 10-point type;
- 2395 (xii) the second row of the third column shall be .5 inch tall;
- 2396 (xiii) the third row of the third column shall be .35 inch tall and contain the words
- 2397 "Email Address (optional, to receive additional information)" in 10-point type;
- 2398 (xiv) the fourth row of the third column shall be .5 inch tall;
- 2399 (xv) the fourth column shall be one inch wide;
- 2400 (xvi) the first row of the fourth column shall be .35 inch tall and contain the words
- 2401 "Date Signed" in 10-point type;
- 2402 (xvii) the second row of the fourth column shall be .5 inch tall;
- 2403 (xviii) the third row of the fourth column shall be .35 inch tall and contain the words
- 2404 "Birth Date or Age (optional)" in 10-point type;
- 2405 (xix) the fourth row of the third column shall be .5 inch tall; and
- 2406 (xx) the fifth row of the entire table shall be the width of the entire table, .4 inch tall,
- 2407 and contain the following words, "By signing this referendum petition, you are stating that you
- 2408 have read and understand the law that this referendum petition seeks to overturn." in 12-point
- 2409 type;
- 2410 (e) the table described in Subsection (3)(d) shall be repeated, leaving sufficient room at
- 2411 the bottom of the sheet or the information described in Subsection (3)(f); and
- 2412 (f) at the bottom of the sheet, include the word "Warning," in 12-point, bold type,

2413 followed by the following statement in not less than eight-point type:

2414 "It is a class A misdemeanor for an individual to sign a referendum petition with a name
2415 other than the individual's own name, or to knowingly sign the individual's name more than
2416 once for the same referendum petition, or to sign a referendum petition when the individual
2417 knows that the individual is not a registered voter.

2418 Birth date or age information is not required, but it may be used to verify your identity
2419 with voter registration records. If you choose not to provide it, your signature may not be
2420 verified as a valid signature if you change your address before petition signatures are verified
2421 or if the information you provide does not match your voter registration records."

2422 (4) The final page of each referendum packet shall contain the following printed or
2423 typed statement:

2424 "Verification of signature collector

2425 State of Utah, County of ____

2426 I, _____, of _____, hereby state, under penalty of perjury, that:

2427 I am a resident of Utah and am at least 18 years old;

2428 All the names that appear in this packet were signed by individuals who professed to be
2429 the individuals whose names appear in it, and each of the individuals signed the individual's
2430 name on it in my presence;

2431 I did not knowingly make a misrepresentation of fact concerning the law this petition
2432 seeks to overturn;

2433 I believe that each individual has printed and signed the individual's name and written
2434 the individual's post office address and residence correctly, that each signer has read and
2435 understands the law that the referendum seeks to overturn, and that each signer is registered to
2436 vote in Utah.

2437 _____

2438 (Name) (Residence Address) (Date)

2439 Each individual who signed the packet wrote the correct date of signature next to the
2440 individual's name.

2441 I have not paid or given anything of value to any individual who signed this referendum

2442 packet to encourage that individual to sign it.

2443

2444 (Name) (Residence Address) (Date)".

2445 (5) If the forms described in this section are substantially followed, the referendum

2446 petitions are sufficient, notwithstanding clerical and merely technical errors.

2447 (6) An individual's status as a resident, under Subsection (4), is determined in

2448 accordance with Section [20A-2-105](#).

2449 Section 17. Section [20A-7-604](#) is amended to read:

2450 **20A-7-604. Manual referendum process -- Circulation requirements -- Local**
2451 **clerk to provide sponsors with materials.**

2452 (1) This section applies only to the manual referendum process.

2453 (2) In order to obtain the necessary number of signatures required by this part, the
2454 sponsors or an agent of the sponsors shall, after the sponsors receive the documents described
2455 in Subsections (3) and [20A-7-401.5](#)(4)(b), circulate referendum packets that meet the form
2456 requirements of this part.

2457 (3) Within five days after the day on which a county, city, town, metro township,
2458 school district, or court determines, in accordance with Section [20A-7-602.7](#), that a proposed
2459 referendum is legally referable to voters, the local clerk shall provide the sponsors with
2460 a copy of the referendum petition and a signature sheet.

2461 (4) The sponsors of the referendum petition shall:

2462 (a) arrange and pay for the printing of all documents that are part of the referendum
2463 packets; and

2464 (b) ensure that the referendum packets and the documents described in Subsection
2465 (4)(a) meet the form requirements of this section.

2466 (5) (a) The sponsors or an agent of the sponsors may prepare the referendum packets
2467 for circulation by creating multiple referendum packets.

2468 (b) The sponsors or an agent of the sponsors shall create referendum packets by
2469 binding a copy of the referendum petition with the text of the law that is the subject of the
2470 referendum and no more than 50 signature sheets together at the top in a manner that the
2471 referendum packets may be conveniently opened for signing.

2472 (c) A referendum packet is not required to have a uniform number of signature sheets.

2473 (d) The sponsors or an agent of the sponsors shall include, with each packet, a copy of
2474 the proposition information pamphlet provided to the sponsors under Subsection
2475 [20A-7-401.5\(4\)\(b\)](#).

2476 (6) (a) The sponsors or an agent of the sponsors shall, before gathering signatures:

2477 (i) contact the county clerk to receive a range of numbers that the sponsors may use to
2478 number referendum packets;

2479 (ii) sign an agreement with the local clerk, specifying the range of numbers that the
2480 sponsor will use to number the referendum packets; and

2481 (iii) number each referendum packet, sequentially, within the range of numbers
2482 provided by the county clerk, starting with the lowest number in the range.

2483 (b) The sponsors or an agent of the sponsors may not:

2484 (i) number a referendum packet in a manner not directed by the county clerk; or

2485 (ii) circulate or submit a referendum packet that is not numbered in the manner
2486 directed by the county clerk.

2487 Section 18. Section [20A-7-607](#) is amended to read:

2488 **[20A-7-607. Evaluation by the local clerk -- Determination of election for vote on](#)**
2489 **[referendum.](#)**

2490 (1) In relation to the manual referendum process, when the local clerk receives a
2491 referendum packet from a county clerk, the local clerk shall record the number of the
2492 referendum packet received.

2493 (2) The county clerk shall:

2494 (a) in relation to the manual referendum process:

2495 (i) post the names, voter identification numbers, and dates of signatures described in
2496 Subsection [20A-7-105\(6\)\(a\)\(iii\)](#) on the lieutenant governor's website, in a conspicuous location
2497 designated by the lieutenant governor, for at least 45 days; and

2498 (ii) update on the local clerk's website the number of signatures certified as of the date
2499 of the update; or

2500 (b) in relation to the electronic referendum process:

2501 (i) post the names, voter identification numbers, and dates of signatures described in
2502 Subsection [20A-7-616\(3\)](#) on the lieutenant governor's website, in a conspicuous location
2503 designated by the lieutenant governor, for at least 45 days; and

2504 (ii) update on the lieutenant governor's website the number of signatures certified as of
2505 the date of the update.

2506 (3) The local clerk:

2507 (a) shall, except as provided in Subsection (3)(b), declare the referendum petition to be
2508 sufficient or insufficient:

2509 (i) in relation to the manual referendum process, no later than 111 days after the day of
2510 the deadline, described in Subsection 20A-7-105(5)(a)(iv), to submit a referendum packet to
2511 the county clerk; or

2512 (ii) in relation to the electronic referendum process, no later than 111 days after the day
2513 of the deadline, described in Subsection 20A-7-616(2), to collect a signature; or

2514 (b) may declare the referendum petition to be insufficient before the day described in
2515 Subsection (3)(a) if:

2516 (i) in relation to the manual referendum process, the total of all valid signatures on
2517 timely and lawfully submitted referendum packets that have been certified by the county clerk,
2518 plus the number of signatures on timely and lawfully submitted referendum packets that have
2519 not yet been evaluated for certification, is less than the number of names required under
2520 Section 20A-7-601;

2521 (ii) in relation to the electronic referendum process, the total of all timely and lawfully
2522 submitted valid signatures that have been certified by the county clerks, plus the number of
2523 timely and lawfully submitted valid signatures received under Subsection 20A-21-201(6)(b)
2524 that have not yet been evaluated for certification, is less than the number of names required
2525 under Section 20A-7-601; or

2526 (iii) a requirement of this part has not been met.

2527 (4) (a) If the total number of names certified under Subsection (3) equals or exceeds
2528 the number of names required under Section 20A-7-601, and the requirements of this part are
2529 met, the local clerk shall mark upon the front of the referendum petition the word "sufficient."

2530 (b) If the total number of names certified under Subsection (3) does not equal or
2531 exceed the number of names required under Section 20A-7-601 or a requirement of this part is
2532 not met, the local clerk shall mark upon the front of the referendum petition the word
2533 "insufficient."

2534 (c) The local clerk shall immediately notify any one of the sponsors of the local clerk's

2535 finding.

2536 (d) After a referendum petition is declared insufficient, a person may not submit
2537 additional signatures to qualify the referendum for the ballot.

2538 (5) (a) If the local clerk refuses to declare a referendum petition sufficient, any voter
2539 may, no later than 10 days after the day on which the local clerk declares the referendum
2540 petition insufficient, apply to the appropriate court for an order finding the referendum petition
2541 legally sufficient.

2542 (b) If the court determines that the referendum petition is legally sufficient, the local
2543 clerk shall mark the referendum petition "sufficient" and consider the declaration of sufficiency
2544 effective as of the date on which the referendum petition should have been declared sufficient
2545 by the local clerk's office.

2546 (c) If the court determines that a referendum petition filed is not legally sufficient, the
2547 court may enjoin the local clerk and all other officers from:

2548 (i) certifying or printing the ballot title and numbers of that referendum on the official
2549 ballot for the next election; or

2550 (ii) ~~[as it relates to a local tax law]~~ if the referendum petition relates to a local tax law,
2551 or a local school tax law, that is conducted entirely by mail, certifying, printing, or mailing the
2552 ballot title and numbers of that referendum under Section [20A-7-609.5](#).

2553 (6) A referendum petition determined to be sufficient in accordance with this section is
2554 qualified for the ballot.

2555 (7) (a) Except as provided in Subsection (7)(b) or (c), if a referendum relates to
2556 legislative action taken after April 15, the election officer may not place the referendum on an
2557 election ballot until a primary election, a general election, or a special election the following
2558 year.

2559 (b) The election officer may place a referendum described in Subsection (7)(a) on the
2560 ballot for a special, primary, or general election held during the year that the legislative action
2561 was taken if the following agree, in writing, on a timeline to place the referendum on that
2562 ballot:

2563 (i) the local clerk;

2564 (ii) the county clerk; and

2565 (iii) the attorney for the county ~~[or]~~, municipality, or school district that took the

2566 legislative action.

2567 (c) For a referendum on a land use law, if, before August 30, the local clerk or a court
2568 determines that the total number of certified names equals or exceeds the number of signatures
2569 required in Section 20A-7-601, the election officer shall place the referendum on the election
2570 ballot for:

2571 (i) the next general election; or

2572 (ii) another election, if the following agree, in writing, on a timeline to place the
2573 referendum on that ballot:

2574 (A) the affected owners, as defined in Section 10-9a-103 or 17-27a-103, as applicable;

2575 (B) the local clerk;

2576 (C) the county clerk; and

2577 (D) the attorney for the county or municipality that took the legislative action.

2578 Section 19. Section 20A-7-608 is amended to read:

2579 **20A-7-608. Short title and summary of referendum -- Duties of local clerk and**
2580 **local attorney.**

2581 (1) Upon receipt of a referendum petition, the local clerk shall deliver a copy of the
2582 referendum petition and the law to which the referendum relates to the local attorney.

2583 (2) The local attorney shall:

2584 (a) entitle each county [or], municipal, or school district referendum that qualifies for
2585 the ballot "Proposition Number ___" and give the referendum a number assigned in accordance
2586 with Section 20A-6-107;

2587 (b) prepare for the referendum:

2588 (i) an impartial short title, not exceeding 25 words, that generally describes the subject
2589 of the law to which the referendum relates; and

2590 (ii) an impartial summary of the contents of the law to which the referendum relates,
2591 not exceeding 125 words;

2592 (c) file the proposed short title, summary, and the numbered referendum title with the
2593 local clerk within 20 days after the day on which an eligible voter submits the referendum
2594 petition to the local clerk; and

2595 (d) promptly provide notice of the filing of the proposed short title and summary to:

2596 (i) the sponsors of the petition; and

2597 (ii) the local legislative body or the local school board for the jurisdiction where the
2598 referendum petition was circulated.

2599 (3) (a) The short title and summary may be distinct from the title of the law that is the
2600 subject of the referendum petition.

2601 (b) In preparing a short title, the local attorney shall, to the best of the local attorney's
2602 ability, give a true and impartial description of the subject of the referendum.

2603 (c) In preparing a summary, the local attorney shall, to the best of the local attorney's
2604 ability, give a true and impartial summary of the contents of the referendum.

2605 (d) The short title and summary may not intentionally be an argument, or likely to
2606 create prejudice, for or against the referendum.

2607 (4) (a) Within five calendar days after the day on which the local attorney files a
2608 proposed short title and summary under Subsection (2)(c), the local legislative body or local
2609 school board for the jurisdiction where the referendum petition was circulated and the sponsors
2610 of the referendum petition may file written comments in response to the proposed short title
2611 and summary with the local clerk.

2612 (b) Within five calendar days after the last date to submit written comments under
2613 Subsection (4)(a), the local attorney shall:

2614 (i) review any written comments filed in accordance with Subsection (4)(a);

2615 (ii) prepare a final short title and summary that meets the requirements of Subsection
2616 (3); and

2617 (iii) return the referendum petition and file the short title and summary with the local
2618 clerk.

2619 (c) Subject to Subsection (6), for each county [~~or~~], municipal, or school district
2620 referendum, the following shall be printed on the official ballot:

2621 (i) the short title; and

2622 (ii) except as provided in Subsection (4)(d):

2623 (A) the summary;

2624 (B) a copy of the ordinance, resolution, or written description of the local law or the
2625 local school tax law; and

2626 (C) a link to a location on the election officer's website where a voter may review
2627 additional information relating to each referendum, including the information described in

2628 Subsection 20A-7-602(2) and the arguments relating to the referendum that are included in the
2629 local voter information pamphlet.

2630 (d) Unless the information described in Subsection (4)(c)(ii) is printed on the official
2631 ballot, the election officer shall include with the ballot a separate ballot proposition insert that
2632 includes the short title and summary for each referendum on the ballot and a link to a location
2633 on the election officer's website where a voter may review the additional information described
2634 in Subsection (4)(c)(ii)(C).

2635 (e) Unless the information described in Subsection 20A-7-508(4)(c)(ii) for all
2636 initiatives on the ballot, and the information described in Subsection (4)(c)(ii) for all referenda
2637 on the ballot, is printed on the ballot, the ballot shall include the following statement at the
2638 beginning of the portion of the ballot that includes ballot measures, "The ballot proposition
2639 sheet included with this ballot contains an impartial summary of each initiative and referendum
2640 on this ballot, unless the summary is printed directly on the ballot."

2641 (5) Immediately after the local attorney files a copy of the short title and summary with
2642 the local clerk, the local clerk shall serve a copy of the short title and summary by mail upon
2643 the sponsors of the referendum petition and the local legislative body or the local school board
2644 for the jurisdiction or school district where the referendum petition was circulated.

2645 (6) (a) If the short title or summary provided by the local attorney is unsatisfactory or
2646 does not comply with the requirements of this section, the decision of the local attorney may be
2647 appealed to the appropriate court by:

2648 (i) at least three sponsors of the referendum petition; or

2649 (ii) a majority of the local legislative body or the local school board for the jurisdiction
2650 where the referendum petition was circulated.

2651 (b) The court:

2652 (i) shall examine the short title and summary and consider the arguments; and

2653 (ii) enter an order consistent with the requirements of this section.

2654 (c) The local clerk shall include the short title and summary in the ballot or ballot
2655 proposition insert, as required by this section.

2656 Section 20. Section 20A-7-609 is amended to read:

2657 **20A-7-609. Form of ballot -- Manner of voting.**

2658 (1) The local clerk shall ensure that the number and ballot title are presented upon the

2659 official ballot with, immediately adjacent to them, the words "For" and "Against," each word
2660 presented with an adjacent square in which the elector may indicate the elector's vote.

2661 (2) (a) Except as provided in Subsection ~~[(2)(c)(i)]~~ (2)(d)(i) or Section 20A-7-609.5,
2662 and unless the county legislative body calls a special election, the county clerk shall ensure that
2663 a county referenda that ~~[have]~~ has qualified for the ballot ~~[appear]~~ appears on the next regular
2664 general election ballot.

2665 (b) Except as provided in Subsection ~~[(2)(c)(ii)]~~ (2)(d)(ii) or Section 20A-7-609.5, and
2666 unless the municipal legislative body calls a special election, the municipal recorder or clerk
2667 shall ensure that a municipal referenda that ~~[have]~~ has qualified for the ballot ~~[appear]~~ appears
2668 on the next regular municipal election ballot.

2669 (c) Except as provided in Subsection (2)(d)(iii) or Section 20A-7-609.5, and unless the
2670 local school board calls a special election, the business administrator or superintendent shall
2671 ensure that a school district referenda that has qualified for the ballot appears on the next
2672 regular general election ballot.

2673 ~~[(c)]~~ (d) ~~[(i)]~~ Except as provided in Section 20A-7-609.5[;]:

2674 (i) if a local law passes after January 30 of the year in which there is a regular general
2675 election, the county clerk shall ensure that a county referendum that has qualified for the ballot
2676 appears on the ballot at the second regular general election immediately following the passage
2677 of the local law unless the county legislative body calls a special election[;];

2678 (ii) ~~[Except as provided in Section 20A-7-609.5,]~~ if a local law passes after January 30
2679 of the year in which there is a municipal general election, the municipal recorder or clerk shall
2680 ensure that a municipal referendum that has qualified for the ballot appears on the ballot at the
2681 second municipal general election immediately following the passage of the local law unless
2682 the municipal legislative body calls a special election[;]; or

2683 (iii) if a local school tax law passes after January 30 of the year in which there is a
2684 regular general election, the business administrator or superintendent shall ensure that a school
2685 district referendum that has qualified for the ballot appears on the ballot at the second regular
2686 general election immediately following passage of the local school tax law unless the local
2687 school board calls a special election.

2688 (3) (a) (i) A voter desiring to vote in favor of the law that is the subject of the
2689 referendum shall mark the square adjacent to the word "For."

2690 (ii) The law that is the subject of the referendum is effective if a majority of voters
2691 mark "For."

2692 (b) (i) A voter desiring to vote against the law that is the subject of the referendum
2693 shall mark the square following the word "Against."

2694 (ii) The law that is the subject of the referendum is not effective if a majority of voters
2695 mark "Against."

2696 Section 21. Section **20A-7-609.5** is amended to read:

2697 **20A-7-609.5. Election on referendum challenging a local tax law or a local school**
2698 **tax law conducted entirely by mail.**

2699 (1) An election officer may administer an election on a referendum challenging a local
2700 tax law or a local school tax law entirely by mail.

2701 (2) For purposes of an election conducted under this section, the election officer shall:

2702 (a) designate as the election day the day that is 30 days after the day on which the
2703 election officer complies with Subsection (2)(b); and

2704 (b) within 30 days after the day on which the referendum described in Subsection (1)
2705 qualifies for the ballot, mail to each registered voter within the voting precincts or school
2706 district to which the local tax law or the local school tax law applies:

2707 (i) a manual ballot;

2708 (ii) a statement that there will be no polling place for the election;

2709 (iii) a statement specifying the election day described in Subsection (2)(a);

2710 (iv) a business reply mail envelope;

2711 (v) instructions for returning the ballot that include an express notice about any
2712 relevant deadlines that the voter must meet in order for the voter's vote to be counted;

2713 (vi) a warning, on a separate page of colored paper in boldface print, indicating that if
2714 the voter fails to follow the instructions included with the manual ballot, the voter will be
2715 unable to vote in that election because there will be no polling place for the election; and

2716 (vii) (A) a copy of the proposition information pamphlet relating to the referendum if a
2717 proposition information pamphlet relating to the referendum was published under Section
2718 **20A-7-401.5**; or

2719 (B) a website address where an individual may view a copy of the proposition
2720 information pamphlet described in Subsection (2)(b)(vii)(A).

2721 (3) An election officer who administers an election under this section shall:
2722 (a) (i) obtain, in person, the signatures of each voter within that voting precinct or
2723 school district before the election; or
2724 (ii) obtain the signature of each voter within the voting precinct or school district from
2725 the county clerk; and
2726 (b) maintain the signatures on file in the election officer's office.
2727 (4) (a) Upon receiving a returned manual ballot under this section, the election officer
2728 shall compare the signature on each return envelope with the voter's signature that is
2729 maintained on file and verify that the signatures are the same.
2730 (b) If the election officer questions the authenticity of the signature on the return
2731 envelope, the election officer shall immediately contact the voter to verify the signature.
2732 (c) If there is not a signature on the return envelope or if the election officer determines
2733 that the signature on the return envelope does not match the voter's signature that is maintained
2734 on file, the election officer shall:
2735 (i) disqualify the ballot; and
2736 (ii) notify the voter of the disqualification and the reason for the disqualification.
2737 Section 22. Section **20A-7-610** is amended to read:
2738 **20A-7-610. Return and canvass -- Conflicting measures -- Law effective on**
2739 **proclamation.**
2740 (1) The votes on the law that is the subject of the referendum petition shall be counted,
2741 canvassed, and delivered as provided in Title 20A, Chapter 4, Part 3, Canvassing Returns.
2742 (2) After the local board of canvassers completes the canvass, the local clerk shall
2743 certify to the local legislative body or the local school board the vote for and against the law
2744 that is the subject of the referendum petition.
2745 (3) (a) The local legislative body or the local school board shall immediately issue a
2746 proclamation that:
2747 (i) gives the total number of votes cast in the local jurisdiction for and against each law
2748 that is the subject of a referendum petition; and
2749 (ii) in accordance with Section **20A-7-611**, declares those laws that are the subject of a
2750 referendum petition that are approved by majority vote to be in full force and effect as the law
2751 of the local jurisdiction.

2752 (b) When the local legislative body or the local school board determines that two laws,
2753 or that parts of two laws approved by the people at the same election are entirely in conflict, the
2754 local legislative body or local school board shall proclaim to be law the law that received the
2755 greatest number of affirmative votes, regardless of the difference in the majorities which those
2756 approved laws received.

2757 (4) (a) Within 10 days after the day on which the local legislative body or the local
2758 school board issues the proclamation described in Subsection (3), any qualified voter residing
2759 in the jurisdiction for a law that is declared by the local legislative body or the local school
2760 board to be superseded by another law approved at the same election may bring an action in the
2761 appropriate court to review the decision.

2762 (b) The court shall:

2763 (i) consider the matter and decide whether the approved laws are entirely in conflict;
2764 and

2765 (ii) issue an order, consistent with the court's decision, to the local legislative body or
2766 the local school board.

2767 (5) Within 10 days after the day on which the court enters an order under Subsection
2768 (4)(b)(ii), the local legislative body or the local school board shall:

2769 (a) proclaim as law all those laws approved by the people that the court determines are
2770 not in conflict; and

2771 (b) of all those laws approved by the people as law that the court determines to be in
2772 conflict, proclaim as law the one that receives the greatest number of affirmative votes,
2773 regardless of the difference in majorities.

2774 Section 23. Section **20A-7-611** is amended to read:

2775 **20A-7-611. Temporary stay -- Effective date -- Effect of repeal by local legislative**
2776 **body or local school board.**

2777 (1) Any law submitted to the people by referendum petition that is rejected by the
2778 voters at any election is repealed as of the date of the election.

2779 (2) If, at the time during the process described in Subsection **20A-7-607(2)**, the local
2780 clerk determines that, at that point in time, an adequate number of signatures are certified to
2781 comply with the signature requirements, the local clerk shall:

2782 (a) issue an order temporarily staying the law from going into effect; and

2783 (b) continue the process of certifying signatures and removing signatures as required by
2784 this part.

2785 (3) The temporary stay described in Subsection (2) remains in effect, regardless of
2786 whether a future count falls below the signature threshold, until the day on which:

2787 (a) if the local clerk declares the referendum petition insufficient, five days after the
2788 day on which the local clerk declares the referendum petition insufficient; or

2789 (b) if the local clerk declares the referendum petition sufficient, the day on which the
2790 local legislative body or the local school board issues the proclamation described in Section
2791 [20A-7-610](#).

2792 (4) A law submitted to the people by referendum that is approved by the voters at an
2793 election takes effect the later of:

2794 (a) five days after the date of the official proclamation of the vote by the local
2795 legislative body or the local school board; or

2796 (b) the effective date specified in the approved law.

2797 (5) If, after the local clerk issues a temporary stay order under Subsection (2)(a), the
2798 local clerk declares the referendum petition insufficient, the law that is the subject of the
2799 referendum petition takes effect the later of:

2800 (a) five days after the day on which the local clerk declares the petition insufficient; or

2801 (b) the effective date specified in the proposed law.

2802 (6) (a) A law approved by the people under this part is not subject to veto.

2803 (b) The local legislative body or the local school board may amend any laws approved
2804 by the people under this part after the people approve the law.

2805 (7) If the local legislative body or the local school board repeals a law challenged by
2806 referendum petition under this part, the referendum petition is void and no further action on the
2807 referendum petition is required.

2808 Section 24. Section **20A-7-613** is amended to read:

2809 **20A-7-613. Property tax referendum petition.**

2810 (1) As used in this section[~~7~~]:

2811 (a) [~~"certified tax rate"~~] "Certified tax rate" means the same as that term is defined in
2812 Section [59-2-924](#).

2813 (b) "Taxing entity" means a county, city, town, metro township, or school district with

2814 the authority to levy a tax on property.

2815 (2) Except as provided in this section, the requirements of this part apply to a
2816 referendum petition challenging a taxing entity's legislative body's vote to impose a tax rate that
2817 exceeds the certified tax rate.

2818 (3) Notwithstanding Subsection [20A-7-105\(5\)\(a\)\(iv\)](#), the sponsors or an agent of the
2819 sponsors shall deliver a signed and verified referendum packet to the county clerk of the county
2820 in which the packet was circulated before 5 p.m. no later than the earlier of:

2821 (a) 30 days after the day on which the first individual signs the packet; or

2822 (b) 40 days after the day on which the local clerk complies with Subsection
2823 [20A-7-604\(3\)](#).

2824 (4) Notwithstanding Subsections [20A-7-105\(6\)\(a\)](#) and (9), the county clerk shall take
2825 the actions required in Subsections [20A-7-105\(6\)\(a\)](#) and (9) within 10 working days after the
2826 day on which the county clerk receives the signed and verified referendum packet as described
2827 in Subsection (3).

2828 (5) The local clerk shall take the actions required by Section [20A-7-607](#) within two
2829 working days after:

2830 (a) in relation to the manual referendum process, the day on which the local clerk
2831 receives the referendum packets from the county clerk; or

2832 (b) in relation to the electronic referendum process, the deadline described in
2833 Subsection [20A-7-616\(2\)](#).

2834 (6) Notwithstanding Subsection [20A-7-608\(2\)](#), the local attorney shall prepare the
2835 ballot title within two working days after the day on which the referendum petition is declared
2836 sufficient for submission to a vote of the people.

2837 (7) Notwithstanding Subsection [~~[20A-7-609\(2\)\(c\)](#)~~] [20A-7-609\(2\)\(d\)](#), a referendum that
2838 qualifies for the ballot under this section shall appear on the ballot for the earlier of the next
2839 regular general election or the next municipal general election unless a special election is
2840 called.

2841 (8) The election officer shall mail manual ballots on a referendum under this section
2842 the later of:

2843 (a) the time provided in Section [20A-3a-202](#) or [20A-16-403](#); or

2844 (b) the time that ballots are prepared for mailing under this section.

2845 (9) Section 20A-7-402 does not apply to a referendum described in this section.

2846 (10) (a) If a majority of voters does not vote against imposing the tax at a rate
2847 calculated to generate the increased revenue budgeted, adopted, and approved by the taxing
2848 entity's legislative body:

2849 (i) the certified tax rate for the fiscal year during which the referendum petition is filed
2850 is its most recent certified tax rate; and

2851 (ii) the proposed increased revenues for purposes of establishing the certified tax rate
2852 for the fiscal year after the fiscal year described in Subsection (10)(a)(i) are the proposed
2853 increased revenues budgeted, adopted, and approved by the taxing entity's legislative body
2854 before the filing of the referendum petition.

2855 (b) If a majority of voters votes against imposing a tax at the rate established by the
2856 vote of the taxing entity's legislative body, the certified tax rate for the taxing entity is the
2857 taxing entity's most recent certified tax rate.

2858 (c) If the tax rate is set in accordance with Subsection (10)(a)(ii), a taxing entity is not
2859 required to comply with the notice and public hearing requirements of Section 59-2-919 if the
2860 taxing entity complies with those notice and public hearing requirements before the referendum
2861 petition is filed.

2862 (11) The ballot title shall, at a minimum, include in substantially this form the
2863 following: "Shall the [name of the taxing entity] be authorized to levy a tax rate in the amount
2864 sufficient to generate an increased property tax revenue of [amount] for fiscal year [year] as
2865 budgeted, adopted, and approved by the [name of the taxing entity].".

2866 (12) A taxing entity shall pay the county the costs incurred by the county that are
2867 directly related to meeting the requirements of this section and that the county would not have
2868 incurred but for compliance with this section.

2869 (13) (a) An election officer shall include on a ballot a referendum that has not yet
2870 qualified for placement on the ballot, if:

2871 (i) sponsors file an application for a referendum described in this section;

2872 (ii) the ballot will be used for the election for which the sponsors are attempting to
2873 qualify the referendum; and

2874 (iii) the deadline for qualifying the referendum for placement on the ballot occurs after
2875 the day on which the ballot will be printed.

2876 (b) If an election officer includes on a ballot a referendum described in Subsection
2877 (13)(a), the ballot title shall comply with Subsection (11).

2878 (c) If an election officer includes on a ballot a referendum described in Subsection
2879 (13)(a) that does not qualify for placement on the ballot, the election officer shall inform the
2880 voters by any practicable method that the referendum has not qualified for the ballot and that
2881 votes cast in relation to the referendum will not be counted.

2882 Section 25. Section **20A-7-614** is amended to read:

2883 **20A-7-614. Electronic referendum process -- Form of referendum petition --**

2884 **Circulation requirements -- Signature collection.**

2885 (1) This section applies only to the electronic referendum process.

2886 (2) (a) The first screen presented on the approved device shall include the following
2887 statement:

2888 "This REFERENDUM PETITION is addressed to the Honorable ____, County
2889 Clerk/City Recorder/Town Clerk/Business Administrator/Superintendent:

2890 The citizens of Utah who sign this petition respectfully order that (description of the
2891 local law or the local school tax law, or portion of the local law or the local school tax law,
2892 being challenged), passed by the ____ be referred to the voters for their approval or rejection at
2893 the regular/municipal general election to be held on _____(month\day\year)."

2894 (b) An individual may not advance to the second screen until the individual clicks a
2895 link at the bottom of the first screen stating, "By clicking here, I attest that I have read and
2896 understand the information presented on this screen."

2897 (3) (a) The second screen presented on the approved device shall include the entire text
2898 of the law that is the subject of the referendum petition.

2899 (b) An individual may not advance to the third screen until the individual clicks a link
2900 at the bottom of the second screen stating, "By clicking here, I attest that I have read and
2901 understand the entire text of the law that is the subject of the referendum petition."

2902 (4) (a) The third screen presented on the approved device shall include a statement
2903 indicating whether persons gathering signatures for the referendum petition may be paid for
2904 gathering signatures.

2905 (b) An individual may not advance to the fourth screen until the individual clicks a link
2906 at the bottom of the third screen stating, "By clicking here, I attest that I have read and

2907 understand the information presented on this screen."

2908 (5) The fourth screen presented on the approved device shall include the following
2909 statement, followed by links where the individual may click "yes" or "no":

2910 "I have personally reviewed the entirety of each statement presented on this device;

2911 I am personally signing this referendum petition;

2912 I am registered to vote in Utah; and

2913 All information I enter on this device, including my residence and post office address, is
2914 accurate.

2915 It is a class A misdemeanor for an individual to sign a referendum petition with a name
2916 other than the individual's own name, or to knowingly sign the individual's name more than
2917 once for the same referendum petition, or to sign a referendum petition when the individual
2918 knows that the individual is not a registered voter.

2919 Do you wish to continue and sign this referendum petition?"

2920 (6) (a) If the individual clicks "no" in response to the question described in Subsection
2921 (5), the next screen shall include the following statement, "Thank you for your time. Please
2922 return this device to the signature-gatherer."

2923 (b) If the individual clicks "yes" in response to the question described in Subsection
2924 (5), the website, or the application that accesses the website, shall take the signature-gatherer
2925 and the individual signing the referendum petition through the signature process described in
2926 Section [20A-21-201](#).

2927 Section 26. Section **63G-30-102** is amended to read:

2928 **63G-30-102. Public notice classifications and requirements.**

2929 (1) A public body or a government official that is required to provide a class A notice:

2930 (a) shall publish the public notice on the Utah Public Notice Website;

2931 (b) shall publish the public notice on the public body's or government official's official
2932 website, if the public body or government official:

2933 (i) maintains an official website; and

2934 (ii) has an annual operating budget of \$250,000 or more; and

2935 (c) except as provided in Subsection (4), and subject to Subsection (5), post the public
2936 notice in connection with the affected area as follows:

2937 (i) if the affected area is a municipality with a population of less than 2,000, in a public

2938 location in or near the affected area that is reasonably likely to be seen by residents of the
2939 affected area;

2940 (ii) if the affected area is a proposed municipality with a population of less than 2,000,
2941 in a public location in or near the affected area that is reasonably likely to be seen by residents
2942 of the affected area;

2943 (iii) if the affected area is an area other than an area described in Subsections (1)(c)(i),
2944 (1)(c)(ii), or (1)(c)(iv) through [~~viii~~], (ix), in a public location in or near the affected area that
2945 is reasonably likely to be seen by:

2946 (A) residents of the affected area; or

2947 (B) if there are no residents within the affected area, individuals who pass through or
2948 near the affected area;

2949 (iv) if the affected area is a county, in a public location within the county that is
2950 reasonably likely to be seen by residents of the county;

2951 (v) if the affected area is a municipality with a population of 2,000 or more, or a
2952 proposed municipality with a population of 2,000 or more, in a public location within the
2953 municipality or proposed municipality that is reasonably likely to be seen by residents of the
2954 municipality or proposed municipality;

2955 (vi) if the affected area is a public street, on or adjacent to the public street;

2956 (vii) if the affected area is an easement:

2957 (A) on or adjacent to the easement; or

2958 (B) in a public location that is reasonably likely to be seen by persons who are likely to
2959 be impacted by the easement; [~~or~~]

2960 (viii) if the affected area is an interlocal entity, within, or as applicable near, each
2961 jurisdiction that is part of the interlocal entity, in accordance with the provisions of this
2962 Subsection (1) that apply to that jurisdiction[~~;~~]; or

2963 (ix) if the affected area is a school district, in a public location within the school
2964 district that is reasonably likely to be seen by residents of the school district.

2965 (2) Subject to Subsection (5), a public body or a government official that is required to
2966 provide a class B notice shall:

2967 (a) comply with the requirements described in Subsection (1) for a class A notice;

2968 (b) if a statute, county ordinance, or municipal ordinance requires that the notice be

2969 provided for a designated geographic area, mail or otherwise deliver the public notice or a
2970 notice summary statement to each residence within, and, in accordance with Subsection (3), to
2971 each owner of real property located within, the designated geographic area; and

2972 (c) if a statute, county ordinance, or municipal ordinance requires that the notice be
2973 provided to one or more designated persons or real property owners, mail or otherwise deliver
2974 the public notice or a notice summary statement, in accordance with Subsection (3), to each
2975 designated person and real property owner.

2976 (3) When providing notice to a real property owner under Subsection (2)(b) or (c), the
2977 public body or government official shall:

2978 (a) use the current residential or business address of the real property owner;

2979 (b) if the public body or government official is not reasonably able to obtain the
2980 address described in Subsection (3)(a), use the last known address of the real property owner
2981 that the public body or government official is able to obtain via a reasonable inquiry into public
2982 records; or

2983 (c) if the public body or government official is not reasonably able to obtain an address
2984 described in Subsection (3)(a) or (b), post the notice on the real property.

2985 (4) A government official, a public body, or any other body that is required to post
2986 notice under Subsection (1) is not required to comply with Subsection (1)(c) if:

2987 (a) the affected area is the state;

2988 (b) the body is a specified body, as defined in Section [52-4-103](#);

2989 (c) the public body is the Legislature or a public body within the state legislative
2990 branch; or

2991 (d) the government official is required to post the notice on behalf of a body described
2992 in Subsection (4)(b) or (c).

2993 (5) If a statute, ordinance, or rule requires a public body or government official to
2994 provide notice for a period of time:

2995 (a) in relation to posting the notice on the Utah Public Notice Website, the requirement
2996 is not violated due to temporary technological issues that interrupt the posting, unless the
2997 posting is interrupted for more than 25% of the required posting time;

2998 (b) in relation to posting the notice in a physical location, the requirement is fulfilled if:

2999 (i) the notice is posted at or, except to the extent prohibited by law, before the

3000 beginning of the period of time;
3001 (ii) the public body or government official does not remove the posting before the end
3002 of the period of time; and
3003 (iii) until the end of the period of time, the public body or government official:
3004 (A) periodically verifies that the notice remains in place; and
3005 (B) replaces the notice within a reasonable time after discovering that the notice has
3006 been removed or damaged; and
3007 (c) in relation to mailing, sending, or otherwise delivering notice to a person, the
3008 mailing is made at or, except to the extent prohibited by law, before, the beginning of the
3009 period of time.
3010 Section 27. **Effective date.**
3011 This bill takes effect on May 1, 2024.