

School Board Referendum Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Rex P. Shipp

Senate Sponsor:

LONG TITLE**General Description:**

This bill amends provisions related to local referendums.

Highlighted Provisions:

This bill:

- defines terms;
- subject to certain exceptions, establishes a process for voters who are residents of a school district to hold a local referendum on any legislative action taken by the local school board, including the local school board's decision to increase a tax or impose a new tax; 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 2024, Chapter 464
- 10-9a-509**, as last amended by Laws of Utah 2024, Chapter 415
- 17-27a-103**, as last amended by Laws of Utah 2024, Chapter 464
- 17-27a-508**, as last amended by Laws of Utah 2024, Chapter 415
- 20A-4-301**, as last amended by Laws of Utah 2024, Third Special Session, Chapter 3
- 20A-7-101**, as last amended by Laws of Utah 2024, Third Special Session, Chapter 3
- 20A-7-102**, as last amended by Laws of Utah 1994, Chapter 272
- 20A-7-401.3**, as last amended by Laws of Utah 2024, Chapter 438
- 20A-7-401.5**, as last amended by Laws of Utah 2023, Chapter 116
- 20A-7-402**, as last amended by Laws of Utah 2024, Third Special Session, Chapter 3
- 20A-7-405**, as enacted by Laws of Utah 2019, Chapter 203

20A-7-601, as last amended by Laws of Utah 2024, Chapters 427, 438
 20A-7-602.5, as last amended by Laws of Utah 2024, Chapter 442
 20A-7-602.7, as last amended by Laws of Utah 2024, Chapter 438
 20A-7-603, as last amended by Laws of Utah 2024, Chapter 442
 20A-7-604, as last amended by Laws of Utah 2024, Chapters 438, 442
 20A-7-607, as last amended by Laws of Utah 2023, Chapters 107, 116
 20A-7-608, as last amended by Laws of Utah 2024, Chapter 442
 20A-7-609, as last amended by Laws of Utah 2023, Chapter 107
 20A-7-609.5, as last amended by Laws of Utah 2020, Chapter 31
 20A-7-610, as last amended by Laws of Utah 2023, Chapter 107
 20A-7-611, as last amended by Laws of Utah 2023, Chapter 107
 20A-7-613, as last amended by Laws of Utah 2023, Chapter 116
 20A-7-614, as last amended by Laws of Utah 2024, Chapter 442
 63G-30-102, as enacted by Laws of Utah 2023, Chapter 435

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

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

10-9a-103 . Definitions.

As used in this chapter:

- (1) "Accessory dwelling unit" means a habitable living unit added to, created within, or detached from a primary single-family dwelling and contained on one lot.
- (2) "Adversely affected party" means a person other than a land use applicant who:
 - (a) owns real property adjoining the property that is the subject of a land use application or land use decision; or
 - (b) will suffer a damage different in kind than, or an injury distinct from, that of the general community as a result of the land use decision.
- (3) "Affected entity" means a county, municipality, special district, special service district under Title 17D, Chapter 1, Special Service District Act, school district, interlocal cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act, specified public utility, property owner, property owners association, or the Department of Transportation, if:
 - (a) the entity's services or facilities are likely to require expansion or significant modification because of an intended use of land;
 - (b) the entity has filed with the municipality a copy of the entity's general or long-range

plan; or

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

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

(a) a single project;

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

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

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

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

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

(i) an operating charter school;

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

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

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

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

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

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

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

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

(11) "Development activity" means:

- (a) any construction or expansion of a building, structure, or use that creates additional demand and need for public facilities;
- (b) any change in use of a building or structure that creates additional demand and need for public facilities; or
- (c) any change in the use of land that creates additional demand and need for public facilities.

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

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

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

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

(14) "Educational facility":

(a) means:

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

(ii) a structure or facility:

(A) located on the same property as a building described in Subsection (14)(a)(i);

and

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

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

(b) does not include:

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

(A) not located on the same property as a building described in Subsection

(14)(a)(i); and

- 133 (B) used in support of the purposes of a building described in Subsection
134 (14)(a)(i); or
135 (ii) a therapeutic school.
- 136 (15) "Fire authority" means the department, agency, or public entity with responsibility to
137 review and approve the feasibility of fire protection and suppression services for the
138 subject property.
- 139 (16) "Flood plain" means land that:
140 (a) is within the 100-year flood plain designated by the Federal Emergency Management
141 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
144 event because the land has characteristics that are similar to those of a 100-year flood
145 plain designated by the 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 body
161 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) "Home-based microschool" means the same as that term is defined in Section
166 53G-6-201.

- 167 (21) "Hookup fee" means a fee for the installation and inspection of any pipe, line, meter,
168 or appurtenance that connects to a municipal water, sewer, storm water, power, or other
169 utility system.
- 170 (22) "Identical plans" means building plans submitted to a municipality that:
- 171 (a) are clearly marked as "identical plans";
- 172 (b) are substantially identical to building plans that were previously submitted to and
173 reviewed and approved by the municipality; and
- 174 (c) describe a building that:
- 175 (i) is located on land zoned the same as the land on which the building described in
176 the previously approved plans is located;
- 177 (ii) is subject to the same geological and meteorological conditions and the same law
178 as the building described in the previously approved plans;
- 179 (iii) has a floor plan identical to the building plan previously submitted to and
180 reviewed and approved by the municipality; and
- 181 (iv) does not require any additional engineering or analysis.
- 182 (23) "Impact fee" means a payment of money imposed under Title 11, Chapter 36a, Impact
183 Fees Act.
- 184 (24) "Improvement completion assurance" means a surety bond, letter of credit, financial
185 institution bond, cash, assignment of rights, lien, or other equivalent security required by
186 a municipality to guaranty the proper completion of landscaping or an infrastructure
187 improvement required as a condition precedent to:
- 188 (a) recording a subdivision plat; or
- 189 (b) development of a commercial, industrial, mixed use, or multifamily project.
- 190 (25) "Improvement warranty" means an applicant's unconditional warranty that the
191 applicant's installed and accepted landscaping or infrastructure improvement:
- 192 (a) complies with the municipality's written standards for design, materials, and
193 workmanship; and
- 194 (b) will not fail in any material respect, as a result of poor workmanship or materials,
195 within the improvement warranty period.
- 196 (26) "Improvement warranty period" means a period:
- 197 (a) no later than one year after a municipality's acceptance of required landscaping; or
- 198 (b) no later than one year after a municipality's acceptance of required infrastructure,
199 unless the municipality:
- 200 (i) determines for good cause that a one-year period would be inadequate to protect

- 201 the public health, safety, and welfare; and
- 202 (ii) has substantial evidence, on record:
- 203 (A) of prior poor performance by the applicant; or
- 204 (B) that the area upon which the infrastructure will be constructed contains
- 205 suspect soil and the municipality has not otherwise required the applicant to
- 206 mitigate the suspect soil.
- 207 (27) "Infrastructure improvement" means permanent infrastructure that is essential for the
- 208 public health and safety or that:
- 209 (a) is required for human occupation; and
- 210 (b) an applicant must install:
- 211 (i) in accordance with published installation and inspection specifications for public
- 212 improvements; and
- 213 (ii) whether the improvement is public or private, as a condition of:
- 214 (A) recording a subdivision plat;
- 215 (B) obtaining a building permit; or
- 216 (C) development of a commercial, industrial, mixed use, condominium, or
- 217 multifamily project.
- 218 (28) "Internal lot restriction" means a platted note, platted demarcation, or platted
- 219 designation that:
- 220 (a) runs with the land; and
- 221 (b)(i) creates a restriction that is enclosed within the perimeter of a lot described on
- 222 the plat; or
- 223 (ii) designates a development condition that is enclosed within the perimeter of a lot
- 224 described on the plat.
- 225 (29) "Land use applicant" means a property owner, or the property owner's designee, who
- 226 submits a land use application regarding the property owner's land.
- 227 (30) "Land use application":
- 228 (a) means an application that is:
- 229 (i) required by a municipality; and
- 230 (ii) submitted by a land use applicant to obtain a land use decision; and
- 231 (b) does not mean an application to enact, amend, or repeal a land use regulation.
- 232 (31) "Land use authority" means:
- 233 (a) a person, board, commission, agency, or body, including the local legislative body,
- 234 designated by the local legislative body to act upon a land use application; or

- 235 (b) if the local legislative body has not designated a person, board, commission, agency,
236 or body, the local legislative body.
- 237 (32) "Land use decision" means an administrative decision of a land use authority or appeal
238 authority regarding:
- 239 (a) a land use permit; or
240 (b) a land use application.
- 241 (33) "Land use permit" means a permit issued by a land use authority.
- 242 (34) "Land use regulation":
- 243 (a) means a legislative decision enacted by ordinance, law, code, map, resolution,
244 specification, fee, or rule that governs the use or development of land;
- 245 (b) includes the adoption or amendment of a zoning map or the text of the zoning code;
246 and
- 247 (c) does not include:
- 248 (i) a land use decision of the legislative body acting as the land use authority, even if
249 the decision is expressed in a resolution or ordinance; or
- 250 (ii) a temporary revision to an engineering specification that does not materially:
- 251 (A) increase a land use applicant's cost of development compared to the existing
252 specification; or
- 253 (B) impact a land use applicant's use of land.
- 254 (35) "Legislative body" means the municipal council.
- 255 (36) "Local historic district or area" means a geographically definable area that:
- 256 (a) contains any combination of buildings, structures, sites, objects, landscape features,
257 archeological sites, or works of art that contribute to the historic preservation goals of
258 a legislative body; and
- 259 (b) is subject to land use regulations to preserve the historic significance of the local
260 historic district or area.
- 261 (37) "Lot" means a tract of land, regardless of any label, that is created by and shown on a
262 subdivision plat that has been recorded in the office of the county recorder.
- 263 (38)(a) "Lot line adjustment" means a relocation of a lot line boundary between
264 adjoining lots or between a lot and adjoining parcels in accordance with Section
265 10-9a-608:
- 266 (i) whether or not the lots are located in the same subdivision; and
267 (ii) with the consent of the owners of record.
- 268 (b) "Lot line adjustment" does not mean a new boundary line that:

(i) creates an additional lot; or

(ii) constitutes a subdivision or a subdivision amendment.

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

(39) "Major transit investment corridor" means public transit service that uses or occupies:

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

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

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

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

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

(40) "Micro-education entity" means the same as that term is defined in Section 53G-6-201.

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

(42) "Municipal utility easement" means an easement that:

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

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

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

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

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

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

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

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

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

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

- 303 (44) "Noncomplying structure" means a structure that:
- 304 (a) legally existed before the structure's current land use designation; and
- 305 (b) because of one or more subsequent land use ordinance changes, does not conform to
- 306 the setback, height restrictions, or other regulations, excluding those regulations,
- 307 which govern the use of land.
- 308 (45) "Nonconforming use" means a use of land that:
- 309 (a) legally existed before its current land use designation;
- 310 (b) has been maintained continuously since the time the land use ordinance governing
- 311 the land changed; and
- 312 (c) because of one or more subsequent land use ordinance changes, does not conform to
- 313 the regulations that now govern the use of the land.
- 314 (46) "Official map" means a map drawn by municipal authorities and recorded in a county
- 315 recorder's office that:
- 316 (a) shows actual and proposed rights-of-way, centerline alignments, and setbacks for
- 317 highways and other transportation facilities;
- 318 (b) provides a basis for restricting development in designated rights-of-way or between
- 319 designated setbacks to allow the government authorities time to purchase or
- 320 otherwise reserve the land; and
- 321 (c) has been adopted as an element of the municipality's general plan.
- 322 (47) "Parcel" means any real property that is not a lot.
- 323 (48)(a) "Parcel boundary adjustment" means a recorded agreement between owners of
- 324 adjoining parcels adjusting the mutual boundary, either by deed or by a boundary line
- 325 agreement in accordance with Section 10-9a-524, if no additional parcel is created
- 326 and:
- 327 (i) none of the property identified in the agreement is a lot; or
- 328 (ii) the adjustment is to the boundaries of a single person's parcels.
- 329 (b) "Parcel boundary adjustment" does not mean an adjustment of a parcel boundary line
- 330 that:
- 331 (i) creates an additional parcel; or
- 332 (ii) constitutes a subdivision.
- 333 (c) "Parcel boundary adjustment" does not include a boundary line adjustment made by
- 334 the Department of Transportation.
- 335 (49) "Person" means an individual, corporation, partnership, organization, association, trust,
- 336 governmental agency, or any other legal entity.

- 337 (50) "Plan for moderate income housing" means a written document adopted by a
338 municipality's legislative body that includes:
- 339 (a) an estimate of the existing supply of moderate income housing located within the
340 municipality;
- 341 (b) an estimate of the need for moderate income housing in the municipality for the next
342 five years;
- 343 (c) a survey of total residential land use;
- 344 (d) an evaluation of how existing land uses and zones affect opportunities for moderate
345 income housing; and
- 346 (e) a description of the municipality's program to encourage an adequate supply of
347 moderate income housing.
- 348 (51) "Plat" means an instrument subdividing property into lots as depicted on a map or
349 other graphical representation of lands that a licensed professional land surveyor makes
350 and prepares in accordance with Section 10-9a-603 or 57-8-13.
- 351 (52) "Potential geologic hazard area" means an area that:
- 352 (a) is designated by a Utah Geological Survey map, county geologist map, or other
353 relevant map or report as needing further study to determine the area's potential for
354 geologic hazard; or
- 355 (b) has not been studied by the Utah Geological Survey or a county geologist but
356 presents the potential of geologic hazard because the area has characteristics similar
357 to those of a designated geologic hazard area.
- 358 (53) "Public agency" means:
- 359 (a) the federal government;
- 360 (b) the state;
- 361 (c) a county, municipality, school district, special district, special service district, or
362 other political subdivision of the state; or
- 363 (d) a charter school.
- 364 (54) "Public hearing" means a hearing at which members of the public are provided a
365 reasonable opportunity to comment on the subject of the hearing.
- 366 (55) "Public meeting" means a meeting that is required to be open to the public under Title
367 52, Chapter 4, Open and Public Meetings Act.
- 368 (56) "Public street" means a public right-of-way, including a public highway, public
369 avenue, public boulevard, public parkway, public road, public lane, public alley, public
370 viaduct, public subway, public tunnel, public bridge, public byway, other public

transportation easement, or other public way.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) parliamentary order and procedure;

(b) ethical behavior; and

(c) civil discourse.

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

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

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

(65) "Specified public agency" means:

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

(66) "Specified public utility" means an electrical corporation, gas corporation, or telephone corporation, as those terms are defined in Section 54-2-1.

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

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

(b) "Subdivision" includes:

- (i) the division or development of land, whether by deed, metes and bounds description, devise and testacy, map, plat, or other recorded instrument, regardless of whether the division includes all or a portion of a parcel or lot; and
- (ii) except as provided in Subsection (68)(c), divisions of land for residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes.

(c) "Subdivision" does not include:

- (i) a bona fide division or partition of agricultural land for the purpose of joining one of the resulting separate parcels to a contiguous parcel of unsubdivided agricultural land, if neither the resulting combined parcel nor the parcel remaining from the division or partition violates an applicable land use ordinance;
- (ii) a boundary line agreement recorded with the county recorder's office between owners of adjoining parcels adjusting the mutual boundary in accordance with Section 10-9a-524 if no new parcel is created;
- (iii) a recorded document, executed by the owner of record:
 - (A) revising the legal descriptions of multiple parcels into one legal description

- 439 encompassing all such parcels; or
- 440 (B) joining a lot to a parcel;
- 441 (iv) a boundary line agreement between owners of adjoining subdivided properties
- 442 adjusting the mutual lot line boundary in accordance with Sections 10-9a-524 and
- 443 10-9a-608 if:
- 444 (A) no new dwelling lot or housing unit will result from the adjustment; and
- 445 (B) the adjustment will not violate any applicable land use ordinance;
- 446 (v) a bona fide division of land by deed or other instrument if the deed or other
- 447 instrument states in writing that the division:
- 448 (A) is in anticipation of future land use approvals on the parcel or parcels;
- 449 (B) does not confer any land use approvals; and
- 450 (C) has not been approved by the land use authority;
- 451 (vi) a parcel boundary adjustment;
- 452 (vii) a lot line adjustment;
- 453 (viii) a road, street, or highway dedication plat;
- 454 (ix) a deed or easement for a road, street, or highway purpose; or
- 455 (x) any other division of land authorized by law.
- 456 (69)(a) "Subdivision amendment" means an amendment to a recorded subdivision in
- 457 accordance with Section 10-9a-608 that:
- 458 (i) vacates all or a portion of the subdivision;
- 459 (ii) alters the outside boundary of the subdivision;
- 460 (iii) changes the number of lots within the subdivision;
- 461 (iv) alters a public right-of-way, a public easement, or public infrastructure within the
- 462 subdivision; or
- 463 (v) alters a common area or other common amenity within the subdivision.
- 464 (b) "Subdivision amendment" does not include a lot line adjustment, between a single lot
- 465 and an adjoining lot or parcel, that alters the outside boundary of the subdivision.
- 466 (70) "Substantial evidence" means evidence that:
- 467 (a) is beyond a scintilla; and
- 468 (b) a reasonable mind would accept as adequate to support a conclusion.
- 469 (71) "Suspect soil" means soil that has:
- 470 (a) a high susceptibility for volumetric change, typically clay rich, having more than a
- 471 3% swell potential;
- 472 (b) bedrock units with high shrink or swell susceptibility; or

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

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

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

(i) the owner of the facility; or

(ii) the primary service provider of the facility;

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

(i) at home;

(ii) in a public school; or

(iii) in a nonresidential private school; and

(c) that offers:

(i) room and board; and

(ii) an academic education integrated with:

(A) specialized structure and supervision; or

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

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

(74) "Unincorporated" means the area outside of the incorporated area of a city or town.

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

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

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

(i) a contract; or

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

(76) "Zoning map" means a map, adopted as part of a land use ordinance, that depicts land use zones, overlays, or districts.

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

10-9a-509 . Applicant's entitlement to land use application approval -- Municipality's requirements and limitations -- Vesting upon submission of development plan and schedule.

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

- 507 (A) in effect on the date that the application is complete; and
508 (B) applicable to the application or to the information shown on the application.
- 509 (ii) An applicant is entitled to approval of a land use application if the application
510 conforms to the requirements of the applicable land use regulations, land use
511 decisions, and development standards in effect when the applicant submits a
512 complete application and pays application fees, unless:
- 513 (A) the land use authority, on the record, formally finds that a compelling,
514 countervailing public interest would be jeopardized by approving the
515 application and specifies the compelling, countervailing public interest in
516 writing; or
- 517 (B) in the manner provided by local ordinance and before the applicant submits
518 the application, the municipality formally initiates proceedings to amend the
519 municipality's land use regulations in a manner that would prohibit approval of
520 the application as submitted.
- 521 (b) The municipality shall process an application without regard to proceedings the
522 municipality initiated to amend the municipality's ordinances as described in
523 Subsection (1)(a)(ii)(B) if:
- 524 (i) 180 days have passed since the municipality initiated the proceedings; and
525 (ii)(A) the proceedings have not resulted in an enactment that prohibits approval
526 of the application as submitted; or
- 527 (B) during the 12 months prior to the municipality processing the application, or
528 multiple applications of the same type, are impaired or prohibited under the
529 terms of a temporary land use regulation adopted under Section 10-9a-504.
- 530 (c) A land use application is considered submitted and complete when the applicant
531 provides the application in a form that complies with the requirements of applicable
532 ordinances and pays all applicable fees.
- 533 (d) A subsequent incorporation of a municipality or a petition that proposes the
534 incorporation of a municipality does not affect a land use application approved by a
535 county in accordance with Section 17-27a-508.
- 536 (e) Unless a phasing sequence is required in an executed development agreement, a
537 municipality shall, without regard to any other separate and distinct land use
538 application, accept and process a complete land use application.
- 539 (f) The continuing validity of an approval of a land use application is conditioned upon
540 the applicant proceeding after approval to implement the approval with reasonable

diligence.

- (g) A municipality may not impose on an applicant who has submitted a complete application a requirement that is not expressed in:
 - (i) this chapter;
 - (ii) a municipal ordinance in effect on the date that the applicant submits a complete application, subject to Subsection 10-9a-509(1)(a)(ii); or
 - (iii) a municipal specification for public improvements applicable to a subdivision or development that is in effect on the date that the applicant submits an application.
- (h) A municipality may not impose on a holder of an issued land use permit or a final, unexpired subdivision plat a requirement that is not expressed:
 - (i) in a land use permit;
 - (ii) on the subdivision plat;
 - (iii) in a document on which the land use permit or subdivision plat is based;
 - (iv) in the written record evidencing approval of the land use permit or subdivision plat;
 - (v) in this chapter;
 - (vi) in a municipal ordinance; or
 - (vii) in a municipal specification for residential roadways in effect at the time a residential subdivision was approved.
- (i) Except as provided in Subsection (1)(j) or (k), a municipality may not withhold issuance of a certificate of occupancy or acceptance of subdivision improvements because of an applicant's failure to comply with a requirement that is not expressed:
 - (i) in the building permit or subdivision plat, documents on which the building permit or subdivision plat is based, or the written record evidencing approval of the land use permit or subdivision plat; or
 - (ii) in this chapter or the municipality's ordinances.
- (j) A municipality may not unreasonably withhold issuance of a certificate of occupancy where an applicant has met all requirements essential for the public health, public safety, and general welfare of the occupants, in accordance with this chapter, unless:
 - (i) the applicant and the municipality have agreed in a written document to the withholding of a certificate of occupancy; or
 - (ii) the applicant has not provided a financial assurance for required and uncompleted public landscaping improvements or infrastructure improvements in accordance with an applicable ordinance that the legislative body adopts under this chapter.

(k) A municipality may not conduct a final inspection required before issuing a certificate of occupancy for a residential unit that is within the boundary of an infrastructure financing district, as defined in Section 17B-1-102, until the applicant for the certificate of occupancy provides adequate proof to the municipality that any lien on the unit arising from the infrastructure financing district's assessment against the unit under Title 11, Chapter 42, Assessment Area Act, has been released after payment in full of the infrastructure financing district's assessment against that unit.

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

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

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

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

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

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

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

(i) the relevant land use approval; and

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

(6)(a) After issuance of a building permit, a municipality may not:

(i) change or add to the requirements expressed in the building permit, unless the change or addition is:

(A) requested by the building permit holder; or

(B) necessary to comply with an applicable state building code; or

(ii) revoke the building permit or take action that has the effect of revoking the

609 building permit.

610 (b) Subsection (6)(a) does not prevent a municipality from issuing a building permit that
611 contains an expiration date defined in the building permit.

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

613 **17-27a-103 . Definitions.**

614 As used in this chapter:

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

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

618 (a) owns real property adjoining the property that is the subject of a land use application
619 or land use decision; or

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

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

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

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

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

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

635 (a) a single project;

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

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

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

642 (6) "Billboard" means a freestanding ground sign located on industrial, commercial, or

residential property if the sign is designed or intended to direct attention to a business, product, or service that is not sold, offered, or existing on the property where the sign is located.

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

- (i) an operating charter school;
- (ii) a charter school applicant that a charter school authorizer approves in accordance with Title 53G, Chapter 5, Part 3, Charter School Authorization; or
- (iii) an entity that is working on behalf of a charter school or approved charter applicant to develop or construct a charter school building.

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

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

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

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

- (a) Fifth or Fourteenth Amendment of the Constitution of the United States; or
- (b) Utah Constitution, Article I, Section 22.

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

- (a) a plat recorded in a county recorder's office described as a county utility easement or otherwise as a utility easement;
- (b) is not a protected utility easement or a public utility easement as defined in Section 54-3-27;

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

(d)(i) either:

- (A) no person uses or occupies; or
- (B) the county or the county's affiliated governmental entity uses and occupies to provide a utility service, including sanitary sewer, culinary water, electrical, storm water, or communications or data lines; or

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

(12) "Culinary water authority" means the department, agency, or public entity with

responsibility to review and approve the feasibility of the culinary water system and sources for the subject property.

(13) "Development activity" means:

- (a) any construction or expansion of a building, structure, or use that creates additional demand and need for public facilities;
- (b) any change in use of a building or structure that creates additional demand and need for public facilities; or
- (c) any change in the use of land that creates additional demand and need for public facilities.

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

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

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

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

(16) "Educational facility":

(a) means:

- (i) a school district's building at which pupils assemble to receive instruction in a program for any combination of grades from preschool through grade 12, including kindergarten and a program for children with disabilities;
- (ii) a structure or facility:
 - (A) located on the same property as a building described in Subsection (16)(a)(i); and
 - (B) used in support of the use of that building; and
- (iii) a building to provide office and related space to a school district's administrative personnel; and

(b) does not include:

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

- 711 (A) not located on the same property as a building described in Subsection
712 (16)(a)(i); and
713 (B) used in support of the purposes of a building described in Subsection
714 (16)(a)(i); or
715 (ii) a therapeutic school.
- 716 (17) "Fire authority" means the department, agency, or public entity with responsibility to
717 review and approve the feasibility of fire protection and suppression services for the
718 subject property.
- 719 (18) "Flood plain" means land that:
720 (a) is within the 100-year flood plain designated by the Federal Emergency Management
721 Agency; or
722 (b) has not been studied or designated by the Federal Emergency Management Agency
723 but presents a likelihood of experiencing chronic flooding or a catastrophic flood
724 event because the land has characteristics that are similar to those of a 100-year flood
725 plain designated by the Federal Emergency Management Agency.
- 726 (19) "Gas corporation" has the same meaning as defined in Section 54-2-1.
- 727 (20) "General plan" means a document that a county adopts that sets forth general
728 guidelines for proposed future development of:
729 (a) the unincorporated land within the county; or
730 (b) for a mountainous planning district, the land within the mountainous planning
731 district.
- 732 (21) "Geologic hazard" means:
733 (a) a surface fault rupture;
734 (b) shallow groundwater;
735 (c) liquefaction;
736 (d) a landslide;
737 (e) a debris flow;
738 (f) unstable soil;
739 (g) a rock fall; or
740 (h) any other geologic condition that presents a risk:
741 (i) to life;
742 (ii) of substantial loss of real property; or
743 (iii) of substantial damage to real property.
- 744 (22) "Home-based microschool" means the same as that term is defined in Section

53G-6-201.

(23) "Hookup fee" means a fee for the installation and inspection of any pipe, line, meter, or appurtenance to connect to a county water, sewer, storm water, power, or other utility system.

(24) "Identical plans" means building plans submitted to a county that:

(a) are clearly marked as "identical plans";

(b) are substantially identical building plans that were previously submitted to and reviewed and approved by the county; and

(c) describe a building that:

(i) is located on land zoned the same as the land on which the building described in the previously approved plans is located;

(ii) is subject to the same geological and meteorological conditions and the same law as the building described in the previously approved plans;

(iii) has a floor plan identical to the building plan previously submitted to and reviewed and approved by the county; and

(iv) does not require any additional engineering or analysis.

(25) "Impact fee" means a payment of money imposed under Title 11, Chapter 36a, Impact Fees Act.

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

(a) recording a subdivision plat; or

(b) development of a commercial, industrial, mixed use, or multifamily project.

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

(a) complies with the county's written standards for design, materials, and workmanship; and

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

(28) "Improvement warranty period" means a period:

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

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

- 779 (i) determines for good cause that a one-year period would be inadequate to protect
780 the public health, safety, and welfare; and
- 781 (ii) has substantial evidence, on record:
- 782 (A) of prior poor performance by the applicant; or
- 783 (B) that the area upon which the infrastructure will be constructed contains
784 suspect soil and the county has not otherwise required the applicant to mitigate
785 the suspect soil.
- 786 (29) "Infrastructure improvement" means permanent infrastructure that is essential for the
787 public health and safety or that:
- 788 (a) is required for human consumption; and
- 789 (b) an applicant must install:
- 790 (i) in accordance with published installation and inspection specifications for public
791 improvements; and
- 792 (ii) as a condition of:
- 793 (A) recording a subdivision plat;
- 794 (B) obtaining a building permit; or
- 795 (C) developing a commercial, industrial, mixed use, condominium, or multifamily
796 project.
- 797 (30) "Internal lot restriction" means a platted note, platted demarcation, or platted
798 designation that:
- 799 (a) runs with the land; and
- 800 (b)(i) creates a restriction that is enclosed within the perimeter of a lot described on
801 the plat; or
- 802 (ii) designates a development condition that is enclosed within the perimeter of a lot
803 described on the plat.
- 804 (31) "Interstate pipeline company" means a person or entity engaged in natural gas
805 transportation subject to the jurisdiction of the Federal Energy Regulatory Commission
806 under the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.
- 807 (32) "Intrastate pipeline company" means a person or entity engaged in natural gas
808 transportation that is not subject to the jurisdiction of the Federal Energy Regulatory
809 Commission under the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.
- 810 (33) "Land use applicant" means a property owner, or the property owner's designee, who
811 submits a land use application regarding the property owner's land.
- 812 (34) "Land use application":

- 813 (a) means an application that is:
814 (i) required by a county; and
815 (ii) submitted by a land use applicant to obtain a land use decision; and
816 (b) does not mean an application to enact, amend, or repeal a land use regulation.
- 817 (35) "Land use authority" means:
818 (a) a person, board, commission, agency, or body, including the local legislative body,
819 designated by the local legislative body to act upon a land use application; or
820 (b) if the local legislative body has not designated a person, board, commission, agency,
821 or body, the local legislative body.
- 822 (36) "Land use decision" means an administrative decision of a land use authority or appeal
823 authority regarding:
824 (a) a land use permit;
825 (b) a land use application; or
826 (c) the enforcement of a land use regulation, land use permit, or development agreement.
- 827 (37) "Land use permit" means a permit issued by a land use authority.
- 828 (38) "Land use regulation":
829 (a) means a legislative decision enacted by ordinance, law, code, map, resolution,
830 specification, fee, or rule that governs the use or development of land;
831 (b) includes the adoption or amendment of a zoning map or the text of the zoning code;
832 and
833 (c) does not include:
834 (i) a land use decision of the legislative body acting as the land use authority, even if
835 the decision is expressed in a resolution or ordinance; or
836 (ii) a temporary revision to an engineering specification that does not materially:
837 (A) increase a land use applicant's cost of development compared to the existing
838 specification; or
839 (B) impact a land use applicant's use of land.
- 840 (39) "Legislative body" means the county legislative body, or for a county that has adopted
841 an alternative form of government, the body exercising legislative powers.
- 842 (40) "Lot" means a tract of land, regardless of any label, that is created by and shown on a
843 subdivision plat that has been recorded in the office of the county recorder.
- 844 (41)(a) "Lot line adjustment" means a relocation of a lot line boundary between
845 adjoining lots or between a lot and adjoining parcels in accordance with Section
846 17-27a-608:

- 847 (i) whether or not the lots are located in the same subdivision; and
848 (ii) with the consent of the owners of record.
- 849 (b) "Lot line adjustment" does not mean a new boundary line that:
850 (i) creates an additional lot; or
851 (ii) constitutes a subdivision or a subdivision amendment.
- 852 (c) "Lot line adjustment" does not include a boundary line adjustment made by the
853 Department of Transportation.
- 854 (42) "Major transit investment corridor" means public transit service that uses or occupies:
855 (a) public transit rail right-of-way;
856 (b) dedicated road right-of-way for the use of public transit, such as bus rapid transit; or
857 (c) fixed-route bus corridors subject to an interlocal agreement or contract between a
858 municipality or county and:
859 (i) a public transit district as defined in Section 17B-2a-802; or
860 (ii) an eligible political subdivision as defined in Section 59-12-2219.
- 861 (43) "Micro-education entity" means the same as that term is defined in Section 53G-6-201.
- 862 (44) "Moderate income housing" means housing occupied or reserved for occupancy by
863 households with a gross household income equal to or less than 80% of the median gross
864 income for households of the same size in the county in which the housing is located.
- 865 (45) "Mountainous planning district" means an area designated by a county legislative body
866 in accordance with Section 17-27a-901.
- 867 (46) "Nominal fee" means a fee that reasonably reimburses a county only for time spent and
868 expenses incurred in:
869 (a) verifying that building plans are identical plans; and
870 (b) reviewing and approving those minor aspects of identical plans that differ from the
871 previously reviewed and approved building plans.
- 872 (47) "Noncomplying structure" means a structure that:
873 (a) legally existed before the structure's current land use designation; and
874 (b) because of one or more subsequent land use ordinance changes, does not conform to
875 the setback, height restrictions, or other regulations, excluding those regulations that
876 govern the use of land.
- 877 (48) "Nonconforming use" means a use of land that:
878 (a) legally existed before the current land use designation;
879 (b) has been maintained continuously since the time the land use ordinance regulation
880 governing the land changed; and

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

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

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

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

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

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

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

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

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

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

(i) creates an additional parcel; or

(ii) constitutes a subdivision.

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

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

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

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

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

(c) a survey of total residential land use;

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

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

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

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

(56) "Potential geologic hazard area" means an area that:

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

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

(57) "Public agency" means:

(a) the federal government;

(b) the state;

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

(d) a charter school.

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

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

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

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

- 949 (62) "Record of survey map" means a map of a survey of land prepared in accordance with
950 Section 10-9a-603, 17-23-17, 17-27a-603, or 57-8-13.
- 951 (63) "Residential facility for persons with a disability" means a residence:
952 (a) in which more than one person with a disability resides; and
953 (b) which is licensed or certified by the Department of Health and Human Services
954 under:
955 (i) Title 26B, Chapter 2, Part 1, Human Services Programs and Facilities; or
956 (ii) Title 26B, Chapter 2, Part 2, Health Care Facility Licensing and Inspection.
- 957 (64) "Residential roadway" means a public local residential road that:
958 (a) will serve primarily to provide access to adjacent primarily residential areas and
959 property;
960 (b) is designed to accommodate minimal traffic volumes or vehicular traffic;
961 (c) is not identified as a supplementary to a collector or other higher system classified
962 street in an approved municipal street or transportation master plan;
963 (d) has a posted speed limit of 25 miles per hour or less;
964 (e) does not have higher traffic volumes resulting from connecting previously separated
965 areas of the municipal road network;
966 (f) cannot have a primary access, but can have a secondary access, and does not abut lots
967 intended for high volume traffic or community centers, including schools, recreation
968 centers, sports complexes, or libraries; and
969 (g) primarily serves traffic within a neighborhood or limited residential area and is not
970 necessarily continuous through several residential areas.
- 971 (65) "Rules of order and procedure" means a set of rules that govern and prescribe in a
972 public meeting:
973 (a) parliamentary order and procedure;
974 (b) ethical behavior; and
975 (c) civil discourse.
- 976 (66) "Sanitary sewer authority" means the department, agency, or public entity with
977 responsibility to review and approve the feasibility of sanitary sewer services or onsite
978 wastewater systems.
- 979 (67) "Sending zone" means an unincorporated area of a county that the county designates,
980 by ordinance, as an area from which an owner of land may transfer a transferable
981 development right.
- 982 (68) "Site plan" means a document or map that may be required by a county during a

preliminary review preceding the issuance of a building permit to demonstrate that an owner's or developer's proposed development activity meets a land use requirement.

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

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

(70) "Specified public agency" means:

(a) the state;

(b) a school district; or

(c) a charter school.

(71) "Specified public utility" means an electrical corporation, gas corporation, or telephone corporation, as those terms are defined in Section 54-2-1.

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

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

(b) "Subdivision" includes:

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

(ii) except as provided in Subsection (73)(c), divisions of land for residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes.

(c) "Subdivision" does not include:

(i) a bona fide division or partition of agricultural land for agricultural purposes;

(ii) a boundary line agreement recorded with the county recorder's office between owners of adjoining parcels adjusting the mutual boundary in accordance with Section 17-27a-523 if no new lot is created;

(iii) a recorded document, executed by the owner of record:

(A) revising the legal descriptions of multiple parcels into one legal description encompassing all such parcels; or

(B) joining a lot to a parcel;

(iv) a bona fide division or partition of land in a county other than a first class county

- 1017 for the purpose of siting, on one or more of the resulting separate parcels:
- 1018 (A) an electrical transmission line or a substation;
- 1019 (B) a natural gas pipeline or a regulation station; or
- 1020 (C) an unmanned telecommunications, microwave, fiber optic, electrical, or other
- 1021 utility service regeneration, transformation, retransmission, or amplification
- 1022 facility;
- 1023 (v) a boundary line agreement between owners of adjoining subdivided properties
- 1024 adjusting the mutual lot line boundary in accordance with Sections 17-27a-523
- 1025 and 17-27a-608 if:
- 1026 (A) no new dwelling lot or housing unit will result from the adjustment; and
- 1027 (B) the adjustment will not violate any applicable land use ordinance;
- 1028 (vi) a bona fide division of land by deed or other instrument if the deed or other
- 1029 instrument states in writing that the division:
- 1030 (A) is in anticipation of future land use approvals on the parcel or parcels;
- 1031 (B) does not confer any land use approvals; and
- 1032 (C) has not been approved by the land use authority;
- 1033 (vii) a parcel boundary adjustment;
- 1034 (viii) a lot line adjustment;
- 1035 (ix) a road, street, or highway dedication plat;
- 1036 (x) a deed or easement for a road, street, or highway purpose; or
- 1037 (xi) any other division of land authorized by law.
- 1038 (74)(a) "Subdivision amendment" means an amendment to a recorded subdivision in
- 1039 accordance with Section 17-27a-608 that:
- 1040 (i) vacates all or a portion of the subdivision;
- 1041 (ii) alters the outside boundary of the subdivision;
- 1042 (iii) changes the number of lots within the subdivision;
- 1043 (iv) alters a public right-of-way, a public easement, or public infrastructure within the
- 1044 subdivision; or
- 1045 (v) alters a common area or other common amenity within the subdivision.
- 1046 (b) "Subdivision amendment" does not include a lot line adjustment, between a single lot
- 1047 and an adjoining lot or parcel, that alters the outside boundary of the subdivision.
- 1048 (75) "Substantial evidence" means evidence that:
- 1049 (a) is beyond a scintilla; and
- 1050 (b) a reasonable mind would accept as adequate to support a conclusion.

- 1051 (76) "Suspect soil" means soil that has:
- 1052 (a) a high susceptibility for volumetric change, typically clay rich, having more than a
- 1053 3% swell potential;
- 1054 (b) bedrock units with high shrink or swell susceptibility; or
- 1055 (c) gypsiferous silt and clay, gypsum, or bedrock units containing abundant gypsum
- 1056 commonly associated with dissolution and collapse features.
- 1057 (77) "Therapeutic school" means a residential group living facility:
- 1058 (a) for four or more individuals who are not related to:
- 1059 (i) the owner of the facility; or
- 1060 (ii) the primary service provider of the facility;
- 1061 (b) that serves students who have a history of failing to function:
- 1062 (i) at home;
- 1063 (ii) in a public school; or
- 1064 (iii) in a nonresidential private school; and
- 1065 (c) that offers:
- 1066 (i) room and board; and
- 1067 (ii) an academic education integrated with:
- 1068 (A) specialized structure and supervision; or
- 1069 (B) services or treatment related to a disability, an emotional development, a
- 1070 behavioral development, a familial development, or a social development.
- 1071 (78) "Transferable development right" means a right to develop and use land that originates
- 1072 by an ordinance that authorizes a land owner in a designated sending zone to transfer
- 1073 land use rights from a designated sending zone to a designated receiving zone.
- 1074 (79) "Unincorporated" means the area outside of the incorporated area of a municipality.
- 1075 (80) "Water interest" means any right to the beneficial use of water, including:
- 1076 (a) each of the rights listed in Section 73-1-11; and
- 1077 (b) an ownership interest in the right to the beneficial use of water represented by:
- 1078 (i) a contract; or
- 1079 (ii) a share in a water company, as defined in Section 73-3-3.5.
- 1080 (81) "Zoning map" means a map, adopted as part of a land use ordinance, that depicts land
- 1081 use zones, overlays, or districts.

1082 Section 4. Section **17-27a-508** is amended to read:

1083 **17-27a-508 . Applicant's entitlement to land use application approval --**

1084 **Application relating to land in a high priority transportation corridor -- County's**

1085 **requirements and limitations -- Vesting upon submission of development plan and**
1086 **schedule.**

1087 (1)(a)(i) An applicant who has submitted a complete land use application, including
1088 the payment of all application fees, is entitled to substantive review of the
1089 application under the land use regulations:

1090 (A) in effect on the date that the application is complete; and

1091 (B) applicable to the application or to the information shown on the submitted
1092 application.

1093 (ii) An applicant is entitled to approval of a land use application if the application
1094 conforms to the requirements of the applicable land use regulations, land use
1095 decisions, and development standards in effect when the applicant submits a
1096 complete application and pays all application fees, unless:

1097 (A) the land use authority, on the record, formally finds that a compelling,
1098 countervailing public interest would be jeopardized by approving the
1099 application and specifies the compelling, countervailing public interest in
1100 writing; or

1101 (B) in the manner provided by local ordinance and before the applicant submits
1102 the application, the county formally initiates proceedings to amend the county's
1103 land use regulations in a manner that would prohibit approval of the
1104 application as submitted.

1105 (b) The county shall process an application without regard to proceedings the county
1106 initiated to amend the county's ordinances as described in Subsection (1)(a)(ii)(B) if:

1107 (i) 180 days have passed since the county initiated the proceedings; and

1108 (ii)(A) the proceedings have not resulted in an enactment that prohibits approval
1109 of the application as submitted; or

1110 (B) during the 12 months prior to the county processing the application or
1111 multiple applications of the same type, the application is impaired or prohibited
1112 under the terms of a temporary land use regulation adopted under Section
1113 17-27a-504.

1114 (c) A land use application is considered submitted and complete when the applicant
1115 provides the application in a form that complies with the requirements of applicable
1116 ordinances and pays all applicable fees.

1117 (d) Unless a phasing sequence is required in an executed development agreement, a
1118 county shall, without regard to any other separate and distinct land use application,

- 1119 accept and process a complete land use application.
- 1120 (e) The continuing validity of an approval of a land use application is conditioned upon
- 1121 the applicant proceeding after approval to implement the approval with reasonable
- 1122 diligence.
- 1123 (f) A county may not impose on an applicant who has submitted a complete application
- 1124 a requirement that is not expressed in:
- 1125 (i) this chapter;
- 1126 (ii) a county ordinance in effect on the date that the applicant submits a complete
- 1127 application, subject to Subsection (1)(a)(ii); or
- 1128 (iii) a county specification for public improvements applicable to a subdivision or
- 1129 development that is in effect on the date that the applicant submits an application.
- 1130 (g) A county may not impose on a holder of an issued land use permit or a final,
- 1131 unexpired subdivision plat a requirement that is not expressed:
- 1132 (i) in a land use permit;
- 1133 (ii) on the subdivision plat;
- 1134 (iii) in a document on which the land use permit or subdivision plat is based;
- 1135 (iv) in the written record evidencing approval of the land use permit or subdivision
- 1136 plat;
- 1137 (v) in this chapter;
- 1138 (vi) in a county ordinance; or
- 1139 (vii) in a county specification for residential roadways in effect at the time a
- 1140 residential subdivision was approved.
- 1141 (h) Except as provided in Subsection (1)(i) or (j), a county may not withhold issuance of
- 1142 a certificate of occupancy or acceptance of subdivision improvements because of an
- 1143 applicant's failure to comply with a requirement that is not expressed:
- 1144 (i) in the building permit or subdivision plat, documents on which the building permit
- 1145 or subdivision plat is based, or the written record evidencing approval of the
- 1146 building permit or subdivision plat; or
- 1147 (ii) in this chapter or the county's ordinances.
- 1148 (i) A county may not unreasonably withhold issuance of a certificate of occupancy
- 1149 where an applicant has met all requirements essential for the public health, public
- 1150 safety, and general welfare of the occupants, in accordance with this chapter, unless:
- 1151 (i) the applicant and the county have agreed in a written document to the withholding
- 1152 of a certificate of occupancy; or

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

(j) A county may not conduct a final inspection required before issuing a certificate of occupancy for a residential unit that is within the boundary of an infrastructure financing district, as defined in Section 17B-1-102, until the applicant for the certificate of occupancy provides adequate proof to the county that any lien on the unit arising from the infrastructure financing district's assessment against the unit under Title 11, Chapter 42, Assessment Area Act, has been released after payment in full of the infrastructure financing district's assessment against that unit.

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

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

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

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

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

(ii) no later than seven days after the day on which a petition for a referendum is determined sufficient under Subsection 20A-7-607(4).

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

(i) the relevant land use approval; and

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

(6)(a) After issuance of a building permit, a county may not:

(i) change or add to the requirements expressed in the building permit, unless the change or addition is:

- 1187 (A) requested by the building permit holder; or
1188 (B) necessary to comply with an applicable state building code; or
1189 (ii) revoke the building permit or take action that has the effect of revoking the
1190 building permit.
- 1191 (b) Subsection (6)(a) does not prevent a county from issuing a building permit that
1192 contains an expiration date defined in the building permit.
- 1193 Section 5. Section **20A-4-301** is amended to read:
1194 **20A-4-301 . Board of canvassers.**
- 1195 (1)(a) Each county legislative body is the board of county canvassers for:
1196 (i) the county; and
1197 (ii) each special district whose election is conducted by the county if:
1198 (A) the election relates to the creation of the special district;
1199 (B) the county legislative body serves as the governing body of the special
1200 district; or
1201 (C) there is no duly constituted governing body of the special district.
- 1202 (b) The board of county canvassers shall meet to canvass the returns at the usual place of
1203 meeting of the county legislative body, at a date and time determined by the county
1204 clerk that is no sooner than seven days after the election and no later than 14 days
1205 after the election.
- 1206 (c) If one or more of the county legislative body fails to attend the meeting of the board
1207 of county canvassers, the remaining members shall replace the absent member by
1208 appointing in the order named:
1209 (i) the county treasurer;
1210 (ii) the county assessor; or
1211 (iii) the county sheriff.
- 1212 (d) Attendance of the number of persons equal to a simple majority of the county
1213 legislative body, but not less than three persons, shall constitute a quorum for
1214 conducting the canvass.
- 1215 (e) The county clerk is the clerk of the board of county canvassers.
- 1216 (2)(a) The mayor and the municipal legislative body are the board of municipal
1217 canvassers for the municipality.
- 1218 (b) The board of municipal canvassers shall meet to canvass the returns at the usual
1219 place of meeting of the municipal legislative body:
1220 (i) for canvassing of returns from a municipal general election, no sooner than seven

- 1221 days after the election and no later than 14 days after the election; or
- 1222 (ii) for canvassing of returns from a municipal primary election, no sooner than seven
- 1223 days after the election and no later than 14 days after the election.
- 1224 (c) Attendance of a simple majority of the municipal legislative body shall constitute a
- 1225 quorum for conducting the canvass.
- 1226 (3)(a) The legislative body of the entity authorizing a bond election is the board of
- 1227 canvassers for each bond election.
- 1228 (b) The board of canvassers for the bond election shall comply with the canvassing
- 1229 procedures and requirements of Section 11-14-207.
- 1230 (c) Attendance of a simple majority of the legislative body of the entity authorizing a
- 1231 bond election shall constitute a quorum for conducting the canvass.
- 1232 (4)(a) If a board of trustees or an administrative control board is the governing body of a
- 1233 special district, the board of trustees or the administrative control board is the board
- 1234 of special district canvassers for the special district.
- 1235 (b) The board of special district canvassers shall meet to canvass the returns at the usual
- 1236 place of meeting for the board of trustees or the administrative control board, as
- 1237 applicable, at a date and time determined by the special district clerk that is no sooner
- 1238 than seven days after the day of the election and no later than 14 days after the day of
- 1239 the election.
- 1240 (c) Attendance of a simple majority of the board of trustees or the administrative control
- 1241 board is a quorum for conducting the canvass.
- 1242 (5)(a) The local school board of a school district is the board of school district
- 1243 canvassers for a referendum election under Subsection 20A-7-102(4).
- 1244 (b) The board of school district canvassers shall meet to canvass the returns at the usual
- 1245 place of meeting of the local school board no sooner than seven days after the
- 1246 election and no later than 14 days after the election.
- 1247 (c) Attendance of a simple majority of the local school board shall constitute a quorum
- 1248 for conducting the canvass.
- 1249 [(5)] (6) In relation to an election for the creation of a new school district under Section
- 1250 53G-3-301.1, 53G-3-301.3, or 53G-3-301.4, or in relation to an election of members of a
- 1251 local school board for a new school district or a reorganized new school district under
- 1252 Section 53G-3-302, the board of canvassers is:
- 1253 (a) if the voters permitted to vote in the election are all residents of the same
- 1254 municipality, the mayor and the municipal legislative body;

- (b) if the voters permitted to vote in the election are not all residents of the same municipality, but are all residents of the same county, the county legislative body; or
- (c) if the voters permitted to vote in the election are not all residents of the same municipality and are not all residents of the same county, the county legislative body of the county where the majority of the voters permitted to vote in the election are residents.

Section 6. Section **20A-7-101** is amended to read:

20A-7-101 . Definitions.

As used in this chapter:

- (1) "Approved device" means a device described in Subsection 20A-21-201(4) used to gather signatures for the electronic initiative process, the electronic referendum process, or the electronic candidate qualification process.
- (2) "Budget officer" means:
- (a) for a county, the person designated as finance officer as defined in Section 17-36-3;
 - (b) for a city, the person designated as budget officer in Subsection 10-6-106(4); [or]
 - (c) for a town, the town council[-] ; or
 - (d) for a school district, the person appointed business administrator under Section 53G-4-302.
- (3) "Certified" means that the county clerk has acknowledged a signature as being the signature of a registered voter.
- (4) "Circulation" means the process of submitting an initiative petition or a referendum petition to legal voters for their signature.
- (5) "Electronic initiative process" means:
- (a) as it relates to a statewide initiative, the process, described in Sections 20A-7-215 and 20A-21-201, for gathering signatures; or
 - (b) as it relates to a local initiative, the process, described in Sections 20A-7-514 and 20A-21-201, for gathering signatures.
- (6) "Electronic referendum process" means:
- (a) as it relates to a statewide referendum, the process, described in Sections 20A-7-313 and 20A-21-201, for gathering signatures; or
 - (b) as it relates to a local referendum, the process, described in Sections 20A-7-614 and 20A-21-201, for gathering signatures.
- (7) "Eligible voter" means a legal voter who resides in the jurisdiction of the county, city, or town that is holding an election on a ballot proposition.

- 1289 (8) "Final fiscal impact statement" means a financial statement prepared after voters
1290 approve an initiative that contains the information required by Subsection 20A-7-202.5
1291 (2) or 20A-7-502.5(2).
- 1292 (9) "Initial fiscal impact statement" means a financial statement prepared under Section
1293 20A-7-202.5 after the filing of a statewide initiative application.
- 1294 (10) "Initial fiscal impact and legal statement" means a financial and legal statement
1295 prepared under Section 20A-7-502.5 or 20A-7-602.5 for a local initiative or a local
1296 referendum.
- 1297 (11) "Initiative" means a new law proposed for adoption by the public as provided in this
1298 chapter.
- 1299 (12) "Initiative application" means:
- 1300 (a) for a statewide initiative, an application described in Subsection 20A-7-202(2) that
1301 includes all the information, statements, documents, and notarized signatures
1302 required under Subsection 20A-7-202(2); or
- 1303 (b) for a local initiative, an application described in Subsection 20A-7-502(2) that
1304 includes all the information, statements, documents, and notarized signatures
1305 required under Subsection 20A-7-502(2).
- 1306 (13) "Initiative packet" means a copy of the initiative petition, a copy of the proposed law,
1307 and the signature sheets, all of which have been bound together as a unit.
- 1308 (14) "Initiative petition":
- 1309 (a) as it relates to a statewide initiative, using the manual initiative process:
- 1310 (i) means the form described in Subsection 20A-7-203(2)(a), petitioning for
1311 submission of the initiative to the Legislature or the legal voters; and
- 1312 (ii) if the initiative proposes a tax increase, includes the statement described in
1313 Subsection 20A-7-203(2)(b);
- 1314 (b) as it relates to a statewide initiative, using the electronic initiative process:
- 1315 (i) means the form described in Subsections 20A-7-215(2) and (3), petitioning for
1316 submission of the initiative to the Legislature or the legal voters; and
- 1317 (ii) if the initiative proposes a tax increase, includes the statement described in
1318 Subsection 20A-7-215(5)(b);
- 1319 (c) as it relates to a local initiative, using the manual initiative process:
- 1320 (i) means the form described in Subsection 20A-7-503(2)(a), petitioning for
1321 submission of the initiative to the legislative body or the legal voters; and
- 1322 (ii) if the initiative proposes a tax increase, includes the statement described in

- 1323 Subsection 20A-7-503(2)(b); or
- 1324 (d) as it relates to a local initiative, using the electronic initiative process:
- 1325 (i) means the form described in Subsection 20A-7-514(2)(a), petitioning for
- 1326 submission of the initiative to the legislative body or the legal voters; and
- 1327 (ii) if the initiative proposes a tax increase, includes the statement described in
- 1328 Subsection 20A-7-514(4)(a).
- 1329 (15)(a) "Land use law" means a law of general applicability, enacted based on the
- 1330 weighing of broad, competing policy considerations, that relates to the use of land,
- 1331 including land use regulation, a general plan, a land use development code, an
- 1332 annexation ordinance, the rezoning of a single property or multiple properties, or a
- 1333 comprehensive zoning ordinance or resolution.
- 1334 (b) "Land use law" does not include a land use decision, as defined in Section 10-9a-103
- 1335 or 17-27a-103.
- 1336 (16) "Legal signatures" means the number of signatures of legal voters that:
- 1337 (a) meet the numerical requirements of this chapter; and
- 1338 (b) have been obtained, certified, and verified as provided in this chapter.
- 1339 (17) "Legal voter" means an individual who is registered to vote in Utah.
- 1340 (18) "Legally referable to voters" means:
- 1341 (a) for a proposed local initiative, that the proposed local initiative is legally referable to
- 1342 voters under Section 20A-7-502.7; or
- 1343 (b) for a proposed local referendum, that the proposed local referendum is legally
- 1344 referable to voters under Section 20A-7-602.7.
- 1345 (19) "Local attorney" means the county attorney, city attorney, ~~[or]~~town attorney, or local
- 1346 school district attorney in whose jurisdiction a local initiative or referendum petition is
- 1347 circulated.
- 1348 (20) "Local clerk" means:
- 1349 (a) the county clerk, city recorder, or town clerk in whose jurisdiction a local initiative
- 1350 or referendum petition is circulated[:]; or
- 1351 (b) for a referendum petition under Subsection 20A-7-102(4), the business administrator
- 1352 or superintendent of the school district in which the referendum petition is circulated.
- 1353 (21)(a) "Local law" includes:
- 1354 (i) an ordinance;
- 1355 (ii) a resolution;
- 1356 (iii) a land use law;

- 1357 (iv) a land use regulation, as defined in Section 10-9a-103; ~~[or]~~
 1358 (v) a local tax law;
 1359 (vi) any legislative action of a local school board, other than a legislative action that:
 1360 (A) increases a tax or levy or imposes a new tax or levy; or
 1361 (B) otherwise imposes a payment obligation on property; or
 1362 ~~[(v)]~~ (vii) other legislative action of a local legislative body.
 1363 (b) "Local law" does not include a land use decision, as defined in Section 10-9a-103.
 1364 (22)(a) "Local legislative body" means the legislative body of a county, city, or town.
 1365 (b) "Local legislative body" does not include the local school board of a school district.
 1366 (23) "Local obligation law" means a local law passed by the local legislative body
 1367 regarding a bond that was approved by a majority of qualified voters in an election.
 1368 (24) "Local school board" means a board elected under Chapter 14, Part 2, Election of
 1369 Members of Local Boards of Education.
 1370 ~~[(24)]~~ (25)(a) "Local tax law" means a law, passed by a [political subdivision] county,
 1371 city, or town with an annual or biannual calendar fiscal year, that increases a tax or
 1372 imposes a new tax.
 1373 (b) "Local tax law" does not include a local school tax law.
 1374 (26)(a) "Local school tax law" means a law passed by a local school board that increases
 1375 a tax or levy or imposes a new tax or levy.
 1376 (b) "Local school tax law" includes:
 1377 (i) a board local levy under Section 53F-8-302;
 1378 (ii) a capital local levy under Section 53F-8-303;
 1379 (iii) a judgment levy imposed by a local school board under Section 59-2-1330; or
 1380 (iv) any other tax or levy that is within a local school board's discretion to impose.
 1381 (c) "Local school tax law" does not include a law passed by a local school board that
 1382 increases a tax or levy or imposes a new tax or levy, if the increased tax or levy or
 1383 new tax or levy:
 1384 (i) relates to a voted local levy under Section 53F-8-301, or to the issuance of a bond
 1385 that was approved by a majority of the qualified voters within a school district; or
 1386 (ii) is required to be imposed by state law or rule, or is otherwise not within a local
 1387 school board's discretion to impose.
 1388 ~~[(25)]~~ (27) "Manual initiative process" means the process for gathering signatures for an
 1389 initiative using paper signature packets that a signer physically signs.
 1390 ~~[(26)]~~ (28) "Manual referendum process" means the process for gathering signatures for a

- 1391 referendum using paper signature packets that a signer physically signs.
- 1392 [(27)] (29)(a) "Measure" means a proposed constitutional amendment, an initiative, or
- 1393 referendum.
- 1394 (b) "Measure" does not include a ballot proposition for the creation of a new school
- 1395 district under Section 53G-3-301.1, 53G-3-301.3, or 53G-3-301.4.
- 1396 [(28)] (30) "Presiding officers" means the president of the Senate and the speaker of the
- 1397 House of Representatives.
- 1398 [(29)] (31) "Referendum" means a process by which a law passed by the ~~[Legislature or by a~~
- 1399 ~~local legislative body]~~ Legislature, a local legislative body, or a local school board is
- 1400 submitted or referred to the voters for their approval or rejection.
- 1401 [(30)] (32) "Referendum application" means:
- 1402 (a) for a statewide referendum, an application described in Subsection 20A-7-302(2) that
- 1403 includes all the information, statements, documents, and notarized signatures
- 1404 required under Subsection 20A-7-302(2); or
- 1405 (b) for a local referendum, an application described in Subsection 20A-7-602(2) that
- 1406 includes all the information, statements, documents, and notarized signatures
- 1407 required under Subsection 20A-7-602(2).
- 1408 [(31)] (33) "Referendum packet" means a copy of the referendum petition, a copy of the law
- 1409 being submitted or referred to the voters for their approval or rejection, and the signature
- 1410 sheets, all of which have been bound together as a unit.
- 1411 [(32)] (34) "Referendum petition" means:
- 1412 (a) as it relates to a statewide referendum, using the manual referendum process, the
- 1413 form described in Subsection 20A-7-303(2)(a), petitioning for submission of a law
- 1414 passed by the Legislature to legal voters for their approval or rejection;
- 1415 (b) as it relates to a statewide referendum, using the electronic referendum process, the
- 1416 form described in Subsection 20A-7-313(2), petitioning for submission of a law
- 1417 passed by the Legislature to legal voters for their approval or rejection;
- 1418 (c) as it relates to a local referendum, using the manual referendum process, the form
- 1419 described in Subsection 20A-7-603(2)(a), petitioning for submission of a local law or
- 1420 a local school tax law to legal voters for their approval or rejection; or
- 1421 (d) as it relates to a local referendum, using the electronic referendum process, the form
- 1422 described in Subsection 20A-7-614(2), petitioning for submission of a local law or a
- 1423 local school tax law to legal voters for their approval or rejection.
- 1424 [(33)] (35) "Signature":

- 1425 (a) for a statewide initiative:
- 1426 (i) as it relates to the electronic initiative process, means an electronic signature
- 1427 collected under Section 20A-7-215 and Subsection 20A-21-201(6)(c); or
- 1428 (ii) as it relates to the manual initiative process:
- 1429 (A) means a holographic signature collected physically on a signature sheet
- 1430 described in Section 20A-7-203;
- 1431 (B) as it relates to an individual who, due to a qualifying disability under the
- 1432 Americans with Disabilities Act, is unable to fill out the signature sheet or to
- 1433 sign the voter's name consistently, the initials "AV," indicating that the voter's
- 1434 identity will be verified by an alternate verification process described in
- 1435 Section 20A-7-106; and
- 1436 (C) does not include an electronic signature;
- 1437 (b) for a statewide referendum:
- 1438 (i) as it relates to the electronic referendum process, means an electronic signature
- 1439 collected under Section 20A-7-313 and Subsection 20A-21-201(6)(c); or
- 1440 (ii) as it relates to the manual referendum process:
- 1441 (A) means a holographic signature collected physically on a signature sheet
- 1442 described in Section 20A-7-303;
- 1443 (B) as it relates to an individual who, due to a qualifying disability under the
- 1444 Americans with Disabilities Act, is unable to fill out the signature sheet or to
- 1445 sign the voter's name consistently, the initials "AV," indicating that the voter's
- 1446 identity will be verified by an alternate verification process described in
- 1447 Section 20A-7-106; and
- 1448 (C) does not include an electronic signature;
- 1449 (c) for a local initiative:
- 1450 (i) as it relates to the electronic initiative process, means an electronic signature
- 1451 collected under Section 20A-7-514 and Subsection 20A-21-201(6)(c); or
- 1452 (ii) as it relates to the manual initiative process:
- 1453 (A) means a holographic signature collected physically on a signature sheet
- 1454 described in Section 20A-7-503;
- 1455 (B) as it relates to an individual who, due to a qualifying disability under the
- 1456 Americans with Disabilities Act, is unable to fill out the signature sheet or to
- 1457 sign the voter's name consistently, the initials "AV," indicating that the voter's
- 1458 identity will be verified by an alternate verification process described in

1459 Section 20A-7-106; and
1460 (C) does not include an electronic signature; or
1461 (d) for a local referendum:
1462 (i) as it relates to the electronic referendum process, means an electronic signature
1463 collected under Section 20A-7-614 and Subsection 20A-21-201(6)(c); or
1464 (ii) as it relates to the manual referendum process:
1465 (A) means a holographic signature collected physically on a signature sheet
1466 described in Section 20A-7-603;
1467 (B) as it relates to an individual who, due to a qualifying disability under the
1468 Americans with Disabilities Act, is unable to fill out the signature sheet or to
1469 sign the voter's name consistently, the initials "AV," indicating that the voter's
1470 identity will be verified by an alternate verification process described in
1471 Section 20A-7-106; and
1472 (C) does not include an electronic signature.
1473 ~~[(34)]~~ (36) "Signature sheets" means sheets in the form required by this chapter that are used
1474 under the manual initiative process or the manual referendum process to collect
1475 signatures in support of an initiative or referendum.
1476 ~~[(35)]~~ (37) "Special local ballot proposition" means a local ballot proposition that is not a
1477 standard local ballot proposition.
1478 ~~[(36)]~~ (38) "Sponsors" means the legal voters who support the initiative or referendum and
1479 who sign the initiative application or referendum application.
1480 ~~[(37)]~~ (39)(a) "Standard local ballot proposition" means a local ballot proposition for an
1481 initiative or a referendum.
1482 (b) "Standard local ballot proposition" does not include a property tax referendum
1483 described in Section 20A-7-613.
1484 ~~[(38)]~~ (40) "Tax percentage difference" means the difference between the tax rate proposed
1485 by an initiative or an initiative petition and the current tax rate.
1486 ~~[(39)]~~ (41) "Tax percentage increase" means a number calculated by dividing the tax
1487 percentage difference by the current tax rate and rounding the result to the nearest
1488 thousandth.
1489 ~~[(40)]~~ (42) "Verified" means acknowledged by the person circulating the petition as required
1490 in Section 20A-7-105.
1491 Section 7. Section **20A-7-102** is amended to read:
1492 **20A-7-102 . Initiatives and referenda authorized -- Restrictions.**

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

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

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

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

(2) require any law passed by the Legislature, except those laws passed by a two-thirds vote of the members elected to each house of the Legislature, to be referred to the voters for their approval or rejection before the law takes effect; [~~and~~]

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

(4) require any local law or local school tax law passed by a local school board to be referred to the voters for their approval or rejection before the local law or local school tax law takes effect, unless the local school board is comprised of:

(a) five members and four members or more voted in favor of the local law or local school tax law;

(b) seven members and five members or more voted in favor of the local law or local school tax law; or

(c) nine members and seven members or more voted in favor of the local law or local school tax law.

Section 8. Section **20A-7-401.3** is amended to read:

20A-7-401.3 . Voter participation areas.

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

(i) a city of the first or second class or a county of the first or second class shall, no later than January 1, 2020, again on January 1, 2022, and January 1 each 10 years after 2022, divide the city or county into eight contiguous and compact voter participation areas of substantially equal population; and

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

(b) A city or county shall use the voter participation areas described in Subsection (1)(a) or (2)(b) for the purpose described in Sections 20A-7-501 and 20A-7-601.

(2)(a) This section does not apply to a county of the fifth or sixth class, a city of the fifth class, ~~[or a town]~~ a town, or a school district.

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

Section 9. Section **20A-7-401.5** is amended to read:

20A-7-401.5 . Proposition information pamphlet.

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

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

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

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

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

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

(d) The sponsors of the proposed initiative or referendum may submit a revised version of the written argument described in Subsection (1)(a)(i)(A) to the election officer of

- 1561 the [~~county or municipality~~] county, municipality, or school district to which the
1562 petition relates within 20 days after the day on which the eligible voter files an
1563 application to circulate an initiative petition under Section 20A-7-502 or an
1564 application to circulate a referendum petition under Section 20A-7-602.
- 1565 (e) The author of a written argument described in Subsection (1)(a)(i)(B) submitted by a [~~county or municipality~~] county, municipality, or school district may submit a revised
1566 version of the written argument to the [~~county's or municipality's~~] county's,
1567 municipality's, or school district's election officer within 20 days after the day on
1568 which the eligible voter files an application to circulate an initiative petition under
1569 Section 20A-7-502 or an application to circulate a referendum petition under Section
1570 20A-7-602.
- 1571
- 1572 (2)(a) A written argument described in Subsection (1) may not exceed 500 words.
- 1573 (b) Except as provided in Subsection (2)(c), a person may not modify a written argument
1574 described in Subsection (1)(d) or (e) after the written argument is submitted to the
1575 election officer.
- 1576 (c) The election officer and the person that submits the written argument described in
1577 Subsection (1)(d) or (e) may jointly agree to modify the written argument to:
1578 (i) correct factual, grammatical, or spelling errors; or
1579 (ii) reduce the number of words to come into compliance with Subsection (2)(a).
- 1580 (d) An election officer shall refuse to include a written argument in the proposition
1581 information pamphlet described in this section if the person who submits the
1582 argument:
1583 (i) fails to negotiate, in good faith, to modify the argument in accordance with
1584 Subsection (2)(c); or
1585 (ii) does not timely submit the written argument to the election officer.
- 1586 (e) An election officer shall make a good faith effort to negotiate a modification
1587 described in Subsection (2)(c) in an expedited manner.
- 1588 (3) An election officer who receives a written argument described in Subsection (1) shall
1589 prepare a proposition information pamphlet for publication that includes:
1590 (a) a copy of the application for the proposed initiative or referendum;
1591 (b) except as provided in Subsection (2)(d), immediately after the copy described in
1592 Subsection (3)(a), the argument prepared by the sponsors of the proposed initiative or
1593 referendum, if any;
1594 (c) except as provided in Subsection (2)(d), immediately after the argument described in

Subsection (3)(b), the argument prepared by the county or municipality, if any; and
(d) a copy of the initial fiscal impact statement and legal impact statement described in
Section 20A-7-502.5 or 20A-7-602.5.

(4)(a) A proposition information pamphlet is a draft for purposes of Title 63G, Chapter
2, Government Records Access and Management Act, until the earlier of when the
election officer:

- (i) complies with Subsection (4)(b); or
- (ii) publishes the proposition information pamphlet under Subsection (5) or (6).

(b) Within 21 days after the day on which the eligible voter files an application to
circulate an initiative petition under Section 20A-7-502, or an application to circulate
a referendum petition under Section 20A-7-602, the election officer shall provide a
copy of the proposition information pamphlet to the sponsors of the initiative or
referendum and each individual who submitted an argument included in the
proposition information pamphlet.

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

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

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

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

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

(B) the local clerk determines, under Section 20A-7-507 or 20A-7-607, that the

- 1629 number of signatures necessary to qualify the proposed initiative or referendum
1630 for placement on the ballot is insufficient and the determination is not timely
1631 appealed or is upheld after appeal; or
1632 (C) the day after the date of the election at which the proposed initiative or
1633 referendum appears on the ballot; and
1634 (b) if the municipality regularly mails a newsletter, utility bill, or other material to the
1635 municipality's residents, including an Internet address, where a resident may view the
1636 proposition information pamphlet, in the next mailing, for which the municipality has
1637 not begun preparation, that falls on or after the later of:
1638 (i) 10 days after the day on which the municipality or a court determines that the
1639 proposed initiative or referendum is legally referable to voters; or
1640 (ii) if the election officer modifies an argument under Subsection (2)(c), three days
1641 after the day on which the election officer and the person that submitted the
1642 argument agree on the modification.
1643 (6) An election officer for a county shall, within the later of 10 days after the day on which
1644 the county or a court determines that the proposed initiative or referendum is legally
1645 referable to voters, or, if the election officer modifies an argument under Subsection
1646 (2)(c), three days after the day on which the election officer and the person that
1647 submitted the argument agree on the modification, publish the proposition information
1648 pamphlet as follows:
1649 (a) by sending the proposition information pamphlet electronically to each individual in
1650 the county for whom the county has an email address obtained via voter registration;
1651 and
1652 (b) by posting the proposition information pamphlet on the Utah Public Notice Website,
1653 created in Section 63A-16-601, and the home page of the county's website, until:
1654 (i) if the sponsors of the proposed initiative or referendum or an agent of the sponsors
1655 do not timely deliver any verified initiative packets or any verified referendum
1656 packets under Section 20A-7-105, the day after the date of the deadline for
1657 delivery of the verified initiative packets or verified referendum packets;
1658 (ii) the local clerk determines, under Section 20A-7-507 or 20A-7-607, that the
1659 number of signatures necessary to qualify the proposed initiative or referendum
1660 for placement on the ballot is insufficient and the determination is not timely
1661 appealed or is upheld after appeal; or
1662 (iii) the day after the date of the election at which the proposed initiative or

1663 referendum appears on the ballot.

1664 (7) An election officer for a school district shall, within the later of 10 days after the day on
1665 which the school district or a court determines that the proposed referendum is legally
1666 referable to voters, or, if the election officer modifies an argument under Subsection
1667 (2)(c), three days after the day on which the election officer and the person that
1668 submitted the argument agree on the modification, publish the proposition information
1669 pamphlet as follows:

1670 (a) by sending the proposition information pamphlet electronically to each individual in
1671 the school district for whom the school district has an email address, unless the
1672 individual has indicated that the school district is prohibited from using the
1673 individual's email address for that purpose;

1674 (b) by posting the proposition information pamphlet on the Utah Public Notice Website,
1675 created in Section 63A-16-601, and the home page of the school district's website, if
1676 the school district has a website, until:

1677 (i) if the sponsors of the proposed referendum or an agent of the sponsors do not
1678 timely deliver any verified referendum packets under Section 20A-7-105, the day
1679 after the date of the deadline for delivery of the verified referendum packets;

1680 (ii) the local clerk determines, under Section 20A-7-607, that the number of
1681 signatures necessary to qualify the proposed referendum for placement on the
1682 ballot is insufficient and the determination is not timely appealed or is upheld after
1683 appeal; or

1684 (iii) the day after the date of the election at which the proposed referendum appears
1685 on the ballot; and

1686 (c) if the school district regularly mails a newsletter or other material to the school
1687 district's residents, including an Internet address, where a resident may view the
1688 proposition information pamphlet, in the next mailing, for which the school district
1689 has not begun preparation, that falls on or after the later of:

1690 (i) 10 days after the day on which the school district or a court determines that the
1691 proposed referendum is legally referable to voters; or

1692 (ii) if the election officer modifies an argument under Subsection (2)(c), three days
1693 after the day on which the election officer and the person that submitted the
1694 argument agree on the modification.

1695 Section 10. Section **20A-7-402** is amended to read:

1696 **20A-7-402 . Local voter information pamphlet -- Notice -- Contents --**

Limitations -- Preparation -- Statement on front cover.

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

(b) Each county or municipality that contains all or part of a proposed new school district or a reorganized new school district that will appear on a regular general election ballot under Section 53G-3-301.1, 53G-3-301.3, or 53G-3-301.4 shall prepare a local voter information pamphlet that complies with the requirements of this part.

(2)(a) ~~[Within the time requirements described in Subsection (2)(c)(i), a municipality described in Subsection (1) shall provide a notice that complies with the requirements of Subsection (2)(c)(ii) to the municipality's residents by publishing the notice for the municipality, as a class A notice under Section 63G-30-102, for the time period set under Subsection (2)(c)(i)]~~ A county, municipality, or school district described in Subsection (1) shall provide a notice that complies with the requirements of Subsection (2)(b)(ii) to the county's, municipality's, or school district's residents by publishing the notice for the county, municipality, or school district, as a class A notice under Section 63G-30-102, for the time period set under Subsection (2)(b)(i).

~~[(b) A county described in Subsection (1) shall publish a notice that complies with the requirements of Subsection (2)(c)(ii) for the county, as a class A notice under Section 63G-30-102.]~~

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

(i) publish the notice:

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

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

(ii) ensure that the notice contains:

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

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

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

1731 ~~[(d)]~~ (c) Except as provided in Subsection (13), to prepare a written argument for or
1732 against a special local ballot proposition, an eligible voter shall file a request with the
1733 election officer before 5 p.m. no later than 64 days before the day of the election at
1734 which the special local ballot proposition is to be voted on.

1735 ~~[(e)]~~ (d) If more than one eligible voter requests the opportunity to prepare a written
1736 argument for or against a special local ballot proposition, the election officer shall
1737 make the final designation in accordance with the following order of priority:
1738 (i) sponsors have priority in preparing an argument regarding a special local ballot
1739 proposition; and
1740 (ii) members of the local legislative body or the local school board have priority over
1741 others if a majority of the local legislative body or the local school board supports
1742 the written argument.

1743 ~~[(f)]~~ (e) Except as provided in Subsection (13), the election officer shall grant a request
1744 described in Subsection ~~[(2)(d) or (e)]~~ (2)(c) or (d) no later than 60 days before the
1745 day of the election at which the ballot proposition is to be voted on.

1746 ~~[(g)]~~ (f)(i) A sponsor of a special local ballot proposition may prepare a written
1747 argument in favor of the special local ballot proposition.
1748 (ii) Subject to Subsection ~~[(2)(e)]~~ (2)(d), an eligible voter opposed to the special local
1749 ballot proposition who submits a request under Subsection ~~[(2)(d)]~~ (2)(c) may
1750 prepare a written argument against the special local ballot proposition.

1751 ~~[(h)]~~ (g) An eligible voter who submits a written argument under this section in relation
1752 to a special local ballot proposition shall:

1753 (i) ensure that the written argument does not exceed 500 words in length, not
1754 counting the information described in Subsection ~~[(2)(h)(ii)]~~ (2)(g)(ii) or (iv);

1755 (ii) list, at the end of the argument, at least one, but no more than five, names as
1756 sponsors;

1757 (iii) except as provided in Subsection (13), submit the written argument to the
1758 election officer before 5 p.m. no later than 55 days before the election day on
1759 which the ballot proposition will be submitted to the voters;

1760 (iv) list in the argument, immediately after the eligible voter's name, the eligible
1761 voter's residential address; and

1762 (v) submit with the written argument the eligible voter's name, residential address,
1763 postal address, email address if available, and phone number.

1764 ~~[(i)]~~ (h) An election officer shall refuse to accept and publish an argument submitted

- 1765 after the deadline described in Subsection [~~(2)(h)(iii)~~] (2)(g)(iii).
- 1766 (3)(a) An election officer who timely receives the written arguments in favor of and
1767 against a special local ballot proposition shall, within one business day after the day
1768 on which the election office receives both written arguments, send, via mail or email:
- 1769 (i) a copy of the written argument in favor of the special local ballot proposition to
1770 the eligible voter who submitted the written argument against the special local
1771 ballot proposition; and
- 1772 (ii) a copy of the written argument against the special local ballot proposition to the
1773 eligible voter who submitted the written argument in favor of the special local
1774 ballot proposition.
- 1775 (b) The eligible voter who submitted a timely written argument in favor of the special
1776 local ballot proposition:
- 1777 (i) may submit to the election officer a written rebuttal argument of the written
1778 argument against the special local ballot proposition;
- 1779 (ii) shall ensure that the written rebuttal argument does not exceed 250 words in
1780 length, not counting the information described in Subsection [~~(2)(h)(ii)~~] (2)(g)(ii)
1781 or (iv); and
- 1782 (iii) except as provided in Subsection (13), shall submit the written rebuttal argument
1783 before 5 p.m. no later than 45 days before the election day on which the special
1784 local ballot proposition will be submitted to the voters.
- 1785 (c) The eligible voter who submitted a timely written argument against the special local
1786 ballot proposition:
- 1787 (i) may submit to the election officer a written rebuttal argument of the written
1788 argument in favor of the special local ballot proposition;
- 1789 (ii) shall ensure that the written rebuttal argument does not exceed 250 words in
1790 length, not counting the information described in Subsection [~~(2)(h)(ii)~~] (2)(g)(ii)
1791 or (iv); and
- 1792 (iii) except as provided in Subsection (13), shall submit the written rebuttal argument
1793 before 5 p.m. no later than 45 days before the election day on which the special
1794 local ballot proposition will be submitted to the voters.
- 1795 (d) An election officer shall refuse to accept and publish a written rebuttal argument in
1796 relation to a special local ballot proposition that is submitted after the deadline
1797 described in Subsection (3)(b)(iii) or (3)(c)(iii).
- 1798 (4)(a) Except as provided in Subsection (4)(b), in relation to a special local ballot

1799 proposition:

1800 (i) an eligible voter may not modify a written argument or a written rebuttal argument
1801 after the eligible voter submits the written argument or written rebuttal argument
1802 to the election officer; and

1803 (ii) a person other than the eligible voter described in Subsection (4)(a)(i) may not
1804 modify a written argument or a written rebuttal argument.

1805 (b) The election officer, and the eligible voter who submits a written argument or written
1806 rebuttal argument in relation to a special local ballot proposition, may jointly agree to
1807 modify a written argument or written rebuttal argument in order to:

1808 (i) correct factual, grammatical, or spelling errors; and

1809 (ii) reduce the number of words to come into compliance with the requirements of
1810 this section.

1811 (c) An election officer shall refuse to accept and publish a written argument or written
1812 rebuttal argument in relation to a special local ballot proposition if the eligible voter
1813 who submits the written argument or written rebuttal argument fails to negotiate, in
1814 good faith, to modify the written argument or written rebuttal argument in accordance
1815 with Subsection (4)(b).

1816 (5) In relation to a special local ballot proposition, an election officer may designate another
1817 eligible voter to take the place of an eligible voter described in this section if the original
1818 eligible voter is, due to injury, illness, death, or another circumstance, unable to continue
1819 to fulfill the duties of an eligible voter described in this section.

1820 (6) Sponsors whose written argument in favor of a standard local ballot proposition is
1821 included in a proposition information pamphlet under Section 20A-7-401.5:

1822 (a) may, if a written argument against the standard local ballot proposition is included in
1823 the proposition information pamphlet, submit a written rebuttal argument to the
1824 election officer;

1825 (b) shall ensure that the written rebuttal argument does not exceed 250 words in length;
1826 and

1827 (c) shall submit the written rebuttal argument no later than 45 days before the election
1828 day on which the standard local ballot proposition will be submitted to the voters.

1829 (7)(a) A ~~[county or municipality]~~ county, municipality, or school district that submitted a
1830 written argument against a standard local ballot proposition that is included in a
1831 proposition information pamphlet under Section 20A-7-401.5:

1832 (i) may, if a written argument in favor of the standard local ballot proposition is

- 1833 included in the proposition information pamphlet, submit a written rebuttal
1834 argument to the election officer;
- 1835 (ii) shall ensure that the written rebuttal argument does not exceed 250 words in
1836 length; and
- 1837 (iii) shall submit the written rebuttal argument no later than 45 days before the
1838 election day on which the ballot proposition will be submitted to the voters.
- 1839 (b) If a [~~county or municipality~~] county, municipality, or school district submits more
1840 than one written rebuttal argument under Subsection (7)(a)(i), the election officer
1841 shall select one of the written rebuttal arguments, giving preference to a written
1842 rebuttal argument submitted by a member of a local legislative body or a local school
1843 board.
- 1844 (8)(a) An election officer shall refuse to accept and publish a written rebuttal argument
1845 that is submitted after the deadline described in Subsection (6)(c) or (7)(a)(iii).
- 1846 (b) Before an election officer publishes a local voter information pamphlet under this
1847 section, a written rebuttal argument is a draft for purposes of Title 63G, Chapter 2,
1848 Government Records Access and Management Act.
- 1849 (c) An election officer who receives a written rebuttal argument described in this section
1850 may not, before publishing the local voter information pamphlet described in this
1851 section, disclose the written rebuttal argument, or any information contained in the
1852 written rebuttal argument, to any person who may in any way be involved in
1853 preparing an opposing rebuttal argument.
- 1854 (9)(a) Except as provided in Subsection (9)(b), a person may not modify a written
1855 rebuttal argument after the written rebuttal argument is submitted to the election
1856 officer.
- 1857 (b) The election officer, and the person who submits a written rebuttal argument, may
1858 jointly agree to modify a written rebuttal argument in order to:
- 1859 (i) correct factual, grammatical, or spelling errors; or
1860 (ii) reduce the number of words to come into compliance with the requirements of
1861 this section.
- 1862 (c) An election officer shall refuse to accept and publish a written rebuttal argument if
1863 the person who submits the written rebuttal argument:
- 1864 (i) fails to negotiate, in good faith, to modify the written rebuttal argument in
1865 accordance with Subsection (9)(b); or
1866 (ii) does not timely submit the written rebuttal argument to the election officer.

- 1867 (d) An election officer shall make a good faith effort to negotiate a modification
1868 described in Subsection (9)(b) in an expedited manner.
- 1869 (10) An election officer may designate another person to take the place of a person who
1870 submits a written rebuttal argument in relation to a standard local ballot proposition if
1871 the person is, due to injury, illness, death, or another circumstance, unable to continue to
1872 fulfill the person's duties.
- 1873 (11)(a) The local voter information pamphlet shall include a copy of the initial fiscal
1874 impact estimate and the legal impact statement prepared for each initiative under
1875 Section 20A-7-502.5.
- 1876 (b) If the initiative proposes a tax increase, the local voter information pamphlet shall include
1877 the following statement in bold type:
1878 "This initiative seeks to increase the current (insert name of tax) rate by (insert the tax
1879 percentage difference) percent, resulting in a(n) (insert the tax percentage increase) percent
1880 increase in the current tax rate."
- 1881 (12)(a) In preparing the local voter information pamphlet, the election officer shall:
1882 (i) ensure that the written arguments are printed on the same sheet of paper upon
1883 which the ballot proposition is also printed;
1884 (ii) ensure that the following statement is printed on the front cover or the heading of the first
1885 page of the printed written arguments:
1886 "The arguments for or against a ballot proposition are the opinions of the authors.";
1887 (iii) pay for the printing and binding of the local voter information pamphlet; and
1888 (iv) not less than 15 days before, but not more than 45 days before, the election at
1889 which the ballot proposition will be voted on, distribute, by mail or carrier, to each
1890 registered voter entitled to vote on the ballot proposition:
1891 (A) a voter information pamphlet; or
1892 (B) the notice described in Subsection (12)(c).
- 1893 (b)(i) If the language of the ballot proposition exceeds 500 words in length, the
1894 election officer may summarize the ballot proposition in 500 words or less.
1895 (ii) The summary shall state where a complete copy of the ballot proposition is
1896 available for public review.
- 1897 (c)(i) The election officer may distribute a notice printed on a postage prepaid,
1898 preaddressed return form that a person may use to request delivery of a voter
1899 information pamphlet by mail.
1900 (ii) The notice described in Subsection (12)(c)(i) shall include:

1901 (A) the address of the Statewide Electronic Voter Information Website authorized
 1902 by Section 20A-7-801; and

1903 (B) the phone number a voter may call to request delivery of a voter information
 1904 pamphlet by mail or carrier.

1905 (13) For 2024 only, in relation to an election that will appear on the regular general election
 1906 ballot to create a new school district under Section 53G-3-301.1, 53G-3-301.3, or
 1907 53G-3-301.4, if the notice described in Subsection (2)(b) is published less than 72 days
 1908 before the day of the election:

1909 (a) the deadline to file a request described in Subsection [(2)(d)] (2)(c) is before 5 p.m.
 1910 no later than five business days after the notice is published;

1911 (b) the deadline to grant a request under Subsection [(2)(f)] (2)(e) is no later than seven
 1912 business days after the notice is published;

1913 (c) the deadline to submit the written argument to the election officer under Subsection [
 1914 (2)(h)(iii)] (2)(g)(iii) is before 5 p.m. no later than 12 business days after the notice is
 1915 published; and

1916 (d) the deadline to submit the written rebuttal argument under Subsection (3)(b)(iii) or
 1917 (c)(iii) is no later than 17 business days after the notice is published.

1918 Section 11. Section **20A-7-405** is amended to read:

1919 **20A-7-405 . Public meeting.**

1920 (1) A [~~county or municipality~~] county, municipality, or school district may not discuss a
 1921 proposed initiative, an initiative, a proposed referendum, or a referendum at a public
 1922 meeting unless the [~~county or municipality~~] county, municipality, or school district
 1923 complies with the requirements of this section.

1924 (2) The legislative body of a [~~county or municipality~~] county, municipality, or school district
 1925 may hold a public meeting to discuss a proposed initiative, an initiative, a proposed
 1926 referendum, or a referendum if the legislative body:

1927 (a) allows equal time, within a reasonable limit, for presentations on both sides of the
 1928 proposed initiative, initiative, proposed referendum, or referendum;

1929 (b) provides interested parties an opportunity to present oral testimony within reasonable
 1930 time limits; and

1931 (c) holds the public meeting:

1932 (i) during the legislative body's normal meeting time; or

1933 (ii) for a meeting time other than the legislative body's normal meeting time,
 1934 beginning at or after 6 p.m.

(3) This section does not prohibit a working group meeting from being held before 6 p.m.

Section 12. Section **20A-7-601** is amended to read:

20A-7-601 . Referenda -- General signature requirements -- Signature requirements for land use laws, subjurisdictional laws, and transit area land use laws -- Time requirements.

(1) As used in this section:

(a) "Number of active voters" means the number of active voters in the county, city, [~~or town~~] town, or school district on the immediately preceding January 1.

(b) "Qualifying county" means a county that has created a small public transit district, as defined in Section 17B-2a-802, on or before January 1, 2022.

(c) "Qualifying transit area" means:

(i) a station area, as defined in Section 10-9a-403.1, for which the municipality with jurisdiction over the station area has satisfied the requirements of Subsection 10-9a-403.1(2)(a)(i), as demonstrated by the adoption of a station area plan or resolution under Subsection 10-9a-403.1(2); or

(ii) a housing and transit reinvestment zone, as defined in Section 63N-3-602, created within a qualifying county.

(d) "Subjurisdiction" means an area comprised of all precincts and subprecincts in the jurisdiction of a county, city, or town that are subject to a subjurisdictional law.

(e)(i) "Subjurisdictional law" means a local law or local obligation law passed by a local legislative body that imposes a tax or other payment obligation on property in an area that does not include all precincts and subprecincts under the jurisdiction of the county, city, or town.

(ii) "Subjurisdictional law" does not include a land use law.

(f) "Transit area land use law" means a land use law that relates to the use of land within a qualifying transit area.

(g) "Voter participation area" means an area described in Subsection 20A-7-401.3(1)(a) or (2)(b).

(2) Except as provided in Subsections (3) through (5), an eligible voter seeking to have a local law passed by the local legislative body submitted to a vote of the people shall, after filing a referendum application, obtain legal signatures equal to:

(a) for a county of the first class:

(i) 7.75% of the number of active voters in the county; and

(ii) [~~beginning on January 1, 2020,~~] 7.75% of the number of active voters in at least

- 1969 75% of the county's voter participation areas;
- 1970 (b) for a city of the first class:
- 1971 (i) 7.5% of the number of active voters in the city; and
- 1972 (ii) ~~[beginning on January 1, 2020,]~~ 7.5% of the number of active voters in at least
- 1973 75% of the city's voter participation areas;
- 1974 (c) for a county of the second class:
- 1975 (i) 8% of the number of active voters in the county; and
- 1976 (ii) ~~[beginning on January 1, 2020,]~~ 8% of the number of active voters in at least 75%
- 1977 of the county's voter participation areas;
- 1978 (d) for a city of the second class:
- 1979 (i) 8.25% of the number of active voters in the city; and
- 1980 (ii) ~~[beginning on January 1, 2020,]~~ 8.25% of the number of active voters in at least
- 1981 75% of the city's voter participation areas;
- 1982 (e) for a county of the third class:
- 1983 (i) 9.5% of the number of active voters in the county; and
- 1984 (ii) ~~[beginning on January 1, 2020,]~~ 9.5% of the number of active voters in at least
- 1985 75% of the county's voter participation areas;
- 1986 (f) for a city of the third class:
- 1987 (i) 10% of the number of active voters in the city; and
- 1988 (ii) ~~[beginning on January 1, 2020,]~~ 10% of the number of active voters in at least
- 1989 75% of the city's voter participation areas;
- 1990 (g) for a county of the fourth class:
- 1991 (i) 11.5% of the number of active voters in the county; and
- 1992 (ii) ~~[beginning on January 1, 2020,]~~ 11.5% of the number of active voters in at least
- 1993 75% of the county's voter participation areas;
- 1994 (h) for a city of the fourth class:
- 1995 (i) 11.5% of the number of active voters in the city; and
- 1996 (ii) ~~[beginning on January 1, 2020,]~~ 11.5% of the number of active voters in at least
- 1997 75% of the city's voter participation areas;
- 1998 (i) for a city of the fifth class or a county of the fifth class, 25% of the number of active
- 1999 voters in the city or county; or
- 2000 (j) for a town or a county of the sixth class, 35% of the number of active voters in the
- 2001 town or county.
- 2002 (3) Except as provided in Subsection (4) or (5), an eligible voter seeking to have a land use

- 2003 law or local obligation law passed by the local legislative body submitted to a vote of the
 2004 people shall, after filing a referendum application, obtain legal signatures equal to:
- 2005 (a) for a county of the first, second, third, or fourth class:
- 2006 (i) 16% of the number of active voters in the county; and
- 2007 (ii) ~~[beginning on January 1, 2020,]~~ 16% of the number of active voters in at least
 2008 75% of the county's voter participation areas;
- 2009 (b) for a county of the fifth or sixth class:
- 2010 (i) 16% of the number of active voters in the county; and
- 2011 (ii) ~~[beginning on January 1, 2020,]~~ 16% of the number of active voters in at least
 2012 75% of the county's voter participation areas;
- 2013 (c) for a city of the first class:
- 2014 (i) 15% of the number of active voters in the city; and
- 2015 (ii) ~~[beginning on January 1, 2020,]~~ 15% of the number of active voters in at least
 2016 75% of the city's voter participation areas;
- 2017 (d) for or a city of the second class:
- 2018 (i) 16% of the number of active voters in the city; and
- 2019 (ii) ~~[beginning on January 1, 2020,]~~ 16% of the number of active voters in at least
 2020 75% of the city's voter participation areas;
- 2021 (e) for a city of the third class:
- 2022 (i) 27.5% of the number of active voters in the city; and
- 2023 (ii) ~~[beginning on January 1, 2020,]~~ 27.5% of the number of active voters in at least
 2024 75% of the city's voter participation areas;
- 2025 (f) for a city of the fourth class:
- 2026 (i) 29% of the number of active voters in the city; and
- 2027 (ii) ~~[beginning on January 1, 2020,]~~ 29% of the number of active voters in at least
 2028 75% of the city's voter participation areas;
- 2029 (g) for a city of the fifth class, 35% of the number of active voters in the city; or
- 2030 (h) for a town, 40% of the number of active voters in the town.
- 2031 (4) A person seeking to have a subjurisdictional law passed by the local legislative body
 2032 submitted to a vote of the people shall, after filing a referendum application, obtain legal
 2033 signatures of the residents in the subjurisdiction equal to:
- 2034 (a) 10% of the number of active voters in the subjurisdiction if the number of active
 2035 voters exceeds 25,000;
- 2036 (b) ~~[42-1/2]~~ 12.5% of the number of active voters in the subjurisdiction if the number of

- 2037 active voters does not exceed 25,000 but is more than 10,000;
- 2038 (c) 15% of the number of active voters in the subjurisdiction if the number of active
- 2039 voters does not exceed 10,000 but is more than 2,500;
- 2040 (d) 20% of the number of active voters in the subjurisdiction if the number of active
- 2041 voters does not exceed 2,500 but is more than 500;
- 2042 (e) 25% of the number of active voters in the subjurisdiction if the number of active
- 2043 voters does not exceed 500 but is more than 250; ~~and~~ or
- 2044 (f) 30% of the number of active voters in the subjurisdiction if the number of active
- 2045 voters does not exceed 250.
- 2046 (5) An eligible voter seeking to have a transit area land use law passed by the local
- 2047 legislative body submitted to a vote of the people shall, after filing a referendum
- 2048 application, obtain legal signatures equal to:
- 2049 (a) for a county:
- 2050 (i) 20% of the number of active voters in the county; and
- 2051 (ii) 21% of the number of active voters in at least 75% of the county's voter
- 2052 participation areas;
- 2053 (b) for a city of the first class:
- 2054 (i) 20% of the number of active voters in the city; and
- 2055 (ii) 20% of the number of active voters in at least 75% of the city's voter participation
- 2056 areas;
- 2057 (c) for a city of the second class:
- 2058 (i) 20% of the number of active voters in the city; and
- 2059 (ii) 21% of the number of active voters in at least 75% of the city's voter participation
- 2060 areas;
- 2061 (d) for a city of the third class:
- 2062 (i) 34% of the number of active voters in the city; and
- 2063 (ii) 34% of the number of active voters in at least 75% of the city's voter participation
- 2064 areas;
- 2065 (e) for a city of the fourth class:
- 2066 (i) 36% of the number of active voters in the city; and
- 2067 (ii) 36% of the number of active voters in at least 75% of the city's voter participation
- 2068 areas; or
- 2069 (f) for a city of the fifth class or a town, 40% of the number of active voters in the city or
- 2070 town.

- (6) An eligible voter seeking to have a local law or local school tax law passed by the local school board of a school district submitted to a vote of the people shall, after filing a referendum application, obtain legal signatures equal to:
- (a) 10% of the number of active voters in the school district if the number of active voters exceeds 25,000;
 - (b) 12.5% of the number of active voters in the school district if the number of active voters does not exceed 25,000 but is more than 10,000;
 - (c) 15% of the number of active voters in the school district if the number of active voters does not exceed 10,000 but is more than 2,500;
 - (d) 20% of the number of active voters in the school district if the number of active voters does not exceed 2,500 but is more than 500;
 - (e) 25% of the number of active voters in the school district if the number of active voters does not exceed 500 but is more than 250; or
 - (f) 30% of the number of active voters in the school district if the number of active voters does not exceed 250.
- ~~[(6)]~~ (7) Sponsors of any referendum petition challenging, under Subsection (2), (3), (4), ~~or~~ ~~(5)]~~ (5), or (6), any local law or local school tax law passed by a local legislative body or a local school board, as applicable, shall file the application before 5 p.m. within five days after the day on which the local law or local school tax law was passed.
- ~~[(7)]~~ (8) Nothing in this section authorizes a local legislative body to impose a tax or other payment obligation on a subjurisdiction in order to benefit an area outside of the subjurisdiction.
- Section 13. Section **20A-7-602.5** is amended to read:
- 20A-7-602.5 . Initial fiscal and legal impact statement -- Preparation of statement.**
- (1) Within three business days after the day on which the local clerk receives a referendum application, the local clerk shall submit a copy of the referendum application to the [~~county, city, or town's~~] county's, city's, town's, or school district's budget officer.
 - (2)(a) The budget officer, together with legal counsel, shall prepare an unbiased, good faith initial fiscal and legal impact statement for repealing the law the referendum proposes to repeal that contains:
 - (i) a dollar amount representing the total estimated fiscal impact of repealing the law;
 - (ii) if repealing the law would increase or decrease taxes, a dollar amount representing the total estimated increase or decrease for each type of tax that would be impacted by the law's repeal and a dollar amount representing the total

- 2105 estimated increase or decrease in taxes that would result from the law's repeal;
- 2106 (iii) if repealing the law would result in the issuance or a change in the status of
- 2107 bonds, notes, or other debt instruments, a dollar amount representing the total
- 2108 estimated increase or decrease in public debt that would result;
- 2109 (iv) a listing of all sources of funding for the estimated costs that would be associated
- 2110 with the law's repeal, showing each source of funding and the percentage of total
- 2111 funding that would be provided from each source;
- 2112 (v) a dollar amount representing the estimated costs or savings, if any, to state and
- 2113 local government entities if the law were repealed;
- 2114 (vi) the legal impacts that would result from repealing the law, including:
- 2115 (A) any significant effects on a person's vested property rights;
- 2116 (B) any significant effects on other laws or ordinances;
- 2117 (C) any significant legal liability the city, county, or town may incur; and
- 2118 (D) any other significant legal impact as determined by the budget officer and the
- 2119 legal counsel; and
- 2120 (vii) a concise explanation, not exceeding 100 words, of the information described in
- 2121 this Subsection (2)(a) and of the estimated fiscal impact, if any, if the law were
- 2122 repealed.
- 2123 (b)(i) If repealing the law would have no fiscal impact, the local budget officer shall include a
- 2124 summary statement in the initial fiscal impact and legal statement in substantially the
- 2125 following form:
- 2126 "The (title of the local budget officer) estimates that repealing the law this referendum
- 2127 proposes to repeal would have no significant fiscal impact and would not result in either an
- 2128 increase or decrease in taxes or debt."
- 2129 (ii) If repealing the law is estimated to have a fiscal impact, the local budget officer
- 2130 shall include a summary statement in the initial fiscal and legal impact statement
- 2131 describing the fiscal impact.
- 2132 (iii) If the estimated fiscal impact of repealing the law is highly variable or is
- 2133 otherwise difficult to reasonably express in a summary statement, the local budget
- 2134 officer may include in the summary statement a brief explanation that identifies
- 2135 those factors impacting the variability or difficulty of the estimate.
- 2136 (3) Within 20 calendar days after the day on which the local clerk submits a copy of the
- 2137 application under Subsection (1), the budget officer shall:
- 2138 (a) send a copy of the initial fiscal impact and legal statement to the local clerk's office;

- 2139 and
- 2140 (b) send a copy of the initial fiscal impact and legal statement to the first three sponsors
- 2141 named in the referendum application.
- 2142 Section 14. Section **20A-7-602.7** is amended to read:
- 2143 **20A-7-602.7 . Referability to voters of a local school tax law or a local law other**
- 2144 **than a land use law.**
- 2145 (1) Within 20 days after the day on which an eligible voter files a referendum application
- 2146 under Section 20A-7-602 for a local school tax law, or a local law other than a land use
- 2147 law, counsel for the [~~county, city, or town~~] county, city, town, or school district to which
- 2148 the referendum pertains shall:
- 2149 (a) review the referendum application to determine whether the proposed referendum is
- 2150 legally referable to voters; and
- 2151 (b) notify the first three sponsors, in writing, whether the proposed referendum is:
- 2152 (i) legally referable to voters; or
- 2153 (ii) rejected as not legally referable to voters.
- 2154 (2) For a local school tax law, or a local law other than a land use law, a proposed
- 2155 referendum is legally referable to voters unless:
- 2156 (a) the proposed referendum challenges an action that is administrative, rather than
- 2157 legislative, in nature;
- 2158 (b) the proposed referendum challenges more than one law passed by the local
- 2159 legislative body or the local school board; or
- 2160 (c) the referendum application was not timely filed or does not comply with the
- 2161 requirements of this part.
- 2162 (3) After the end of the 20-day period described in Subsection (1), a [~~county, city, or town~~
- 2163 ~~may not, for a local law other than a land use law~~] county, city, town, or school district
- 2164 may not, for a local school tax law, or a local law other than a land use law:
- 2165 (a) reject a proposed referendum as not legally referable to voters; or
- 2166 (b) except as provided in Subsection (4), challenge, in a legal action or otherwise, a
- 2167 proposed referendum on the grounds that the proposed referendum is not legally
- 2168 referable to voters.
- 2169 (4)(a) If, under Subsection (1)(b)(ii), a [~~county, city, or town~~] county, city, town, or
- 2170 school district rejects a proposed referendum concerning a local school tax law, or a
- 2171 local law other than a land use law, a sponsor of the proposed referendum may,
- 2172 within 10 days after the day on which a sponsor is notified under Subsection (1)(b),

2173 challenge or appeal the decision to:

2174 (i) the Supreme Court, by means of an extraordinary writ, if possible; or

2175 (ii) a district court, if the sponsor is prohibited from pursuing an extraordinary writ
2176 under Subsection (4)(a)(i).

2177 (b) Failure of a sponsor to timely challenge or appeal a rejection under Subsection (4)(a)
2178 terminates the referendum.

2179 (5) If, on a challenge or appeal, the court determines that the proposed referendum
2180 described in Subsection (4) is legally referable to voters, the local clerk shall comply
2181 with Subsection 20A-7-604(3), or give the sponsors access to the website defined in
2182 Section 20A-21-101, within five days after the day on which the determination, and any
2183 challenge or appeal of the determination, is final.

2184 Section 15. Section **20A-7-603** is amended to read:

2185 **20A-7-603 . Manual referendum process -- Form of referendum petition and**
2186 **signature sheet.**

2187 (1) This section applies only to the manual referendum process.

2188 (2)(a) Each proposed referendum petition shall be printed in substantially the following form:

2189 "REFERENDUM PETITION To the Honorable ____, County Clerk/City
2190 Recorder/Town Clerk/Business Administrator/Superintendent:

2191 We, the undersigned citizens of Utah, respectfully order that (description of the local
2192 law or local school tax law, or portion of the local law or local school tax law being
2193 challenged), passed by the ____ be referred to the voters for their approval or rejection at the
2194 regular/municipal general election to be held on _____(month\day\year);

2195 Each signer says:

2196 I have personally signed this referendum petition or, if I am an individual with a
2197 qualifying disability, I have signed this referendum petition by directing the signature gatherer
2198 to enter the initials "AV" as my signature;

2199 The date next to my signature correctly reflects the date that I actually signed the
2200 petition;

2201 I have personally read the entire statement included with this packet;

2202 I am registered to vote in Utah; and

2203 My residence and post office address are written correctly after my name."

2204 (b) The sponsors of a referendum or an agent of the sponsors shall attach a copy of the
2205 law that is the subject of the referendum to each referendum petition.

2206 (3) Each referendum signature sheet shall:

- 2207 (a) be printed on sheets of paper 8-1/2 inches long and 11 inches wide;
- 2208 (b) be ruled with a horizontal line three-fourths inch from the top, with the space above
- 2209 that line blank for the purpose of binding;
- 2210 (c) include the title of the referendum printed below the horizontal line, in at least
- 2211 14-point type;
- 2212 (d) include a table immediately below the title of the referendum, and beginning .5 inch
- 2213 from the left side of the paper, as follows:
- 2214 (i) the first column shall be .5 inch wide and include three rows;
- 2215 (ii) the first row of the first column shall be .85 inch tall and contain the words "For
- 2216 Office Use Only" in 10-point type;
- 2217 (iii) the second row of the first column shall be .35 inch tall;
- 2218 (iv) the third row of the first column shall be .5 inch tall;
- 2219 (v) the second column shall be 2.75 inches wide;
- 2220 (vi) the first row of the second column shall be .35 inch tall and contain the words
- 2221 "Registered Voter's Printed Name (must be legible to be counted)" in 10-point
- 2222 type;
- 2223 (vii) the second row of the second column shall be .5 inch tall;
- 2224 (viii) the third row of the second column shall be .35 inch tall and contain the words
- 2225 "Street Address, City, Zip Code" in 10-point type;
- 2226 (ix) the fourth row of the second column shall be .5 inch tall;
- 2227 (x) the third column shall be 2.75 inches wide;
- 2228 (xi) the first row of the third column shall be .35 inch tall and contain the words
- 2229 "Signature of Registered Voter" in 10-point type;
- 2230 (xii) the second row of the third column shall be .5 inch tall;
- 2231 (xiii) the third row of the third column shall be .35 inch tall and contain the words
- 2232 "Email Address (optional, to receive additional information)" in 10-point type;
- 2233 (xiv) the fourth row of the third column shall be .5 inch tall;
- 2234 (xv) the fourth column shall be one inch wide;
- 2235 (xvi) the first row of the fourth column shall be .35 inch tall and contain the words
- 2236 "Date Signed" in 10-point type;
- 2237 (xvii) the second row of the fourth column shall be .5 inch tall;
- 2238 (xviii) the third row of the fourth column shall be .35 inch tall and contain the words
- 2239 "Birth Date or Age (optional)" in 10-point type;
- 2240 (xix) the fourth row of the third column shall be .5 inch tall; and

2241 (xx) the fifth row of the entire table shall be the width of the entire table, .4 inch tall,
2242 and contain the following words, "By signing this referendum petition, you are
2243 stating that you have read and understand the law that this referendum petition
2244 seeks to overturn." in 12-point type;

2245 (e) the table described in Subsection (3)(d) shall be repeated, leaving sufficient room at
2246 the bottom of the sheet or the information described in Subsection (3)(f); and

2247 (f) at the bottom of the sheet, include the word "Warning," in 12-point, bold type, followed by
2248 the following statement in not less than eight-point type:

2249 "It is a class A misdemeanor for an individual to sign a referendum petition with a name
2250 other than the individual's own name, or to knowingly sign the individual's name more than
2251 once for the same referendum petition, or to sign a referendum petition when the individual
2252 knows that the individual is not a registered voter.

2253 Birth date or age information is not required, but it may be used to verify your identity
2254 with voter registration records. If you choose not to provide it, your signature may not be
2255 verified as a valid signature if you change your address before petition signatures are verified
2256 or if the information you provide does not match your voter registration records."

2257 (4) The final page of each referendum packet shall contain the following printed or typed
2258 statement:

2259 "Verification of signature collector

2260 State of Utah, County of ____

2261 I, _____, of _____, hereby state, under penalty of perjury, that:

2262 I am at least 18 years old;

2263 All the names that appear in this packet were signed by individuals who professed to be
2264 the individuals whose names appear in it, and each of the individuals signed the individual's
2265 name on it in my presence or, in the case of an individual with a qualifying disability, I have
2266 signed this referendum petition on the individual's behalf, at the direction of the individual and
2267 in the individual's presence, by entering the initials "AV" as the individual's signature;

2268 I certify that, for each individual whose signature is represented in this referendum
2269 packet by the initials "AV":

2270 I obtained the individual's voluntary direction or consent to sign the referendum
2271 petition on the individual's behalf;

2272 I do not believe, or have reason to believe, that the individual lacked the mental
2273 capacity to give direction or consent;

2274 I do not believe, or have reason to believe, that the individual did not

2275 understand the purpose or nature of my signing the referendum petition on the individual's
2276 behalf;

2277 I did not intentionally or knowingly deceive the individual into directing me to,
2278 or consenting for me to, sign the referendum petition on the individual's behalf; and

2279 I did not intentionally or knowingly enter false information on the signature
2280 sheet;

2281 I did not knowingly make a misrepresentation of fact concerning the law this petition
2282 seeks to overturn; and

2283 I believe that each individual's name, post office address, and residence is written
2284 correctly, that each signer has read the law that the referendum seeks to overturn, and that each
2285 signer is registered to vote in Utah.

2286 _____
2287 (Name) (Residence Address) (Date)

2288 The correct date of signature appears next to each individual's name.

2289 I have not paid or given anything of value to any individual who signed this referendum
2290 packet to encourage that individual to sign it.

2291 _____
2292 (Name) (Residence Address) (Date)".

2293 (5) If the forms described in this section are substantially followed, the referendum
2294 petitions are sufficient, notwithstanding clerical and merely technical errors.

2295 Section 16. Section **20A-7-604** is amended to read:

2296 **20A-7-604 . Manual referendum process -- Circulation requirements -- Local**
2297 **clerk to provide sponsors with materials.**

2298 (1) This section applies only to the manual referendum process.

2299 (2) In order to obtain the necessary number of signatures required by this part, the sponsors
2300 or an agent of the sponsors shall, after the sponsors receive the documents described in
2301 Subsections (3) and 20A-7-401.5(4)(b), circulate referendum packets that meet the form
2302 requirements of this part.

2303 (3) Within five days after the day on which a county, city, town, school district, or court
2304 determines, in accordance with Section 20A-7-602.7, that a proposed referendum is
2305 legally referable to voters, the local clerk shall provide the sponsors with:

2306 (a) a copy of the referendum petition;

2307 (b) a signature sheet; and

2308 (c) a copy of the proposition information pamphlet provided to the sponsors under

2309 Subsection 20A-7-401.5(4)(b).

2310 (4) The sponsors of the referendum petition shall:

2311 (a) arrange and pay for the printing of all documents that are part of the referendum
2312 packets; and

2313 (b) ensure that the referendum packets and the documents described in Subsection (4)(a)
2314 meet the form requirements of this section.

2315 (5)(a) The sponsors or an agent of the sponsors may prepare the referendum packets for
2316 circulation by creating multiple referendum packets.

2317 (b) The sponsors or an agent of the sponsors shall create referendum packets by binding
2318 a copy of the referendum petition with the text of the law that is the subject of the
2319 referendum and no more than 50 signature sheets together at the top in a manner that
2320 the referendum packets may be conveniently opened for signing.

2321 (c) A referendum packet is not required to have a uniform number of signature sheets.

2322 (d) The sponsors or an agent of the sponsors shall include, with each packet, a copy of
2323 the proposition information pamphlet provided to the sponsors under Subsection
2324 20A-7-401.5(4)(b).

2325 (6)(a) The sponsors or an agent of the sponsors shall, before gathering signatures:

2326 (i) contact the county clerk to receive a range of numbers that the sponsors may use
2327 to number referendum packets;

2328 (ii) sign an agreement with the local clerk, specifying the range of numbers that the
2329 sponsor will use to number the referendum packets; and

2330 (iii) number each referendum packet, sequentially, within the range of numbers
2331 provided by the county clerk, starting with the lowest number in the range.

2332 (b) The sponsors or an agent of the sponsors may not:

2333 (i) number a referendum packet in a manner not directed by the county clerk; or

2334 (ii) circulate or submit a referendum packet that is not numbered in the manner
2335 directed by the county clerk.

2336 Section 17. Section **20A-7-607** is amended to read:

2337 **20A-7-607 . Evaluation by the local clerk -- Determination of election for vote on**
2338 **referendum.**

2339 (1) In relation to the manual referendum process, when the local clerk receives a
2340 referendum packet from a county clerk, the local clerk shall record the number of the
2341 referendum packet received.

2342 (2) The county clerk shall:

- 2343 (a) in relation to the manual referendum process:
- 2344 (i) post the names, voter identification numbers, and dates of signatures described in
- 2345 Subsection 20A-7-105(6)(a)(iii) on the lieutenant governor's website, in a
- 2346 conspicuous location designated by the lieutenant governor, for at least 45 days;
- 2347 and
- 2348 (ii) update on the local clerk's website the number of signatures certified as of the
- 2349 date of the update; or
- 2350 (b) in relation to the electronic referendum process:
- 2351 (i) post the names, voter identification numbers, and dates of signatures described in
- 2352 Subsection 20A-7-616(3) on the lieutenant governor's website, in a conspicuous
- 2353 location designated by the lieutenant governor, for at least 45 days; and
- 2354 (ii) update on the lieutenant governor's website the number of signatures certified as
- 2355 of the date of the update.
- 2356 (3) The local clerk:
- 2357 (a) shall, except as provided in Subsection (3)(b), declare the referendum petition to be
- 2358 sufficient or insufficient:
- 2359 (i) in relation to the manual referendum process, no later than 111 days after the day
- 2360 of the deadline, described in Subsection 20A-7-105(5)(a)(iv), to submit a
- 2361 referendum packet to the county clerk; or
- 2362 (ii) in relation to the electronic referendum process, no later than 111 days after the
- 2363 day of the deadline, described in Subsection 20A-7-616(2), to collect a signature;
- 2364 or
- 2365 (b) may declare the referendum petition to be insufficient before the day described in
- 2366 Subsection (3)(a) if:
- 2367 (i) in relation to the manual referendum process, the total of all valid signatures on
- 2368 timely and lawfully submitted referendum packets that have been certified by the
- 2369 county clerk, plus the number of signatures on timely and lawfully submitted
- 2370 referendum packets that have not yet been evaluated for certification, is less than
- 2371 the number of names required under Section 20A-7-601;
- 2372 (ii) in relation to the electronic referendum process, the total of all timely and
- 2373 lawfully submitted valid signatures that have been certified by the county clerks,
- 2374 plus the number of timely and lawfully submitted valid signatures received under
- 2375 Subsection 20A-21-201(6)(b) that have not yet been evaluated for certification, is
- 2376 less than the number of names required under Section 20A-7-601; or

- 2377 (iii) a requirement of this part has not been met.
- 2378 (4)(a) If the total number of names certified under Subsection (3) equals or exceeds the
2379 number of names required under Section 20A-7-601, and the requirements of this
2380 part are met, the local clerk shall mark upon the front of the referendum petition the
2381 word "sufficient."
- 2382 (b) If the total number of names certified under Subsection (3) does not equal or exceed
2383 the number of names required under Section 20A-7-601 or a requirement of this part
2384 is not met, the local clerk shall mark upon the front of the referendum petition the
2385 word "insufficient."
- 2386 (c) The local clerk shall immediately notify any one of the sponsors of the local clerk's
2387 finding.
- 2388 (d) After a referendum petition is declared insufficient, a person may not submit
2389 additional signatures to qualify the referendum for the ballot.
- 2390 (5)(a) If the local clerk refuses to declare a referendum petition sufficient, any voter
2391 may, no later than 10 days after the day on which the local clerk declares the
2392 referendum petition insufficient, apply to the appropriate court for an order finding
2393 the referendum petition legally sufficient.
- 2394 (b) If the court determines that the referendum petition is legally sufficient, the local
2395 clerk shall mark the referendum petition "sufficient" and consider the declaration of
2396 sufficiency effective as of the date on which the referendum petition should have
2397 been declared sufficient by the local clerk's office.
- 2398 (c) If the court determines that a referendum petition filed is not legally sufficient, the
2399 court may enjoin the local clerk and all other officers from:
- 2400 (i) certifying or printing the ballot title and numbers of that referendum on the official
2401 ballot for the next election; or
- 2402 (ii) ~~[as it relates to a local tax law that is conducted entirely by mail]~~ if the referendum
2403 petition relates to a local tax law or local school tax law that is conducted entirely
2404 by mail, certifying, printing, or mailing the ballot title and numbers of that
2405 referendum under Section 20A-7-609.5.
- 2406 (6) A referendum petition determined to be sufficient in accordance with this section is
2407 qualified for the ballot.
- 2408 (7)(a) Except as provided in Subsection (7)(b) or (c), if a referendum relates to
2409 legislative action taken after April 15, the election officer may not place the
2410 referendum on an election ballot until a primary election, a general election, or a

- 2411 special election the following year.
- 2412 (b) The election officer may place a referendum described in Subsection (7)(a) on the
- 2413 ballot for a special, primary, or general election held during the year that the
- 2414 legislative action was taken if the following agree, in writing, on a timeline to place
- 2415 the referendum on that ballot:
- 2416 (i) the local clerk;
- 2417 (ii) the county clerk; and
- 2418 (iii) the attorney for the [~~county or municipality~~] county, municipality, or school
- 2419 district that took the legislative action.
- 2420 (c) For a referendum on a land use law, if, before August 30, the local clerk or a court
- 2421 determines that the total number of certified names equals or exceeds the number of
- 2422 signatures required in Section 20A-7-601, the election officer shall place the
- 2423 referendum on the election ballot for:
- 2424 (i) the next general election; or
- 2425 (ii) another election, if the following agree, in writing, on a timeline to place the
- 2426 referendum on that ballot:
- 2427 (A) the affected owners, as defined in Section 10-9a-103 or 17-27a-103, as
- 2428 applicable;
- 2429 (B) the local clerk;
- 2430 (C) the county clerk; and
- 2431 (D) the attorney for the county or municipality that took the legislative action.
- 2432 Section 18. Section **20A-7-608** is amended to read:
- 2433 **20A-7-608 . Short title and summary of referendum -- Duties of local clerk and**
- 2434 **local attorney.**
- 2435 (1) Upon receipt of a referendum petition, the local clerk shall deliver a copy of the
- 2436 referendum petition and the law to which the referendum relates to the local attorney.
- 2437 (2) The local attorney shall:
- 2438 (a) entitle each [~~county or municipal~~] county, municipal, or school district referendum
- 2439 that qualifies for the ballot "Proposition Number ____" and give the referendum a
- 2440 number assigned in accordance with Section 20A-6-107;
- 2441 (b) prepare for the referendum:
- 2442 (i) an impartial short title, not exceeding 25 words, that generally describes the
- 2443 subject of the law to which the referendum relates; and
- 2444 (ii) an impartial summary of the contents of the law to which the referendum relates,

- 2445 not exceeding 125 words;
- 2446 (c) file the proposed short title, summary, and the numbered referendum title with the
- 2447 local clerk within 20 days after the day on which an eligible voter submits the
- 2448 referendum petition to the local clerk; and
- 2449 (d) promptly provide notice of the filing of the proposed short title and summary to:
- 2450 (i) the sponsors of the petition; and
- 2451 (ii) the local legislative body or the local school board for the jurisdiction where the
- 2452 referendum petition was circulated.
- 2453 (3)(a) The short title and summary may be distinct from the title of the law that is the
- 2454 subject of the referendum petition.
- 2455 (b) In preparing a short title, the local attorney shall, to the best of the local attorney's
- 2456 ability, give a true and impartial description of the subject of the referendum.
- 2457 (c) In preparing a summary, the local attorney shall, to the best of the local attorney's
- 2458 ability, give a true and impartial summary of the contents of the referendum.
- 2459 (d) The short title and summary may not intentionally be an argument, or likely to create
- 2460 prejudice, for or against the referendum.
- 2461 (4)(a) Within five calendar days after the day on which the local attorney files a
- 2462 proposed short title and summary under Subsection (2)(c), the local legislative body
- 2463 or local school board for the jurisdiction where the referendum petition was
- 2464 circulated and the sponsors of the referendum petition may file written comments in
- 2465 response to the proposed short title and summary with the local clerk.
- 2466 (b) Within five calendar days after the last date to submit written comments under
- 2467 Subsection (4)(a), the local attorney shall:
- 2468 (i) review any written comments filed in accordance with Subsection (4)(a);
- 2469 (ii) prepare a final short title and summary that meets the requirements of Subsection
- 2470 (3); and
- 2471 (iii) return the referendum petition and file the short title and summary with the local
- 2472 clerk.
- 2473 (c) Subject to Subsection (6), for each [~~county or municipal~~] county, municipal, or school
- 2474 district referendum, the following shall be printed on the official ballot:
- 2475 (i) the short title; and
- 2476 (ii) except as provided in Subsection (4)(d):
- 2477 (A) the summary;
- 2478 (B) a copy of the ordinance, resolution, or written description of the local law or

- 2479 local school tax law; and
- 2480 (C) a link to a location on the election officer's website where a voter may review
- 2481 additional information relating to each referendum, including the information
- 2482 described in Subsection 20A-7-602(2) and the arguments relating to the
- 2483 referendum that are included in the local voter information pamphlet.
- 2484 (d) Unless the information described in Subsection (4)(c)(ii) is printed on the official
- 2485 ballot, the election officer shall include with the ballot a separate ballot proposition
- 2486 insert that includes the short title and summary for each referendum on the ballot and
- 2487 a link to a location on the election officer's website where a voter may review the
- 2488 additional information described in Subsection (4)(c)(ii)(C).
- 2489 (e) Unless the information described in Subsection 20A-7-508(4)(c)(ii) for all initiatives
- 2490 on the ballot, and the information described in Subsection (4)(c)(ii) for all referenda
- 2491 on the ballot, is printed on the ballot, the ballot shall include the following statement
- 2492 at the beginning of the portion of the ballot that includes ballot measures, "The ballot
- 2493 proposition sheet included with this ballot contains an impartial summary of each
- 2494 initiative and referendum on this ballot, unless the summary is printed directly on the
- 2495 ballot."
- 2496 (5) Immediately after the local attorney files a copy of the short title and summary with the
- 2497 local clerk, the local clerk shall send a copy of the short title and summary to the
- 2498 sponsors of the referendum petition and the local legislative body or the local school
- 2499 board for the jurisdiction where the referendum petition was circulated.
- 2500 (6)(a) If the short title or summary provided by the local attorney is unsatisfactory or
- 2501 does not comply with the requirements of this section, the decision of the local
- 2502 attorney may be appealed to the appropriate court by:
- 2503 (i) at least three sponsors of the referendum petition; or
- 2504 (ii) a majority of the local legislative body or the local school board for the
- 2505 jurisdiction where the referendum petition was circulated.
- 2506 (b) The court:
- 2507 (i) shall examine the short title and summary and consider the arguments; and
- 2508 (ii) enter an order consistent with the requirements of this section.
- 2509 (c) The local clerk shall include the short title and summary in the ballot or ballot
- 2510 proposition insert, as required by this section.
- 2511 Section 19. Section **20A-7-609** is amended to read:
- 2512 **20A-7-609 . Form of ballot -- Manner of voting.**

- 2513 (1) The local clerk shall ensure that the number and ballot title are presented upon the
2514 official ballot with, immediately adjacent to them, the words "For" and "Against," each
2515 word presented with an adjacent square in which the elector may indicate the elector's
2516 vote.
- 2517 (2)(a) Except as provided in Subsection ~~[(2)(e)(i)]~~ (2)(d)(i) or Section 20A-7-609.5, and
2518 unless the county legislative body calls a special election, the county clerk shall
2519 ensure that a county referenda that [have] has qualified for the ballot [appear] appears
2520 on the next regular general election ballot.
- 2521 (b) Except as provided in Subsection ~~[(2)(e)(ii)]~~ (2)(d)(ii) or Section 20A-7-609.5, and
2522 unless the municipal legislative body calls a special election, the municipal recorder
2523 or clerk shall ensure that a municipal referenda that [have] has qualified for the ballot [
2524 appear] appears on the next regular municipal election ballot.
- 2525 (c) Except as provided in Subsection (2)(d)(iii) or Section 20A-7-609.5, and unless the
2526 local school board calls a special election, the business administrator or
2527 superintendent shall ensure that a school district referenda that has qualified for the
2528 ballot appears on the next regular general election ballot.
2529 ~~[(c)(i) Except as provided in Section 20A-7-609.5,]~~
- 2530 (d)(i) ~~[if]~~ If a local law passes after January 30 of the year in which there is a regular
2531 general election, the county clerk shall ensure that a county referendum that has
2532 qualified for the ballot appears on the ballot at the second regular general election
2533 immediately following the passage of the local law unless the county legislative
2534 body calls a special election.
- 2535 (ii) ~~[Except as provided in Section 20A-7-609.5, if]~~ If a local law passes after January
2536 30 of the year in which there is a municipal general election, the municipal
2537 recorder or clerk shall ensure that a municipal referendum that has qualified for
2538 the ballot appears on the ballot at the second municipal general election
2539 immediately following the passage of the local law unless the municipal
2540 legislative body calls a special election.
- 2541 (iii) If a local law or local school tax law passes after January 30 of the year in which
2542 there is a regular general election, the business administrator or superintendent
2543 shall ensure that a school district referendum that has qualified for the ballot
2544 appears on the ballot at the second regular general election immediately following
2545 passage of the local law or local school tax law unless the local school board calls
2546 a special election.

- 2547 (3)(a)(i) A voter desiring to vote in favor of the law that is the subject of the
2548 referendum shall mark the square adjacent to the word "For."
- 2549 (ii) The law that is the subject of the referendum is effective if a majority of voters
2550 mark "For."
- 2551 (b)(i) A voter desiring to vote against the law that is the subject of the referendum
2552 shall mark the square following the word "Against."
- 2553 (ii) The law that is the subject of the referendum is not effective if a majority of
2554 voters mark "Against."
- 2555 Section 20. Section **20A-7-609.5** is amended to read:
- 2556 **20A-7-609.5 . Election on referendum challenging a local tax law or local school**
2557 **tax law conducted entirely by mail.**
- 2558 (1) An election officer may administer an election on a referendum challenging a local tax
2559 law or local school tax law entirely by mail.
- 2560 (2) For purposes of an election conducted under this section, the election officer shall:
- 2561 (a) designate as the election day the day that is 30 days after the day on which the
2562 election officer complies with Subsection (2)(b); and
- 2563 (b) within 30 days after the day on which the referendum described in Subsection (1)
2564 qualifies for the ballot, mail to each registered voter within the voting precincts or
2565 school district to which the local tax law or local school tax law applies:
- 2566 (i) a manual ballot;
- 2567 (ii) a statement that there will be no polling place for the election;
- 2568 (iii) a statement specifying the election day described in Subsection (2)(a);
- 2569 (iv) a business reply mail envelope;
- 2570 (v) instructions for returning the ballot that include an express notice about any
2571 relevant deadlines that the voter must meet in order for the voter's vote to be
2572 counted;
- 2573 (vi) a warning, on a separate page of colored paper in boldface print, indicating that if
2574 the voter fails to follow the instructions included with the manual ballot, the voter
2575 will be unable to vote in that election because there will be no polling place for the
2576 election; and
- 2577 (vii)(A) a copy of the proposition information pamphlet relating to the referendum
2578 if a proposition information pamphlet relating to the referendum was published
2579 under Section 20A-7-401.5; or
- 2580 (B) a website address where an individual may view a copy of the proposition

- 2581 information pamphlet described in Subsection (2)(b)(vii)(A).
- 2582 (3) An election officer who administers an election under this section shall:
- 2583 (a)(i) obtain, in person, the signatures of each voter within that voting precinct or
- 2584 school district before the election; or
- 2585 (ii) obtain the signature of each voter within the voting precinct or school district
- 2586 from the county clerk; and
- 2587 (b) maintain the signatures on file in the election officer's office.
- 2588 (4)(a) Upon receiving a returned manual ballot under this section, the election officer
- 2589 shall compare the signature on each return envelope with the voter's signature that is
- 2590 maintained on file and verify that the signatures are the same.
- 2591 (b) If the election officer questions the authenticity of the signature on the return
- 2592 envelope, the election officer shall immediately contact the voter to verify the
- 2593 signature.
- 2594 (c) If there is not a signature on the return envelope or if the election officer determines
- 2595 that the signature on the return envelope does not match the voter's signature that is
- 2596 maintained on file, the election officer shall:
- 2597 (i) disqualify the ballot; and
- 2598 (ii) notify the voter of the disqualification and the reason for the disqualification.
- 2599 Section 21. Section **20A-7-610** is amended to read:
- 2600 **20A-7-610 . Return and canvass -- Conflicting measures -- Law effective on**
- 2601 **proclamation.**
- 2602 (1) The votes on the law that is the subject of the referendum petition shall be counted,
- 2603 canvassed, and delivered as provided in [~~Title 20A, Chapter 4, Part 3, Canvassing~~
- 2604 ~~Returns~~] Chapter 4, Part 3, Canvassing Returns.
- 2605 (2) After the local board of canvassers completes the canvass, the local clerk shall certify to
- 2606 the local legislative body or the local school board the vote for and against the law that
- 2607 is the subject of the referendum petition.
- 2608 (3)(a) The local legislative body or the local school board shall immediately issue a
- 2609 proclamation that:
- 2610 (i) gives the total number of votes cast in the local jurisdiction for and against each
- 2611 law that is the subject of a referendum petition; and
- 2612 (ii) in accordance with Section 20A-7-611, declares those laws that are the subject of
- 2613 a referendum petition that are approved by majority vote to be in full force and
- 2614 effect as the law of the local jurisdiction.

2615 (b) When the local legislative body or the local school board determines that two laws,
2616 or that parts of two laws approved by the people at the same election are entirely in
2617 conflict, the local legislative body shall proclaim to be law the law that received the
2618 greatest number of affirmative votes, regardless of the difference in the majorities
2619 which those approved laws received.

2620 (4)(a) Within 10 days after the day on which the local legislative body or the local
2621 school board issues the proclamation described in Subsection (3), any qualified voter
2622 residing in the jurisdiction for a law that is declared by the local legislative body to
2623 be superseded by another law approved at the same election may bring an action in
2624 the appropriate court to review the decision.

2625 (b) The court shall:

2626 (i) consider the matter and decide whether the approved laws are entirely in conflict;
2627 and

2628 (ii) issue an order, consistent with the court's decision, to the local legislative body or
2629 the local school board.

2630 (5) Within 10 days after the day on which the court enters an order under Subsection

2631 (4)(b)(ii), the local legislative body or the local school board shall:

2632 (a) proclaim as law all those laws approved by the people that the court determines are
2633 not in conflict; and

2634 (b) of all those laws approved by the people as law that the court determines to be in
2635 conflict, proclaim as law the one that receives the greatest number of affirmative
2636 votes, regardless of the difference in majorities.

2637 Section 22. Section **20A-7-611** is amended to read:

2638 **20A-7-611 . Temporary stay -- Effective date -- Effect of repeal by local**
2639 **legislative body or local school board.**

2640 (1) Any law submitted to the people by referendum petition that is rejected by the voters at
2641 any election is repealed as of the date of the election.

2642 (2) If, at the time during the process described in Subsection 20A-7-607(2), the local clerk
2643 determines that, at that point in time, an adequate number of signatures are certified to
2644 comply with the signature requirements, the local clerk shall:

2645 (a) issue an order temporarily staying the law from going into effect; and

2646 (b) continue the process of certifying signatures and removing signatures as required by
2647 this part.

2648 (3) The temporary stay described in Subsection (2) remains in effect, regardless of whether

- 2649 a future count falls below the signature threshold, until the day on which:
- 2650 (a) if the local clerk declares the referendum petition insufficient, five days after the day
- 2651 on which the local clerk declares the referendum petition insufficient; or
- 2652 (b) if the local clerk declares the referendum petition sufficient, the day on which the
- 2653 local legislative body issues the proclamation described in Section 20A-7-610.
- 2654 (4) A law submitted to the people by referendum that is approved by the voters at an
- 2655 election takes effect the later of:
- 2656 (a) five days after the date of the official proclamation of the vote by the local legislative
- 2657 body; or
- 2658 (b) the effective date specified in the approved law.
- 2659 (5) If, after the local clerk issues a temporary stay order under Subsection (2)(a), the local
- 2660 clerk declares the referendum petition insufficient, the law that is the subject of the
- 2661 referendum petition takes effect the later of:
- 2662 (a) five days after the day on which the local clerk declares the petition insufficient; or
- 2663 (b) the effective date specified in the proposed law.
- 2664 (6)(a) A law approved by the people under this part is not subject to veto.
- 2665 (b) The local legislative body or the local school board may amend any laws approved
- 2666 by the people under this part after the people approve the law.
- 2667 (7) If the local legislative body or the local school board repeals a law challenged by
- 2668 referendum petition under this part, the referendum petition is void and no further action
- 2669 on the referendum petition is required.
- 2670 Section 23. Section **20A-7-613** is amended to read:
- 2671 **20A-7-613 . Property tax referendum petition.**
- 2672 (1) As used in this section[;] :
- 2673 (a) [~~"certified tax rate"~~] "Certified tax rate" means the same as that term is defined in
- 2674 Section 59-2-924.
- 2675 (b) "Taxing entity" means a county, city, town, or school district with the authority to
- 2676 levy a tax on property.
- 2677 (2) Except as provided in this section, the requirements of this part apply to a referendum
- 2678 petition challenging a taxing entity's legislative body's vote to impose a tax rate that
- 2679 exceeds the certified tax rate.
- 2680 (3) Notwithstanding Subsection 20A-7-105(5)(a)(iv), the sponsors or an agent of the
- 2681 sponsors shall deliver a signed and verified referendum packet to the county clerk of the
- 2682 county in which the packet was circulated before 5 p.m. no later than the earlier of:

- 2683 (a) 30 days after the day on which the first individual signs the packet; or
2684 (b) 40 days after the day on which the local clerk complies with Subsection
2685 20A-7-604(3).
- 2686 (4) Notwithstanding Subsections 20A-7-105(6)(a) and (9), the county clerk shall take the
2687 actions required in Subsections 20A-7-105(6)(a) and (9) within 10 working days after
2688 the day on which the county clerk receives the signed and verified referendum packet as
2689 described in Subsection (3).
- 2690 (5) The local clerk shall take the actions required by Section 20A-7-607 within two
2691 working days after:
- 2692 (a) in relation to the manual referendum process, the day on which the local clerk
2693 receives the referendum packets from the county clerk; or
2694 (b) in relation to the electronic referendum process, the deadline described in Subsection
2695 20A-7-616(2).
- 2696 (6) Notwithstanding Subsection 20A-7-608(2), the local attorney shall prepare the ballot
2697 title within two working days after the day on which the referendum petition is declared
2698 sufficient for submission to a vote of the people.
- 2699 (7) Notwithstanding Subsection [~~20A-7-609(2)(c)~~] 20A-7-609(2)(d), a referendum that
2700 qualifies for the ballot under this section shall appear on the ballot for the earlier of the
2701 next regular general election or the next municipal general election unless a special
2702 election is called.
- 2703 (8) The election officer shall mail manual ballots on a referendum under this section the
2704 later of:
- 2705 (a) the time provided in Section 20A-3a-202 or 20A-16-403; or
2706 (b) the time that ballots are prepared for mailing under this section.
- 2707 (9) Section 20A-7-402 does not apply to a referendum described in this section.
- 2708 (10)(a) If a majority of voters does not vote against imposing the tax at a rate calculated
2709 to generate the increased revenue budgeted, adopted, and approved by the taxing
2710 entity's legislative body:
- 2711 (i) the certified tax rate for the fiscal year during which the referendum petition is
2712 filed is its most recent certified tax rate; and
2713 (ii) the proposed increased revenues for purposes of establishing the certified tax rate
2714 for the fiscal year after the fiscal year described in Subsection (10)(a)(i) are the
2715 proposed increased revenues budgeted, adopted, and approved by the taxing
2716 entity's legislative body before the filing of the referendum petition.

2717 (b) If a majority of voters votes against imposing a tax at the rate established by the vote
2718 of the taxing entity's legislative body, the certified tax rate for the taxing entity is the
2719 taxing entity's most recent certified tax rate.

2720 (c) If the tax rate is set in accordance with Subsection (10)(a)(ii), a taxing entity is not
2721 required to comply with the notice and public hearing requirements of Section
2722 59-2-919 if the taxing entity complies with those notice and public hearing
2723 requirements before the referendum petition is filed.

2724 (11) The ballot title shall, at a minimum, include in substantially this form the following:

2725 "Shall the [name of the taxing entity] be authorized to levy a tax rate in the amount
2726 sufficient to generate an increased property tax revenue of [amount] for fiscal year [year]
2727 as budgeted, adopted, and approved by the [name of the taxing entity].".

2728 (12) A taxing entity shall pay the county the costs incurred by the county that are directly
2729 related to meeting the requirements of this section and that the county would not have
2730 incurred but for compliance with this section.

2731 (13)(a) An election officer shall include on a ballot a referendum that has not yet
2732 qualified for placement on the ballot, if:

- 2733 (i) sponsors file an application for a referendum described in this section;
2734 (ii) the ballot will be used for the election for which the sponsors are attempting to
2735 qualify the referendum; and
2736 (iii) the deadline for qualifying the referendum for placement on the ballot occurs
2737 after the day on which the ballot will be printed.

2738 (b) If an election officer includes on a ballot a referendum described in Subsection
2739 (13)(a), the ballot title shall comply with Subsection (11).

2740 (c) If an election officer includes on a ballot a referendum described in Subsection
2741 (13)(a) that does not qualify for placement on the ballot, the election officer shall
2742 inform the voters by any practicable method that the referendum has not qualified for
2743 the ballot and that votes cast in relation to the referendum will not be counted.

2744 Section 24. Section **20A-7-614** is amended to read:

2745 **20A-7-614 . Electronic referendum process -- Form of referendum petition --**
2746 **Circulation requirements -- Signature collection.**

2747 (1) This section applies only to the electronic referendum process.

2748 (2)(a) The first screen presented on the approved device shall include the following statement:

2749 "This REFERENDUM PETITION is addressed to the Honorable ____, County
2750 Clerk/City Recorder/Town Clerk/Business Administrator/Superintendent:"

The citizens of Utah who sign this petition respectfully order that (description of the local law or local school tax law, or portion of the local law or local school tax law being challenged), passed by the ____ be referred to the voters for their approval or rejection at the regular/municipal general election to be held on _____(month\day\year)."

(b) An individual may not advance to the second screen until the individual clicks a link at the bottom of the first screen stating, "By clicking here, I attest that I have read and understand the information presented on this screen."

(3)(a) The second screen presented on the approved device shall include the entire text of the law that is the subject of the referendum petition.

(b) An individual may not advance to the third screen until the individual clicks a link at the bottom of the second screen stating, "By clicking here, I attest that I have read and understand the entire text of the law that is the subject of the referendum petition."

(4)(a) The third screen presented on the approved device shall include a statement indicating whether persons gathering signatures for the referendum petition may be paid for gathering signatures.

(b) An individual may not advance to the fourth screen until the individual clicks a link at the bottom of the third screen stating, "By clicking here, I attest that I have read and understand the information presented on this screen."

(5) The fourth screen presented on the approved device shall include the following statement, followed by links where the individual may click "yes" or "no":

"I have personally read the entirety of each statement presented on this device;

I am personally signing this referendum petition;

I am registered to vote in Utah; and

All information I enter on this device, including my residence and post office address, is accurate.

It is a class A misdemeanor for an individual to sign a referendum petition with a name other than the individual's own name, or to knowingly sign the individual's name more than once for the same referendum petition, or to sign a referendum petition when the individual knows that the individual is not a registered voter.

Do you wish to continue and sign this referendum petition?"

(6)(a) If the individual clicks "no" in response to the question described in Subsection (5), the next screen shall include the following statement, "Thank you for your time. Please return this device to the signature-gatherer."

- (b) If the individual clicks "yes" in response to the question described in Subsection (5), the website, or the application that accesses the website, shall take the signature-gatherer and the individual signing the referendum petition through the signature process described in Section 20A-21-201.

Section 25. Section **63G-30-102** is amended to read:

63G-30-102 . Public notice classifications and requirements.

- (1) A public body or a government official that is required to provide a class A notice:
- (a) shall publish the public notice on the Utah Public Notice Website;
 - (b) shall publish the public notice on the public body's or government official's official website, if the public body or government official:
 - (i) maintains an official website; and
 - (ii) has an annual operating budget of \$250,000 or more; and
 - (c) except as provided in Subsection (4), and subject to Subsection (5), post the public notice in connection with the affected area as follows:
 - (i) if the affected area is a municipality with a population of less than 2,000, in a public location in or near the affected area that is reasonably likely to be seen by residents of the affected area;
 - (ii) if the affected area is a proposed municipality with a population of less than 2,000, in a public location in or near the affected area that is reasonably likely to be seen by residents of the affected area;
 - (iii) if the affected area is an area other than an area described in Subsections (1)(c)(i), (1)(c)(ii), or (1)(c)(iv) through (viii), in a public location in or near the affected area that is reasonably likely to be seen by:
 - (A) residents of the affected area; or
 - (B) if there are no residents within the affected area, individuals who pass through or near the affected area;
 - (iv) if the affected area is a county, in a public location within the county that is reasonably likely to be seen by residents of the county;
 - (v) if the affected area is a municipality with a population of 2,000 or more, or a proposed municipality with a population of 2,000 or more, in a public location within the municipality or proposed municipality that is reasonably likely to be seen by residents of the municipality or proposed municipality;
 - (vi) if the affected area is a public street, on or adjacent to the public street;
 - (vii) if the affected area is an easement;

- 2819 (A) on or adjacent to the easement; or
- 2820 (B) in a public location that is reasonably likely to be seen by persons who are
- 2821 likely to be impacted by the easement; ~~or~~
- 2822 (viii) if the affected area is an interlocal entity, within, or as applicable near, each
- 2823 jurisdiction that is part of the interlocal entity, in accordance with the provisions
- 2824 of this Subsection (1) that apply to that jurisdiction~~[-]~~ ; ~~or~~
- 2825 (ix) if the affected area is a school district, in a public location within the school
- 2826 district that is reasonably likely to be seen by residents of the school district.
- 2827 (2) Subject to Subsection (5), a public body or a government official that is required to
- 2828 provide a class B notice shall:
- 2829 (a) comply with the requirements described in Subsection (1) for a class A notice;
- 2830 (b) if a statute, county ordinance, or municipal ordinance requires that the notice be
- 2831 provided for a designated geographic area, mail or otherwise deliver the public notice
- 2832 or a notice summary statement to each residence within, and, in accordance with
- 2833 Subsection (3), to each owner of real property located within, the designated
- 2834 geographic area; and
- 2835 (c) if a statute, county ordinance, or municipal ordinance requires that the notice be
- 2836 provided to one or more designated persons or real property owners, mail or
- 2837 otherwise deliver the public notice or a notice summary statement, in accordance
- 2838 with Subsection (3), to each designated person and real property owner.
- 2839 (3) When providing notice to a real property owner under Subsection (2)(b) or (c), the
- 2840 public body or government official shall:
- 2841 (a) use the current residential or business address of the real property owner;
- 2842 (b) if the public body or government official is not reasonably able to obtain the address
- 2843 described in Subsection (3)(a), use the last known address of the real property owner
- 2844 that the public body or government official is able to obtain via a reasonable inquiry
- 2845 into public records; or
- 2846 (c) if the public body or government official is not reasonably able to obtain an address
- 2847 described in Subsection (3)(a) or (b), post the notice on the real property.
- 2848 (4) A government official, a public body, or any other body that is required to post notice
- 2849 under Subsection (1) is not required to comply with Subsection (1)(c) if:
- 2850 (a) the affected area is the state;
- 2851 (b) the body is a specified body, as defined in Section 52-4-103;
- 2852 (c) the public body is the Legislature or a public body within the state legislative branch;

- 2853 or
- 2854 (d) the government official is required to post the notice on behalf of a body described in
- 2855 Subsection (4)(b) or (c).
- 2856 (5) If a statute, ordinance, or rule requires a public body or government official to provide
- 2857 notice for a period of time:
- 2858 (a) in relation to posting the notice on the Utah Public Notice Website, the requirement
- 2859 is not violated due to temporary technological issues that interrupt the posting, unless
- 2860 the posting is interrupted for more than 25% of the required posting time;
- 2861 (b) in relation to posting the notice in a physical location, the requirement is fulfilled if:
- 2862 (i) the notice is posted at or, except to the extent prohibited by law, before the
- 2863 beginning of the period of time;
- 2864 (ii) the public body or government official does not remove the posting before the
- 2865 end of the period of time; and
- 2866 (iii) until the end of the period of time, the public body or government official:
- 2867 (A) periodically verifies that the notice remains in place; and
- 2868 (B) replaces the notice within a reasonable time after discovering that the notice
- 2869 has been removed or damaged; and
- 2870 (c) in relation to mailing, sending, or otherwise delivering notice to a person, the mailing
- 2871 is made at or, except to the extent prohibited by law, before, the beginning of the
- 2872 period of time.

2873 **Section 26. Effective Date.**

2874 This bill takes effect on May 7, 2025.