

Rex P. Shipp proposes the following substitute bill:

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;
- includes a coordination clause to merge language added to Section 20A-7-607 in this bill with language added to the same section in H.B. 454, Local Government Fees Modifications, if both bills pass and become law; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides coordination clauses.

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

29 **20A-7-102**, as last amended by Laws of Utah 1994, Chapter 272
 30 **20A-7-401.3**, as last amended by Laws of Utah 2024, Chapter 438
 31 **20A-7-401.5**, as last amended by Laws of Utah 2023, Chapter 116
 32 **20A-7-402**, as last amended by Laws of Utah 2024, Third Special Session, Chapter 3
 33 **20A-7-405**, as enacted by Laws of Utah 2019, Chapter 203
 34 **20A-7-601**, as last amended by Laws of Utah 2024, Chapters 427, 438
 35 **20A-7-602.5**, as last amended by Laws of Utah 2024, Chapter 442
 36 **20A-7-602.7**, as last amended by Laws of Utah 2024, Chapter 438
 37 **20A-7-603**, as last amended by Laws of Utah 2024, Chapter 442
 38 **20A-7-604**, as last amended by Laws of Utah 2024, Chapters 438, 442
 39 **20A-7-607**, as last amended by Laws of Utah 2023, Chapters 107, 116
 40 **20A-7-608**, as last amended by Laws of Utah 2024, Chapter 442
 41 **20A-7-609**, as last amended by Laws of Utah 2023, Chapter 107
 42 **20A-7-609.5**, as last amended by Laws of Utah 2020, Chapter 31
 43 **20A-7-610**, as last amended by Laws of Utah 2023, Chapter 107
 44 **20A-7-611**, as last amended by Laws of Utah 2023, Chapter 107
 45 **20A-7-613**, as last amended by Laws of Utah 2023, Chapter 116
 46 **20A-7-614**, as last amended by Laws of Utah 2024, Chapter 442
 47 **63G-30-102**, as enacted by Laws of Utah 2023, Chapter 435

48 **Utah Code Sections affected by Coordination Clause:**

49 **20A-7-607**, as last amended by Laws of Utah 2023, Chapters 107, 116

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

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

53 **10-9a-103 . Definitions.**

54 As used in this chapter:

- 55 (1) "Accessory dwelling unit" means a habitable living unit added to, created within, or
 56 detached from a primary single-family dwelling and contained on one lot.
- 57 (2) "Adversely affected party" means a person other than a land use applicant who:
- 58 (a) owns real property adjoining the property that is the subject of a land use application
 59 or land use decision; or
- 60 (b) will suffer a damage different in kind than, or an injury distinct from, that of the
 61 general community as a result of the land use decision.
- 62 (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)~~] Section 20A-7-601; 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.

- 97 (9) "Constitutional taking" means a governmental action that results in a taking of private
98 property so that compensation to the owner of the property is required by the:
- 99 (a) Fifth or Fourteenth Amendment of the Constitution of the United States; or
100 (b) Utah Constitution, Article I, Section 22.
- 101 (10) "Culinary water authority" means the department, agency, or public entity with
102 responsibility to review and approve the feasibility of the culinary water system and
103 sources for the subject property.
- 104 (11) "Development activity" means:
- 105 (a) any construction or expansion of a building, structure, or use that creates additional
106 demand and need for public facilities;
- 107 (b) any change in use of a building or structure that creates additional demand and need
108 for public facilities; or
- 109 (c) any change in the use of land that creates additional demand and need for public
110 facilities.
- 111 (12)(a) "Development agreement" means a written agreement or amendment to a written
112 agreement between a municipality and one or more parties that regulates or controls
113 the use or development of a specific area of land.
- 114 (b) "Development agreement" does not include an improvement completion assurance.
- 115 (13)(a) "Disability" means a physical or mental impairment that substantially limits one
116 or more of a person's major life activities, including a person having a record of such
117 an impairment or being regarded as having such an impairment.
- 118 (b) "Disability" does not include current illegal use of, or addiction to, any federally
119 controlled substance, as defined in Section 102 of the Controlled Substances Act, 21
120 U.S.C. 802.
- 121 (14) "Educational facility":
- 122 (a) means:
- 123 (i) a school district's building at which pupils assemble to receive instruction in a
124 program for any combination of grades from preschool through grade 12,
125 including kindergarten and a program for children with disabilities;
- 126 (ii) a structure or facility:
- 127 (A) located on the same property as a building described in Subsection (14)(a)(i);
128 and
- 129 (B) used in support of the use of that building; and
- 130 (iii) a building to provide office and related space to a school district's administrative

- 131 personnel; and
- 132 (b) does not include:
- 133 (i) land or a structure, including land or a structure for inventory storage, equipment
- 134 storage, food processing or preparing, vehicle storage or maintenance, or similar
- 135 use that is:
- 136 (A) not located on the same property as a building described in Subsection
- 137 (14)(a)(i); and
- 138 (B) used in support of the purposes of a building described in Subsection
- 139 (14)(a)(i); or
- 140 (ii) a therapeutic school.
- 141 (15) "Fire authority" means the department, agency, or public entity with responsibility to
- 142 review and approve the feasibility of fire protection and suppression services for the
- 143 subject property.
- 144 (16) "Flood plain" means land that:
- 145 (a) is within the 100-year flood plain designated by the Federal Emergency Management
- 146 Agency; or
- 147 (b) has not been studied or designated by the Federal Emergency Management Agency
- 148 but presents a likelihood of experiencing chronic flooding or a catastrophic flood
- 149 event because the land has characteristics that are similar to those of a 100-year flood
- 150 plain designated by the Federal Emergency Management Agency.
- 151 (17) "General plan" means a document that a municipality adopts that sets forth general
- 152 guidelines for proposed future development of the land within the municipality.
- 153 (18) "Geologic hazard" means:
- 154 (a) a surface fault rupture;
- 155 (b) shallow groundwater;
- 156 (c) liquefaction;
- 157 (d) a landslide;
- 158 (e) a debris flow;
- 159 (f) unstable soil;
- 160 (g) a rock fall; or
- 161 (h) any other geologic condition that presents a risk:
- 162 (i) to life;
- 163 (ii) of substantial loss of real property; or
- 164 (iii) of substantial damage to real property.

- 165 (19) "Historic preservation authority" means a person, board, commission, or other body
166 designated by a legislative body to:
- 167 (a) recommend land use regulations to preserve local historic districts or areas; and
168 (b) administer local historic preservation land use regulations within a local historic
169 district or area.
- 170 (20) "Home-based microschool" means the same as that term is defined in Section
171 53G-6-201.
- 172 (21) "Hookup fee" means a fee for the installation and inspection of any pipe, line, meter,
173 or appurtenance that connects to a municipal water, sewer, storm water, power, or other
174 utility system.
- 175 (22) "Identical plans" means building plans submitted to a municipality that:
- 176 (a) are clearly marked as "identical plans";
177 (b) are substantially identical to building plans that were previously submitted to and
178 reviewed and approved by the municipality; and
179 (c) describe a building that:
- 180 (i) is located on land zoned the same as the land on which the building described in
181 the previously approved plans is located;
182 (ii) is subject to the same geological and meteorological conditions and the same law
183 as the building described in the previously approved plans;
184 (iii) has a floor plan identical to the building plan previously submitted to and
185 reviewed and approved by the municipality; and
186 (iv) does not require any additional engineering or analysis.
- 187 (23) "Impact fee" means a payment of money imposed under Title 11, Chapter 36a, Impact
188 Fees Act.
- 189 (24) "Improvement completion assurance" means a surety bond, letter of credit, financial
190 institution bond, cash, assignment of rights, lien, or other equivalent security required by
191 a municipality to guaranty the proper completion of landscaping or an infrastructure
192 improvement required as a condition precedent to:
- 193 (a) recording a subdivision plat; or
194 (b) development of a commercial, industrial, mixed use, or multifamily project.
- 195 (25) "Improvement warranty" means an applicant's unconditional warranty that the
196 applicant's installed and accepted landscaping or infrastructure improvement:
- 197 (a) complies with the municipality's written standards for design, materials, and
198 workmanship; and

- 199 (b) will not fail in any material respect, as a result of poor workmanship or materials,
200 within the improvement warranty period.
- 201 (26) "Improvement warranty period" means a period:
- 202 (a) no later than one year after a municipality's acceptance of required landscaping; or
203 (b) no later than one year after a municipality's acceptance of required infrastructure,
204 unless the municipality:
- 205 (i) determines for good cause that a one-year period would be inadequate to protect
206 the public health, safety, and welfare; and
207 (ii) has substantial evidence, on record:
- 208 (A) of prior poor performance by the applicant; or
209 (B) that the area upon which the infrastructure will be constructed contains
210 suspect soil and the municipality has not otherwise required the applicant to
211 mitigate the suspect soil.
- 212 (27) "Infrastructure improvement" means permanent infrastructure that is essential for the
213 public health and safety or that:
- 214 (a) is required for human occupation; and
215 (b) an applicant must install:
- 216 (i) in accordance with published installation and inspection specifications for public
217 improvements; and
218 (ii) whether the improvement is public or private, as a condition of:
- 219 (A) recording a subdivision plat;
220 (B) obtaining a building permit; or
221 (C) development of a commercial, industrial, mixed use, condominium, or
222 multifamily project.
- 223 (28) "Internal lot restriction" means a platted note, platted demarcation, or platted
224 designation that:
- 225 (a) runs with the land; and
226 (b)(i) creates a restriction that is enclosed within the perimeter of a lot described on
227 the plat; or
228 (ii) designates a development condition that is enclosed within the perimeter of a lot
229 described on the plat.
- 230 (29) "Land use applicant" means a property owner, or the property owner's designee, who
231 submits a land use application regarding the property owner's land.
- 232 (30) "Land use application":

- 233 (a) means an application that is:
234 (i) required by a municipality; and
235 (ii) submitted by a land use applicant to obtain a land use decision; and
236 (b) does not mean an application to enact, amend, or repeal a land use regulation.
- 237 (31) "Land use authority" means:
238 (a) a person, board, commission, agency, or body, including the local legislative body,
239 designated by the local legislative body to act upon a land use application; or
240 (b) if the local legislative body has not designated a person, board, commission, agency,
241 or body, the local legislative body.
- 242 (32) "Land use decision" means an administrative decision of a land use authority or appeal
243 authority regarding:
244 (a) a land use permit; or
245 (b) a land use application.
- 246 (33) "Land use permit" means a permit issued by a land use authority.
- 247 (34) "Land use regulation":
248 (a) means a legislative decision enacted by ordinance, law, code, map, resolution,
249 specification, fee, or rule that governs the use or development of land;
250 (b) includes the adoption or amendment of a zoning map or the text of the zoning code;
251 and
252 (c) does not include:
253 (i) a land use decision of the legislative body acting as the land use authority, even if
254 the decision is expressed in a resolution or ordinance; or
255 (ii) a temporary revision to an engineering specification that does not materially:
256 (A) increase a land use applicant's cost of development compared to the existing
257 specification; or
258 (B) impact a land use applicant's use of land.
- 259 (35) "Legislative body" means the municipal council.
- 260 (36) "Local historic district or area" means a geographically definable area that:
261 (a) contains any combination of buildings, structures, sites, objects, landscape features,
262 archeological sites, or works of art that contribute to the historic preservation goals of
263 a legislative body; and
264 (b) is subject to land use regulations to preserve the historic significance of the local
265 historic district or area.
- 266 (37) "Lot" means a tract of land, regardless of any label, that is created by and shown on a

subdivision plat that has been recorded in the office of the county recorder.

(38)(a) "Lot line adjustment" means a relocation of a lot line boundary between adjoining lots or between a lot and adjoining parcels in accordance with Section 10-9a-608:

- (i) whether or not the lots are located in the same subdivision; and
- (ii) with the consent of the owners of record.

(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.

(44) "Noncomplying structure" means a structure that:

- (a) legally existed before the structure's current land use designation; and
- (b) because of one or more subsequent land use ordinance changes, does not conform to the setback, height restrictions, or other regulations, excluding those regulations, which govern the use of land.

(45) "Nonconforming use" means a use of land that:

- (a) legally existed before its current land use designation;
- (b) has been maintained continuously since the time the land use ordinance 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.

(46) "Official map" means a map drawn by municipal authorities and recorded in a 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 municipality's general plan.

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

(48)(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 10-9a-524, 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

335 that:

336 (i) creates an additional parcel; or

337 (ii) constitutes a subdivision.

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

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

342 (50) "Plan for moderate income housing" means a written document adopted by a
343 municipality's legislative body that includes:

344 (a) an estimate of the existing supply of moderate income housing located within the
345 municipality;

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

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

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

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

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

356 (52) "Potential geologic hazard area" means an area that:

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

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

363 (53) "Public agency" means:

364 (a) the federal government;

365 (b) the state;

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

368 (d) a charter school.

- 369 (54) "Public hearing" means a hearing at which members of the public are provided a
370 reasonable opportunity to comment on the subject of the hearing.
- 371 (55) "Public meeting" means a meeting that is required to be open to the public under Title
372 52, Chapter 4, Open and Public Meetings Act.
- 373 (56) "Public street" means a public right-of-way, including a public highway, public
374 avenue, public boulevard, public parkway, public road, public lane, public alley, public
375 viaduct, public subway, public tunnel, public bridge, public byway, other public
376 transportation easement, or other public way.
- 377 (57) "Receiving zone" means an area of a municipality that the municipality designates, by
378 ordinance, as an area in which an owner of land may receive a transferable development
379 right.
- 380 (58) "Record of survey map" means a map of a survey of land prepared in accordance with
381 Section 10-9a-603, 17-23-17, 17-27a-603, or 57-8-13.
- 382 (59) "Residential facility for persons with a disability" means a residence:
383 (a) in which more than one person with a disability resides; and
384 (b) which is licensed or certified by the Department of Health and Human Services
385 under:
386 (i) Title 26B, Chapter 2, Part 1, Human Services Programs and Facilities; or
387 (ii) Title 26B, Chapter 2, Part 2, Health Care Facility Licensing and Inspection.
- 388 (60) "Residential roadway" means a public local residential road that:
389 (a) will serve primarily to provide access to adjacent primarily residential areas and
390 property;
391 (b) is designed to accommodate minimal traffic volumes or vehicular traffic;
392 (c) is not identified as a supplementary to a collector or other higher system classified
393 street in an approved municipal street or transportation master plan;
394 (d) has a posted speed limit of 25 miles per hour or less;
395 (e) does not have higher traffic volumes resulting from connecting previously separated
396 areas of the municipal road network;
397 (f) cannot have a primary access, but can have a secondary access, and does not abut lots
398 intended for high volume traffic or community centers, including schools, recreation
399 centers, sports complexes, or libraries; and
400 (g) primarily serves traffic within a neighborhood or limited residential area and is not
401 necessarily continuous through several residential areas.
- 402 (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

- 437 agricultural land, if neither the resulting combined parcel nor the parcel remaining
438 from the division or partition violates an applicable land use ordinance;
- 439 (ii) a boundary line agreement recorded with the county recorder's office between
440 owners of adjoining parcels adjusting the mutual boundary in accordance with
441 Section 10-9a-524 if no new parcel is created;
- 442 (iii) a recorded document, executed by the owner of record:
- 443 (A) revising the legal descriptions of multiple parcels into one legal description
444 encompassing all such parcels; or
- 445 (B) joining a lot to a parcel;
- 446 (iv) a boundary line agreement between owners of adjoining subdivided properties
447 adjusting the mutual lot line boundary in accordance with Sections 10-9a-524 and
448 10-9a-608 if:
- 449 (A) no new dwelling lot or housing unit will result from the adjustment; and
450 (B) the adjustment will not violate any applicable land use ordinance;
- 451 (v) a bona fide division of land by deed or other instrument if the deed or other
452 instrument states in writing that the division:
- 453 (A) is in anticipation of future land use approvals on the parcel or parcels;
454 (B) does not confer any land use approvals; and
455 (C) has not been approved by the land use authority;
- 456 (vi) a parcel boundary adjustment;
- 457 (vii) a lot line adjustment;
- 458 (viii) a road, street, or highway dedication plat;
- 459 (ix) a deed or easement for a road, street, or highway purpose; or
460 (x) any other division of land authorized by law.
- 461 (69)(a) "Subdivision amendment" means an amendment to a recorded subdivision in
462 accordance with Section 10-9a-608 that:
- 463 (i) vacates all or a portion of the subdivision;
- 464 (ii) alters the outside boundary of the subdivision;
- 465 (iii) changes the number of lots within the subdivision;
- 466 (iv) alters a public right-of-way, a public easement, or public infrastructure within the
467 subdivision; or
- 468 (v) alters a common area or other common amenity within the subdivision.
- 469 (b) "Subdivision amendment" does not include a lot line adjustment, between a single lot
470 and an adjoining lot or parcel, that alters the outside boundary of the subdivision.

- 471 (70) "Substantial evidence" means evidence that:
- 472 (a) is beyond a scintilla; and
- 473 (b) a reasonable mind would accept as adequate to support a conclusion.
- 474 (71) "Suspect soil" means soil that has:
- 475 (a) a high susceptibility for volumetric change, typically clay rich, having more than a
- 476 3% swell potential;
- 477 (b) bedrock units with high shrink or swell susceptibility; or
- 478 (c) gypsiferous silt and clay, gypsum, or bedrock units containing abundant gypsum
- 479 commonly associated with dissolution and collapse features.
- 480 (72) "Therapeutic school" means a residential group living facility:
- 481 (a) for four or more individuals who are not related to:
- 482 (i) the owner of the facility; or
- 483 (ii) the primary service provider of the facility;
- 484 (b) that serves students who have a history of failing to function:
- 485 (i) at home;
- 486 (ii) in a public school; or
- 487 (iii) in a nonresidential private school; and
- 488 (c) that offers:
- 489 (i) room and board; and
- 490 (ii) an academic education integrated with:
- 491 (A) specialized structure and supervision; or
- 492 (B) services or treatment related to a disability, an emotional development, a
- 493 behavioral development, a familial development, or a social development.
- 494 (73) "Transferable development right" means a right to develop and use land that originates
- 495 by an ordinance that authorizes a land owner in a designated sending zone to transfer
- 496 land use rights from a designated sending zone to a designated receiving zone.
- 497 (74) "Unincorporated" means the area outside of the incorporated area of a city or town.
- 498 (75) "Water interest" means any right to the beneficial use of water, including:
- 499 (a) each of the rights listed in Section 73-1-11; and
- 500 (b) an ownership interest in the right to the beneficial use of water represented by:
- 501 (i) a contract; or
- 502 (ii) a share in a water company, as defined in Section 73-3-3.5.
- 503 (76) "Zoning map" means a map, adopted as part of a land use ordinance, that depicts land
- 504 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:

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

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

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

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

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

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

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

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

(B) during the 12 months prior to the municipality processing the application, or multiple applications of the same type, are impaired or prohibited under the terms of a temporary land use regulation adopted under Section 10-9a-504.

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

(d) A subsequent incorporation of a municipality or a petition that proposes the

incorporation of a municipality does not affect a land use application approved by a county in accordance with Section 17-27a-508.

- (e) Unless a phasing sequence is required in an executed development agreement, a municipality shall, without regard to any other separate and distinct land use application, accept and process a complete land use application.
- (f) The continuing validity of an approval of a land use application is conditioned upon 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)~~] Section 20A-7-601, 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 building permit.

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

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

17-27a-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 property owner, property owner's association, public utility, 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 county a copy of the entity's general or long-range plan; or

(c) the entity has filed with the county a request for notice during the same calendar year and before the county 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)~~] Section 20A-7-601; 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) "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:

- 675 (A) no person uses or occupies; or
- 676 (B) the county or the county's affiliated governmental entity uses and occupies to
- 677 provide a utility service, including sanitary sewer, culinary water, electrical,
- 678 storm water, or communications or data lines; or
- 679 (ii) a person uses or occupies with or without an authorized franchise or other
- 680 agreement with the county.
- 681 (12) "Culinary water authority" means the department, agency, or public entity with
- 682 responsibility to review and approve the feasibility of the culinary water system and
- 683 sources for the subject property.
- 684 (13) "Development activity" means:
- 685 (a) any construction or expansion of a building, structure, or use that creates additional
- 686 demand and need for public facilities;
- 687 (b) any change in use of a building or structure that creates additional demand and need
- 688 for public facilities; or
- 689 (c) any change in the use of land that creates additional demand and need for public
- 690 facilities.
- 691 (14)(a) "Development agreement" means a written agreement or amendment to a written
- 692 agreement between a county and one or more parties that regulates or controls the use
- 693 or development of a specific area of land.
- 694 (b) "Development agreement" does not include an improvement completion assurance.
- 695 (15)(a) "Disability" means a physical or mental impairment that substantially limits one
- 696 or more of a person's major life activities, including a person having a record of such
- 697 an impairment or being regarded as having such an impairment.
- 698 (b) "Disability" does not include current illegal use of, or addiction to, any federally
- 699 controlled substance, as defined in Section 102 of the Controlled Substances Act, 21
- 700 U.S.C. Sec. 802.
- 701 (16) "Educational facility":
- 702 (a) means:
- 703 (i) a school district's building at which pupils assemble to receive instruction in a
- 704 program for any combination of grades from preschool through grade 12,
- 705 including kindergarten and a program for children with disabilities;
- 706 (ii) a structure or facility:
- 707 (A) located on the same property as a building described in Subsection (16)(a)(i);
- 708 and

- 709 (B) used in support of the use of that building; and
- 710 (iii) a building to provide office and related space to a school district's administrative
- 711 personnel; and
- 712 (b) does not include:
- 713 (i) land or a structure, including land or a structure for inventory storage, equipment
- 714 storage, food processing or preparing, vehicle storage or maintenance, or similar
- 715 use that is:
- 716 (A) not located on the same property as a building described in Subsection
- 717 (16)(a)(i); and
- 718 (B) used in support of the purposes of a building described in Subsection
- 719 (16)(a)(i); or
- 720 (ii) a therapeutic school.
- 721 (17) "Fire authority" means the department, agency, or public entity with responsibility to
- 722 review and approve the feasibility of fire protection and suppression services for the
- 723 subject property.
- 724 (18) "Flood plain" means land that:
- 725 (a) is within the 100-year flood plain designated by the Federal Emergency Management
- 726 Agency; or
- 727 (b) has not been studied or designated by the Federal Emergency Management Agency
- 728 but presents a likelihood of experiencing chronic flooding or a catastrophic flood
- 729 event because the land has characteristics that are similar to those of a 100-year flood
- 730 plain designated by the Federal Emergency Management Agency.
- 731 (19) "Gas corporation" has the same meaning as defined in Section 54-2-1.
- 732 (20) "General plan" means a document that a county adopts that sets forth general
- 733 guidelines for proposed future development of:
- 734 (a) the unincorporated land within the county; or
- 735 (b) for a mountainous planning district, the land within the mountainous planning
- 736 district.
- 737 (21) "Geologic hazard" means:
- 738 (a) a surface fault rupture;
- 739 (b) shallow groundwater;
- 740 (c) liquefaction;
- 741 (d) a landslide;
- 742 (e) a debris flow;

- 743 (f) unstable soil;
- 744 (g) a rock fall; or
- 745 (h) any other geologic condition that presents a risk:
- 746 (i) to life;
- 747 (ii) of substantial loss of real property; or
- 748 (iii) of substantial damage to real property.
- 749 (22) "Home-based microschool" means the same as that term is defined in Section
- 750 53G-6-201.
- 751 (23) "Hookup fee" means a fee for the installation and inspection of any pipe, line, meter,
- 752 or appurtenance to connect to a county water, sewer, storm water, power, or other utility
- 753 system.
- 754 (24) "Identical plans" means building plans submitted to a county that:
- 755 (a) are clearly marked as "identical plans";
- 756 (b) are substantially identical building plans that were previously submitted to and
- 757 reviewed and approved by the county; and
- 758 (c) describe a building that:
- 759 (i) is located on land zoned the same as the land on which the building described in
- 760 the previously approved plans is located;
- 761 (ii) is subject to the same geological and meteorological conditions and the same law
- 762 as the building described in the previously approved plans;
- 763 (iii) has a floor plan identical to the building plan previously submitted to and
- 764 reviewed and approved by the county; and
- 765 (iv) does not require any additional engineering or analysis.
- 766 (25) "Impact fee" means a payment of money imposed under Title 11, Chapter 36a, Impact
- 767 Fees Act.
- 768 (26) "Improvement completion assurance" means a surety bond, letter of credit, financial
- 769 institution bond, cash, assignment of rights, lien, or other equivalent security required by
- 770 a county to guaranty the proper completion of landscaping or an infrastructure
- 771 improvement required as a condition precedent to:
- 772 (a) recording a subdivision plat; or
- 773 (b) development of a commercial, industrial, mixed use, or multifamily project.
- 774 (27) "Improvement warranty" means an applicant's unconditional warranty that the
- 775 applicant's installed and accepted landscaping or infrastructure improvement:
- 776 (a) complies with the county's written standards for design, materials, and workmanship;

- 777 and
- 778 (b) will not fail in any material respect, as a result of poor workmanship or materials,
- 779 within the improvement warranty period.
- 780 (28) "Improvement warranty period" means a period:
- 781 (a) no later than one year after a county's acceptance of required landscaping; or
- 782 (b) no later than one year after a county's acceptance of required infrastructure, unless
- 783 the county:
- 784 (i) determines for good cause that a one-year period would be inadequate to protect
- 785 the public health, safety, and welfare; and
- 786 (ii) has substantial evidence, on record:
- 787 (A) of prior poor performance by the applicant; or
- 788 (B) that the area upon which the infrastructure will be constructed contains
- 789 suspect soil and the county has not otherwise required the applicant to mitigate
- 790 the suspect soil.
- 791 (29) "Infrastructure improvement" means permanent infrastructure that is essential for the
- 792 public health and safety or that:
- 793 (a) is required for human consumption; and
- 794 (b) an applicant must install:
- 795 (i) in accordance with published installation and inspection specifications for public
- 796 improvements; and
- 797 (ii) as a condition of:
- 798 (A) recording a subdivision plat;
- 799 (B) obtaining a building permit; or
- 800 (C) developing a commercial, industrial, mixed use, condominium, or multifamily
- 801 project.
- 802 (30) "Internal lot restriction" means a platted note, platted demarcation, or platted
- 803 designation that:
- 804 (a) runs with the land; and
- 805 (b)(i) creates a restriction that is enclosed within the perimeter of a lot described on
- 806 the plat; or
- 807 (ii) designates a development condition that is enclosed within the perimeter of a lot
- 808 described on the plat.
- 809 (31) "Interstate pipeline company" means a person or entity engaged in natural gas
- 810 transportation subject to the jurisdiction of the Federal Energy Regulatory Commission

under the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.

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

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

(34) "Land use application":

(a) means an application that is:

(i) required by a county; and

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

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

(35) "Land use authority" means:

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

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

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

(a) a land use permit;

(b) a land use application; or

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

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

(38) "Land use regulation":

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

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

(c) does not include:

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

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

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

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

- 845 (39) "Legislative body" means the county legislative body, or for a county that has adopted
846 an alternative form of government, the body exercising legislative powers.
- 847 (40) "Lot" means a tract of land, regardless of any label, that is created by and shown on a
848 subdivision plat that has been recorded in the office of the county recorder.
- 849 (41)(a) "Lot line adjustment" means a relocation of a lot line boundary between
850 adjoining lots or between a lot and adjoining parcels in accordance with Section
851 17-27a-608:
- 852 (i) whether or not the lots are located in the same subdivision; and
853 (ii) with the consent of the owners of record.
- 854 (b) "Lot line adjustment" does not mean a new boundary line that:
855 (i) creates an additional lot; or
856 (ii) constitutes a subdivision or a subdivision amendment.
- 857 (c) "Lot line adjustment" does not include a boundary line adjustment made by the
858 Department of Transportation.
- 859 (42) "Major transit investment corridor" means public transit service that uses or occupies:
860 (a) public transit rail right-of-way;
861 (b) dedicated road right-of-way for the use of public transit, such as bus rapid transit; or
862 (c) fixed-route bus corridors subject to an interlocal agreement or contract between a
863 municipality or county and:
864 (i) a public transit district as defined in Section 17B-2a-802; or
865 (ii) an eligible political subdivision as defined in Section 59-12-2219.
- 866 (43) "Micro-education entity" means the same as that term is defined in Section 53G-6-201.
- 867 (44) "Moderate income housing" means housing occupied or reserved for occupancy by
868 households with a gross household income equal to or less than 80% of the median gross
869 income for households of the same size in the county in which the housing is located.
- 870 (45) "Mountainous planning district" means an area designated by a county legislative body
871 in accordance with Section 17-27a-901.
- 872 (46) "Nominal fee" means a fee that reasonably reimburses a county only for time spent and
873 expenses incurred in:
874 (a) verifying that building plans are identical plans; and
875 (b) reviewing and approving those minor aspects of identical plans that differ from the
876 previously reviewed and approved building plans.
- 877 (47) "Noncomplying structure" means a structure that:
878 (a) legally existed before the structure's current land use designation; and

- 879 (b) because of one or more subsequent land use ordinance changes, does not conform to
880 the setback, height restrictions, or other regulations, excluding those regulations that
881 govern the use of land.
- 882 (48) "Nonconforming use" means a use of land that:
- 883 (a) legally existed before the current land use designation;
- 884 (b) has been maintained continuously since the time the land use ordinance regulation
885 governing the land changed; and
- 886 (c) because of one or more subsequent land use ordinance changes, does not conform to
887 the regulations that now govern the use of the land.
- 888 (49) "Official map" means a map drawn by county authorities and recorded in the county
889 recorder's office that:
- 890 (a) shows actual and proposed rights-of-way, centerline alignments, and setbacks for
891 highways and other transportation facilities;
- 892 (b) provides a basis for restricting development in designated rights-of-way or between
893 designated setbacks to allow the government authorities time to purchase or
894 otherwise reserve the land; and
- 895 (c) has been adopted as an element of the county's general plan.
- 896 (50) "Parcel" means any real property that is not a lot.
- 897 (51)(a) "Parcel boundary adjustment" means a recorded agreement between owners of
898 adjoining parcels adjusting the mutual boundary, either by deed or by a boundary line
899 agreement in accordance with Section 17-27a-523, if no additional parcel is created
900 and:
- 901 (i) none of the property identified in the agreement is a lot; or
- 902 (ii) the adjustment is to the boundaries of a single person's parcels.
- 903 (b) "Parcel boundary adjustment" does not mean an adjustment of a parcel boundary line
904 that:
- 905 (i) creates an additional parcel; or
- 906 (ii) constitutes a subdivision.
- 907 (c) "Parcel boundary adjustment" does not include a boundary line adjustment made by
908 the Department of Transportation.
- 909 (52) "Person" means an individual, corporation, partnership, organization, association, trust,
910 governmental agency, or any other legal entity.
- 911 (53) "Plan for moderate income housing" means a written document adopted by a county
912 legislative body that includes:

- 913 (a) an estimate of the existing supply of moderate income housing located within the
914 county;
- 915 (b) an estimate of the need for moderate income housing in the county for the next five
916 years;
- 917 (c) a survey of total residential land use;
- 918 (d) an evaluation of how existing land uses and zones affect opportunities for moderate
919 income housing; and
- 920 (e) a description of the county's program to encourage an adequate supply of moderate
921 income housing.
- 922 (54) "Planning advisory area" means a contiguous, geographically defined portion of the
923 unincorporated area of a county established under this part with planning and zoning
924 functions as exercised through the planning advisory area planning commission, as
925 provided in this chapter, but with no legal or political identity separate from the county
926 and no taxing authority.
- 927 (55) "Plat" means an instrument subdividing property into lots as depicted on a map or
928 other graphical representation of lands that a licensed professional land surveyor makes
929 and prepares in accordance with Section 17-27a-603 or 57-8-13.
- 930 (56) "Potential geologic hazard area" means an area that:
- 931 (a) is designated by a Utah Geological Survey map, county geologist map, or other
932 relevant map or report as needing further study to determine the area's potential for
933 geologic hazard; or
- 934 (b) has not been studied by the Utah Geological Survey or a county geologist but
935 presents the potential of geologic hazard because the area has characteristics similar
936 to those of a designated geologic hazard area.
- 937 (57) "Public agency" means:
- 938 (a) the federal government;
- 939 (b) the state;
- 940 (c) a county, municipality, school district, special district, special service district, or
941 other political subdivision of the state; or
- 942 (d) a charter school.
- 943 (58) "Public hearing" means a hearing at which members of the public are provided a
944 reasonable opportunity to comment on the subject of the hearing.
- 945 (59) "Public meeting" means a meeting that is required to be open to the public under Title
946 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.
- (62) "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.
- (63) "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.
- (64) "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.
- (65) "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.

- 981 (66) "Sanitary sewer authority" means the department, agency, or public entity with
982 responsibility to review and approve the feasibility of sanitary sewer services or onsite
983 wastewater systems.
- 984 (67) "Sending zone" means an unincorporated area of a county that the county designates,
985 by ordinance, as an area from which an owner of land may transfer a transferable
986 development right.
- 987 (68) "Site plan" means a document or map that may be required by a county during a
988 preliminary review preceding the issuance of a building permit to demonstrate that an
989 owner's or developer's proposed development activity meets a land use requirement.
- 990 (69)(a) "Special district" means an entity under Title 17B, Limited Purpose Local
991 Government Entities - Special Districts.
- 992 (b) "Special district" includes a governmental or quasi-governmental entity that is not a
993 county, municipality, school district, or the state.
- 994 (70) "Specified public agency" means:
995 (a) the state;
996 (b) a school district; or
997 (c) a charter school.
- 998 (71) "Specified public utility" means an electrical corporation, gas corporation, or telephone
999 corporation, as those terms are defined in Section 54-2-1.
- 1000 (72) "State" includes any department, division, or agency of the state.
- 1001 (73)(a) "Subdivision" means any land that is divided, resubdivided, or proposed to be
1002 divided into two or more lots or other division of land for the purpose, whether
1003 immediate or future, for offer, sale, lease, or development either on the installment
1004 plan or upon any and all other plans, terms, and conditions.
- 1005 (b) "Subdivision" includes:
1006 (i) the division or development of land, whether by deed, metes and bounds
1007 description, devise and testacy, map, plat, or other recorded instrument, regardless
1008 of whether the division includes all or a portion of a parcel or lot; and
1009 (ii) except as provided in Subsection (73)(c), divisions of land for residential and
1010 nonresidential uses, including land used or to be used for commercial, agricultural,
1011 and industrial purposes.
- 1012 (c) "Subdivision" does not include:
1013 (i) a bona fide division or partition of agricultural land for agricultural purposes;
1014 (ii) a boundary line agreement recorded with the county recorder's office between

- 1015 owners of adjoining parcels adjusting the mutual boundary in accordance with
1016 Section 17-27a-523 if no new lot is created;
- 1017 (iii) a recorded document, executed by the owner of record:
- 1018 (A) revising the legal descriptions of multiple parcels into one legal description
1019 encompassing all such parcels; or
- 1020 (B) joining a lot to a parcel;
- 1021 (iv) a bona fide division or partition of land in a county other than a first class county
1022 for the purpose of siting, on one or more of the resulting separate parcels:
- 1023 (A) an electrical transmission line or a substation;
- 1024 (B) a natural gas pipeline or a regulation station; or
- 1025 (C) an unmanned telecommunications, microwave, fiber optic, electrical, or other
1026 utility service regeneration, transformation, retransmission, or amplification
1027 facility;
- 1028 (v) a boundary line agreement between owners of adjoining subdivided properties
1029 adjusting the mutual lot line boundary in accordance with Sections 17-27a-523
1030 and 17-27a-608 if:
- 1031 (A) no new dwelling lot or housing unit will result from the adjustment; and
- 1032 (B) the adjustment will not violate any applicable land use ordinance;
- 1033 (vi) a bona fide division of land by deed or other instrument if the deed or other
1034 instrument states in writing that the division:
- 1035 (A) is in anticipation of future land use approvals on the parcel or parcels;
- 1036 (B) does not confer any land use approvals; and
- 1037 (C) has not been approved by the land use authority;
- 1038 (vii) a parcel boundary adjustment;
- 1039 (viii) a lot line adjustment;
- 1040 (ix) a road, street, or highway dedication plat;
- 1041 (x) a deed or easement for a road, street, or highway purpose; or
- 1042 (xi) any other division of land authorized by law.
- 1043 (74)(a) "Subdivision amendment" means an amendment to a recorded subdivision in
1044 accordance with Section 17-27a-608 that:
- 1045 (i) vacates all or a portion of the subdivision;
- 1046 (ii) alters the outside boundary of the subdivision;
- 1047 (iii) changes the number of lots within the subdivision;
- 1048 (iv) alters a public right-of-way, a public easement, or public infrastructure within the

- 1049 subdivision; or
- 1050 (v) alters a common area or other common amenity within the subdivision.
- 1051 (b) "Subdivision amendment" does not include a lot line adjustment, between a single lot
- 1052 and an adjoining lot or parcel, that alters the outside boundary of the subdivision.
- 1053 (75) "Substantial evidence" means evidence that:
- 1054 (a) is beyond a scintilla; and
- 1055 (b) a reasonable mind would accept as adequate to support a conclusion.
- 1056 (76) "Suspect soil" means soil that has:
- 1057 (a) a high susceptibility for volumetric change, typically clay rich, having more than a
- 1058 3% swell potential;
- 1059 (b) bedrock units with high shrink or swell susceptibility; or
- 1060 (c) gypsiferous silt and clay, gypsum, or bedrock units containing abundant gypsum
- 1061 commonly associated with dissolution and collapse features.
- 1062 (77) "Therapeutic school" means a residential group living facility:
- 1063 (a) for four or more individuals who are not related to:
- 1064 (i) the owner of the facility; or
- 1065 (ii) the primary service provider of the facility;
- 1066 (b) that serves students who have a history of failing to function:
- 1067 (i) at home;
- 1068 (ii) in a public school; or
- 1069 (iii) in a nonresidential private school; and
- 1070 (c) that offers:
- 1071 (i) room and board; and
- 1072 (ii) an academic education integrated with:
- 1073 (A) specialized structure and supervision; or
- 1074 (B) services or treatment related to a disability, an emotional development, a
- 1075 behavioral development, a familial development, or a social development.
- 1076 (78) "Transferable development right" means a right to develop and use land that originates
- 1077 by an ordinance that authorizes a land owner in a designated sending zone to transfer
- 1078 land use rights from a designated sending zone to a designated receiving zone.
- 1079 (79) "Unincorporated" means the area outside of the incorporated area of a municipality.
- 1080 (80) "Water interest" means any right to the beneficial use of water, including:
- 1081 (a) each of the rights listed in Section 73-1-11; and
- 1082 (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.

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

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

17-27a-508 . Applicant's entitlement to land use application approval -- Application relating to land in a high priority transportation corridor -- County'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, including the payment of all application fees, is entitled to substantive review of the application under the land use regulations:

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

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

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

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

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

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

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

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

(B) during the 12 months prior to the county processing the application or multiple applications of the same type, the application is impaired or prohibited

- 1117 under the terms of a temporary land use regulation adopted under Section
1118 17-27a-504.
- 1119 (c) A land use application is considered submitted and complete when the applicant
1120 provides the application in a form that complies with the requirements of applicable
1121 ordinances and pays all applicable fees.
- 1122 (d) Unless a phasing sequence is required in an executed development agreement, a
1123 county shall, without regard to any other separate and distinct land use application,
1124 accept and process a complete land use application.
- 1125 (e) The continuing validity of an approval of a land use application is conditioned upon
1126 the applicant proceeding after approval to implement the approval with reasonable
1127 diligence.
- 1128 (f) A county may not impose on an applicant who has submitted a complete application
1129 a requirement that is not expressed in:
- 1130 (i) this chapter;
- 1131 (ii) a county ordinance in effect on the date that the applicant submits a complete
1132 application, subject to Subsection (1)(a)(ii); or
- 1133 (iii) a county specification for public improvements applicable to a subdivision or
1134 development that is in effect on the date that the applicant submits an application.
- 1135 (g) A county may not impose on a holder of an issued land use permit or a final,
1136 unexpired subdivision plat a requirement that is not expressed:
- 1137 (i) in a land use permit;
- 1138 (ii) on the subdivision plat;
- 1139 (iii) in a document on which the land use permit or subdivision plat is based;
- 1140 (iv) in the written record evidencing approval of the land use permit or subdivision
1141 plat;
- 1142 (v) in this chapter;
- 1143 (vi) in a county ordinance; or
- 1144 (vii) in a county specification for residential roadways in effect at the time a
1145 residential subdivision was approved.
- 1146 (h) Except as provided in Subsection (1)(i) or (j), a county may not withhold issuance of
1147 a certificate of occupancy or acceptance of subdivision improvements because of an
1148 applicant's failure to comply with a requirement that is not expressed:
- 1149 (i) in the building permit or subdivision plat, documents on which the building permit
1150 or subdivision plat is based, or the written record evidencing approval of the

- 1151 building permit or subdivision plat; or
1152 (ii) in this chapter or the county's ordinances.
- 1153 (i) A county may not unreasonably withhold issuance of a certificate of occupancy
1154 where an applicant has met all requirements essential for the public health, public
1155 safety, and general welfare of the occupants, in accordance with this chapter, unless:
1156 (i) the applicant and the county have agreed in a written document to the withholding
1157 of a certificate of occupancy; or
1158 (ii) the applicant has not provided a financial assurance for required and uncompleted
1159 public landscaping improvements or infrastructure improvements in accordance
1160 with an applicable ordinance that the legislative body adopts under this chapter.
- 1161 (j) A county may not conduct a final inspection required before issuing a certificate of
1162 occupancy for a residential unit that is within the boundary of an infrastructure
1163 financing district, as defined in Section 17B-1-102, until the applicant for the
1164 certificate of occupancy provides adequate proof to the county that any lien on the
1165 unit arising from the infrastructure financing district's assessment against the unit
1166 under Title 11, Chapter 42, Assessment Area Act, has been released after payment in
1167 full of the infrastructure financing district's assessment against that unit.
- 1168 (2) A county is bound by the terms and standards of applicable land use regulations and
1169 shall comply with mandatory provisions of those regulations.
- 1170 (3) A county may not, as a condition of land use application approval, require a person
1171 filing a land use application to obtain documentation regarding a school district's
1172 willingness, capacity, or ability to serve the development proposed in the land use
1173 application.
- 1174 (4) Upon a specified public agency's submission of a development plan and schedule as
1175 required in Subsection 17-27a-305(8) that complies with the requirements of that
1176 subsection, the specified public agency vests in the county's applicable land use maps,
1177 zoning map, hookup fees, impact fees, other applicable development fees, and land use
1178 regulations in effect on the date of submission.
- 1179 (5)(a) If sponsors of a referendum timely challenge a project in accordance with [
1180 ~~Subsection 20A-7-601(6)~~] Section 20A-7-601, the project's affected owner may
1181 rescind the project's land use approval by delivering a written notice:
1182 (i) to the local clerk as defined in Section 20A-7-101; and
1183 (ii) no later than seven days after the day on which a petition for a referendum is
1184 determined sufficient under Subsection 20A-7-607(4).

1185 (b) Upon delivery of a written notice described in Subsection(5)(a) the following are
1186 rescinded and are of no further force or effect:

1187 (i) the relevant land use approval; and

1188 (ii) any land use regulation enacted specifically in relation to the land use approval.

1189 (6)(a) After issuance of a building permit, a county may not:

1190 (i) change or add to the requirements expressed in the building permit, unless the
1191 change or addition is:

1192 (A) requested by the building permit holder; or

1193 (B) necessary to comply with an applicable state building code; or

1194 (ii) revoke the building permit or take action that has the effect of revoking the
1195 building permit.

1196 (b) Subsection (6)(a) does not prevent a county from issuing a building permit that
1197 contains an expiration date defined in the building permit.

1198 Section 5. Section **20A-4-301** is amended to read:

1199 **20A-4-301 . Board of canvassers.**

1200 (1)(a) Each county legislative body is the board of county canvassers for:

1201 (i) the county; and

1202 (ii) each special district whose election is conducted by the county if:

1203 (A) the election relates to the creation of the special district;

1204 (B) the county legislative body serves as the governing body of the special
1205 district; or

1206 (C) there is no duly constituted governing body of the special district.

1207 (b) The board of county canvassers shall meet to canvass the returns at the usual place of
1208 meeting of the county legislative body, at a date and time determined by the county
1209 clerk that is no sooner than seven days after the election and no later than 14 days
1210 after the election.

1211 (c) If one or more of the county legislative body fails to attend the meeting of the board
1212 of county canvassers, the remaining members shall replace the absent member by
1213 appointing in the order named:

1214 (i) the county treasurer;

1215 (ii) the county assessor; or

1216 (iii) the county sheriff.

1217 (d) Attendance of the number of persons equal to a simple majority of the county
1218 legislative body, but not less than three persons, shall constitute a quorum for

- 1219 conducting the canvass.
- 1220 (e) The county clerk is the clerk of the board of county canvassers.
- 1221 (2)(a) The mayor and the municipal legislative body are the board of municipal
- 1222 canvassers for the municipality.
- 1223 (b) The board of municipal canvassers shall meet to canvass the returns at the usual
- 1224 place of meeting of the municipal legislative body:
- 1225 (i) for canvassing of returns from a municipal general election, no sooner than seven
- 1226 days after the election and no later than 14 days after the election; or
- 1227 (ii) for canvassing of returns from a municipal primary election, no sooner than seven
- 1228 days after the election and no later than 14 days after the election.
- 1229 (c) Attendance of a simple majority of the municipal legislative body shall constitute a
- 1230 quorum for conducting the canvass.
- 1231 (3)(a) The legislative body of the entity authorizing a bond election is the board of
- 1232 canvassers for each bond election.
- 1233 (b) The board of canvassers for the bond election shall comply with the canvassing
- 1234 procedures and requirements of Section 11-14-207.
- 1235 (c) Attendance of a simple majority of the legislative body of the entity authorizing a
- 1236 bond election shall constitute a quorum for conducting the canvass.
- 1237 (4)(a) If a board of trustees or an administrative control board is the governing body of a
- 1238 special district, the board of trustees or the administrative control board is the board
- 1239 of special district canvassers for the special district.
- 1240 (b) The board of special district canvassers shall meet to canvass the returns at the usual
- 1241 place of meeting for the board of trustees or the administrative control board, as
- 1242 applicable, at a date and time determined by the special district clerk that is no sooner
- 1243 than seven days after the day of the election and no later than 14 days after the day of
- 1244 the election.
- 1245 (c) Attendance of a simple majority of the board of trustees or the administrative control
- 1246 board is a quorum for conducting the canvass.
- 1247 (5)(a) The local school board of a school district is the board of school district
- 1248 canvassers for a referendum election under Subsection 20A-7-102(4).
- 1249 (b) The board of school district canvassers shall meet to canvass the returns at the usual
- 1250 place of meeting of the local school board no sooner than seven calendar days after
- 1251 the day of the election and no later than 14 calendar days after the day of the election.
- 1252 (c) Attendance of a simple majority of the local school board shall constitute a quorum

- 1253 for conducting the canvass.
- 1254 [(5)] (6) In relation to an election for the creation of a new school district under Section
- 1255 53G-3-301.1, 53G-3-301.3, or 53G-3-301.4, or in relation to an election of members of a
- 1256 local school board for a new school district or a reorganized new school district under
- 1257 Section 53G-3-302, the board of canvassers is:
- 1258 (a) if the voters permitted to vote in the election are all residents of the same
- 1259 municipality, the mayor and the municipal legislative body;
- 1260 (b) if the voters permitted to vote in the election are not all residents of the same
- 1261 municipality, but are all residents of the same county, the county legislative body; or
- 1262 (c) if the voters permitted to vote in the election are not all residents of the same
- 1263 municipality and are not all residents of the same county, the county legislative body
- 1264 of the county where the majority of the voters permitted to vote in the election are
- 1265 residents.
- 1266 Section 6. Section **20A-7-101** is amended to read:
- 1267 **20A-7-101 . Definitions.**
- 1268 As used in this chapter:
- 1269 (1) "Approved device" means a device described in Subsection 20A-21-201(4) used to
- 1270 gather signatures for the electronic initiative process, the electronic referendum process,
- 1271 or the electronic candidate qualification process.
- 1272 (2) "Budget officer" means:
- 1273 (a) for a county, the person designated as finance officer as defined in Section 17-36-3;
- 1274 (b) for a city, the person designated as budget officer in Subsection 10-6-106(4); [or]
- 1275 (c) for a town, the town council[-] ; or
- 1276 (d) for a school district, the person appointed business administrator under Section
- 1277 53G-4-302.
- 1278 (3) "Certified" means that the county clerk has acknowledged a signature as being the
- 1279 signature of a registered voter.
- 1280 (4) "Circulation" means the process of submitting an initiative petition or a referendum
- 1281 petition to legal voters for their signature.
- 1282 (5) "Electronic initiative process" means:
- 1283 (a) as it relates to a statewide initiative, the process, described in Sections 20A-7-215
- 1284 and 20A-21-201, for gathering signatures; or
- 1285 (b) as it relates to a local initiative, the process, described in Sections 20A-7-514 and
- 1286 20A-21-201, for gathering signatures.

- 1287 (6) "Electronic referendum process" means:
- 1288 (a) as it relates to a statewide referendum, the process, described in Sections 20A-7-313
- 1289 and 20A-21-201, for gathering signatures; or
- 1290 (b) as it relates to a local referendum, the process, described in Sections 20A-7-614 and
- 1291 20A-21-201, for gathering signatures.
- 1292 (7) "Eligible voter" means a legal voter who resides in the jurisdiction of the county, city, or
- 1293 town that is holding an election on a ballot proposition.
- 1294 (8) "Final fiscal impact statement" means a financial statement prepared after voters
- 1295 approve an initiative that contains the information required by Subsection 20A-7-202.5
- 1296 (2) or 20A-7-502.5(2).
- 1297 (9) "Initial fiscal impact statement" means a financial statement prepared under Section
- 1298 20A-7-202.5 after the filing of a statewide initiative application.
- 1299 (10) "Initial fiscal impact and legal statement" means a financial and legal statement
- 1300 prepared under Section 20A-7-502.5 or 20A-7-602.5 for a local initiative or a local
- 1301 referendum.
- 1302 (11) "Initiative" means a new law proposed for adoption by the public as provided in this
- 1303 chapter.
- 1304 (12) "Initiative application" means:
- 1305 (a) for a statewide initiative, an application described in Subsection 20A-7-202(2) that
- 1306 includes all the information, statements, documents, and notarized signatures
- 1307 required under Subsection 20A-7-202(2); or
- 1308 (b) for a local initiative, an application described in Subsection 20A-7-502(2) that
- 1309 includes all the information, statements, documents, and notarized signatures
- 1310 required under Subsection 20A-7-502(2).
- 1311 (13) "Initiative packet" means a copy of the initiative petition, a copy of the proposed law,
- 1312 and the signature sheets, all of which have been bound together as a unit.
- 1313 (14) "Initiative petition":
- 1314 (a) as it relates to a statewide initiative, using the manual initiative process:
- 1315 (i) means the form described in Subsection 20A-7-203(2)(a), 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-7-203(2)(b);
- 1319 (b) as it relates to a statewide initiative, using the electronic initiative process:
- 1320 (i) means the form described in Subsections 20A-7-215(2) and (3), petitioning for

- 1321 submission of the initiative to the Legislature or the legal voters; and
- 1322 (ii) if the initiative proposes a tax increase, includes the statement described in
- 1323 Subsection 20A-7-215(5)(b);
- 1324 (c) as it relates to a local initiative, using the manual initiative process:
- 1325 (i) means the form described in Subsection 20A-7-503(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-7-503(2)(b); or
- 1329 (d) as it relates to a local initiative, using the electronic initiative process:
- 1330 (i) means the form described in Subsection 20A-7-514(2)(a), petitioning for
- 1331 submission of the initiative to the legislative body or the legal voters; and
- 1332 (ii) if the initiative proposes a tax increase, includes the statement described in
- 1333 Subsection 20A-7-514(4)(a).
- 1334 (15)(a) "Land use law" means a law of general applicability, enacted based on the
- 1335 weighing of broad, competing policy considerations, that relates to the use of land,
- 1336 including land use regulation, a general plan, a land use development code, an
- 1337 annexation ordinance, the rezoning of a single property or multiple properties, or a
- 1338 comprehensive zoning ordinance or resolution.
- 1339 (b) "Land use law" does not include a land use decision, as defined in Section 10-9a-103
- 1340 or 17-27a-103.
- 1341 (16) "Legal signatures" means the number of signatures of legal voters that:
- 1342 (a) meet the numerical requirements of this chapter; and
- 1343 (b) have been obtained, certified, and verified as provided in this chapter.
- 1344 (17) "Legal voter" means an individual who is registered to vote in Utah.
- 1345 (18) "Legally referable to voters" means:
- 1346 (a) for a proposed local initiative, that the proposed local initiative is legally referable to
- 1347 voters under Section 20A-7-502.7; or
- 1348 (b) for a proposed local referendum, that the proposed local referendum is legally
- 1349 referable to voters under Section 20A-7-602.7.
- 1350 (19) "Local attorney" means the county attorney, city attorney, ~~[or]~~town attorney, or local
- 1351 school district attorney in whose jurisdiction a local initiative or referendum petition is
- 1352 circulated.
- 1353 (20) "Local clerk" means:
- 1354 (a) the county clerk, city recorder, or town clerk in whose jurisdiction a local initiative

- 1355 or referendum petition is circulated[-] ; or
- 1356 (b) for a referendum petition under Subsection 20A-7-102(4), the business administrator
- 1357 or superintendent of the school district in which the referendum petition is circulated.
- 1358 (21)(a) "Local law" includes:
- 1359 (i) an ordinance;
- 1360 (ii) a resolution;
- 1361 (iii) a land use law;
- 1362 (iv) a land use regulation, as defined in Section 10-9a-103; [or]
- 1363 (v) any legislative action of a local school board, other than a legislative action
- 1364 described in Subsection (21)(b)(ii); or
- 1365 [(v)] (vi) other legislative action of a local legislative body.
- 1366 (b) "Local law" does not include:
- 1367 (i) a land use decision, as defined in Section 10-9a-103[-] ; or
- 1368 (ii) a local school tax law.
- 1369 (22)(a) "Local legislative body" means the legislative body of a county, city, or town.
- 1370 (b) "Local legislative body" does not include the local school board of a school district.
- 1371 (23) "Local obligation law" means a local law passed by the local legislative body
- 1372 regarding a bond that was approved by a majority of qualified voters in an election.
- 1373 (24) "Local school board" means a board elected under Chapter 14, Part 2, Election of
- 1374 Members of Local Boards of Education.
- 1375 [(24)] (25)(a) "Local tax law" means a law, passed by a [political subdivision] county,
- 1376 city, or town with an annual or biannual calendar fiscal year, that increases a tax or
- 1377 imposes a new tax.
- 1378 (b) "Local tax law" does not include a local school tax law.
- 1379 (26)(a) "Local school tax law" means a legislative action of a local school board that:
- 1380 (i) increases a tax rate or imposes a new tax rate; or
- 1381 (ii) otherwise imposes a payment obligation on property.
- 1382 (b) "Local school tax law" includes:
- 1383 (i) a board local levy under Section 53F-8-302;
- 1384 (ii) a capital local levy under Section 53F-8-303;
- 1385 (iii) a judgment levy imposed by a local school board under Section 59-2-1330; or
- 1386 (iv) any other tax or levy that is within a local school board's discretion to impose.
- 1387 (c) "Local school tax law" does not include a legislative action of a local school board
- 1388 that increases a tax rate or imposes a new tax rate, if the increased tax rate or new tax

- 1389 rate:
- 1390 (i) relates to a voted local levy under Section 53F-8-301, or to the issuance of a bond
- 1391 that was approved by a majority of the qualified voters within a school district; or
- 1392 (ii) is required to be imposed by state law or rule, or is otherwise not within a local
- 1393 school board's discretion to impose.
- 1394 [(25)] (27) "Manual initiative process" means the process for gathering signatures for an
- 1395 initiative using paper signature packets that a signer physically signs.
- 1396 [(26)] (28) "Manual referendum process" means the process for gathering signatures for a
- 1397 referendum using paper signature packets that a signer physically signs.
- 1398 [(27)] (29)(a) "Measure" means a proposed constitutional amendment, an initiative, or
- 1399 referendum.
- 1400 (b) "Measure" does not include a ballot proposition for the creation of a new school
- 1401 district under Section 53G-3-301.1, 53G-3-301.3, or 53G-3-301.4.
- 1402 [(28)] (30) "Presiding officers" means the president of the Senate and the speaker of the
- 1403 House of Representatives.
- 1404 [(29)] (31) "Referendum" means a process by which a law passed by the ~~[Legislature or by a~~
- 1405 ~~local legislative body]~~ Legislature, a local legislative body, or a local school board is
- 1406 submitted or referred to the voters for their approval or rejection.
- 1407 [(30)] (32) "Referendum application" means:
- 1408 (a) for a statewide referendum, an application described in Subsection 20A-7-302(2) that
- 1409 includes all the information, statements, documents, and notarized signatures
- 1410 required under Subsection 20A-7-302(2); or
- 1411 (b) for a local referendum, an application described in Subsection 20A-7-602(2) that
- 1412 includes all the information, statements, documents, and notarized signatures
- 1413 required under Subsection 20A-7-602(2).
- 1414 [(31)] (33) "Referendum packet" means a copy of the referendum petition, a copy of the law
- 1415 being submitted or referred to the voters for their approval or rejection, and the signature
- 1416 sheets, all of which have been bound together as a unit.
- 1417 [(32)] (34) "Referendum petition" means:
- 1418 (a) as it relates to a statewide referendum, using the manual referendum process, the
- 1419 form described in Subsection 20A-7-303(2)(a), petitioning for submission of a law
- 1420 passed by the Legislature to legal voters for their approval or rejection;
- 1421 (b) as it relates to a statewide referendum, using the electronic referendum process, the
- 1422 form described in Subsection 20A-7-313(2), petitioning for submission of a law

passed by the Legislature to legal voters for their approval or rejection;

(c) as it relates to a local referendum, using the manual referendum process, the form described in Subsection 20A-7-603(2)(a), petitioning for submission of a local law or a local school tax law to legal voters for their approval or rejection; or

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

~~[(33)]~~ (35) "Signature":

(a) for a statewide initiative:

(i) as it relates to the electronic initiative process, means an electronic signature collected under Section 20A-7-215 and Subsection 20A-21-201(6)(c); or

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

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

(B) as it relates to an individual who, due to a qualifying disability under the Americans with Disabilities Act, is unable to fill out the signature sheet or to sign the voter's name consistently, the initials "AV," indicating that the voter's identity will be verified by an alternate verification process described in Section 20A-7-106; and

(C) does not include an electronic signature;

(b) for a statewide referendum:

(i) as it relates to the electronic referendum process, means an electronic signature collected under Section 20A-7-313 and Subsection 20A-21-201(6)(c); or

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

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

(B) as it relates to an individual who, due to a qualifying disability under the Americans with Disabilities Act, is unable to fill out the signature sheet or to sign the voter's name consistently, the initials "AV," indicating that the voter's identity will be verified by an alternate verification process described in Section 20A-7-106; and

(C) does not include an electronic signature;

(c) for a local initiative:

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

- 1457 collected under Section 20A-7-514 and Subsection 20A-21-201(6)(c); or
- 1458 (ii) as it relates to the manual initiative process:
- 1459 (A) means a holographic signature collected physically on a signature sheet
- 1460 described in Section 20A-7-503;
- 1461 (B) as it relates to an individual who, due to a qualifying disability under the
- 1462 Americans with Disabilities Act, is unable to fill out the signature sheet or to
- 1463 sign the voter's name consistently, the initials "AV," indicating that the voter's
- 1464 identity will be verified by an alternate verification process described in
- 1465 Section 20A-7-106; and
- 1466 (C) does not include an electronic signature; or
- 1467 (d) for a local referendum:
- 1468 (i) as it relates to the electronic referendum process, means an electronic signature
- 1469 collected under Section 20A-7-614 and Subsection 20A-21-201(6)(c); or
- 1470 (ii) as it relates to the manual referendum process:
- 1471 (A) means a holographic signature collected physically on a signature sheet
- 1472 described in Section 20A-7-603;
- 1473 (B) as it relates to an individual who, due to a qualifying disability under the
- 1474 Americans with Disabilities Act, is unable to fill out the signature sheet or to
- 1475 sign the voter's name consistently, the initials "AV," indicating that the voter's
- 1476 identity will be verified by an alternate verification process described in
- 1477 Section 20A-7-106; and
- 1478 (C) does not include an electronic signature.
- 1479 ~~[(34)]~~ (36) "Signature sheets" means sheets in the form required by this chapter that are used
- 1480 under the manual initiative process or the manual referendum process to collect
- 1481 signatures in support of an initiative or referendum.
- 1482 ~~[(35)]~~ (37) "Special local ballot proposition" means a local ballot proposition that is not a
- 1483 standard local ballot proposition.
- 1484 ~~[(36)]~~ (38) "Sponsors" means the legal voters who support the initiative or referendum and
- 1485 who sign the initiative application or referendum application.
- 1486 ~~[(37)]~~ (39)(a) "Standard local ballot proposition" means a local ballot proposition for an
- 1487 initiative or a referendum.
- 1488 (b) "Standard local ballot proposition" does not include a property tax referendum
- 1489 described in Section 20A-7-613.
- 1490 ~~[(38)]~~ (40) "Tax percentage difference" means the difference between the tax rate proposed

1491 by an initiative or an initiative petition and the current tax rate.

1492 [(39)] (41) "Tax percentage increase" means a number calculated by dividing the tax
1493 percentage difference by the current tax rate and rounding the result to the nearest
1494 thousandth.

1495 [(40)] (42) "Verified" means acknowledged by the person circulating the petition as required
1496 in Section 20A-7-105.

1497 Section 7. Section **20A-7-102** is amended to read:

1498 **20A-7-102 . Initiatives and referenda authorized -- Restrictions.**

1499 By following the procedures and requirements of this chapter, Utah voters may, subject
1500 to the restrictions of Utah Constitution, Article VI, [Sec. 1, Utah Constitution] Section 1, and
1501 this chapter:

1502 (1) initiate any desired legislation and cause it to be submitted to:

1503 (a) the Legislature or to a vote of the people for approval or rejection if it is a proposed
1504 state law; or

1505 (b) a local legislative body or to a vote of the people if it is a local law;

1506 (2) require any law passed by the Legislature, except those laws passed by a two-thirds vote
1507 of the members elected to each house of the Legislature, to be referred to the voters for
1508 their approval or rejection before the law takes effect; [and]

1509 (3) require any [~~law or ordinance~~] local law passed by a local legislative body to be referred
1510 to the voters for their approval or rejection before the law takes effect[-] ; or

1511 (4) require any local law or local school tax law passed by a local school board to be
1512 referred to the voters for their approval or rejection before the local law or local school
1513 tax law takes effect, unless the local school board is comprised of:

1514 (a) five members and four members or more voted in favor of the local law or local
1515 school tax law;

1516 (b) seven members and five members or more voted in favor of the local law or local
1517 school tax law; or

1518 (c) nine members and seven members or more voted in favor of the local law or local
1519 school tax law.

1520 Section 8. Section **20A-7-401.3** is amended to read:

1521 **20A-7-401.3 . Voter participation areas.**

1522 (1)(a) Except as provided in Subsection (2):

1523 (i) a city of the first or second class or a county of the first or second class shall, no
1524 later than January 1, 2020, again on January 1, 2022, and January 1 each 10 years

- 1525 after 2022, divide the city or county into eight contiguous and compact voter
1526 participation areas of substantially equal population; and
- 1527 (ii) a city of the third or fourth class or a county of the third or fourth class shall, no
1528 later than January 1, 2020, again on January 1, 2022, and January 1 each 10 years
1529 after 2022, divide the city or county into four contiguous and compact voter
1530 participation areas of substantially equal population.
- 1531 (b) A city or county shall use the voter participation areas described in Subsection (1)(a)
1532 or (2)(b) for the purpose described in Sections 20A-7-501 and 20A-7-601.
- 1533 (2)(a) This section does not apply to a county of the fifth or sixth class, a city of the fifth
1534 class, ~~[or a town]~~ a town, or a school district.
- 1535 (b) A city or county that has established council districts that are not at-large districts
1536 may, regardless of the number of council districts that are not at-large districts, use
1537 the council districts as voter participation areas under this section.
- 1538 Section 9. Section **20A-7-401.5** is amended to read:
- 1539 **20A-7-401.5 . Proposition information pamphlet.**
- 1540 (1)(a)(i) Within 15 days after the day on which an eligible voter files an application
1541 to circulate an initiative petition under Section 20A-7-502 or an application to
1542 circulate a referendum petition under Section 20A-7-602:
- 1543 (A) the sponsors of the proposed initiative or referendum may submit a written
1544 argument in favor of the proposed initiative or referendum to the election
1545 officer of the ~~[county or municipality]~~ county, municipality, or school district to
1546 which the petition relates; and
- 1547 (B) the ~~[county or municipality]~~ county, municipality, or school district to which
1548 the application relates may submit a written argument in favor of, or against,
1549 the proposed initiative or referendum to the ~~[county's or municipality's]~~
1550 county's, municipality's, or school district's election officer.
- 1551 (ii) If a ~~[county or municipality]~~ county, municipality, or school district submits more
1552 than one written argument under Subsection (1)(a)(i)(B), the election officer shall
1553 select one of the written arguments, giving preference to a written argument
1554 submitted by a member of a local legislative body or a local school board, as
1555 applicable, if a majority of the local legislative body or the local school board
1556 supports the written argument.
- 1557 (b) Within one business day after the day on which an election officer receives an
1558 argument under Subsection (1)(a)(i)(A), the election officer shall provide a copy of

- 1559 the argument to the ~~[county or municipality]~~ county, municipality, or school district
1560 described in Subsection (1)(a)(i)(B) or (1)(a)(ii), as applicable.
- 1561 (c) Within one business day after the date on which an election officer receives an
1562 argument under Subsection (1)(a)(i)(B), the election officer shall provide a copy of
1563 the argument to the first three sponsors of the proposed initiative or referendum
1564 described in Subsection (1)(a)(i)(A).
- 1565 (d) The sponsors of the proposed initiative or referendum may submit a revised version
1566 of the written argument described in Subsection (1)(a)(i)(A) to the election officer of
1567 the ~~[county or municipality]~~ county, municipality, or school district to which the
1568 petition relates within 20 days after the day on which the eligible voter files an
1569 application to circulate an initiative petition under Section 20A-7-502 or an
1570 application to circulate a referendum petition under Section 20A-7-602.
- 1571 (e) The author of a written argument described in Subsection (1)(a)(i)(B) submitted by a [
1572 ~~county or municipality]~~ county, municipality, or school district may submit a revised
1573 version of the written argument to the ~~[county's or municipality's]~~ county's,
1574 municipality's, or school district's election officer within 20 days after the day on
1575 which the eligible voter files an application to circulate an initiative petition under
1576 Section 20A-7-502 or an application to circulate a referendum petition under Section
1577 20A-7-602.
- 1578 (2)(a) A written argument described in Subsection (1) may not exceed 500 words.
- 1579 (b) Except as provided in Subsection (2)(c), a person may not modify a written argument
1580 described in Subsection (1)(d) or (e) after the written argument is submitted to the
1581 election officer.
- 1582 (c) The election officer and the person that submits the written argument described in
1583 Subsection (1)(d) or (e) may jointly agree to modify the written argument to:
1584 (i) correct factual, grammatical, or spelling errors; or
1585 (ii) reduce the number of words to come into compliance with Subsection (2)(a).
- 1586 (d) An election officer shall refuse to include a written argument in the proposition
1587 information pamphlet described in this section if the person who submits the
1588 argument:
1589 (i) fails to negotiate, in good faith, to modify the argument in accordance with
1590 Subsection (2)(c); or
1591 (ii) does not timely submit the written argument to the election officer.
- 1592 (e) An election officer shall make a good faith effort to negotiate a modification

- 1593 described in Subsection (2)(c) in an expedited manner.
- 1594 (3) An election officer who receives a written argument described in Subsection (1) shall
1595 prepare a proposition information pamphlet for publication that includes:
- 1596 (a) a copy of the application for the proposed initiative or referendum;
- 1597 (b) except as provided in Subsection (2)(d), immediately after the copy described in
1598 Subsection (3)(a), the argument prepared by the sponsors of the proposed initiative or
1599 referendum, if any;
- 1600 (c) except as provided in Subsection (2)(d), immediately after the argument described in
1601 Subsection (3)(b), the argument prepared by the county or municipality, if any; and
- 1602 (d) a copy of the initial fiscal impact statement and legal impact statement described in
1603 Section 20A-7-502.5 or 20A-7-602.5.
- 1604 (4)(a) A proposition information pamphlet is a draft for purposes of Title 63G, Chapter
1605 2, Government Records Access and Management Act, until the earlier of when the
1606 election officer:
- 1607 (i) complies with Subsection (4)(b); or
- 1608 (ii) publishes the proposition information pamphlet under Subsection (5) or (6).
- 1609 (b) Within 21 days after the day on which the eligible voter files an application to
1610 circulate an initiative petition under Section 20A-7-502, or an application to circulate
1611 a referendum petition under Section 20A-7-602, the election officer shall provide a
1612 copy of the proposition information pamphlet to the sponsors of the initiative or
1613 referendum and each individual who submitted an argument included in the
1614 proposition information pamphlet.
- 1615 (5) An election officer for a municipality shall publish the proposition information
1616 pamphlet as follows:
- 1617 (a) within the later of 10 days after the day on which the municipality or a court
1618 determines that the proposed initiative or referendum is legally referable to voters, or,
1619 if the election officer modifies an argument under Subsection (2)(c), three days after
1620 the day on which the election officer and the person that submitted the argument
1621 agree on the modification:
- 1622 (i) by sending the proposition information pamphlet electronically to each individual
1623 in the municipality for whom the municipality has an email address, unless the
1624 individual has indicated that the municipality is prohibited from using the
1625 individual's email address for that purpose; and
- 1626 (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 number of signatures necessary to qualify the proposed initiative or referendum for placement on the ballot is insufficient and the determination is not timely appealed or is upheld after appeal; or
 - (C) the day after the date of the election at which the proposed initiative or referendum appears on the ballot; and
- (b) if the municipality regularly mails a newsletter, utility bill, or other material to the municipality's residents, including an Internet address, where a resident may view the proposition information pamphlet, in the next mailing, for which the municipality has not begun preparation, that falls on or after the later of:
- (i) 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
 - (ii) 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.
- (6) An election officer for a county shall, within the later of 10 days after the day on which the county 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, publish the proposition information pamphlet as follows:
- (a) by sending the proposition information pamphlet electronically to each individual in the county for whom the county has an email address obtained via voter registration; and
 - (b) by posting the proposition information pamphlet on the Utah Public Notice Website, created in Section 63A-16-601, and the home page of the county's website, until:
 - (i) if the sponsors of the proposed initiative or referendum or an agent of the sponsors

1661 do not timely deliver any verified initiative packets or any verified referendum
1662 packets under Section 20A-7-105, the day after the date of the deadline for
1663 delivery of the verified initiative packets or verified referendum packets;

1664 (ii) the local clerk determines, under Section 20A-7-507 or 20A-7-607, that the
1665 number of signatures necessary to qualify the proposed initiative or referendum
1666 for placement on the ballot is insufficient and the determination is not timely
1667 appealed or is upheld after appeal; or

1668 (iii) the day after the date of the election at which the proposed initiative or
1669 referendum appears on the ballot.

1670 (7) An election officer for a school district shall, within the later of 10 calendar days after
1671 the day on which the school district or a court determines that the proposed referendum
1672 is legally referable to voters, or, if the election officer modifies an argument under
1673 Subsection (2)(c), three calendar days after the day on which the election officer and the
1674 person that submitted the argument agree on the modification, publish the proposition
1675 information pamphlet as follows:

1676 (a) by sending the proposition information pamphlet electronically to each individual in
1677 the school district for whom the school district has an email address, unless the
1678 individual has indicated that the school district is prohibited from using the
1679 individual's email address for that purpose;

1680 (b) by posting the proposition information pamphlet on the Utah Public Notice Website,
1681 created in Section 63A-16-601, and the home page of the school district's website, if
1682 the school district has a website, until:

1683 (i) if the sponsors of the proposed referendum or an agent of the sponsors do not
1684 timely deliver any verified referendum packets under Section 20A-7-105, the day
1685 after the date of the deadline for delivery of the verified referendum packets;

1686 (ii) the local clerk determines, under Section 20A-7-607, that the number of
1687 signatures necessary to qualify the proposed referendum for placement on the
1688 ballot is insufficient and the determination is not timely appealed or is upheld after
1689 appeal; or

1690 (iii) the day after the date of the election at which the proposed referendum appears
1691 on the ballot; and

1692 (c) if the school district regularly mails a newsletter or other material to the school
1693 district's residents, including an Internet address, where a resident may view the
1694 proposition information pamphlet, in the next mailing, for which the school district

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

- (i) 10 calendar days after the day on which the school district or a court determines that the proposed referendum is legally referable to voters; or
- (ii) if the election officer modifies an argument under Subsection (2)(c), three calendar days after the day on which the election officer and the person that submitted the argument agree on the modification.

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

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.]~~

~~[(c)]~~ (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

1729 ballot proposition will be voted upon; or

1730 (B) if the requirements of Subsection ~~[(2)(e)(i)(A)]~~ (2)(b)(i)(A) cannot be met, as

1731 soon as practicable after the special local ballot proposition is approved to be

1732 voted upon in an election; and

1733 (ii) ensure that the notice contains:

1734 (A) the ballot title for the special local ballot proposition;

1735 (B) instructions on how to file a request under Subsection ~~[(2)(d)]~~ (2)(c); and

1736 (C) the deadline described in Subsection ~~[(2)(d)]~~ (2)(c).

1737 ~~[(d)]~~ (c) Except as provided in Subsection (13), to prepare a written argument for or

1738 against a special local ballot proposition, an eligible voter shall file a request with the

1739 election officer before 5 p.m. no later than 64 days before the day of the election at

1740 which the special local ballot proposition is to be voted on.

1741 ~~[(e)]~~ (d) If more than one eligible voter requests the opportunity to prepare a written

1742 argument for or against a special local ballot proposition, the election officer shall

1743 make the final designation in accordance with the following order of priority:

1744 (i) sponsors have priority in preparing an argument regarding a special local ballot

1745 proposition; and

1746 (ii) members of the local legislative body or the local school board have priority over

1747 others if a majority of the local legislative body or the local school board supports

1748 the written argument.

1749 ~~[(f)]~~ (e) Except as provided in Subsection (13), the election officer shall grant a request

1750 described in Subsection ~~[(2)(d) or (e)]~~ (2)(c) or (d) no later than 60 days before the

1751 day of the election at which the ballot proposition is to be voted on.

1752 ~~[(g)]~~ (f)(i) A sponsor of a special local ballot proposition may prepare a written

1753 argument in favor of the special local ballot proposition.

1754 (ii) Subject to Subsection ~~[(2)(e)]~~ (2)(d), an eligible voter opposed to the special local

1755 ballot proposition who submits a request under Subsection ~~[(2)(d)]~~ (2)(c) may

1756 prepare a written argument against the special local ballot proposition.

1757 ~~[(h)]~~ (g) An eligible voter who submits a written argument under this section in relation

1758 to a special local ballot proposition shall:

1759 (i) ensure that the written argument does not exceed 500 words in length, not

1760 counting the information described in Subsection ~~[(2)(h)(ii)]~~ (2)(g)(ii) or (iv);

1761 (ii) list, at the end of the argument, at least one, but no more than five, names as

1762 sponsors;

- (iii) except as provided in Subsection (13), submit the written argument to the election officer before 5 p.m. no later than 55 days before the election day on which the ballot proposition will be submitted to the voters;
- (iv) list in the argument, immediately after the eligible voter's name, the eligible voter's residential address; and
- (v) submit with the written argument the eligible voter's name, residential address, postal address, email address if available, and phone number.

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

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

- (i) a copy of the written argument in favor of the special local ballot proposition to the eligible voter who submitted the written argument against the special local ballot proposition; and
- (ii) a copy of the written argument against the special local ballot proposition to the eligible voter who submitted the written argument in favor of the special local ballot proposition.

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

- (i) may submit to the election officer a written rebuttal argument of the written argument against the special local ballot proposition;
- (ii) shall ensure that the written rebuttal argument does not exceed 250 words in length, not counting the information described in Subsection ~~[(2)(h)(ii)]~~ (2)(g)(ii) or (iv); and
- (iii) except as provided in Subsection (13), shall submit the written rebuttal argument before 5 p.m. no later than 45 days before the election day on which the special local ballot proposition will be submitted to the voters.

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

- (i) may submit to the election officer a written rebuttal argument of the written argument in favor of the special local ballot proposition;
- (ii) shall ensure that the written rebuttal argument does not exceed 250 words in length, not counting the information described in Subsection ~~[(2)(h)(ii)]~~ (2)(g)(ii)

- 1797 or (iv); and
- 1798 (iii) except as provided in Subsection (13), shall submit the written rebuttal argument
- 1799 before 5 p.m. no later than 45 days before the election day on which the special
- 1800 local ballot proposition will be submitted to the voters.
- 1801 (d) An election officer shall refuse to accept and publish a written rebuttal argument in
- 1802 relation to a special local ballot proposition that is submitted after the deadline
- 1803 described in Subsection (3)(b)(iii) or (3)(c)(iii).
- 1804 (4)(a) Except as provided in Subsection (4)(b), in relation to a special local ballot
- 1805 proposition:
- 1806 (i) an eligible voter may not modify a written argument or a written rebuttal argument
- 1807 after the eligible voter submits the written argument or written rebuttal argument
- 1808 to the election officer; and
- 1809 (ii) a person other than the eligible voter described in Subsection (4)(a)(i) may not
- 1810 modify a written argument or a written rebuttal argument.
- 1811 (b) The election officer, and the eligible voter who submits a written argument or written
- 1812 rebuttal argument in relation to a special local ballot proposition, may jointly agree to
- 1813 modify a written argument or written rebuttal argument in order to:
- 1814 (i) correct factual, grammatical, or spelling errors; and
- 1815 (ii) reduce the number of words to come into compliance with the requirements of
- 1816 this section.
- 1817 (c) An election officer shall refuse to accept and publish a written argument or written
- 1818 rebuttal argument in relation to a special local ballot proposition if the eligible voter
- 1819 who submits the written argument or written rebuttal argument fails to negotiate, in
- 1820 good faith, to modify the written argument or written rebuttal argument in accordance
- 1821 with Subsection (4)(b).
- 1822 (5) In relation to a special local ballot proposition, an election officer may designate another
- 1823 eligible voter to take the place of an eligible voter described in this section if the original
- 1824 eligible voter is, due to injury, illness, death, or another circumstance, unable to continue
- 1825 to fulfill the duties of an eligible voter described in this section.
- 1826 (6) Sponsors whose written argument in favor of a standard local ballot proposition is
- 1827 included in a proposition information pamphlet under Section 20A-7-401.5:
- 1828 (a) may, if a written argument against the standard local ballot proposition is included in
- 1829 the proposition information pamphlet, submit a written rebuttal argument to the
- 1830 election officer;

- 1831 (b) shall ensure that the written rebuttal argument does not exceed 250 words in length;
1832 and
- 1833 (c) shall submit the written rebuttal argument no later than 45 days before the election
1834 day on which the standard local ballot proposition will be submitted to the voters.
- 1835 (7)(a) A [~~county or municipality~~] county, municipality, or school district that submitted a
1836 written argument against a standard local ballot proposition that is included in a
1837 proposition information pamphlet under Section 20A-7-401.5:
- 1838 (i) may, if a written argument in favor of the standard local ballot proposition is
1839 included in the proposition information pamphlet, submit a written rebuttal
1840 argument to the election officer;
- 1841 (ii) shall ensure that the written rebuttal argument does not exceed 250 words in
1842 length; and
- 1843 (iii) shall submit the written rebuttal argument no later than 45 days before the
1844 election day on which the ballot proposition will be submitted to the voters.
- 1845 (b) If a [~~county or municipality~~] county, municipality, or school district submits more
1846 than one written rebuttal argument under Subsection (7)(a)(i), the election officer
1847 shall select one of the written rebuttal arguments, giving preference to a written
1848 rebuttal argument submitted by a member of a local legislative body or a local school
1849 board.
- 1850 (8)(a) An election officer shall refuse to accept and publish a written rebuttal argument
1851 that is submitted after the deadline described in Subsection (6)(c) or (7)(a)(iii).
- 1852 (b) Before an election officer publishes a local voter information pamphlet under this
1853 section, a written rebuttal argument is a draft for purposes of Title 63G, Chapter 2,
1854 Government Records Access and Management Act.
- 1855 (c) An election officer who receives a written rebuttal argument described in this section
1856 may not, before publishing the local voter information pamphlet described in this
1857 section, disclose the written rebuttal argument, or any information contained in the
1858 written rebuttal argument, to any person who may in any way be involved in
1859 preparing an opposing rebuttal argument.
- 1860 (9)(a) Except as provided in Subsection (9)(b), a person may not modify a written
1861 rebuttal argument after the written rebuttal argument is submitted to the election
1862 officer.
- 1863 (b) The election officer, and the person who submits a written rebuttal argument, may
1864 jointly agree to modify a written rebuttal argument in order to:

- 1865 (i) correct factual, grammatical, or spelling errors; or
1866 (ii) reduce the number of words to come into compliance with the requirements of
1867 this section.
- 1868 (c) An election officer shall refuse to accept and publish a written rebuttal argument if
1869 the person who submits the written rebuttal argument:
1870 (i) fails to negotiate, in good faith, to modify the written rebuttal argument in
1871 accordance with Subsection (9)(b); or
1872 (ii) does not timely submit the written rebuttal argument to the election officer.
- 1873 (d) An election officer shall make a good faith effort to negotiate a modification
1874 described in Subsection (9)(b) in an expedited manner.
- 1875 (10) An election officer may designate another person to take the place of a person who
1876 submits a written rebuttal argument in relation to a standard local ballot proposition if
1877 the person is, due to injury, illness, death, or another circumstance, unable to continue to
1878 fulfill the person's duties.
- 1879 (11)(a) The local voter information pamphlet shall include a copy of the initial fiscal
1880 impact estimate and the legal impact statement prepared for each initiative under
1881 Section 20A-7-502.5.
- 1882 (b) If the initiative proposes a tax increase, the local voter information pamphlet shall include
1883 the following statement in bold type:
1884 "This initiative seeks to increase the current (insert name of tax) rate by (insert the tax
1885 percentage difference) percent, resulting in a(n) (insert the tax percentage increase) percent
1886 increase in the current tax rate."
- 1887 (12)(a) In preparing the local voter information pamphlet, the election officer shall:
1888 (i) ensure that the written arguments are printed on the same sheet of paper upon
1889 which the ballot proposition is also printed;
1890 (ii) ensure that the following statement is printed on the front cover or the heading of the first
1891 page of the printed written arguments:
1892 "The arguments for or against a ballot proposition are the opinions of the authors.";
1893 (iii) pay for the printing and binding of the local voter information pamphlet; and
1894 (iv) not less than 15 days before, but not more than 45 days before, the election at
1895 which the ballot proposition will be voted on, distribute, by mail or carrier, to each
1896 registered voter entitled to vote on the ballot proposition:
1897 (A) a voter information pamphlet; or
1898 (B) the notice described in Subsection (12)(c).

- 1899 (b)(i) If the language of the ballot proposition exceeds 500 words in length, the
 1900 election officer may summarize the ballot proposition in 500 words or less.
- 1901 (ii) The summary shall state where a complete copy of the ballot proposition is
 1902 available for public review.
- 1903 (c)(i) The election officer may distribute a notice printed on a postage prepaid,
 1904 preaddressed return form that a person may use to request delivery of a voter
 1905 information pamphlet by mail.
- 1906 (ii) The notice described in Subsection (12)(c)(i) shall include:
- 1907 (A) the address of the Statewide Electronic Voter Information Website authorized
 1908 by Section 20A-7-801; and
- 1909 (B) the phone number a voter may call to request delivery of a voter information
 1910 pamphlet by mail or carrier.
- 1911 (13) For 2024 only, in relation to an election that will appear on the regular general election
 1912 ballot to create a new school district under Section 53G-3-301.1, 53G-3-301.3, or
 1913 53G-3-301.4, if the notice described in Subsection (2)(b) is published less than 72 days
 1914 before the day of the election:
- 1915 (a) the deadline to file a request described in Subsection [(2)(d)] (2)(c) is before 5 p.m.
 1916 no later than five business days after the notice is published;
- 1917 (b) the deadline to grant a request under Subsection [(2)(f)] (2)(e) is no later than seven
 1918 business days after the notice is published;
- 1919 (c) the deadline to submit the written argument to the election officer under Subsection [
 1920 (2)(h)(iii)] (2)(g)(iii) is before 5 p.m. no later than 12 business days after the notice is
 1921 published; and
- 1922 (d) the deadline to submit the written rebuttal argument under Subsection (3)(b)(iii) or
 1923 (c)(iii) is no later than 17 business days after the notice is published.
- 1924 Section 11. Section **20A-7-405** is amended to read:
- 1925 **20A-7-405 . Public meeting.**
- 1926 (1) A [~~county or municipality~~] county, municipality, or school district may not discuss a
 1927 proposed initiative, an initiative, a proposed referendum, or a referendum at a public
 1928 meeting unless the [~~county or municipality~~] county, municipality, or school district
 1929 complies with the requirements of this section.
- 1930 (2) The legislative body of a [~~county or municipality~~] county, municipality, or school district
 1931 may hold a public meeting to discuss a proposed initiative, an initiative, a proposed
 1932 referendum, or a referendum if the legislative body:

- 1933 (a) allows equal time, within a reasonable limit, for presentations on both sides of the
 1934 proposed initiative, initiative, proposed referendum, or referendum;
- 1935 (b) provides interested parties an opportunity to present oral testimony within reasonable
 1936 time limits; and
- 1937 (c) holds the public meeting:
 1938 (i) during the legislative body's normal meeting time; or
 1939 (ii) for a meeting time other than the legislative body's normal meeting time,
 1940 beginning at or after 6 p.m.
- 1941 (3) This section does not prohibit a working group meeting from being held before 6 p.m.
 1942 Section 12. Section **20A-7-601** is amended to read:
- 1943 **20A-7-601 . Referenda -- General signature requirements -- Signature**
 1944 **requirements for land use laws, subjurisdictional laws, and transit area land use laws --**
 1945 **Time requirements.**
- 1946 (1) As used in this section:
- 1947 (a) "Number of active voters" means the number of active voters in the county, city, [~~or~~
 1948 town] town, or school district on the immediately preceding January 1.
- 1949 (b) "Qualifying county" means a county that has created a small public transit district, as
 1950 defined in Section 17B-2a-802, on or before January 1, 2022.
- 1951 (c) "Qualifying transit area" means:
 1952 (i) a station area, as defined in Section 10-9a-403.1, for which the municipality with
 1953 jurisdiction over the station area has satisfied the requirements of Subsection
 1954 10-9a-403.1(2)(a)(i), as demonstrated by the adoption of a station area plan or
 1955 resolution under Subsection 10-9a-403.1(2); or
 1956 (ii) a housing and transit reinvestment zone, as defined in Section 63N-3-602, created
 1957 within a qualifying county.
- 1958 (d) "Subjurisdiction" means an area comprised of all precincts and subprecincts in the
 1959 jurisdiction of a county, city, or town that are subject to a subjurisdictional law.
- 1960 (e)(i) "Subjurisdictional law" means a local law or local obligation law passed by a
 1961 local legislative body that imposes a tax or other payment obligation on property
 1962 in an area that does not include all precincts and subprecincts under the
 1963 jurisdiction of the county, city, or town.
- 1964 (ii) "Subjurisdictional law" does not include a land use law.
- 1965 (f) "Transit area land use law" means a land use law that relates to the use of land within
 1966 a qualifying transit area.

- 1967 (g) "Voter participation area" means an area described in Subsection 20A-7-401.3(1)(a)
1968 or (2)(b).
- 1969 (2) Except as provided in Subsections (3) through (5), an eligible voter seeking to have a
1970 local law passed by the local legislative body submitted to a vote of the people shall,
1971 after filing a referendum application, obtain legal signatures equal to:
- 1972 (a) for a county of the first class:
- 1973 (i) 7.75% of the number of active voters in the county; and
1974 (ii) ~~[beginning on January 1, 2020,]~~7.75% of the number of active voters in at least
1975 75% of the county's voter participation areas;
- 1976 (b) for a city of the first class:
- 1977 (i) 7.5% of the number of active voters in the city; and
1978 (ii) ~~[beginning on January 1, 2020,]~~7.5% of the number of active voters in at least
1979 75% of the city's voter participation areas;
- 1980 (c) for a county of the second class:
- 1981 (i) 8% of the number of active voters in the county; and
1982 (ii) ~~[beginning on January 1, 2020,]~~8% of the number of active voters in at least 75%
1983 of the county's voter participation areas;
- 1984 (d) for a city of the second class:
- 1985 (i) 8.25% of the number of active voters in the city; and
1986 (ii) ~~[beginning on January 1, 2020,]~~8.25% of the number of active voters in at least
1987 75% of the city's voter participation areas;
- 1988 (e) for a county of the third class:
- 1989 (i) 9.5% of the number of active voters in the county; and
1990 (ii) ~~[beginning on January 1, 2020,]~~9.5% of the number of active voters in at least
1991 75% of the county's voter participation areas;
- 1992 (f) for a city of the third class:
- 1993 (i) 10% of the number of active voters in the city; and
1994 (ii) ~~[beginning on January 1, 2020,]~~10% of the number of active voters in at least
1995 75% of the city's voter participation areas;
- 1996 (g) for a county of the fourth class:
- 1997 (i) 11.5% of the number of active voters in the county; and
1998 (ii) ~~[beginning on January 1, 2020,]~~11.5% of the number of active voters in at least
1999 75% of the county's voter participation areas;
- 2000 (h) for a city of the fourth class:

- 2001 (i) 11.5% of the number of active voters in the city; and
- 2002 (ii) ~~[beginning on January 1, 2020,]~~11.5% of the number of active voters in at least
- 2003 75% of the city's voter participation areas;
- 2004 (i) for a city of the fifth class or a county of the fifth class, 25% of the number of active
- 2005 voters in the city or county; or
- 2006 (j) for a town or a county of the sixth class, 35% of the number of active voters in the
- 2007 town or county.
- 2008 (3) Except as provided in Subsection (4) or (5), an eligible voter seeking to have a land use
- 2009 law or local obligation law passed by the local legislative body submitted to a vote of the
- 2010 people shall, after filing a referendum application, obtain legal signatures equal to:
- 2011 (a) for a county of the first, second, third, or fourth class:
- 2012 (i) 16% of the number of active voters in the county; and
- 2013 (ii) ~~[beginning on January 1, 2020,]~~16% of the number of active voters in at least
- 2014 75% of the county's voter participation areas;
- 2015 (b) for a county of the fifth or sixth class:
- 2016 (i) 16% of the number of active voters in the county; and
- 2017 (ii) ~~[beginning on January 1, 2020,]~~16% of the number of active voters in at least
- 2018 75% of the county's voter participation areas;
- 2019 (c) for a city of the first class:
- 2020 (i) 15% of the number of active voters in the city; and
- 2021 (ii) ~~[beginning on January 1, 2020,]~~15% of the number of active voters in at least
- 2022 75% of the city's voter participation areas;
- 2023 (d) for or a city of the second class:
- 2024 (i) 16% of the number of active voters in the city; and
- 2025 (ii) ~~[beginning on January 1, 2020,]~~16% of the number of active voters in at least
- 2026 75% of the city's voter participation areas;
- 2027 (e) for a city of the third class:
- 2028 (i) 27.5% of the number of active voters in the city; and
- 2029 (ii) ~~[beginning on January 1, 2020,]~~27.5% of the number of active voters in at least
- 2030 75% of the city's voter participation areas;
- 2031 (f) for a city of the fourth class:
- 2032 (i) 29% of the number of active voters in the city; and
- 2033 (ii) ~~[beginning on January 1, 2020,]~~29% of the number of active voters in at least
- 2034 75% of the city's voter participation areas;

- 2035 (g) for a city of the fifth class, 35% of the number of active voters in the city; or
2036 (h) for a town, 40% of the number of active voters in the town.
- 2037 (4) A person seeking to have a subjurisdictional law passed by the local legislative body
2038 submitted to a vote of the people shall, after filing a referendum application, obtain legal
2039 signatures of the residents in the subjurisdiction equal to:
- 2040 (a) 10% of the number of active voters in the subjurisdiction if the number of active
2041 voters exceeds 25,000;
- 2042 (b) ~~[12-1/2]~~ 12.5% of the number of active voters in the subjurisdiction if the number of
2043 active voters does not exceed 25,000 but is more than 10,000;
- 2044 (c) 15% of the number of active voters in the subjurisdiction if the number of active
2045 voters does not exceed 10,000 but is more than 2,500;
- 2046 (d) 20% of the number of active voters in the subjurisdiction if the number of active
2047 voters does not exceed 2,500 but is more than 500;
- 2048 (e) 25% of the number of active voters in the subjurisdiction if the number of active
2049 voters does not exceed 500 but is more than 250; ~~[and]~~ or
- 2050 (f) 30% of the number of active voters in the subjurisdiction if the number of active
2051 voters does not exceed 250.
- 2052 (5) An eligible voter seeking to have a transit area land use law passed by the local
2053 legislative body submitted to a vote of the people shall, after filing a referendum
2054 application, obtain legal signatures equal to:
- 2055 (a) for a county:
- 2056 (i) 20% of the number of active voters in the county; and
2057 (ii) 21% of the number of active voters in at least 75% of the county's voter
2058 participation areas;
- 2059 (b) for a city of the first class:
- 2060 (i) 20% of the number of active voters in the city; and
2061 (ii) 20% of the number of active voters in at least 75% of the city's voter participation
2062 areas;
- 2063 (c) for a city of the second class:
- 2064 (i) 20% of the number of active voters in the city; and
2065 (ii) 21% of the number of active voters in at least 75% of the city's voter participation
2066 areas;
- 2067 (d) for a city of the third class:
- 2068 (i) 34% of the number of active voters in the city; and

- 2069 (ii) 34% of the number of active voters in at least 75% of the city's voter participation
2070 areas;
- 2071 (e) for a city of the fourth class:
- 2072 (i) 36% of the number of active voters in the city; and
- 2073 (ii) 36% of the number of active voters in at least 75% of the city's voter participation
2074 areas; or
- 2075 (f) for a city of the fifth class or a town, 40% of the number of active voters in the city or
2076 town.
- 2077 (6) An eligible voter seeking to have a local law or local school tax law passed by the local
2078 school board of a school district submitted to a vote of the people shall, after filing a
2079 referendum application, obtain legal signatures equal to:
- 2080 (a) 10% of the number of active voters in the school district if the number of active
2081 voters exceeds 25,000;
- 2082 (b) 12.5% of the number of active voters in the school district if the number of active
2083 voters does not exceed 25,000 but is more than 10,000;
- 2084 (c) 15% of the number of active voters in the school district if the number of active
2085 voters does not exceed 10,000 but is more than 2,500;
- 2086 (d) 20% of the number of active voters in the school district if the number of active
2087 voters does not exceed 2,500 but is more than 500;
- 2088 (e) 25% of the number of active voters in the school district if the number of active
2089 voters does not exceed 500 but is more than 250; or
- 2090 (f) 30% of the number of active voters in the school district if the number of active
2091 voters does not exceed 250.
- 2092 [(6)] (7) Sponsors of any referendum petition challenging, under Subsection (2), (3), (4), [or
2093 (5)] (5), or (6), any local law or local school tax law passed by a local legislative body or
2094 a local school board, as applicable, shall file the application before 5 p.m. within five
2095 days after the day on which the local law or local school tax law was passed.
- 2096 [(7)] (8) Nothing in this section authorizes a local legislative body to impose a tax or other
2097 payment obligation on a subjurisdiction in order to benefit an area outside of the
2098 subjurisdiction.
- 2099 Section 13. Section **20A-7-602.5** is amended to read:
- 2100 **20A-7-602.5 . Initial fiscal and legal impact statement -- Preparation of statement.**
- 2101 (1) Within three business days after the day on which the local clerk receives a referendum
2102 application, the local clerk shall submit a copy of the referendum application to the [

2103 ~~county, city, or town's]~~ county's, city's, town's, or school district's budget officer.

2104 (2)(a) The budget officer, together with legal counsel, shall prepare an unbiased, good
2105 faith initial fiscal and legal impact statement for repealing the law the referendum
2106 proposes to repeal that contains:

2107 (i) a dollar amount representing the total estimated fiscal impact of repealing the law;

2108 (ii) if repealing the law would increase or decrease taxes, a dollar amount
2109 representing the total estimated increase or decrease for each type of tax that
2110 would be impacted by the law's repeal and a dollar amount representing the total
2111 estimated increase or decrease in taxes that would result from the law's repeal;

2112 (iii) if repealing the law would result in the issuance or a change in the status of
2113 bonds, notes, or other debt instruments, a dollar amount representing the total
2114 estimated increase or decrease in public debt that would result;

2115 (iv) a listing of all sources of funding for the estimated costs that would be associated
2116 with the law's repeal, showing each source of funding and the percentage of total
2117 funding that would be provided from each source;

2118 (v) a dollar amount representing the estimated costs or savings, if any, to state and
2119 local government entities if the law were repealed;

2120 (vi) the legal impacts that would result from repealing the law, including:

2121 (A) any significant effects on a person's vested property rights;

2122 (B) any significant effects on other laws or ordinances;

2123 (C) any significant legal liability the city, county, or town may incur; and

2124 (D) any other significant legal impact as determined by the budget officer and the
2125 legal counsel; and

2126 (vii) a concise explanation, not exceeding 100 words, of the information described in
2127 this Subsection (2)(a) and of the estimated fiscal impact, if any, if the law were
2128 repealed.

2129 (b)(i) If repealing the law would have no fiscal impact, the local budget officer shall include a
2130 summary statement in the initial fiscal impact and legal statement in substantially the
2131 following form:

2132 "The (title of the local budget officer) estimates that repealing the law this referendum
2133 proposes to repeal would have no significant fiscal impact and would not result in either an
2134 increase or decrease in taxes or debt."

2135 (ii) If repealing the law is estimated to have a fiscal impact, the local budget officer
2136 shall include a summary statement in the initial fiscal and legal impact statement

2137 describing the fiscal impact.

2138 (iii) If the estimated fiscal impact of repealing the law is highly variable or is
2139 otherwise difficult to reasonably express in a summary statement, the local budget
2140 officer may include in the summary statement a brief explanation that identifies
2141 those factors impacting the variability or difficulty of the estimate.

2142 (3) Within 20 calendar days after the day on which the local clerk submits a copy of the
2143 application under Subsection (1), the budget officer shall:

2144 (a) send a copy of the initial fiscal impact and legal statement to the local clerk's office;
2145 and

2146 (b) send a copy of the initial fiscal impact and legal statement to the first three sponsors
2147 named in the referendum application.

2148 Section 14. Section **20A-7-602.7** is amended to read:

2149 **20A-7-602.7 . Referability to voters of a local school tax law or a local law other**
2150 **than a land use law.**

2151 (1) Within 20 days after the day on which an eligible voter files a referendum application
2152 under Section 20A-7-602 for a local school tax law, or a local law other than a land use
2153 law, counsel for the [county, city, or town] county, city, town, or school district to which
2154 the referendum pertains shall:

2155 (a) review the referendum application to determine whether the proposed referendum is
2156 legally referable to voters; and

2157 (b) notify the first three sponsors, in writing, whether the proposed referendum is:

2158 (i) legally referable to voters; or

2159 (ii) rejected as not legally referable to voters.

2160 (2) For a local school tax law, or a local law other than a land use law, a proposed
2161 referendum is legally referable to voters unless:

2162 (a) the proposed referendum challenges an action that is administrative, rather than
2163 legislative, in nature;

2164 (b) the proposed referendum challenges more than one law passed by the local
2165 legislative body or the local school board; or

2166 (c) the referendum application was not timely filed or does not comply with the
2167 requirements of this part.

2168 (3) After the end of the 20-day period described in Subsection (1), a [county, city, or town
2169 may not, for a local law other than a land use law] county, city, town, or school district
2170 may not, for a local school tax law, or a local law other than a land use law:

- 2171 (a) reject a proposed referendum as not legally referable to voters; or
 2172 (b) except as provided in Subsection (4), challenge, in a legal action or otherwise, a
 2173 proposed referendum on the grounds that the proposed referendum is not legally
 2174 referable to voters.
- 2175 (4)(a) If, under Subsection (1)(b)(ii), a ~~[county, city, or town]~~ county, city, town, or
 2176 school district rejects a proposed referendum concerning a local school tax law, or a
 2177 local law other than a land use law, a sponsor of the proposed referendum may,
 2178 within 10 days after the day on which a sponsor is notified under Subsection (1)(b),
 2179 challenge or appeal the decision to:
- 2180 (i) the Supreme Court, by means of an extraordinary writ, if possible; or
 2181 (ii) a district court, if the sponsor is prohibited from pursuing an extraordinary writ
 2182 under Subsection (4)(a)(i).
- 2183 (b) Failure of a sponsor to timely challenge or appeal a rejection under Subsection (4)(a)
 2184 terminates the referendum.

- 2185 (5) If, on a challenge or appeal, the court determines that the proposed referendum
 2186 described in Subsection (4) is legally referable to voters, the local clerk shall comply
 2187 with Subsection 20A-7-604(3), or give the sponsors access to the website defined in
 2188 Section 20A-21-101, within five days after the day on which the determination, and any
 2189 challenge or appeal of the determination, is final.

2190 Section 15. Section **20A-7-603** is amended to read:

2191 **20A-7-603 . Manual referendum process -- Form of referendum petition and**
 2192 **signature sheet.**

2193 (1) This section applies only to the manual referendum process.

2194 (2)(a) Each proposed referendum petition shall be printed in substantially the following form:

2195 "REFERENDUM PETITION To the Honorable ____, County Clerk/City
 2196 Recorder/Town Clerk/Business Administrator/Superintendent:

2197 We, the undersigned citizens of Utah, respectfully order that (description of the local
 2198 law or local school tax law, or portion of the local law or local school tax law being
 2199 challenged), passed by the ____ be referred to the voters for their approval or rejection at the
 2200 regular/municipal general election to be held on _____(month\day\year);

2201 Each signer says:

2202 I have personally signed this referendum petition or, if I am an individual with a
 2203 qualifying disability, I have signed this referendum petition by directing the signature gatherer
 2204 to enter the initials "AV" as my signature;

2205 The date next to my signature correctly reflects the date that I actually signed the
2206 petition;
2207 I have personally read the entire statement included with this packet;
2208 I am registered to vote in Utah; and
2209 My residence and post office address are written correctly after my name."
2210 (b) The sponsors of a referendum or an agent of the sponsors shall attach a copy of the
2211 law that is the subject of the referendum to each referendum petition.
2212 (3) Each referendum signature sheet shall:
2213 (a) be printed on sheets of paper 8-1/2 inches long and 11 inches wide;
2214 (b) be ruled with a horizontal line three-fourths inch from the top, with the space above
2215 that line blank for the purpose of binding;
2216 (c) include the title of the referendum printed below the horizontal line, in at least
2217 14-point type;
2218 (d) include a table immediately below the title of the referendum, and beginning .5 inch
2219 from the left side of the paper, as follows:
2220 (i) the first column shall be .5 inch wide and include three rows;
2221 (ii) the first row of the first column shall be .85 inch tall and contain the words "For
2222 Office Use Only" in 10-point type;
2223 (iii) the second row of the first column shall be .35 inch tall;
2224 (iv) the third row of the first column shall be .5 inch tall;
2225 (v) the second column shall be 2.75 inches wide;
2226 (vi) the first row of the second column shall be .35 inch tall and contain the words
2227 "Registered Voter's Printed Name (must be legible to be counted)" in 10-point
2228 type;
2229 (vii) the second row of the second column shall be .5 inch tall;
2230 (viii) the third row of the second column shall be .35 inch tall and contain the words
2231 "Street Address, City, Zip Code" in 10-point type;
2232 (ix) the fourth row of the second column shall be .5 inch tall;
2233 (x) the third column shall be 2.75 inches wide;
2234 (xi) the first row of the third column shall be .35 inch tall and contain the words
2235 "Signature of Registered Voter" in 10-point type;
2236 (xii) the second row of the third column shall be .5 inch tall;
2237 (xiii) the third row of the third column shall be .35 inch tall and contain the words
2238 "Email Address (optional, to receive additional information)" in 10-point type;

2239 (xiv) the fourth row of the third column shall be .5 inch tall;
 2240 (xv) the fourth column shall be one inch wide;
 2241 (xvi) the first row of the fourth column shall be .35 inch tall and contain the words
 2242 "Date Signed" in 10-point type;
 2243 (xvii) the second row of the fourth column shall be .5 inch tall;
 2244 (xviii) the third row of the fourth column shall be .35 inch tall and contain the words
 2245 "Birth Date or Age (optional)" in 10-point type;
 2246 (xix) the fourth row of the third column shall be .5 inch tall; and
 2247 (xx) the fifth row of the entire table shall be the width of the entire table, .4 inch tall,
 2248 and contain the following words, "By signing this referendum petition, you are
 2249 stating that you have read and understand the law that this referendum petition
 2250 seeks to overturn." in 12-point type;
 2251 (e) the table described in Subsection (3)(d) shall be repeated, leaving sufficient room at
 2252 the bottom of the sheet or the information described in Subsection (3)(f); and
 2253 (f) at the bottom of the sheet, include the word "Warning," in 12-point, bold type, followed by
 2254 the following statement in not less than eight-point type:
 2255 "It is a class A misdemeanor for an individual to sign a referendum petition with a name
 2256 other than the individual's own name, or to knowingly sign the individual's name more than
 2257 once for the same referendum petition, or to sign a referendum petition when the individual
 2258 knows that the individual is not a registered voter.
 2259 Birth date or age information is not required, but it may be used to verify your identity
 2260 with voter registration records. If you choose not to provide it, your signature may not be
 2261 verified as a valid signature if you change your address before petition signatures are verified
 2262 or if the information you provide does not match your voter registration records."
 2263 (4) The final page of each referendum packet shall contain the following printed or typed
 2264 statement:
 2265 "Verification of signature collector
 2266 State of Utah, County of ____
 2267 I, _____, of _____, hereby state, under penalty of perjury, that:
 2268 I am at least 18 years old;
 2269 All the names that appear in this packet were signed by individuals who professed to be
 2270 the individuals whose names appear in it, and each of the individuals signed the individual's
 2271 name on it in my presence or, in the case of an individual with a qualifying disability, I have
 2272 signed this referendum petition on the individual's behalf, at the direction of the individual and

2273 in the individual's presence, by entering the initials "AV" as the individual's signature;

2274 I certify that, for each individual whose signature is represented in this referendum
2275 packet by the initials "AV":

2276 I obtained the individual's voluntary direction or consent to sign the referendum
2277 petition on the individual's behalf;

2278 I do not believe, or have reason to believe, that the individual lacked the mental
2279 capacity to give direction or consent;

2280 I do not believe, or have reason to believe, that the individual did not
2281 understand the purpose or nature of my signing the referendum petition on the individual's
2282 behalf;

2283 I did not intentionally or knowingly deceive the individual into directing me to,
2284 or consenting for me to, sign the referendum petition on the individual's behalf; and

2285 I did not intentionally or knowingly enter false information on the signature
2286 sheet;

2287 I did not knowingly make a misrepresentation of fact concerning the law this petition
2288 seeks to overturn; and

2289 I believe that each individual's name, post office address, and residence is written
2290 correctly, that each signer has read the law that the referendum seeks to overturn, and that each
2291 signer is registered to vote in Utah.

2292 _____
2293 (Name) (Residence Address) (Date)

2294 The correct date of signature appears next to each individual's name.

2295 I have not paid or given anything of value to any individual who signed this referendum
2296 packet to encourage that individual to sign it.

2297 _____
2298 (Name) (Residence Address) (Date)".

2299 (5) If the forms described in this section are substantially followed, the referendum
2300 petitions are sufficient, notwithstanding clerical and merely technical errors.

2301 Section 16. Section **20A-7-604** is amended to read:

2302 **20A-7-604 . Manual referendum process -- Circulation requirements -- Local**
2303 **clerk to provide sponsors with materials.**

2304 (1) This section applies only to the manual referendum process.

2305 (2) In order to obtain the necessary number of signatures required by this part, the sponsors
2306 or an agent of the sponsors shall, after the sponsors receive the documents described in

- 2307 Subsections (3) and 20A-7-401.5(4)(b), circulate referendum packets that meet the form
2308 requirements of this part.
- 2309 (3) Within five days after the day on which a county, city, town, school district, or court
2310 determines, in accordance with Section 20A-7-602.7, that a proposed referendum is
2311 legally referable to voters, the local clerk shall provide the sponsors with:
- 2312 (a) a copy of the referendum petition;
2313 (b) a signature sheet; and
2314 (c) a copy of the proposition information pamphlet provided to the sponsors under
2315 Subsection 20A-7-401.5(4)(b).
- 2316 (4) The sponsors of the referendum petition shall:
- 2317 (a) arrange and pay for the printing of all documents that are part of the referendum
2318 packets; and
2319 (b) ensure that the referendum packets and the documents described in Subsection (4)(a)
2320 meet the form requirements of this section.
- 2321 (5)(a) The sponsors or an agent of the sponsors may prepare the referendum packets for
2322 circulation by creating multiple referendum packets.
- 2323 (b) The sponsors or an agent of the sponsors shall create referendum packets by binding
2324 a copy of the referendum petition with the text of the law that is the subject of the
2325 referendum and no more than 50 signature sheets together at the top in a manner that
2326 the referendum packets may be conveniently opened for signing.
- 2327 (c) A referendum packet is not required to have a uniform number of signature sheets.
- 2328 (d) The sponsors or an agent of the sponsors shall include, with each packet, a copy of
2329 the proposition information pamphlet provided to the sponsors under Subsection
2330 20A-7-401.5(4)(b).
- 2331 (6)(a) The sponsors or an agent of the sponsors shall, before gathering signatures:
- 2332 (i) contact the county clerk to receive a range of numbers that the sponsors may use
2333 to number referendum packets;
- 2334 (ii) sign an agreement with the local clerk, specifying the range of numbers that the
2335 sponsor will use to number the referendum packets; and
- 2336 (iii) number each referendum packet, sequentially, within the range of numbers
2337 provided by the county clerk, starting with the lowest number in the range.
- 2338 (b) The sponsors or an agent of the sponsors may not:
- 2339 (i) number a referendum packet in a manner not directed by the county clerk; or
2340 (ii) circulate or submit a referendum packet that is not numbered in the manner

2341 directed by the county clerk.

2342 *The following section is affected by a coordination clause at the end of this bill.*

2343 Section 17. Section **20A-7-607** is amended to read:

2344 **20A-7-607 . Evaluation by the local clerk -- Determination of election for vote on**
2345 **referendum.**

2346 (1) In relation to the manual referendum process, when the local clerk receives a
2347 referendum packet from a county clerk, the local clerk shall record the number of the
2348 referendum packet received.

2349 (2) The county clerk shall:

2350 (a) in relation to the manual referendum process:

2351 (i) post the names, voter identification numbers, and dates of signatures described in
2352 Subsection 20A-7-105(6)(a)(iii) on the lieutenant governor's website, in a
2353 conspicuous location designated by the lieutenant governor, for at least 45 days;
2354 and

2355 (ii) update on the local clerk's website the number of signatures certified as of the
2356 date of the update; or

2357 (b) in relation to the electronic referendum process:

2358 (i) post the names, voter identification numbers, and dates of signatures described in
2359 Subsection 20A-7-616(3) on the lieutenant governor's website, in a conspicuous
2360 location designated by the lieutenant governor, for at least 45 days; and

2361 (ii) update on the lieutenant governor's website the number of signatures certified as
2362 of the date of the update.

2363 (3) The local clerk:

2364 (a) shall, except as provided in Subsection (3)(b), declare the referendum petition to be
2365 sufficient or insufficient:

2366 (i) in relation to the manual referendum process, no later than 111 days after the day
2367 of the deadline, described in Subsection 20A-7-105(5)(a)(iv), to submit a
2368 referendum packet to the county clerk; or

2369 (ii) in relation to the electronic referendum process, no later than 111 days after the
2370 day of the deadline, described in Subsection 20A-7-616(2), to collect a signature;
2371 or

2372 (b) may declare the referendum petition to be insufficient before the day described in
2373 Subsection (3)(a) if:

2374 (i) in relation to the manual referendum process, the total of all valid signatures on

2375 timely and lawfully submitted referendum packets that have been certified by the
2376 county clerk, plus the number of signatures on timely and lawfully submitted
2377 referendum packets that have not yet been evaluated for certification, is less than
2378 the number of names required under Section 20A-7-601;

2379 (ii) in relation to the electronic referendum process, the total of all timely and
2380 lawfully submitted valid signatures that have been certified by the county clerks,
2381 plus the number of timely and lawfully submitted valid signatures received under
2382 Subsection 20A-21-201(6)(b) that have not yet been evaluated for certification, is
2383 less than the number of names required under Section 20A-7-601; or
2384 (iii) a requirement of this part has not been met.

2385 (4)(a) If the total number of names certified under Subsection (3) equals or exceeds the
2386 number of names required under Section 20A-7-601, and the requirements of this
2387 part are met, the local clerk shall mark upon the front of the referendum petition the
2388 word "sufficient."

2389 (b) If the total number of names certified under Subsection (3) does not equal or exceed
2390 the number of names required under Section 20A-7-601 or a requirement of this part
2391 is not met, the local clerk shall mark upon the front of the referendum petition the
2392 word "insufficient."

2393 (c) The local clerk shall immediately notify any one of the sponsors of the local clerk's
2394 finding.

2395 (d) After a referendum petition is declared insufficient, a person may not submit
2396 additional signatures to qualify the referendum for the ballot.

2397 (5)(a) If the local clerk refuses to declare a referendum petition sufficient, any voter
2398 may, no later than 10 days after the day on which the local clerk declares the
2399 referendum petition insufficient, apply to the appropriate court for an order finding
2400 the referendum petition legally sufficient.

2401 (b) If the court determines that the referendum petition is legally sufficient, the local
2402 clerk shall mark the referendum petition "sufficient" and consider the declaration of
2403 sufficiency effective as of the date on which the referendum petition should have
2404 been declared sufficient by the local clerk's office.

2405 (c) If the court determines that a referendum petition filed is not legally sufficient, the
2406 court may enjoin the local clerk and all other officers from:

2407 (i) certifying or printing the ballot title and numbers of that referendum on the official
2408 ballot for the next election; or

2409 (ii) as it relates to a local tax law or local school tax law that is conducted entirely by
2410 mail, certifying, printing, or mailing the ballot title and numbers of that
2411 referendum under Section 20A-7-609.5.

2412 (6) A referendum petition determined to be sufficient in accordance with this section is
2413 qualified for the ballot.

2414 (7)(a) Except as provided in Subsection (7)(b) or (c), if a referendum relates to
2415 legislative action taken after April 15, the election officer may not place the
2416 referendum on an election ballot until a primary election, a general election, or a
2417 special election the following year.

2418 (b) The election officer may place a referendum described in Subsection (7)(a) on the
2419 ballot for a special, primary, or general election held during the year that the
2420 legislative action was taken if the following agree, in writing, on a timeline to place
2421 the referendum on that ballot:

2422 (i) the local clerk;

2423 (ii) the county clerk; and

2424 (iii) the attorney for the [~~county or municipality~~] county, municipality, or school
2425 district that took the legislative action.

2426 (c) For a referendum on a land use law, if, before August 30, the local clerk or a court
2427 determines that the total number of certified names equals or exceeds the number of
2428 signatures required in Section 20A-7-601, the election officer shall place the
2429 referendum on the election ballot for:

2430 (i) the next general election; or

2431 (ii) another election, if the following agree, in writing, on a timeline to place the
2432 referendum on that ballot:

2433 (A) the affected owners, as defined in Section 10-9a-103 or 17-27a-103, as
2434 applicable;

2435 (B) the local clerk;

2436 (C) the county clerk; and

2437 (D) the attorney for the county or municipality that took the legislative action.

2438 Section 18. Section **20A-7-608** is amended to read:

2439 **20A-7-608 . Short title and summary of referendum -- Duties of local clerk and**
2440 **local attorney.**

2441 (1) Upon receipt of a referendum petition, the local clerk shall deliver a copy of the
2442 referendum petition and the law to which the referendum relates to the local attorney.

- 2443 (2) The local attorney shall:
- 2444 (a) entitle each [~~county or municipal~~] county, municipal, or school district referendum
- 2445 that qualifies for the ballot "Proposition Number ____" and give the referendum a
- 2446 number assigned in accordance with Section 20A-6-107;
- 2447 (b) prepare for the referendum:
- 2448 (i) an impartial short title, not exceeding 25 words, that generally describes the
- 2449 subject of the law to which the referendum relates; and
- 2450 (ii) an impartial summary of the contents of the law to which the referendum relates,
- 2451 not exceeding 125 words;
- 2452 (c) file the proposed short title, summary, and the numbered referendum title with the
- 2453 local clerk within 20 days after the day on which an eligible voter submits the
- 2454 referendum petition to the local clerk; and
- 2455 (d) promptly provide notice of the filing of the proposed short title and summary to:
- 2456 (i) the sponsors of the petition; and
- 2457 (ii) the local legislative body or the local school board for the jurisdiction where the
- 2458 referendum petition was circulated.
- 2459 (3)(a) The short title and summary may be distinct from the title of the law that is the
- 2460 subject of the referendum petition.
- 2461 (b) In preparing a short title, the local attorney shall, to the best of the local attorney's
- 2462 ability, give a true and impartial description of the subject of the referendum.
- 2463 (c) In preparing a summary, the local attorney shall, to the best of the local attorney's
- 2464 ability, give a true and impartial summary of the contents of the referendum.
- 2465 (d) The short title and summary may not intentionally be an argument, or likely to create
- 2466 prejudice, for or against the referendum.
- 2467 (4)(a) Within five calendar days after the day on which the local attorney files a
- 2468 proposed short title and summary under Subsection (2)(c), the local legislative body
- 2469 or local school board for the jurisdiction where the referendum petition was
- 2470 circulated and the sponsors of the referendum petition may file written comments in
- 2471 response to the proposed short title and summary with the local clerk.
- 2472 (b) Within five calendar days after the last date to submit written comments under
- 2473 Subsection (4)(a), the local attorney shall:
- 2474 (i) review any written comments filed in accordance with Subsection (4)(a);
- 2475 (ii) prepare a final short title and summary that meets the requirements of Subsection
- 2476 (3); and

- 2477 (iii) return the referendum petition and file the short title and summary with the local
2478 clerk.
- 2479 (c) Subject to Subsection (6), for each [~~county or municipal~~] county, municipal, or school
2480 district referendum, the following shall be printed on the official ballot:
- 2481 (i) the short title; and
- 2482 (ii) except as provided in Subsection (4)(d):
- 2483 (A) the summary;
- 2484 (B) a copy of the ordinance, resolution, or written description of the local law or
2485 local school tax law; and
- 2486 (C) a link to a location on the election officer's website where a voter may review
2487 additional information relating to each referendum, including the information
2488 described in Subsection 20A-7-602(2) and the arguments relating to the
2489 referendum that are included in the local voter information pamphlet.
- 2490 (d) Unless the information described in Subsection (4)(c)(ii) is printed on the official
2491 ballot, the election officer shall include with the ballot a separate ballot proposition
2492 insert that includes the short title and summary for each referendum on the ballot and
2493 a link to a location on the election officer's website where a voter may review the
2494 additional information described in Subsection (4)(c)(ii)(C).
- 2495 (e) Unless the information described in Subsection 20A-7-508(4)(c)(ii) for all initiatives
2496 on the ballot, and the information described in Subsection (4)(c)(ii) for all referenda
2497 on the ballot, is printed on the ballot, the ballot shall include the following statement
2498 at the beginning of the portion of the ballot that includes ballot measures, "The ballot
2499 proposition sheet included with this ballot contains an impartial summary of each
2500 initiative and referendum on this ballot, unless the summary is printed directly on the
2501 ballot."
- 2502 (5) Immediately after the local attorney files a copy of the short title and summary with the
2503 local clerk, the local clerk shall send a copy of the short title and summary to the
2504 sponsors of the referendum petition and the local legislative body or the local school
2505 board for the jurisdiction where the referendum petition was circulated.
- 2506 (6)(a) If the short title or summary provided by the local attorney is unsatisfactory or
2507 does not comply with the requirements of this section, the decision of the local
2508 attorney may be appealed to the appropriate court by:
- 2509 (i) at least three sponsors of the referendum petition; or
- 2510 (ii) a majority of the local legislative body or the local school board for the

2511 jurisdiction where the referendum petition was circulated.

2512 (b) The court:

2513 (i) shall examine the short title and summary and consider the arguments; and

2514 (ii) enter an order consistent with the requirements of this section.

2515 (c) The local clerk shall include the short title and summary in the ballot or ballot
2516 proposition insert, as required by this section.

2517 Section 19. Section **20A-7-609** is amended to read:

2518 **20A-7-609 . Form of ballot -- Manner of voting.**

2519 (1) The local clerk shall ensure that the number and ballot title are presented upon the
2520 official ballot with, immediately adjacent to them, the words "For" and "Against," each
2521 word presented with an adjacent square in which the elector may indicate the elector's
2522 vote.

2523 (2)(a) Except as provided in Subsection ~~[(2)(e)(i)]~~ (2)(d)(i) or Section 20A-7-609.5, and
2524 unless the county legislative body calls a special election, the county clerk shall
2525 ensure that a county referenda that [have] has qualified for the ballot ~~[appear]~~ appears
2526 on the next regular general election ballot.

2527 (b) Except as provided in Subsection ~~[(2)(e)(ii)]~~ (2)(d)(ii) or Section 20A-7-609.5, and
2528 unless the municipal legislative body calls a special election, the municipal recorder
2529 or clerk shall ensure that a municipal referenda that [have] has qualified for the ballot [
2530 ~~appear~~] appears on the next regular municipal election ballot.

2531 (c) Except as provided in Subsection (2)(d)(iii) or Section 20A-7-609.5, and unless the
2532 local school board calls a special election, the business administrator or
2533 superintendent shall ensure that a school district referenda that has qualified for the
2534 ballot appears on the next regular general election ballot.

2535 ~~[(e)(i) Except as provided in Section 20A-7-609.5,]~~

2536 (d)(i) ~~[if]~~ If a local law passes after January 30 of the year in which there is a regular
2537 general election, the county clerk shall ensure that a county referendum that has
2538 qualified for the ballot appears on the ballot at the second regular general election
2539 immediately following the passage of the local law unless the county legislative
2540 body calls a special election.

2541 (ii) ~~[Except as provided in Section 20A-7-609.5, if]~~ If a local law passes after January
2542 30 of the year in which there is a municipal general election, the municipal
2543 recorder or clerk shall ensure that a municipal referendum that has qualified for
2544 the ballot appears on the ballot at the second municipal general election

2545 immediately following the passage of the local law unless the municipal
2546 legislative body calls a special election.
2547 (iii) If a local law or local school tax law passes after January 30 of the year in which
2548 there is a regular general election, the business administrator or superintendent
2549 shall ensure that a school district referendum that has qualified for the ballot
2550 appears on the ballot at the second regular general election immediately following
2551 passage of the local law or local school tax law unless the local school board calls
2552 a special election.

2553 (3)(a)(i) A voter desiring to vote in favor of the law that is the subject of the
2554 referendum shall mark the square adjacent to the word "For."

2555 (ii) The law that is the subject of the referendum is effective if a majority of voters
2556 mark "For."

2557 (b)(i) A voter desiring to vote against the law that is the subject of the referendum
2558 shall mark the square following the word "Against."

2559 (ii) The law that is the subject of the referendum is not effective if a majority of
2560 voters mark "Against."

2561 Section 20. Section **20A-7-609.5** is amended to read:

2562 **20A-7-609.5 . Election on referendum challenging a local tax law or local school**
2563 **tax law conducted entirely by mail.**

2564 (1) An election officer may administer an election on a referendum challenging a local tax
2565 law or local school tax law entirely by mail.

2566 (2) For purposes of an election conducted under this section, the election officer shall:

2567 (a) designate as the election day the day that is 30 days after the day on which the
2568 election officer complies with Subsection (2)(b); and

2569 (b) within 30 days after the day on which the referendum described in Subsection (1)
2570 qualifies for the ballot, mail to each registered voter within the voting precincts or
2571 school district to which the local tax law or local school tax law applies:

2572 (i) a manual ballot;

2573 (ii) a statement that there will be no polling place for the election;

2574 (iii) a statement specifying the election day described in Subsection (2)(a);

2575 (iv) a business reply mail envelope;

2576 (v) instructions for returning the ballot that include an express notice about any
2577 relevant deadlines that the voter must meet in order for the voter's vote to be
2578 counted;

2579 (vi) a warning, on a separate page of colored paper in boldface print, indicating that if
 2580 the voter fails to follow the instructions included with the manual ballot, the voter
 2581 will be unable to vote in that election because there will be no polling place for the
 2582 election; and

2583 (vii)(A) a copy of the proposition information pamphlet relating to the referendum
 2584 if a proposition information pamphlet relating to the referendum was published
 2585 under Section 20A-7-401.5; or

2586 (B) a website address where an individual may view a copy of the proposition
 2587 information pamphlet described in Subsection (2)(b)(vii)(A).

2588 (3) An election officer who administers an election under this section shall:

2589 (a)(i) obtain, in person, the signatures of each voter within that voting precinct or
 2590 school district before the election; or

2591 (ii) obtain the signature of each voter within the voting precinct or school district
 2592 from the county clerk; and

2593 (b) maintain the signatures on file in the election officer's office.

2594 (4)(a) Upon receiving a returned manual ballot under this section, the election officer
 2595 shall compare the signature on each return envelope with the voter's signature that is
 2596 maintained on file and verify that the signatures are the same.

2597 (b) If the election officer questions the authenticity of the signature on the return
 2598 envelope, the election officer shall immediately contact the voter to verify the
 2599 signature.

2600 (c) If there is not a signature on the return envelope or if the election officer determines
 2601 that the signature on the return envelope does not match the voter's signature that is
 2602 maintained on file, the election officer shall:

2603 (i) disqualify the ballot; and

2604 (ii) notify the voter of the disqualification and the reason for the disqualification.

2605 Section 21. Section **20A-7-610** is amended to read:

2606 **20A-7-610 . Return and canvass -- Conflicting measures -- Law effective on**
 2607 **proclamation.**

2608 (1) The votes on the law that is the subject of the referendum petition shall be counted,
 2609 canvassed, and delivered as provided in [~~Title 20A, Chapter 4, Part 3, Canvassing~~
 2610 ~~Returns~~] Chapter 4, Part 3, Canvassing Returns.

2611 (2) After the local board of canvassers completes the canvass, the local clerk shall certify to
 2612 the local legislative body or the local school board the vote for and against the law that

2613 is the subject of the referendum petition.

2614 (3)(a) The local legislative body or the local school board shall immediately issue a
2615 proclamation that:

2616 (i) gives the total number of votes cast in the local jurisdiction for and against each
2617 law that is the subject of a referendum petition; and

2618 (ii) in accordance with Section 20A-7-611, declares those laws that are the subject of
2619 a referendum petition that are approved by majority vote to be in full force and
2620 effect as the law of the local jurisdiction.

2621 (b) When the local legislative body or the local school board determines that two laws,
2622 or that parts of two laws approved by the people at the same election are entirely in
2623 conflict, the local legislative body shall proclaim to be law the law that received the
2624 greatest number of affirmative votes, regardless of the difference in the majorities
2625 which those approved laws received.

2626 (4)(a) Within 10 days after the day on which the local legislative body or the local
2627 school board issues the proclamation described in Subsection (3), any qualified voter
2628 residing in the jurisdiction for a law that is declared by the local legislative body to
2629 be superseded by another law approved at the same election may bring an action in
2630 the appropriate court to review the decision.

2631 (b) The court shall:

2632 (i) consider the matter and decide whether the approved laws are entirely in conflict;
2633 and

2634 (ii) issue an order, consistent with the court's decision, to the local legislative body or
2635 the local school board.

2636 (5) Within 10 days after the day on which the court enters an order under Subsection

2637 (4)(b)(ii), the local legislative body or the local school board shall:

2638 (a) proclaim as law all those laws approved by the people that the court determines are
2639 not in conflict; and

2640 (b) of all those laws approved by the people as law that the court determines to be in
2641 conflict, proclaim as law the one that receives the greatest number of affirmative
2642 votes, regardless of the difference in majorities.

2643 Section 22. Section **20A-7-611** is amended to read:

2644 **20A-7-611 . Temporary stay -- Effective date -- Effect of repeal by local**
2645 **legislative body or local school board.**

2646 (1) Any law submitted to the people by referendum petition that is rejected by the voters at

- any election is repealed as of the date of the election.
- (2) If, at the time during the process described in Subsection 20A-7-607(2), the local clerk determines that, at that point in time, an adequate number of signatures are certified to comply with the signature requirements, the local clerk shall:
- (a) issue an order temporarily staying the law from going into effect; and
 - (b) continue the process of certifying signatures and removing signatures as required by this part.
- (3) The temporary stay described in Subsection (2) remains in effect, regardless of whether a future count falls below the signature threshold, until the day on which:
- (a) if the local clerk declares the referendum petition insufficient, five days after the day on which the local clerk declares the referendum petition insufficient; or
 - (b) if the local clerk declares the referendum petition sufficient, the day on which the local legislative body issues the proclamation described in Section 20A-7-610.
- (4) A law submitted to the people by referendum that is approved by the voters at an election takes effect the later of:
- (a) five days after the date of the official proclamation of the vote by the local legislative body; or
 - (b) the effective date specified in the approved law.
- (5) If, after the local clerk issues a temporary stay order under Subsection (2)(a), the local clerk declares the referendum petition insufficient, the law that is the subject of the referendum petition takes effect the later of:
- (a) five days after the day on which the local clerk declares the petition insufficient; or
 - (b) the effective date specified in the proposed law.
- (6)(a) A law approved by the people under this part is not subject to veto.
- (b) The local legislative body or the local school board may amend any laws approved by the people under this part after the people approve the law.
- (7) If the local legislative body or the local school board repeals a law challenged by referendum petition under this part, the referendum petition is void and no further action on the referendum petition is required.
- Section 23. Section **20A-7-613** is amended to read:
- 20A-7-613 . Property tax referendum petition.**
- (1) As used in this section[;] :
- (a) [~~"certified tax rate"~~] "Certified tax rate" means the same as that term is defined in Section 59-2-924.

- 2681 (b) "Taxing entity" means a county, city, town, or school district with the authority to
2682 levy a tax on property.
- 2683 (2) Except as provided in this section, the requirements of this part apply to a referendum
2684 petition challenging a taxing entity's legislative body's vote to impose a tax rate that
2685 exceeds the certified tax rate.
- 2686 (3) Notwithstanding Subsection 20A-7-105(5)(a)(iv), the sponsors or an agent of the
2687 sponsors shall deliver a signed and verified referendum packet to the county clerk of the
2688 county in which the packet was circulated before 5 p.m. no later than the earlier of:
2689 (a) 30 days after the day on which the first individual signs the packet; or
2690 (b) 40 days after the day on which the local clerk complies with Subsection
2691 20A-7-604(3).
- 2692 (4) Notwithstanding Subsections 20A-7-105(6)(a) and (9), the county clerk shall take the
2693 actions required in Subsections 20A-7-105(6)(a) and (9) within 10 working days after
2694 the day on which the county clerk receives the signed and verified referendum packet as
2695 described in Subsection (3).
- 2696 (5) The local clerk shall take the actions required by Section 20A-7-607 within two
2697 working days after:
2698 (a) in relation to the manual referendum process, the day on which the local clerk
2699 receives the referendum packets from the county clerk; or
2700 (b) in relation to the electronic referendum process, the deadline described in Subsection
2701 20A-7-616(2).
- 2702 (6) Notwithstanding Subsection 20A-7-608(2), the local attorney shall prepare the ballot
2703 title within two working days after the day on which the referendum petition is declared
2704 sufficient for submission to a vote of the people.
- 2705 (7) Notwithstanding Subsection [20A-7-609(2)(e)] 20A-7-609(2)(d), a referendum that
2706 qualifies for the ballot under this section shall appear on the ballot for the earlier of the
2707 next regular general election or the next municipal general election unless a special
2708 election is called.
- 2709 (8) The election officer shall mail manual ballots on a referendum under this section the
2710 later of:
2711 (a) the time provided in Section 20A-3a-202 or 20A-16-403; or
2712 (b) the time that ballots are prepared for mailing under this section.
- 2713 (9) Section 20A-7-402 does not apply to a referendum described in this section.
- 2714 (10)(a) If a majority of voters does not vote against imposing the tax at a rate calculated

to generate the increased revenue budgeted, adopted, and approved by the taxing entity's legislative body:

- (i) the certified tax rate for the fiscal year during which the referendum petition is filed is its most recent certified tax rate; and
- (ii) the proposed increased revenues for purposes of establishing the certified tax rate for the fiscal year after the fiscal year described in Subsection (10)(a)(i) are the proposed increased revenues budgeted, adopted, and approved by the taxing entity's legislative body before the filing of the referendum petition.

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

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

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

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

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

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

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

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

(c) If an election officer includes on a ballot a referendum described in Subsection (13)(a) that does not qualify for placement on the ballot, the election officer shall inform the voters by any practicable method that the referendum has not qualified for

2749 the ballot and that votes cast in relation to the referendum will not be counted.

2750 Section 24. Section **20A-7-614** is amended to read:

2751 **20A-7-614 . Electronic referendum process -- Form of referendum petition --**
2752 **Circulation requirements -- Signature collection.**

2753 (1) This section applies only to the electronic referendum process.

2754 (2)(a) The first screen presented on the approved device shall include the following statement:

2755 "This REFERENDUM PETITION is addressed to the Honorable ____, County
2756 Clerk/City Recorder/Town Clerk/Business Administrator/Superintendent:

2757 The citizens of Utah who sign this petition respectfully order that (description of the
2758 local law or local school tax law, or portion of the local law or local school tax law being
2759 challenged), passed by the ____ be referred to the voters for their approval or rejection at the
2760 regular/municipal general election to be held on _____(month\day\year)."

2761 (b) An individual may not advance to the second screen until the individual clicks a link
2762 at the bottom of the first screen stating, "By clicking here, I attest that I have read and
2763 understand the information presented on this screen."

2764 (3)(a) The second screen presented on the approved device shall include the entire text
2765 of the law that is the subject of the referendum petition.

2766 (b) An individual may not advance to the third screen until the individual clicks a link at
2767 the bottom of the second screen stating, "By clicking here, I attest that I have read
2768 and understand the entire text of the law that is the subject of the referendum
2769 petition."

2770 (4)(a) The third screen presented on the approved device shall include a statement
2771 indicating whether persons gathering signatures for the referendum petition may be
2772 paid for gathering signatures.

2773 (b) An individual may not advance to the fourth screen until the individual clicks a link
2774 at the bottom of the third screen stating, "By clicking here, I attest that I have read
2775 and understand the information presented on this screen."

2776 (5) The fourth screen presented on the approved device shall include the following statement,
2777 followed by links where the individual may click "yes" or "no":

2778 "I have personally read the entirety of each statement presented on this device;

2779 I am personally signing this referendum petition;

2780 I am registered to vote in Utah; and

2781 All information I enter on this device, including my residence and post office address, is
2782 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:
- (A) on or adjacent to the easement; or
- (B) in a public location that is reasonably likely to be seen by persons who are likely to be impacted by the easement; [or]
- (viii) if the affected area is an interlocal entity, within, or as applicable near, each jurisdiction that is part of the interlocal entity, in accordance with the provisions of this Subsection (1) that apply to that jurisdiction[:]; or
- (ix) if the affected area is a school district, in a public location within the school district that is reasonably likely to be seen by residents of the school district.
- (2) Subject to Subsection (5), a public body or a government official that is required to provide a class B notice shall:
- (a) comply with the requirements described in Subsection (1) for a class A notice;
- (b) if a statute, county ordinance, or municipal ordinance requires that the notice be provided for a designated geographic area, mail or otherwise deliver the public notice or a notice summary statement to each residence within, and, in accordance with Subsection (3), to each owner of real property located within, the designated geographic area; and
- (c) if a statute, county ordinance, or municipal ordinance requires that the notice be provided to one or more designated persons or real property owners, mail or otherwise deliver the public notice or a notice summary statement, in accordance with Subsection (3), to each designated person and real property owner.
- (3) When providing notice to a real property owner under Subsection (2)(b) or (c), the public body or government official shall:
- (a) use the current residential or business address of the real property owner;
- (b) if the public body or government official is not reasonably able to obtain the address described in Subsection (3)(a), use the last known address of the real property owner that the public body or government official is able to obtain via a reasonable inquiry

- 2851 into public records; or
- 2852 (c) if the public body or government official is not reasonably able to obtain an address
- 2853 described in Subsection (3)(a) or (b), post the notice on the real property.
- 2854 (4) A government official, a public body, or any other body that is required to post notice
- 2855 under Subsection (1) is not required to comply with Subsection (1)(c) if:
- 2856 (a) the affected area is the state;
- 2857 (b) the body is a specified body, as defined in Section 52-4-103;
- 2858 (c) the public body is the Legislature or a public body within the state legislative branch;
- 2859 or
- 2860 (d) the government official is required to post the notice on behalf of a body described in
- 2861 Subsection (4)(b) or (c).
- 2862 (5) If a statute, ordinance, or rule requires a public body or government official to provide
- 2863 notice for a period of time:
- 2864 (a) in relation to posting the notice on the Utah Public Notice Website, the requirement
- 2865 is not violated due to temporary technological issues that interrupt the posting, unless
- 2866 the posting is interrupted for more than 25% of the required posting time;
- 2867 (b) in relation to posting the notice in a physical location, the requirement is fulfilled if:
- 2868 (i) the notice is posted at or, except to the extent prohibited by law, before the
- 2869 beginning of the period of time;
- 2870 (ii) the public body or government official does not remove the posting before the
- 2871 end of the period of time; and
- 2872 (iii) until the end of the period of time, the public body or government official:
- 2873 (A) periodically verifies that the notice remains in place; and
- 2874 (B) replaces the notice within a reasonable time after discovering that the notice
- 2875 has been removed or damaged; and
- 2876 (c) in relation to mailing, sending, or otherwise delivering notice to a person, the mailing
- 2877 is made at or, except to the extent prohibited by law, before, the beginning of the
- 2878 period of time.

2879 **Section 26. Effective Date.**

2880 This bill takes effect on May 7, 2025.

2881 **Section 27. Coordinating H.B. 408 with H.B. 454.**

2882 If H.B. 408, School Board Referendum Amendments, and H.B. 454, Local

2883 Government Fees Modifications, both pass and become law, the Legislature intends that, on

2884 May 7, 2025:

2885 (1) the changes to Subsection 20A-7-607(5)(c) in H.B. 454 not be made; and
2886 (2) Subsection 20A-7-607(5)(c) in H.B. 408 be amended to read:
2887 "(c) If the court determines that a referendum petition filed is not legally sufficient, the
2888 court may enjoin the local clerk and all other officers from:
2889 (i) certifying or printing the ballot title and numbers of that referendum on the official
2890 ballot for the next election; or
2891 (ii) as it relates to a local [~~tax law~~] fiscal law or local school tax law that is conducted
2892 entirely by mail, certifying, printing, or mailing the ballot title and numbers of that referendum
2893 under Section 20A-7-609.5."