

REFERENDUM AMENDMENTS

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kevin T. Van Tassell

House Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions of the Election Code to clarify the referendum procedures applicable to the issuance of municipal obligations.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ requires a referendum petition on a local obligation law to obtain a certain number of signatures within 45 days;
- ▶ requires a referendum application on a local obligation law to be submitted within five days; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides an immediate effective date.

Utah Code Sections Affected:

AMENDS:

- 20A-7-101**, as last amended by Laws of Utah 2010, Chapter 294
- 20A-7-601**, as last amended by Laws of Utah 2004, Chapter 258
- 20A-7-602**, as last amended by Laws of Utah 2000, Chapter 3



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

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

20A-7-101. Definitions.

As used in this chapter:

(1) "Budget officer" means:

- (a) for a county, the person designated as budget officer in Section 17-19-19;
- (b) for a city, the person designated as budget officer in Subsection 10-6-106(5); or
- (c) for a town, the town council.

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

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

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

(5) "Initial fiscal impact estimate" means a financial statement prepared according to the terms of Section 20A-7-202.5 or 20A-7-502.5 after the filing of an application for an initiative petition.

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

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

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

- (a) meet the numerical requirements of this chapter; and
- (b) have been certified and verified as provided in this chapter.

(9) "Legal voter" means a person who:

- (a) is registered to vote; or
- (b) becomes registered to vote before the county clerk certifies the signatures on an initiative or referendum petition.

(10) "Local attorney" means the county attorney, city attorney, or town attorney in

59 whose jurisdiction a local initiative or referendum petition is circulated.

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

62 (12) (a) "Local law" includes an ordinance, resolution, master plan, and any
63 comprehensive zoning regulation adopted by ordinance or resolution.

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

65 (13) "Local legislative body" means the legislative body of a county, city, or town.

66 (14) "Local obligation law" means a local law passed by the local legislative body
67 regarding the issuance of a bond, note, lease, finance agreement, or other similar obligation.

68 [~~(14)~~] (15) "Measure" means a proposed constitutional amendment, an initiative, or
69 referendum.

70 [~~(15)~~] (16) "Referendum" means a process by which a law passed by the Legislature or
71 by a local legislative body is submitted or referred to the voters for their approval or rejection.

72 [~~(16)~~] (17) "Referendum packet" means a copy of the referendum petition, a copy of
73 the law being submitted or referred to the voters for their approval or rejection, and the
74 signature sheets, all of which have been bound together as a unit.

75 [~~(17)~~] (18) "Signature sheets" means sheets in the form required by this chapter that are
76 used to collect signatures in support of an initiative or referendum.

77 [~~(18)~~] (19) "Sponsors" means the legal voters who support the initiative or referendum
78 and who sign the application for petition copies.

79 [~~(19)~~] (20) "Sufficient" means that the signatures submitted in support of an initiative
80 or referendum petition have been certified and verified as required by this chapter.

81 [~~(20)~~] (21) "Verified" means acknowledged by the person circulating the petition as
82 required in Sections 20A-7-205 and 20A-7-305.

83 Section 2. Section **20A-7-601** is amended to read:

84 **20A-7-601. Referenda -- General signature requirements -- Signature**
85 **requirements for land use laws -- Time requirements.**

86 (1) Except as provided in [~~Subsection~~] Subsections (2) and (3), a person seeking to
87 have a law passed by the local legislative body submitted to a vote of the people shall obtain
88 legal signatures equal to:

89 (a) 10% of all the votes cast in the county, city, or town for all candidates for governor

90 at the last election at which a governor was elected if the total number of votes exceeds 25,000;

91 (b) 12-1/2% of all the votes cast in the county, city, or town for all candidates for
92 governor at the last election at which a governor was elected if the total number of votes does
93 not exceed 25,000 but is more than 10,000;

94 (c) 15% of all the votes cast in the county, city, or town for all candidates for governor
95 at the last election at which a governor was elected if the total number of votes does not exceed
96 10,000 but is more than 2,500;

97 (d) 20% of all the votes cast in the county, city, or town for all candidates for governor
98 at the last election at which a governor was elected if the total number of votes does not exceed
99 2,500 but is more than 500;

100 (e) 25% of all the votes cast in the county, city, or town for all candidates for governor
101 at the last election at which a governor was elected if the total number of votes does not exceed
102 500 but is more than 250; and

103 (f) 30% of all the votes cast in the county, city, or town for all candidates for governor
104 at the last election at which a governor was elected if the total number of votes does not exceed
105 250.

106 (2) (a) As used in this Subsection (2), "land use law" includes a land use development
107 code, an annexation ordinance, and comprehensive zoning ordinances.

108 (b) A person seeking to have a land use law passed by the local legislative body
109 submitted to a vote of the people shall obtain legal signatures equal to:

110 (i) in a county or in a city of the first or second class, 20% of all votes cast in the
111 county or city for all candidates for governor at the last election at which a governor was
112 elected; and

113 (ii) in a city of the third, fourth, or fifth class or a town, 35% of all the votes cast in the
114 city or town for all candidates for governor at the last election at which a governor was elected.

115 (3) (a) A person seeking to have a local obligation law submitted to a vote of the
116 people shall:

117 (i) obtain legal signatures equal to:

118 (A) in a county or in a city of the first or second class, 20% of all votes cast in the
119 county or city for all candidates for President of the United States at the last election at which a
120 President of the United States was elected; and

121 (B) in a city of the third, fourth, or fifth class or a town, 35% of all the votes cast in the
122 city or town for all candidates for President of the United States at the last election at which a
123 President of the United States was elected; and

124 (ii) submit the legal signatures described in Subsection (3)(a)(i) to the county clerk no
125 later than 45 days after the day on which the local legislative body passed the local obligation
126 law.

127 (b) A local obligation law or a proceeding related to the local obligation law is not
128 subject to referendum except as provided by this section.

129 [~~3~~] (4) (a) Sponsors of any referendum petition challenging, under Subsection (1) or
130 (2), any local law passed by a local legislative body shall file the petition within 45 days after
131 the passage of the local law.

132 (b) The local law remains in effect until repealed by the voters via referendum.

133 [~~4~~] (5) If the referendum passes, the local law that was challenged by the referendum
134 is repealed as of the date of the election.

135 Section 3. Section **20A-7-602** is amended to read:

136 **20A-7-602. Local referendum process -- Application procedures.**

137 (1) Persons wishing to circulate a referendum petition shall file an application with the
138 local clerk.

139 (2) The application shall contain:

140 (a) the name and residence address of at least five sponsors of the referendum petition;

141 (b) a certification indicating that each of the sponsors:

142 (i) is a resident of Utah; and

143 (ii) (A) if the referendum challenges a county ordinance, has voted in a regular general
144 election in Utah within the last three years; or

145 (B) if the referendum challenges a municipal ordinance, has voted in a regular
146 municipal election in Utah within the last three years;

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

148 (d) one copy of the law.

149 (3) A person seeking to circulate a referendum petition on a local obligation law shall
150 file the application required by this section on or before the fifth business day after the local
151 legislative body passed the local obligation law.

152 Section 4. **Effective date.**

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

Legislative Review Note
as of 2-28-11 12:15 PM

Office of Legislative Research and General Counsel