

TAX INCREASE INITIATIVE AMENDMENTS

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Daniel McCay

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions of the Election Code relating to initiatives.

Highlighted Provisions:

This bill:

- defines terms;
- when an initiative or a petition for an initiative proposes a tax increase, establishes requirements for providing certain information relating to the percentage of the proposed tax increase, including in the initiative petition, the notice of public hearing, the fiscal impact statement, the voter information pamphlet, and the ballot title; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

20A-7-101, as last amended by Laws of Utah 2016, Chapters 53, 176, and 365

20A-7-202, as last amended by Laws of Utah 2011, Chapters 17, 297, and 315

20A-7-202.5, as last amended by Laws of Utah 2013, Chapter 310



28 [20A-7-203](#), as last amended by Laws of Utah 2014, Chapter 329
29 [20A-7-204](#), as last amended by Laws of Utah 2011, Chapter 315
30 [20A-7-204.1](#), as last amended by Laws of Utah 2013, Chapter 310
31 [20A-7-209](#), as last amended by Laws of Utah 2012, Chapter 334
32 [20A-7-402](#), as last amended by Laws of Utah 2016, Chapter 53
33 [20A-7-502](#), as last amended by Laws of Utah 2011, Chapter 315
34 [20A-7-502.5](#), as last amended by Laws of Utah 2014, Chapter 364
35 [20A-7-503](#), as last amended by Laws of Utah 2014, Chapter 329
36 [20A-7-508](#), as last amended by Laws of Utah 2008, Chapter 315
37 [20A-7-513](#), as last amended by Laws of Utah 2014, Chapter 364
38 [20A-7-702](#), as last amended by Laws of Utah 2016, Chapter 348

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

41 Section 1. Section [20A-7-101](#) is amended to read:

42 **[20A-7-101. Definitions.](#)**

43 As used in this chapter:

44 (1) "Budget officer" means:

45 (a) for a county, the person designated as budget officer in Section [17-19a-203](#);

46 (b) for a city, the person designated as budget officer in Subsection [10-6-106\(5\)](#);

47 (c) for a town, the town council; or

48 (d) for a metro township, the person described in Subsection (1)(a) for the county in
49 which the metro township is located.

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

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

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

56 (5) "Final fiscal impact statement" means a financial statement prepared after voters
57 approve an initiative that contains the information required by Subsection [20A-7-202.5\(2\)](#) or
58 [20A-7-502.5\(2\)](#).

(6) "Initial fiscal impact estimate" means:

(a) a financial statement prepared under Section 20A-7-202.5 after the filing of an application for an initiative petition; or

(b) a financial and legal statement prepared under Section 20A-7-502.5 or 20A-7-602.5 for an initiative or referendum petition.

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

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

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

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

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

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

(a) is registered to vote; or

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

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

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

(13) (a) "Local law" includes:

(i) an ordinance;

(ii) a resolution;

(iii) a master plan;

(iv) a comprehensive zoning regulation adopted by ordinance or resolution; or

(v) other legislative action of a local legislative body.

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

(14) "Local legislative body" means the legislative body of a county, city, town, or metro township.

(15) "Local obligation law" means a local law passed by the local legislative body regarding a bond that was approved by a majority of qualified voters in an election.

(16) "Local tax law" means a law, passed by a political subdivision with an annual or biannual calendar fiscal year, that increases a tax or imposes a new tax.

(17) "Measure" means a proposed constitutional amendment, an initiative, or referendum.

(18) "Referendum" means a process by which a law passed by the Legislature or by a local legislative body is submitted or referred to the voters for their approval or rejection.

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

(20) (a) "Signature" means a holographic signature.

(b) "Signature" does not mean an electronic signature.

(21) "Signature sheets" means sheets in the form required by this chapter that are used to collect signatures in support of an initiative or referendum.

(22) "Sponsors" means the legal voters who support the initiative or referendum and who sign the application for petition copies.

(23) "Sufficient" means that the signatures submitted in support of an initiative or referendum petition have been certified and verified as required by this chapter.

(24) "Tax percentage difference" means the difference between the tax rate proposed by an initiative or an initiative petition and the current tax rate.

(25) "Tax percentage increase" means a number calculated by dividing the tax percentage difference by the current tax rate and rounding the result to the nearest thousandth.

~~[(24)]~~ (26) "Verified" means acknowledged by the person circulating the petition as required in Sections 20A-7-205 and 20A-7-305.

Section 2. Section 20A-7-202 is amended to read:

20A-7-202. Statewide initiative process -- Application procedures -- Time to gather signatures -- Grounds for rejection.

(1) Persons wishing to circulate an initiative petition shall file an application with the lieutenant governor.

(2) The application shall contain:

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

(b) a statement indicating that each of the sponsors:

- 121 (i) is a resident of Utah; and
122 (ii) has voted in a regular general election in Utah within the last three years;
123 (c) the signature of each of the sponsors, attested to by a notary public;
124 (d) a copy of the proposed law that includes:
125 (i) the title of the proposed law, which clearly expresses the subject of the law; and
126 (ii) the text of the proposed law; ~~[and]~~
127 (e) if the initiative petition proposes a tax increase, the following statement, "This
128 initiative petition seeks to increase the current (insert name of tax) rate by (insert the tax
129 percentage difference) percent, resulting in a(n) (insert the tax percentage increase) percent
130 increase in the current tax rate."; and
131 ~~[(e)]~~ (f) a statement indicating whether ~~[or not]~~ persons gathering signatures for the
132 petition may be paid for doing so.
133 (3) The application and its contents are public when filed with the lieutenant governor.
134 (4) If the petition fails to qualify for the ballot of the election described in Subsection
135 20A-7-201(2)(b), the sponsors shall:
136 (a) submit a new application;
137 (b) obtain new signature sheets; and
138 (c) collect signatures again.
139 (5) The lieutenant governor shall reject the application or application addendum filed
140 under Subsection 20A-7-204.1~~[(4)]~~(5) and not issue circulation sheets if:
141 (a) the law proposed by the initiative is patently unconstitutional;
142 (b) the law proposed by the initiative is nonsensical;
143 (c) the proposed law could not become law if passed;
144 (d) the proposed law contains more than one subject as evaluated in accordance with
145 Subsection (6);
146 (e) the subject of the proposed law is not clearly expressed in the law's title; or
147 (f) the law proposed by the initiative is identical or substantially similar to a law
148 proposed by an initiative that was submitted to the county clerks and lieutenant governor for
149 certification and evaluation within two years preceding the date on which the application for
150 this initiative was filed.
151 (6) To evaluate whether the proposed law contains more than one subject under

Subsection (5)(d), the lieutenant governor shall apply the same standard provided in Utah Constitution, Article VI, Section 22, which prohibits a bill from passing that contains more than one subject.

Section 3. Section **20A-7-202.5** is amended to read:

20A-7-202.5. Initial fiscal impact estimate -- Preparation of estimate -- Challenge to estimate.

(1) Within three working days of receipt of an application for an initiative petition, the lieutenant governor shall submit a copy of the application to the Governor's Office of Management and Budget.

(2) (a) The Governor's Office of Management and Budget shall prepare an unbiased, good faith estimate of the fiscal impact of the law proposed by the initiative that contains:

(i) a dollar amount representing the total estimated fiscal impact of the proposed law;
(ii) if the proposed law would increase or decrease taxes, a dollar amount representing the total estimated increase or decrease for each type of tax affected under the proposed law and a dollar amount representing the total estimated increase or decrease in taxes under the proposed law;

(iii) if the proposed law would increase taxes, the tax percentage difference and the tax percentage increase;

~~[(iii)]~~ (iv) if the proposed law would result in the issuance or a change in the status of bonds, notes, or other debt instruments, a dollar amount representing the total estimated increase or decrease in public debt under the proposed law;

~~[(iv)]~~ (v) a listing of all sources of funding for the estimated costs associated with the proposed law showing each source of funding and the percentage of total funding provided from each source;

~~[(v)]~~ (vi) a dollar amount representing the estimated costs or savings, if any, to state and local government entities under the proposed law; and

~~[(vi)]~~ (vii) a concise explanation, not exceeding 100 words, of the above information and of the estimated fiscal impact, if any, under the proposed law.

(b) (i) If the proposed law is estimated to have no fiscal impact, the Governor's Office of Management and Budget shall include a summary statement in the initial fiscal impact statement in substantially the following form:

"The Governor's Office of Management and Budget estimates that the law proposed by this initiative would have no significant fiscal impact and would not result in either an increase or decrease in taxes or debt."

(ii) If the proposed law is estimated to have a fiscal impact, the Governor's Office of Management and Budget shall include a summary statement in the initial fiscal impact estimate in substantially the following form:

"The Governor's Office of Management and Budget estimates that the law proposed by this initiative would result in a total fiscal expense/savings of \$_____, which includes a (type of tax or taxes) tax increase/decrease of \$_____ and a \$_____ increase/decrease in state debt."

(iii) If the estimated fiscal impact of the proposed law is highly variable or is otherwise difficult to reasonably express in a summary statement, the Governor's Office of Management and Budget may include in the summary statement a brief explanation that identifies those factors affecting the variability or difficulty of the estimate.

(iv) If the proposed law imposes a tax increase, the Governor's Office of Management and Budget shall include a summary statement in the initial fiscal impact estimate in substantially the following form:

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

(3) The Governor's Office of Management and Budget shall prepare an unbiased, good faith estimate of the cost of printing and distributing information related to the initiative petition in:

(a) the voter information pamphlet as required by Title 20A, Chapter 7, Part 7, Voter Information Pamphlet; or

(b) the newspaper, as required by Section 20A-7-702.

(4) Within 25 calendar days from the date that the lieutenant governor delivers a copy of the application, the Governor's Office of Management and Budget shall:

(a) deliver a copy of the initial fiscal impact estimate to the lieutenant governor's office; and

(b) mail a copy of the initial fiscal impact estimate to the first five sponsors named in

the initiative application.

(5) (a) (i) Three or more of the sponsors of the petition may, within 20 calendar days of the date of delivery of the initial fiscal impact estimate to the lieutenant governor's office, file a petition with the Supreme Court, alleging that the initial fiscal impact estimate, taken as a whole, is an inaccurate estimate of the fiscal impact of the initiative.

(ii) After receipt of the appeal, the Supreme Court shall direct the lieutenant governor to send notice of the petition to:

(A) any person or group that has filed an argument with the lieutenant governor's office for or against the measure that is the subject of the challenge; and

(B) any political issues committee established under Section 20A-11-801 that has filed written or electronic notice with the lieutenant governor that identifies the name, mailing or email address, and telephone number of the person designated to receive notice about any issues relating to the initiative.

(b) (i) There is a presumption that the initial fiscal impact estimate prepared by the Governor's Office of Management and Budget is based upon reasonable assumptions, uses reasonable data, and applies accepted analytical methods to present the estimated fiscal impact of the initiative.

(ii) The Supreme Court may not revise the contents of, or direct the revision of, the initial fiscal impact estimate unless the plaintiffs rebut the presumption by clear and convincing evidence that establishes that the initial fiscal estimate, taken as a whole, is an inaccurate statement of the estimated fiscal impact of the initiative.

(iii) The Supreme Court may refer an issue related to the initial fiscal impact estimate to a master to examine the issue and make a report in accordance with Utah Rules of Civil Procedure, Rule 53.

(c) The Supreme Court shall certify to the lieutenant governor a fiscal impact estimate for the measure that meets the requirements of this section.

Section 4. Section 20A-7-203 is amended to read:

20A-7-203. Form of initiative petition and signature sheets.

(1) (a) Each proposed initiative petition shall be printed in substantially the following form:

"INITIATIVE PETITION To the Honorable ____, Lieutenant Governor:

We, the undersigned citizens of Utah, respectfully demand that the following proposed law be submitted to the legal voters/Legislature of Utah for their/its approval or rejection at the regular general election/session to be held/ beginning on _____(month\day\year);

Each signer says:

I have personally signed this petition;

I am registered to vote in Utah or intend to become registered to vote in Utah before the certification of the petition names by the county clerk; and

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

NOTICE TO SIGNERS:

Public hearings to discuss this petition were held at: (list dates and locations of public hearings.)"

(b) If the initiative petition proposes a tax increase, the following statement shall appear, in at least 14-point, bold type, immediately following the information described in Subsection (1)(a):

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

~~[(b)]~~ (c) The sponsors of an initiative shall attach a copy of the proposed law to each initiative petition.

(2) Each signature sheet shall:

(a) be printed on sheets of paper 8-1/2 inches long and 11 inches wide;

(b) be ruled with a horizontal line three-fourths inch from the top, with the space above that line blank for the purpose of binding;

(c) contain the title of the initiative printed below the horizontal line;

(d) contain the initial fiscal impact estimate's summary statement issued by the Governor's Office of Management and Budget according to Subsection 20A-7-202.5(2)(b), including any update according to Subsection 20A-7-204.1~~[(4)]~~(5), and the cost estimate for printing and distributing information related to the initiative petition according to Subsection 20A-7-202.5(3), printed or typed in not less than 12-point, bold type, at the top of each signature sheet under the title of the initiative;

(e) contain the word "Warning" printed or typed at the top of each signature sheet

under the initial fiscal impact estimate's summary statement;

(f) contain, to the right of the word "Warning," the following statement printed or typed in not less than eight-point, single-leaded type:

"It is a class A misdemeanor for ~~[anyone]~~ an individual to sign any initiative petition with any other name than ~~[his]~~ the individual's own, or knowingly to sign ~~[his]~~ the individual's name more than once for the same measure, or to sign an initiative petition when ~~[he]~~ the individual knows ~~[he]~~ that the individual is not a registered voter and knows that ~~[he]~~ the individual does not intend to become registered to vote before the certification of the petition names by the county clerk."; and

(g) be vertically divided into columns as follows:

(i) the first column shall appear at the extreme left of the sheet, be five-eighths inch wide, be headed with "For Office Use Only," and be subdivided with a light vertical line down the middle with the left subdivision entitled "Registered" and the right subdivision left untitled;

(ii) the next column shall be 2-1/2 inches wide, headed "Registered Voter's Printed Name (must be legible to be counted)";

(iii) the next column shall be 2-1/2 inches wide, headed "Signature of Registered Voter";

(iv) the next column shall be one inch wide, headed "Birth Date or Age (Optional)"; and

(v) the final column shall be 4-3/8 inches wide, headed "Street Address, City, Zip Code";

(h) spanning the sheet horizontally beneath each row on which a registered voter may submit the information described in Subsection (2)(g), contain the following statement printed or typed in not less than eight-point, single-leaded type:

"By signing this petition, you are stating that you have read and understand the law proposed by this petition."; ~~[and]~~

(i) if the initiative petition proposes a tax increase, spanning the sheet horizontally beneath each row on which a registered voter may submit the information described in Subsection (2)(g), contain the following statement printed or typed in not less than eight-point, bold type:

"This initiative petition seeks to increase the current (insert name of tax) rate by (insert

the tax percentage difference) percent, resulting in a(n) (insert the tax percentage increase) percent increase in the current tax rate."; and

[~~(i)~~] (j) at the bottom of the sheet, contain the following statement: "Birth date or age information is not required, but it may be used to verify your identity with voter registration records. If you choose not to provide it, your signature may not be verified as a valid signature if you change your address before petition signatures are verified or if the information you provide does not match your voter registration records."

(3) The final page of each initiative packet shall contain the following printed or typed statement:

"Verification

State of Utah, County of _____

I, _____, of _____, hereby state that:

I am a resident of Utah and am at least 18 years old;

All the names that appear in this packet were signed by [~~persons~~] individuals who professed to be the [~~persons~~] individuals whose names appear in it, and each of [~~them~~] the individuals signed [~~his~~] the individual's name on it in my presence;

I believe that each individual has printed and signed [~~his~~] the individual's name and written [~~his~~] the individual's post office address and residence correctly, and that each signer is registered to vote in Utah or intends to become registered to vote before the certification of the petition names by the county clerk.

I have not paid or given anything of value to any person who signed this petition to encourage that person to sign it.

(Name)

(Residence Address)

(Date)"

(4) The forms prescribed in this section are not mandatory, and, if substantially followed, the initiative petitions are sufficient, notwithstanding clerical and merely technical errors.

Section 5. Section **20A-7-204** is amended to read:

20A-7-204. Circulation requirements -- Lieutenant governor to provide sponsors with materials.

(1) In order to obtain the necessary number of signatures required by this part, the

sponsors shall circulate initiative packets that meet the form requirements of this part.

(2) The lieutenant governor shall furnish to the sponsors:

(a) a copy of the initiative petition, with any change submitted under Subsection

~~20A-7-204.1~~(4)(5); and

(b) one signature sheet.

(3) The sponsors of the petition shall:

(a) arrange and pay for the printing of all additional copies of the petition and signature sheets; and

(b) ensure that the copies of the petition and signature sheets meet the form requirements of this section.

(4) (a) The sponsors may prepare the initiative for circulation by creating multiple initiative packets.

(b) The sponsors shall create those packets by binding a copy of the initiative petition, a copy of the proposed law, and no more than 50 signature sheets together at the top in such a way that the packets may be conveniently opened for signing.

(c) The sponsors need not attach a uniform number of signature sheets to each initiative packet.

(5) (a) After the sponsors have prepared sufficient initiative packets, they shall return them to the lieutenant governor.

(b) The lieutenant governor shall:

(i) number each of the initiative packets and return them to the sponsors within five working days; and

(ii) keep a record of the numbers assigned to each packet.

Section 6. Section **20A-7-204.1** is amended to read:

20A-7-204.1. Public hearings to be held before initiative petitions are circulated -- Changes to an initiative and initial fiscal impact estimate.

(1) (a) After issuance of the initial fiscal impact estimate by the Governor's Office of Management and Budget and before circulating initiative petitions for signature statewide, sponsors of the initiative petition shall hold at least seven public hearings throughout Utah as follows:

(i) one in the Bear River region -- Box Elder, Cache, or Rich County;

(ii) one in the Southwest region -- Beaver, Garfield, Iron, Kane, or Washington County;

(iii) one in the Mountain region -- Summit, Utah, or Wasatch County;

(iv) one in the Central region -- Juab, Millard, Piute, Sanpete, Sevier, or Wayne County;

(v) one in the Southeast region -- Carbon, Emery, Grand, or San Juan County;

(vi) one in the Uintah Basin region -- Daggett, Duchesne, or Uintah County; and

(vii) one in the Wasatch Front region -- Davis, Morgan, Salt Lake, Tooele, or Weber County.

(b) Of the seven meetings, at least two of the meetings shall be held in a first or second class county, but not in the same county.

(2) At least three calendar days before the date of the public hearing, the sponsors shall:

(a) provide written notice of the public hearing to:

(i) the lieutenant governor for posting on the state's website; and

(ii) each state senator, state representative, and county commission or county council member who is elected in whole or in part from the region where the public hearing will be held; and

(b) publish written notice of the public hearing detailing its time, date, and location:

(i) in at least one newspaper of general circulation in each county in the region where the public hearing will be held; and

(ii) on the Utah Public Notice Website created in Section 63F-1-701.

(3) If the initiative petition proposes a tax increase, the written notice described in Subsection (2) shall include the following statement, in bold, in the same font and point size as the largest font and point size appearing in the notice:

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

~~[(3)]~~ (4) (a) During the public hearing, the sponsors shall either:

(i) video tape or audio tape the public hearing and, when the hearing is complete, deposit the complete audio or video tape of the meeting with the lieutenant governor; or

(ii) take comprehensive minutes of the public hearing, detailing the names and titles of each speaker and summarizing each speaker's comments.

(b) The lieutenant governor shall make copies of the tapes or minutes available to the public.

~~[(4)]~~ (5) (a) Within 14 days after conducting the seventh public hearing required by Subsection (1)(a) and before circulating an initiative petition for signatures, the sponsors of the initiative petition may change the text of the proposed law if:

(i) a change to the text is:

(A) germane to the text of the proposed law filed with the lieutenant governor under Section 20A-7-202; and

(B) consistent with the requirements of Subsection 20A-7-202(5); and

(ii) each sponsor signs, attested to by a notary public, an application addendum to change the text of the proposed law.

(b) (i) Within three working days of receipt of an application addendum to change the text of the proposed law in an initiative petition, the lieutenant governor shall submit a copy of the application addendum to the Governor's Office of Management and Budget.

(ii) The Governor's Office of Management and Budget shall update the initial fiscal impact estimate by following the procedures and requirements of Section 20A-7-202.5 to reflect a change to the text of the proposed law.

Section 7. Section 20A-7-209 is amended to read:

20A-7-209. Ballot title -- Duties of lieutenant governor and Office of Legislative Research and General Counsel.

(1) By June 5 before the regular general election, the lieutenant governor shall deliver a copy of all of the proposed laws that have qualified for the ballot to the Office of Legislative Research and General Counsel.

(2) (a) The Office of Legislative Research and General Counsel shall:

(i) entitle each state initiative that has qualified for the ballot "Proposition Number ____" and give it a number as assigned under Section 20A-6-107;

(ii) prepare an impartial ballot title for each initiative summarizing the contents of the measure; and

(iii) return each petition and ballot title to the lieutenant governor by June 26.

(b) The ballot title may be distinct from the title of the proposed law attached to the initiative petition, and shall be not more than 100 words.

(c) If the initiative proposes a tax increase, the Office of Legislative Research and General Counsel shall include the following statement, in bold, in the ballot title:

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

~~[(c)]~~ (d) For each state initiative, the official ballot shall show:

(i) the number of the initiative as determined by the Office of Legislative Research and General Counsel;

(ii) the ballot title as determined by the Office of Legislative Research and General Counsel; and

(iii) the initial fiscal impact estimate prepared under Section 20A-7-202.5 or updated under Section 20A-7-204.1.

(3) By June 27, the lieutenant governor shall mail a copy of the ballot title to any sponsor of the petition.

(4) (a) (i) At least three of the sponsors of the petition may, by July 6, challenge the wording of the ballot title prepared by the Office of Legislative Research and General Counsel to the Supreme Court.

(ii) After receipt of the appeal, the Supreme Court shall direct the lieutenant governor to send notice of the appeal to:

(A) any person or group that has filed an argument for or against the measure that is the subject of the challenge; or

(B) any political issues committee established under Section 20A-11-801 that has filed written or electronic notice with the lieutenant governor that identifies the name, mailing or email address, and telephone number of the person designated to receive notice about any issues relating to the initiative.

(b) (i) There is a presumption that the ballot title prepared by the Office of Legislative Research and General Counsel is an impartial summary of the contents of the initiative.

(ii) The Supreme Court may not revise the wording of the ballot title unless the plaintiffs rebut the presumption by clearly and convincingly establishing that the ballot title is

patently false or biased.

(c) The Supreme Court shall:

(i) examine the ballot title;

(ii) hear arguments; and

(iii) certify to the lieutenant governor a ballot title for the measure that meets the requirements of this section.

(d) The lieutenant governor shall certify the title verified by the Supreme Court to the county clerks to be printed on the official ballot.

Section 8. Section **20A-7-402** is amended to read:

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

(1) The county or municipality that is subject to a ballot proposition shall prepare a local voter information pamphlet that meets the requirements of this part.

(2) (a) The arguments for or against a ballot proposition shall conform to the requirements of this section.

(b) To prepare an argument for or against a ballot proposition, an eligible voter shall file a request with the election officer at least 65 days before the election at which the ballot proposition is to be voted on.

(c) If more than one eligible voter requests the opportunity to prepare an argument for or against a ballot proposition, the election officer shall make the final designation according to the following criteria:

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

(ii) members of the local legislative body have priority over others.

(d) (i) Except as provided in Subsection (2)(e), a sponsor of a ballot proposition may prepare an argument in favor of the ballot proposition.

(ii) Except as provided in Subsection (2)(e), and subject to Subsection (2)(c), an eligible voter opposed to the ballot proposition who submits a request under Subsection (2)(b) may prepare an argument against the ballot proposition.

(e) (i) For a referendum, subject to Subsection (2)(c), an eligible voter who is in favor of a law that is referred to the voters and who submits a request under Subsection (2)(b) may prepare an argument for adoption of the law.

493 (ii) The sponsors of a referendum may prepare an argument against the adoption of a
494 law that is referred to the voters.

495 (f) An eligible voter who submits an argument under this section shall:

496 (i) ensure that the argument does not exceed 500 words in length;

497 (ii) ensure that the argument does not list more than five names as sponsors;

498 (iii) submit the argument to the election officer no later than 60 days before the
499 election day on which the ballot proposition will be submitted to the voters; and

500 (iv) include with the argument the eligible voter's name, residential address, postal
501 address, email address if available, and phone number.

502 (g) An election officer shall refuse to accept and publish an argument that is submitted
503 after the deadline described in Subsection (2)(f)(iii).

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

507 (i) a copy of the argument in favor of the ballot proposition to the eligible voter who
508 submitted the argument against the ballot proposition; and

509 (ii) a copy of the argument against the ballot proposition to the eligible voter who
510 submitted the argument in favor of the ballot proposition.

511 (b) The eligible voter who submitted a timely argument in favor of the ballot
512 proposition:

513 (i) may submit to the election officer a rebuttal argument of the argument against the
514 ballot proposition;

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

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

518 (c) The eligible voter who submitted a timely argument against the ballot proposition:

519 (i) may submit to the election officer a rebuttal argument of the argument in favor of
520 the ballot proposition;

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

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

(d) An election officer shall refuse to accept and publish a rebuttal argument that is submitted after the deadline described in Subsection (3)(b)(iii) or (3)(c)(iii).

(4) (a) Except as provided in Subsection (4)(b):

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

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

(b) The election officer, and the eligible voter who submits an argument or rebuttal argument, may jointly agree to modify an argument or rebuttal argument in order to:

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

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

(c) An election officer shall refuse to accept and publish an argument or rebuttal argument if the eligible voter who submits the argument or rebuttal argument fails to negotiate, in good faith, to modify the argument or rebuttal argument in accordance with Subsection (4)(b).

(5) An election officer may designate another eligible voter to take the place of an eligible voter described in this section if the original eligible voter is, due to injury, illness, death, or another circumstance, unable to continue to fulfill the duties of an eligible voter described in this section.

(6) (a) The local voter information pamphlet shall include a copy of the initial fiscal impact estimate prepared for each initiative under Section 20A-7-502.5.

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

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

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

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

(ii) ensure that the following statement is printed on the front cover or the heading of

the first page of the printed arguments:

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

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

(iv) distribute either the pamphlets or the notice described in Subsection (7)(c) either by mail or carrier not less than 15 days before, but not more than 45 days before, the election at which the ballot propositions are to be voted upon.

(b) (i) If the proposed measure exceeds 500 words in length, the election officer may summarize the measure in 500 words or less.

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

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

(ii) The notice described in Subsection (7)(c)(i) shall include:

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

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

Section 9. Section 20A-7-502 is amended to read:

20A-7-502. Local initiative process -- Application procedures.

(1) Persons wishing to circulate an initiative petition shall file an application with the local clerk.

(2) The application shall contain:

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

(b) a statement indicating that each of the sponsors:

(i) is a registered voter; and

(ii) (A) if the initiative seeks to enact a county ordinance, has voted in a regular general election in Utah within the last three years; or

(B) if the initiative seeks to enact a municipal ordinance, has voted in a regular municipal election in Utah:

(I) except as provided in Subsection (2)(b)(ii)(B)(II), within the last three years; or

(II) within the last five years, if the sponsor's failure to vote within the last three years is due to the sponsor's residing in a municipal district that participates in a municipal election every four years;

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

(d) a copy of the proposed law that includes:

(i) the title of the proposed law, which clearly expresses the subject of the law; and

(ii) the text of the proposed law~~[-]; and~~

(e) if the initiative petition proposes a tax increase, the following statement, "This initiative petition seeks to increase the current (insert name of tax) rate by (insert the tax percentage difference) percent, resulting in a(n) (insert the tax percentage increase) percent increase in the current tax rate."

(3) A proposed law submitted under this section may not contain more than one subject to the same extent a bill may not pass containing more than one subject as provided in Utah Constitution, Article VI, Section 22.

Section 10. Section **20A-7-502.5** is amended to read:

20A-7-502.5. Initial fiscal and legal impact estimate -- Preparation of estimate -- Challenge to estimate.

(1) Within three working days of receipt of an application for an initiative petition, the local clerk shall submit a copy of the application to the county, city, or town's budget officer.

(2) (a) The budget officer, together with legal counsel, shall prepare an unbiased, good faith estimate of the fiscal and legal impact of the law proposed by the initiative that contains:

(i) a dollar amount representing the total estimated fiscal impact of the proposed law;

(ii) if the proposed law would increase or decrease taxes, a dollar amount representing the total estimated increase or decrease for each type of tax affected under the proposed law and a dollar amount representing the total estimated increase or decrease in taxes under the proposed law;

(iii) if the proposed law would increase taxes, the tax percentage difference and the tax percentage increase;

~~[(iii)]~~ (iv) if the proposed law would result in the issuance or a change in the status of bonds, notes, or other debt instruments, a dollar amount representing the total estimated increase or decrease in public debt under the proposed law;

617 ~~[(iv)]~~ (v) a listing of all sources of funding for the estimated costs associated with the
618 proposed law showing each source of funding and the percentage of total funding provided
619 from each source;

620 ~~[(v)]~~ (vi) a dollar amount representing the estimated costs or savings, if any, to state
621 and local government entities under the proposed law;

622 ~~[(vi)]~~ (vii) the proposed law's legal impact, including:

623 (A) any significant effects on a person's vested property rights;

624 (B) any significant effects on other laws or ordinances;

625 (C) any significant legal liability the city, county, or town may incur; and

626 (D) any other significant legal impact as determined by the budget officer and the legal
627 counsel; and

628 ~~[(vii)]~~ (viii) a concise explanation, not exceeding 100 words, of the above information
629 and of the estimated fiscal impact, if any, under the proposed law.

630 (b) (i) If the proposed law is estimated to have no fiscal impact, the local budget officer
631 shall include a summary statement in the initial fiscal impact statement in substantially the
632 following form:

633 "The (title of the local budget officer) estimates that the law proposed by this initiative
634 would have no significant fiscal impact and would not result in either an increase or decrease in
635 taxes or debt."

636 (ii) If the proposed law is estimated to have a fiscal impact, the local budget officer
637 shall include a summary statement in the initial fiscal impact estimate in substantially the
638 following form:

639 "The (title of the local budget officer) estimates that the law proposed by this initiative
640 would result in a total fiscal expense/savings of \$_____, which includes a (type of tax or
641 taxes) tax increase/decrease of \$_____ and a \$_____ increase/decrease in public debt."

642 (iii) If the estimated fiscal impact of the proposed law is highly variable or is otherwise
643 difficult to reasonably express in a summary statement, the local budget officer may include in
644 the summary statement a brief explanation that identifies those factors affecting the variability
645 or difficulty of the estimate.

646 (iv) If the proposed law would increase taxes, the local budget officer shall include a
647 summary statement in the initial fiscal impact statement in substantially the following form:

648 "This initiative petition seeks to increase the current (insert name of tax) rate by (insert
649 the tax percentage difference) percent, resulting in a(n) (insert the tax percentage increase)
650 percent increase in the current tax rate."

651 (3) The budget officer shall prepare an unbiased, good faith estimate of the cost of
652 printing and distributing information related to the initiative petition in the voter information
653 pamphlet as required by Section 20A-7-402.

654 (4) Within 25 calendar days from the date that the local clerk delivers a copy of the
655 application, the budget officer shall:

656 (a) deliver a copy of the initial fiscal impact estimate, including the legal impact
657 estimate, to the local clerk's office; and

658 (b) mail a copy of the initial fiscal impact estimate, including the legal impact estimate,
659 to the first five sponsors named in the application.

660 (5) (a) Three or more of the sponsors of the petition may, within 20 calendar days of
661 the date of delivery of the initial fiscal impact estimate to the local clerk's office, file a petition
662 with the Supreme Court, alleging that the initial fiscal impact estimate, including the legal
663 impact estimate, taken as a whole, is an inaccurate estimate of the fiscal or legal impact of the
664 initiative.

665 (b) (i) There is a presumption that the initial fiscal impact estimate, including the legal
666 impact estimate, prepared by the budget officer and legal counsel is based upon reasonable
667 assumptions, uses reasonable data, and applies accepted analytical methods to present the
668 estimated fiscal and legal impact of the initiative.

669 (ii) The Supreme Court may not revise the contents of, or direct the revision of, the
670 initial fiscal impact estimate, including the legal impact estimate, unless the plaintiffs rebut the
671 presumption by clear and convincing evidence that establishes that the fiscal estimate,
672 including the legal impact estimate, taken as a whole, is an inaccurate statement of the
673 estimated fiscal or legal impact of the initiative.

674 (iii) The Supreme Court may refer an issue related to the initial fiscal impact estimate,
675 including the legal impact estimate, to a master to examine the issue and make a report in
676 accordance with Utah Rules of Civil Procedure, Rule 53.

677 (c) The Supreme Court shall certify to the local clerk an initial fiscal impact estimate,
678 including the legal impact estimate, for the measure that meets the requirements of this section.

Section 11. Section **20A-7-503** is amended to read:

20A-7-503. Form of initiative petitions and signature sheets.

(1) (a) Each proposed initiative petition shall be printed in substantially the following form:

"INITIATIVE PETITION To the Honorable ____, County Clerk/City Recorder/Town Clerk:

We, the undersigned citizens of Utah, respectfully demand that the following proposed law be submitted to: the legislative body for its approval or rejection at its next meeting; and the legal voters of the county/city/town, if the legislative body rejects the proposed law or takes no action on it.

Each signer says:

I have personally signed this petition;

I am registered to vote in Utah or intend to become registered to vote in Utah before the certification of the petition names by the county clerk; and

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

(b) If the initiative petition proposes a tax increase, the following statement shall appear, in at least 14-point, bold type, immediately following the information described in Subsection (1)(a):

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

~~[(b)]~~ (c) The sponsors of an initiative shall attach a copy of the proposed law to each initiative petition.

(2) Each signature sheet shall:

(a) be printed on sheets of paper 8-1/2 inches long and 11 inches wide;

(b) be ruled with a horizontal line three-fourths inch from the top, with the space above that line blank for the purpose of binding;

(c) contain the title of the initiative printed below the horizontal line;

(d) contain the initial fiscal impact estimate's summary statement issued by the budget officer according to Subsection **20A-7-502.5**(2)(b) and the cost estimate for printing and distributing information related to the initiative petition according to Subsection

20A-7-502.5(3) printed or typed in not less than 12-point, bold type, at the top of each signature sheet under the title of the initiative;

(e) contain the word "Warning" printed or typed at the top of each signature sheet under the initial fiscal impact estimate's summary statement;

(f) contain, to the right of the word "Warning," the following statement printed or typed in not less than eight-point, single-leaded type:

"It is a class A misdemeanor for ~~anyone~~ an individual to sign any initiative petition with any other name than ~~his~~ the individual's own, or knowingly to sign ~~his~~ the individual's name more than once for the same measure, or to sign an initiative petition when ~~he~~ the individual knows ~~he~~ the individual is not a registered voter and knows that ~~he~~ the individual does not intend to become registered to vote before the certification of the petition names by the county clerk.";

(g) contain horizontally ruled lines three-eighths inch apart under the "Warning" statement required by this section;

(h) be vertically divided into columns as follows:

(i) the first column shall appear at the extreme left of the sheet, be five-eighths inch wide, be headed with "For Office Use Only", and be subdivided with a light vertical line down the middle with the left subdivision entitled "Registered" and the right subdivision left untitled;

(ii) the next column shall be 2-1/2 inches wide, headed "Registered Voter's Printed Name (must be legible to be counted)";

(iii) the next column shall be 2-1/2 inches wide, headed "Signature of Registered Voter";

(iv) the next column shall be one inch wide, headed "Birth Date or Age (Optional)";
and

(v) the final column shall be 4-3/8 inches wide, headed "Street Address, City, Zip Code";

(i) spanning the sheet horizontally beneath each row on which a registered voter may submit the information described in Subsection (2)(h), contain the following statement printed or typed in not less than eight-point, single-leaded type:

"By signing this petition, you are stating that you have read and understand the law proposed by this petition."; ~~and~~

(j) if the initiative petition proposes a tax increase, spanning the sheet horizontally beneath each row on which a registered voter may submit the information described in Subsection (2)(h), contain the following statement printed or typed in not less than eight-point, bold type:

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

[(j)] (k) at the bottom of the sheet, contain the following statement: "Birth date or age information is not required, but it may be used to verify your identity with voter registration records. If you choose not to provide it, your signature may not be verified as a valid signature if you change your address before petition signatures are verified or if the information you provide does not match your voter registration records."

(3) The final page of each initiative packet shall contain the following printed or typed statement:

"Verification

State of Utah, County of _____

I, _____, of _____, hereby state that:

I am a resident of Utah and am at least 18 years old;

All the names that appear in this initiative packet were signed by [persons] the individuals who professed to be the [persons] individuals whose names appear in it, and each of [them] the individuals signed [his] the individual's name on it in my presence;

I believe that each individual has printed and signed [his] the individual's name and written [his] the individual's post office address and residence correctly, and that each signer is registered to vote in Utah or intends to become registered to vote before the certification of the petition names by the county clerk.

_____ "

(4) The forms prescribed in this section are not mandatory, and, if substantially followed, the initiative petitions are sufficient, notwithstanding clerical and merely technical errors.

Section 12. Section **20A-7-508** is amended to read:

20A-7-508. Ballot title -- Duties of local clerk and local attorney.

(1) Whenever an initiative petition is declared sufficient for submission to a vote of the people, the local clerk shall deliver a copy of the petition and the proposed law to the local attorney.

(2) The local attorney shall:

(a) entitle each county or municipal initiative that has qualified for the ballot "Proposition Number ___" and give it a number as assigned under Section 20A-6-107;

(b) prepare a proposed ballot title for the initiative;

(c) file the proposed ballot title and the numbered initiative titles with the local clerk within 15 days after the date the initiative petition is declared sufficient for submission to a vote of the people; and

(d) promptly provide notice of the filing of the proposed ballot title to:

(i) the sponsors of the petition; and

(ii) the local legislative body for the jurisdiction where the initiative petition was circulated.

(3) (a) The ballot title may be distinct from the title of the proposed law attached to the initiative petition, and shall express, in not exceeding 100 words, the purpose of the measure.

(b) In preparing a ballot title, the local attorney shall, to the best of ~~his~~ the local attorney's ability, give a true and impartial statement of the purpose of the measure.

(c) The ballot title may not intentionally be an argument, or likely to create prejudice, for or against the measure.

(d) If the initiative proposes a tax increase, the local attorney shall include the following statement, in bold, in the ballot title:

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

(4) (a) Within five calendar days after the date the local attorney files a proposed ballot title under Subsection (2)(c), the local legislative body for the jurisdiction where the initiative petition was circulated and the sponsors of the petition may file written comments in response to the proposed ballot title with the local clerk.

(b) Within five calendar days after the last date to submit written comments under Subsection (4)(a), the local attorney shall:

- (i) review any written comments filed in accordance with Subsection (4)(a);
(ii) prepare a final ballot title that meets the requirements of Subsection (3); and
(iii) return the petition and file the ballot title with the local clerk.

(c) Subject to Subsection (6), the ballot title, as determined by the local attorney, shall be printed on the official ballot.

(5) Immediately after the local attorney files a copy of the ballot title with the local clerk, the local clerk shall serve a copy of the ballot title by mail upon the sponsors of the petition and the local legislative body for the jurisdiction where the initiative petition was circulated.

(6) (a) If the ballot title furnished by the local attorney is unsatisfactory or does not comply with the requirements of this section, the decision of the local attorney may be appealed by a petition to the Supreme Court that is brought by:

- (i) at least three sponsors of the initiative petition; or
(ii) a majority of the local legislative body for the jurisdiction where the initiative petition was circulated.

(b) The Supreme Court shall examine the measures and consider arguments, and, in its decision, may certify to the local clerk a ballot title for the measure that fulfills the intent of this section.

(c) The local clerk shall print the title certified by the Supreme Court on the official ballot.

Section 13. Section **20A-7-513** is amended to read:

20A-7-513. Fiscal review -- Repeal, amendment, or resubmission.

(1) No later than 60 days after the date of an election in which the voters approve an initiative petition, the budget officer shall:

(a) for each initiative approved by the voters, prepare a final fiscal impact statement, using current financial information and containing the information required by Subsection **20A-7-502.5(2)**, except for the information required by Subsection **20A-7-502.5(2)(a)**~~[(vi)]~~[(vii)]; and

(b) deliver a copy of the final fiscal impact statement to:

- (i) the local legislative body of the jurisdiction where the initiative was circulated;
(ii) the local clerk; and

(iii) the first five sponsors listed on the initiative application.

(2) If the final fiscal impact statement exceeds the initial fiscal impact estimate by 25% or more, the local legislative body shall review the final fiscal impact statement and may, by a majority vote:

(a) repeal the law established by passage of the initiative;

(b) amend the law established by the passage of the initiative; or

(c) pass a resolution informing the voters that they may file an initiative petition to repeal the law enacted by the passage of the initiative.

Section 14. Section **20A-7-702** is amended to read:

20A-7-702. Voter information pamphlet -- Form -- Contents -- Distribution.

(1) The lieutenant governor shall ensure that all information submitted for publication in the voter information pamphlet is:

(a) printed and bound in a single pamphlet;

(b) printed in clear readable type, no less than 10 point, except that the text of any measure may be set forth in eight-point type; and

(c) printed on a quality and weight of paper that best serves the voters.

(2) The voter information pamphlet shall contain the following items in this order:

(a) a cover title page;

(b) an introduction to the pamphlet by the lieutenant governor;

(c) a table of contents;

(d) a list of all candidates for constitutional offices;

(e) a list of candidates for each legislative district;

(f) a 100-word statement of qualifications for each candidate for the office of governor, lieutenant governor, attorney general, state auditor, or state treasurer, if submitted by the candidate to the lieutenant governor's office before 5 p.m. on the date that falls 105 days before the date of the election;

(g) information pertaining to all measures to be submitted to the voters, beginning a new page for each measure and containing, in the following order for each measure:

(i) a copy of the number and ballot title of the measure;

(ii) the final vote cast by the Legislature on the measure if it is a measure submitted by the Legislature or by referendum;

865 (iii) the impartial analysis of the measure prepared by the Office of Legislative
866 Research and General Counsel;

867 (iv) the arguments in favor of the measure, the rebuttal to the arguments in favor of the
868 measure, the arguments against the measure, and the rebuttal to the arguments against the
869 measure, with the name and title of the authors at the end of each argument or rebuttal;

870 (v) for each constitutional amendment, a complete copy of the text of the constitutional
871 amendment, with all new language underlined, and all deleted language placed within brackets;

872 (vi) for each initiative qualified for the ballot[5]:

873 (A) a copy of the measure as certified by the lieutenant governor and a copy of the
874 fiscal impact estimate prepared according to Section 20A-7-202.5; and

875 (B) if the initiative proposes a tax increase, the following statement in bold type:
876 "This initiative seeks to increase the current (insert name of tax) rate by (insert the tax
877 percentage difference) percent, resulting in a(n) (insert the tax percentage increase) percent
878 increase in the current tax rate."; and

879 (vii) for each referendum qualified for the ballot, a complete copy of the text of the law
880 being submitted to the voters for their approval or rejection, with all new language underlined
881 and all deleted language placed within brackets, as applicable;

882 (h) a description provided by the Judicial Performance Evaluation Commission of the
883 selection and retention process for judges, including, in the following order:

884 (i) a description of the judicial selection process;

885 (ii) a description of the judicial performance evaluation process;

886 (iii) a description of the judicial retention election process;

887 (iv) a list of the criteria of the judicial performance evaluation and the minimum
888 performance standards;

889 (v) the names of the judges standing for retention election; and

890 (vi) for each judge:

891 (A) a list of the counties in which the judge is subject to retention election;

892 (B) a short biography of professional qualifications and a recent photograph;

893 (C) a narrative concerning the judge's performance;

894 (D) for each standard of performance, a statement identifying whether or not the judge
895 met the standard and, if not, the manner in which the judge failed to meet the standard;

(E) a statement identifying whether or not the Judicial Performance Evaluation Commission recommends the judge be retained or declines to make a recommendation and the number of votes for and against the commission's recommendation;

(F) any statement provided by a judge who is not recommended for retention by the Judicial Performance Evaluation Commission under Section 78A-12-203;

(G) in a bar graph, the average of responses to each survey category, displayed with an identification of the minimum acceptable score as set by Section 78A-12-205 and the average score of all judges of the same court level; and

(H) a website address that contains the Judicial Performance Evaluation Commission's report on the judge's performance evaluation;

(i) for each judge, a statement provided by the Utah Supreme Court identifying the cumulative number of informal reprimands, when consented to by the judge in accordance with Title 78A, Chapter 11, Judicial Conduct Commission, formal reprimands, and all orders of censure and suspension issued by the Utah Supreme Court under Utah Constitution, Article VIII, Section 13, during the judge's current term and the immediately preceding term, and a detailed summary of the supporting reasons for each violation of the Code of Judicial Conduct that the judge has received;

(j) an explanation of ballot marking procedures prepared by the lieutenant governor, indicating the ballot marking procedure used by each county and explaining how to mark the ballot for each procedure;

(k) voter registration information, including information on how to obtain an absentee ballot;

(l) a list of all county clerks' offices and phone numbers; and

(m) on the back cover page, a printed copy of the following statement signed by the lieutenant governor:

"I, _____ (print name), Lieutenant Governor of Utah, certify that the measures contained in this pamphlet will be submitted to the voters of Utah at the election to be held throughout the state on ____ (date of election), and that this pamphlet is complete and correct according to law.

SEAL

Witness my hand and the Great Seal of the State, at Salt Lake City, Utah this ____ day

927 of ____ (month), ____ (year)

928 (signed) _____

929 Lieutenant Governor"

930 (3) No earlier than 75 days, and no later than 15 days, before the day on which voting
931 commences, the lieutenant governor shall:

932 (a) (i) distribute one copy of the voter information pamphlet to each household within
933 the state;

934 (ii) distribute to each household within the state a notice:

935 (A) printed on a postage prepaid, preaddressed return form that a person may use to
936 request delivery of a voter information pamphlet by mail;

937 (B) that states the address of the Statewide Electronic Voter Information Website
938 authorized by Section 20A-7-801; and

939 (C) that states the phone number a voter may call to request delivery of a voter
940 information pamphlet by mail; or

941 (iii) ensure that one copy of the voter information pamphlet is placed in one issue of
942 every newspaper of general circulation in the state;

943 (b) ensure that a sufficient number of printed voter information pamphlets are available
944 for distribution as required by this section;

945 (c) provide voter information pamphlets to each county clerk for free distribution upon
946 request and for placement at polling places; and

947 (d) ensure that the distribution of the voter information pamphlets is completed 15 days
948 before the election.

949 (4) The lieutenant governor may distribute a voter information pamphlet at a location
950 frequented by a person who cannot easily access the Statewide Electronic Voter Information
951 Website authorized by Section 20A-7-801.

Legislative Review Note
Office of Legislative Research and General Counsel