

1 **School Board Referendum Amendments**

2026 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Rex P. Shipp**

Senate Sponsor: Lincoln Fillmore

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3 **LONG TITLE**

4 **General Description:**

5 This bill amends provisions related to local referendums.

6 **Highlighted Provisions:**

7 This bill:

- 8 ▶ defines terms;
- 9 ▶ subject to certain exceptions, establishes a process for voters who are residents of a
- 10 school district to hold a referendum on a law passed by the school district's local school
- 11 board, including a law that increases a tax or imposes a new tax; and
- 12 ▶ makes technical and conforming changes.

13 **Money Appropriated in this Bill:**

14 None

15 **Other Special Clauses:**

16 None

17 **Utah Code Sections Affected:**

18 **AMENDS:**

19 **10-20-102**, as renumbered and amended by Laws of Utah 2025, First Special Session,  
20 Chapter 15

21 **10-20-902**, as renumbered and amended by Laws of Utah 2025, First Special Session,  
22 Chapter 15

23 **17-79-102**, as renumbered and amended by Laws of Utah 2025, First Special Session,  
24 Chapter 14

25 **17-79-803**, as renumbered and amended by Laws of Utah 2025, First Special Session,  
26 Chapter 14

27 **20A-1-102**, as last amended by Laws of Utah 2025, First Special Session, Chapter 6

28 **20A-4-301**, as last amended by Laws of Utah 2025, Chapter 448

29 **20A-7-101**, as last amended by Laws of Utah 2025, First Special Session, Chapter 16

30 **20A-7-102**, as last amended by Laws of Utah 1994, Chapter 272

- 31 **20A-7-401.3**, as last amended by Laws of Utah 2024, Chapter 438
- 32 **20A-7-401.5**, as last amended by Laws of Utah 2025, Chapter 448
- 33 **20A-7-402**, as last amended by Laws of Utah 2025, Chapter 448
- 34 **20A-7-405**, as enacted by Laws of Utah 2019, Chapter 203
- 35 **20A-7-601**, as last amended by Laws of Utah 2025, First Special Session, Chapter 15
- 36 **20A-7-602**, as last amended by Laws of Utah 2023, Chapter 107
- 37 **20A-7-602.5**, as last amended by Laws of Utah 2024, Chapter 442
- 38 **20A-7-602.7**, as last amended by Laws of Utah 2025, Chapter 448
- 39 **20A-7-603**, as last amended by Laws of Utah 2024, Chapter 442
- 40 **20A-7-604**, as last amended by Laws of Utah 2025, Chapter 448
- 41 **20A-7-607**, as last amended by Laws of Utah 2025, First Special Session, Chapter 16
- 42 **20A-7-608**, as last amended by Laws of Utah 2025, Chapter 448
- 43 **20A-7-609**, as last amended by Laws of Utah 2025, Chapter 381
- 44 **20A-7-609.5**, as last amended by Laws of Utah 2025, Chapters 381, 448
- 45 **20A-7-610**, as last amended by Laws of Utah 2025, Chapter 448
- 46 **20A-7-611**, as last amended by Laws of Utah 2025, Chapter 448
- 47 **20A-7-613**, as last amended by Laws of Utah 2025, Chapter 448
- 48 **20A-7-614**, as last amended by Laws of Utah 2024, Chapter 442
- 49 **63G-30-102**, as enacted by Laws of Utah 2023, Chapter 435

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

52 Section 1. Section **10-20-102** is amended to read:

53 **10-20-102 . 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
- 63 under Title 17D, Chapter 1, Special Service District Act, school district, interlocal
- 64 cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act,

- 65 specified public utility, property owner, property owners association, or the Department  
66 of Transportation, if:
- 67 (a) the entity's services or facilities are likely to require expansion or significant  
68 modification because of an intended use of land;
- 69 (b) the entity has filed with the municipality a copy of the entity's general or long-range  
70 plan; or
- 71 (c) the entity has filed with the municipality a request for notice during the same  
72 calendar year and before the municipality provides notice to an affected entity in  
73 compliance with a requirement imposed under this chapter.
- 74 (4) "Affected owner" means the owner of real property that is:
- 75 (a) a single project;
- 76 (b) the subject of a land use approval that sponsors of a referendum timely challenged in  
77 accordance with [~~Section 20A-7-601~~] Subsection 20A-7-601(7); and
- 78 (c) determined to be legally referable under Section 20A-7-602.8.
- 79 (5) "Appeal authority" means the person, board, commission, agency, or other body  
80 designated by ordinance to decide an appeal of a decision of a land use application or a  
81 variance.
- 82 (6) "Billboard" means a freestanding ground sign located on industrial, commercial, or  
83 residential property if the sign is designed or intended to direct attention to a business,  
84 product, or service that is not sold, offered, or existing on the property where the sign is  
85 located.
- 86 (7)(a) "Boundary adjustment" means an agreement between adjoining property owners  
87 to relocate a common boundary that results in a conveyance of property between the  
88 adjoining lots, adjoining parcels, or adjoining lots and parcels.
- 89 (b) "Boundary adjustment" does not mean a modification of a lot or parcel boundary that:
- 90 (i) creates an additional lot or parcel; or
- 91 (ii) is made by the Department of Transportation.
- 92 (8)(a) "Boundary establishment" means an agreement between adjoining property  
93 owners to clarify the location of an ambiguous, uncertain, or disputed common  
94 boundary.
- 95 (b) "Boundary establishment" does not mean a modification of a lot or parcel boundary  
96 that:
- 97 (i) creates an additional lot or parcel; or
- 98 (ii) is made by the Department of Transportation.

99 (9) "Building code adoption cycle" means the period of time beginning the day on which a  
 100 specific edition of a construction code from a nationally recognized code authority is  
 101 adopted and effective in Title 15A, State Construction and Fire Codes Act, until the day  
 102 before a new edition of a construction code is adopted and effective in Title 15A, State  
 103 Construction and Fire Codes Act.

104 [(9)] (10)(a) "Charter school" means:

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

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

111 [~~(10) "Building code adoption cycle" means the period of time beginning the day on which~~  
 112 ~~a specific edition of a construction code from a nationally recognized code authority is~~  
 113 ~~adopted and effective in Title 15A, State Construction and Fire Codes Act, until the day~~  
 114 ~~before a new edition of a construction code is adopted and effective in Title 15A, State~~  
 115 ~~Construction and Fire Codes Act.]~~

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

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

- 122 (a) Fifth or Fourteenth Amendment [~~of the Constitution of the United States~~] to the  
 123 United States Constitution; or
- 124 (b) Utah Constitution, Article I, Section 22.

125 (13) "Conveyance document" means an instrument that:

- 126 (a) meets the definition of "document" in Section 57-1-1; and
- 127 (b) meets the requirements of Section 57-1-45.5.

128 (14) "Conveyance of property" means the transfer of ownership of any portion of real  
 129 property from one person to another person.

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

- 133 (16) "Department of Transportation" means the entity created in Section 72-1-201.
- 134 (17) "Development activity" means:
- 135 (a) any construction or expansion of a building, structure, or use that creates additional
- 136 demand and need for public facilities;
- 137 (b) any change in use of a building or structure that creates additional demand and need
- 138 for public facilities; or
- 139 (c) any change in the use of land that creates additional demand and need for public
- 140 facilities.
- 141 (18)(a) "Development agreement" means a written agreement or amendment to a written
- 142 agreement between a municipality and one or more parties that regulates or controls
- 143 the use or development of a specific area of land.
- 144 (b) "Development agreement" does not include an improvement completion assurance.
- 145 (19)(a) "Disability" means a physical or mental impairment that substantially limits one
- 146 or more of a person's major life activities, including a person having a record of such
- 147 an impairment or being regarded as having such an impairment.
- 148 (b) "Disability" does not include current illegal use of, or addiction to, any federally
- 149 controlled substance, as defined in the Controlled Substances Act, 21 U.S.C. Sec. 802.
- 150 (20) "Document" means the same as that term is defined in Section 57-1-1.
- 151 (21) "Educational facility":
- 152 (a) means:
- 153 (i) a school district's building at which pupils assemble to receive instruction in a
- 154 program for any combination of grades from preschool through grade 12,
- 155 including kindergarten and a program for children with disabilities;
- 156 (ii) a structure or facility:
- 157 (A) located on the same property as a building described in Subsection (21)(a)(i);
- 158 and
- 159 (B) used in support of the use of that building; and
- 160 (iii) a building to provide office and related space to a school district's administrative
- 161 personnel; and
- 162 (b) does not include:
- 163 (i) land or a structure, including land or a structure for inventory storage, equipment
- 164 storage, food processing or preparing, vehicle storage or maintenance, or similar
- 165 use that is:
- 166 (A) not located on the same property as a building described in Subsection

- 167 (21)(a)(i); and  
168 (B) used in support of the purposes of a building described in Subsection (21)(a)(i);  
169 or  
170 (ii) a therapeutic school.
- 171 (22) "Establishment document" means an instrument that:  
172 (a) meets the definition of "document" in Section 57-1-1; and  
173 (b) meets the requirements of Section 57-1-45.
- 174 [~~(23) "Full boundary adjustment" means a boundary adjustment that is not a simple~~  
175 ~~boundary adjustment.~~]
- 176 [~~(24)~~ (23) "Fire authority" means the department, agency, or public entity with  
177 responsibility to review and approve the feasibility of fire protection and suppression  
178 services for the subject property.
- 179 [~~(25)~~ (24) "Flood plain" means land that:  
180 (a) is within the 100-year flood plain designated by the Federal Emergency Management  
181 Agency; or  
182 (b) has not been studied or designated by the Federal Emergency Management Agency  
183 but presents a likelihood of experiencing chronic flooding or a catastrophic flood  
184 event because the land has characteristics that are similar to those of a 100-year flood  
185 plain designated by the Federal Emergency Management Agency.
- 186 (25) "Full boundary adjustment" means a boundary adjustment that is not a simple  
187 boundary adjustment.
- 188 (26) "General plan" means a document that a municipality adopts that sets forth general  
189 guidelines for proposed future development of the land within the municipality.
- 190 (27) "Geologic hazard" means:  
191 (a) a surface fault rupture;  
192 (b) shallow groundwater;  
193 (c) liquefaction;  
194 (d) a landslide;  
195 (e) a debris flow;  
196 (f) unstable soil;  
197 (g) a rock fall; or  
198 (h) any other geologic condition that presents a risk:  
199 (i) to life;  
200 (ii) of substantial loss of real property; or

- 201 (iii) of substantial damage to real property.
- 202 (28) "Historic preservation authority" means a person, board, commission, or other body  
203 designated by a legislative body to:
- 204 (a) recommend land use regulations to preserve local historic districts or areas; and  
205 (b) administer local historic preservation land use regulations within a local historic  
206 district or area.
- 207 (29) "Home-based microschool" means the same as that term is defined in Section  
208 53G-6-201.
- 209 (30) "Hookup fee" means a fee for the installation and inspection of any pipe, line, meter,  
210 or appurtenance that connects to a municipal water, sewer, storm water, power, or other  
211 utility system.
- 212 (31)(a) "Identical plans" means floor plans submitted to a municipality that:
- 213 (i) are submitted within the same building code adoption cycle as floor plans that  
214 were previously approved by the municipality;
- 215 (ii) have no structural differences from floor plans that were previously approved by  
216 the municipality; and
- 217 (iii) describe a building that:
- 218 (A) is located on land zoned the same as the land on which the building described  
219 in the previously approved plans is located;
- 220 (B) has a substantially identical floor plan to a floor plan previously approved by  
221 the municipality; and
- 222 (C) does not require any engineering or analysis beyond a review to confirm the  
223 submitted floor plans are substantially identical to a floor plan previously  
224 approved by the municipality or a review of the site plan and associated  
225 geotechnical reports for the site.
- 226 (b) "Identical plans" include floor plans that are oriented differently as the floor plan that  
227 was previously approved by the municipality.
- 228 (32) "Impact fee" means a payment of money imposed under Title 11, Chapter 36a, Impact  
229 Fees Act.
- 230 (33) "Improvement completion assurance" means a surety bond, letter of credit, financial  
231 institution bond, cash, assignment of rights, lien, or other equivalent security required by  
232 a municipality to guaranty the proper completion of landscaping or an infrastructure  
233 improvement required as a condition precedent to:
- 234 (a) recording a subdivision plat; or

- 235 (b) development of a commercial, industrial, mixed use, or multifamily project.
- 236 (34) "Improvement warranty" means an applicant's unconditional warranty that the
- 237 applicant's installed and accepted landscaping or infrastructure improvement:
- 238 (a) complies with the municipality's written standards for design, materials, and
- 239 workmanship; and
- 240 (b) will not fail in any material respect, as a result of poor workmanship or materials,
- 241 within the improvement warranty period.
- 242 (35) "Improvement warranty period" means a period:
- 243 (a) no later than one year after a municipality's acceptance of required public
- 244 landscaping; or
- 245 (b) no later than one year after a municipality's acceptance of required infrastructure,
- 246 unless the municipality:
- 247 (i) determines, based on accepted industry standards and for good cause, that a
- 248 one-year period would be inadequate to protect the public health, safety, and
- 249 welfare; and
- 250 (ii) has substantial evidence, on record:
- 251 (A) of prior poor performance by the applicant; or
- 252 (B) that the area upon which the infrastructure will be constructed contains
- 253 suspect soil and the municipality has not otherwise required the applicant to
- 254 mitigate the suspect soil.
- 255 (36) "Infrastructure improvement" means permanent infrastructure that is essential for the
- 256 public health and safety or that:
- 257 (a) is required for human occupation; and
- 258 (b) an applicant shall install:
- 259 (i) in accordance with published installation and inspection specifications for public
- 260 improvements; and
- 261 (ii) whether the improvement is public or private, as a condition of:
- 262 (A) recording a subdivision plat;
- 263 (B) obtaining a building permit; or
- 264 (C) development of a commercial, industrial, mixed use, condominium, or
- 265 multifamily project.
- 266 (37) "Internal lot restriction" means a platted note, platted demarcation, or platted
- 267 designation that:
- 268 (a) runs with the land; and

- 269 (b)(i) creates a restriction that is enclosed within the perimeter of a lot described on  
270 the plat; or
- 271 (ii) designates a development condition that is enclosed within the perimeter of a lot  
272 described on the plat.
- 273 (38) "Land use applicant" means a property owner, or the property owner's designee, who  
274 submits a land use application regarding the property owner's land.
- 275 (39) "Land use application":
- 276 (a) means an application that is:
- 277 (i) required by a municipality; and
- 278 (ii) submitted by a land use applicant to obtain a land use decision; and
- 279 (b) does not mean an application to enact, amend, or repeal a land use regulation.
- 280 (40) "Land use authority" means:
- 281 (a) a person, board, commission, agency, or body, including the local legislative body,  
282 designated by the local legislative body to act upon a land use application; or
- 283 (b) if the local legislative body has not designated a person, board, commission, agency,  
284 or body, the local legislative body.
- 285 (41) "Land use decision" means an administrative decision of a land use authority or appeal  
286 authority regarding:
- 287 (a) a land use permit; or
- 288 (b) a land use application.
- 289 (42) "Land use permit" means a permit issued by a land use authority.
- 290 (43) "Land use regulation":
- 291 (a) means a legislative decision enacted by ordinance, law, code, map, resolution,  
292 engineering or development standard, specification for public improvement, fee, or  
293 rule that governs the use or development of land;
- 294 (b) includes the adoption or amendment of a zoning map or the text of the zoning code;  
295 and
- 296 (c) does not include:
- 297 (i) a land use decision of the legislative body acting as the land use authority, even if  
298 the decision is expressed in a resolution or ordinance; or
- 299 (ii) a temporary revision to an engineering specification that does not materially:
- 300 (A) increase a land use applicant's cost of development compared to the existing  
301 specification; or
- 302 (B) impact a land use applicant's use of land.

- 303 (44) "Legislative body" means the municipal council.
- 304 (45) "Local historic district or area" means a geographically definable area that:
- 305 (a) contains any combination of buildings, structures, sites, objects, landscape features,
- 306 archeological sites, or works of art that contribute to the historic preservation goals of
- 307 a legislative body; and
- 308 (b) is subject to land use regulations to preserve the historic significance of the local
- 309 historic district or area.
- 310 (46) "Lot" means a tract of land, regardless of any label, that is created by and shown on a
- 311 subdivision plat that has been recorded in the office of the county recorder.
- 312 (47) "Major transit investment corridor" means public transit service that uses or occupies:
- 313 (a) public transit rail right-of-way;
- 314 (b) dedicated road right-of-way for the use of public transit, such as bus rapid transit; or
- 315 (c) fixed-route bus corridors subject to an interlocal agreement or contract between a
- 316 municipality or county and:
- 317 (i) a public transit district as defined in Section 17B-2a-802; or
- 318 (ii) an eligible political subdivision as defined in Section 59-12-2202.
- 319 (48) "Micro-education entity" means the same as that term is defined in Section 53G-6-201.
- 320 (49) "Moderate income housing" means housing occupied or reserved for occupancy by
- 321 households with a gross household income equal to or less than 80% of the median gross
- 322 income for households of the same size in the county in which the city is located.
- 323 (50) "Municipal utility easement" means an easement that:
- 324 (a) is created or depicted on a plat recorded in a county recorder's office and is described
- 325 as a municipal utility easement granted for public use;
- 326 (b) is not a protected utility easement or a public utility easement as defined in Section
- 327 54-3-27;
- 328 (c) the municipality or the municipality's affiliated governmental entity uses and
- 329 occupies to provide a utility service, including sanitary sewer, culinary water,
- 330 electrical, storm water, or communications or data lines;
- 331 (d) is used or occupied with the consent of the municipality in accordance with an
- 332 authorized franchise or other agreement;
- 333 (e)(i) is used or occupied by a specified public utility in accordance with an
- 334 authorized franchise or other agreement; and
- 335 (ii) is located in a utility easement granted for public use; or
- 336 (f) is described in Section 10-20-615 and is used by a specified public utility.

- 337 (51) "Nominal fee" means a fee that reasonably reimburses a municipality only for time  
338 spent and expenses incurred in:
- 339 (a) verifying that building plans are identical plans; and
  - 340 (b) reviewing and approving those minor aspects of identical plans that differ from the  
341 previously reviewed and approved building plans.
- 342 (52) "Noncomplying structure" means a structure that:
- 343 (a) legally existed before the structure's current land use designation; and
  - 344 (b) because of one or more subsequent land use ordinance changes, does not conform to  
345 the setback, height restrictions, or other regulations, excluding those regulations,  
346 which govern the use of land.
- 347 (53) "Nonconforming use" means a use of land that:
- 348 (a) legally existed before its current land use designation;
  - 349 (b) has been maintained continuously since the time the land use ordinance governing  
350 the land changed; and
  - 351 (c) because of one or more subsequent land use ordinance changes, does not conform to  
352 the regulations that now govern the use of the land.
- 353 (54) "Official map" means a map drawn by municipal authorities and recorded in a county  
354 recorder's office that:
- 355 (a) shows actual and proposed rights-of-way, centerline alignments, and setbacks for  
356 highways and other transportation facilities;
  - 357 (b) provides a basis for restricting development in designated rights-of-way or between  
358 designated setbacks to allow the government authorities time to purchase or  
359 otherwise reserve the land; and
  - 360 (c) has been adopted as an element of the municipality's general plan.
- 361 (55) "Parcel" means any real property that is not a lot.
- 362 (56) "Person" means an individual, corporation, partnership, organization, association, trust,  
363 governmental agency, or any other legal entity.
- 364 (57) "Plan for moderate income housing" means a written document adopted by a  
365 municipality's legislative body that includes:
- 366 (a) an estimate of the existing supply of moderate income housing located within the  
367 municipality;
  - 368 (b) an estimate of the need for moderate income housing in the municipality for the next  
369 five years;
  - 370 (c) a survey of total residential land use;

- 371 (d) an evaluation of how existing land uses and zones affect opportunities for moderate  
372 income housing; and
- 373 (e) a description of the municipality's program to encourage an adequate supply of  
374 moderate income housing.
- 375 (58) "Planning commission" means the commission established under Section 10-20-301.
- 376 (59) "Plat" means an instrument subdividing property into lots as depicted on a map or  
377 other graphical representation of lands that a licensed professional land surveyor makes  
378 and prepares in accordance with Section 10-20-803 or 57-8-13.
- 379 (60) "Potential geologic hazard area" means an area that:
- 380 (a) is designated by a Utah Geological Survey map, county geologist map, or other  
381 relevant map or report as needing further study to determine the area's potential for  
382 geologic hazard; or
- 383 (b) has not been studied by the Utah Geological Survey or a county geologist but  
384 presents the potential of geologic hazard because the area has characteristics similar  
385 to those of a designated geologic hazard area.
- 386 (61) "Public agency" means:
- 387 (a) the federal government;
- 388 (b) the state;
- 389 (c) a county, municipality, school district, special district, special service district, or  
390 other political subdivision of the state; or
- 391 (d) a charter school.
- 392 (62) "Public hearing" means a hearing at which members of the public are provided a  
393 reasonable opportunity to comment on the subject of the hearing.
- 394 (63) "Public meeting" means a meeting that is required to be open to the public under Title  
395 52, Chapter 4, Open and Public Meetings Act.
- 396 (64) "Public street" means a public right-of-way, including a public highway, public  
397 avenue, public boulevard, public parkway, public road, public lane, public alley, public  
398 viaduct, public subway, public tunnel, public bridge, public byway, other public  
399 transportation easement, or other public way.
- 400 (65) "Receiving zone" means an area that a municipality designates, by ordinance, as an  
401 area in which an owner of land may receive a transferable development right.
- 402 (66) "Record of survey map" means a map of a survey of land prepared in accordance with  
403 Section 17-73-504.
- 404 (67) "Residential facility for persons with a disability" means a residence:

- 405 (a) in which more than one person with a disability resides; and  
406 (b) which is licensed or certified by the Department of Health and Human Services  
407 under:  
408 (i) Title 26B, Chapter 2, Part 1, Human Services Programs and Facilities; or  
409 (ii) Title 26B, Chapter 2, Part 2, Health Care Facility Licensing and Inspection.
- 410 (68) "Residential roadway" means a public local residential road that:  
411 (a) will serve primarily to provide access to adjacent primarily residential areas and  
412 property;  
413 (b) is designed to accommodate minimal traffic volumes or vehicular traffic;  
414 (c) is not identified as a supplementary to a collector or other higher system classified  
415 street in an approved municipal street or transportation master plan;  
416 (d) has a posted speed limit of 25 miles per hour or less;  
417 (e) does not have higher traffic volumes resulting from connecting previously separated  
418 areas of the municipal road network;  
419 (f) cannot have a primary access, but can have a secondary access, and does not abut lots  
420 intended for high volume traffic or community centers, including schools, recreation  
421 centers, sports complexes, or libraries; and  
422 (g) primarily serves traffic within a neighborhood or limited residential area and is not  
423 necessarily continuous through several residential areas.
- 424 (69) "Rules of order and procedure" means a set of rules that govern and prescribe in a  
425 public meeting:  
426 (a) parliamentary order and procedure;  
427 (b) ethical behavior; and  
428 (c) civil discourse.
- 429 (70) "Sanitary sewer authority" means the department, agency, or public entity with  
430 responsibility to review and approve the feasibility of sanitary sewer services or onsite  
431 wastewater systems.
- 432 (71) "Sending zone" means an area that a municipality designates, by ordinance, as an area  
433 from which an owner of land may transfer a transferable development right.
- 434 (72) "Simple boundary adjustment" means a boundary adjustment that does not:  
435 (a) affect a public right-of-way, municipal utility easement, or other public property;  
436 (b) affect an existing easement, onsite wastewater system, or an internal lot restriction; or  
437 (c) result in a lot or parcel out of conformity with land use regulations.
- 438 (73) "Special district" means an entity under Title 17B, Limited Purpose Local Government

439 Entities - Special Districts, and any other governmental or quasi-governmental entity  
440 that is not a county, municipality, school district, or the state.

441 (74) "Specified public agency" means:

442 (a) the state;

443 (b) a school district; or

444 (c) a charter school.

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

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

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

452 (b) "Subdivision" includes:

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

456 (ii) except as provided in Subsection (77)(c), divisions of land for residential and  
457 nonresidential uses, including land used or to be used for commercial, agricultural,  
458 and industrial purposes.

459 (c) "Subdivision" does not include:

460 (i) a bona fide division or partition of land used for agricultural purposes as provided  
461 in Subsection 10-20-808(2);

462 (ii) a recorded conveyance document:

463 (A) consolidating multiple lots or parcels into one legal description encompassing  
464 all lots by reference to a recorded plat and all parcels by metes and bounds  
465 description; or

466 (B) joining a lot to a parcel;

467 (iii) a bona fide division of land by deed or other instrument if the deed or other  
468 instrument states in writing that the division:

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

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

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

472 (iv) a boundary adjustment;

- 473 (v) a boundary establishment;
- 474 (vi) a road, street, or highway dedication plat;
- 475 (vii) a deed or easement for a road, street, or highway purpose; or
- 476 (viii) any other division of land authorized by law.
- 477 (78)(a) "Subdivision amendment" means an amendment to a recorded subdivision in
- 478 accordance with Section 10-20-811 that:
- 479 (i) vacates all or a portion of the subdivision;
- 480 (ii) increases the number of lots within the subdivision;
- 481 (iii) alters a public right-of-way, a public easement, or public infrastructure within the
- 482 subdivision; or
- 483 (iv) alters a common area or other common amenity within the subdivision.
- 484 (b) "Subdivision amendment" does not include a simple boundary adjustment.
- 485 (79) "Substantial evidence" means evidence that:
- 486 (a) is beyond a scintilla; and
- 487 (b) a reasonable mind would accept as adequate to support a conclusion.
- 488 (80) "Suspect soil" means soil that has:
- 489 (a) a high susceptibility for volumetric change, typically clay rich, having more than a
- 490 3% swell potential;
- 491 (b) bedrock units with high shrink or swell susceptibility; or
- 492 (c) gypsiferous silt and clay, gypsum, or bedrock units containing abundant gypsum
- 493 commonly associated with dissolution and collapse features.
- 494 (81) "Therapeutic school" means a residential group living facility:
- 495 (a) for four or more individuals who are not related to:
- 496 (i) the owner of the facility; or
- 497 (ii) the primary service provider of the facility;
- 498 (b) that serves students who have a history of failing to function:
- 499 (i) at home;
- 500 (ii) in a public school; or
- 501 (iii) in a nonresidential private school; and
- 502 (c) that offers:
- 503 (i) room and board; and
- 504 (ii) an academic education integrated with:
- 505 (A) specialized structure and supervision; or
- 506 (B) services or treatment related to a disability, an emotional development, a

507 behavioral development, a familial development, or a social development.

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

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

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

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

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

515 (i) a contract; or

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

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

519 Section 2. Section **10-20-902** is amended to read:

520 **10-20-902 . Applicant's entitlement to land use application approval --**

521 **Municipality's requirements and limitations -- Vesting upon submission of development**  
 522 **plan and schedule.**

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

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

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

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

532 (A) the land use authority, on the record, formally finds that a compelling,

533 countervailing public interest would be jeopardized by approving the

534 application and specifies the compelling, countervailing public interest in

535 writing; or

536 (B) in the manner provided by local ordinance and before the applicant submits

537 the application, the municipality formally initiates proceedings to amend the

538 municipality's land use regulations in a manner that would prohibit approval of

539 the application as submitted.

540 (b) The municipality shall process an application without regard to proceedings the

- 541 municipality initiated to amend the municipality's ordinances as described in  
542 Subsection (1)(a)(ii)(B) if:
- 543 (i) 180 days have passed since the municipality initiated the proceedings; and
  - 544 (ii)(A) the proceedings have not resulted in an enactment that prohibits approval  
545 of the application as submitted; or
  - 546 (B) during the 12 months before the municipality processing the application, or  
547 multiple applications of the same type, are impaired or prohibited under the  
548 terms of a temporary land use regulation adopted under Section 10-20-504.
- 549 (c) A land use application is considered submitted and complete when the applicant  
550 provides the application in a form that complies with the requirements of applicable  
551 ordinances and pays all applicable fees.
- 552 (d) A subsequent incorporation of a municipality or a petition that proposes the  
553 incorporation of a municipality does not affect a land use application approved by a  
554 county in accordance with Section 17-79-803.
- 555 (e) Unless a phasing sequence is required in an executed development agreement, a  
556 municipality shall, without regard to any other separate and distinct land use  
557 application, accept and process a complete land use application.
- 558 (f) The continuing validity of an approval of a land use application is conditioned upon  
559 the applicant proceeding after approval to implement the approval with reasonable  
560 diligence.
- 561 (g) A municipality may not impose on an applicant who has submitted a complete  
562 application a requirement that is not expressed in:
- 563 (i) this chapter;
  - 564 (ii) a municipal ordinance in effect on the date that the applicant submits a complete  
565 application, subject to Subsection 10-20-902(1)(a)(ii); or
  - 566 (iii) a municipal specification for public improvements applicable to a subdivision or  
567 development that is in effect on the date that the applicant submits an application.
- 568 (h) A municipality may not impose on a holder of an issued land use permit or a final,  
569 unexpired subdivision plat a requirement that is not expressed:
- 570 (i) in a land use permit;
  - 571 (ii) on the subdivision plat;
  - 572 (iii) in a document on which the land use permit or subdivision plat is based;
  - 573 (iv) in the written record evidencing approval of the land use permit or subdivision  
574 plat;

- 575 (v) in this chapter;
- 576 (vi) in a municipal ordinance; or
- 577 (vii) in a municipal specification for residential roadways in effect at the time a
- 578 residential subdivision was approved.
- 579 (i) Except as provided in Subsection (1)(j) or (k), a municipality may not withhold
- 580 issuance of a certificate of occupancy or acceptance of subdivision improvements
- 581 because of an applicant's failure to comply with a requirement that is not expressed:
- 582 (i) in the building permit or subdivision plat, documents on which the building permit
- 583 or subdivision plat is based, or the written record evidencing approval of the land
- 584 use permit or subdivision plat; or
- 585 (ii) in this chapter or the municipality's ordinances.
- 586 (j) A municipality may not unreasonably withhold issuance of a certificate of occupancy
- 587 where an applicant has met all requirements essential for the public health, public
- 588 safety, and general welfare of the occupants, in accordance with this chapter, unless:
- 589 (i) the applicant and the municipality have agreed in a written document to the
- 590 withholding of a certificate of occupancy; or
- 591 (ii) the applicant has not provided a financial assurance for required and uncompleted
- 592 public landscaping improvements or infrastructure improvements in accordance
- 593 with an applicable local ordinance.
- 594 (k) A municipality may not conduct a final inspection required before issuing a
- 595 certificate of occupancy for a residential unit that is within the boundary of an
- 596 infrastructure financing district, as defined in Section 17B-1-102, until the applicant
- 597 for the certificate of occupancy provides adequate proof to the municipality that any
- 598 lien on the unit arising from the infrastructure financing district's assessment against
- 599 the unit under Title 11, Chapter 42, Assessment Area Act, has been released after
- 600 payment in full of the infrastructure financing district's assessment against that unit.
- 601 (l) A municipality:
- 602 (i) may require the submission of a private landscaping plan, as defined in Section
- 603 10-20-807, before landscaping is installed; and
- 604 (ii) may not withhold an applicant's building permit or certificate of occupancy
- 605 because the applicant has not submitted a private landscaping plan.
- 606 (2) A municipality is bound by the terms and standards of applicable land use regulations
- 607 and shall comply with mandatory provisions of those regulations.
- 608 (3) A municipality may not, as a condition of land use application approval, require a

609 person filing a land use application to obtain documentation regarding a school district's  
 610 willingness, capacity, or ability to serve the development proposed in the land use  
 611 application.

612 (4) Upon a specified public agency's submission of a development plan and schedule as  
 613 required in Subsection 10-20-304(8) that complies with the requirements of that  
 614 subsection, the specified public agency vests in the municipality's applicable land use  
 615 maps, zoning map, hookup fees, impact fees, other applicable development fees, and  
 616 land use regulations in effect on the date of submission.

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

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

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

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

625 (i) the relevant land use approval; and

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

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

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

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

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

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

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

636 Section 3. Section **17-79-102** is amended to read:

637 **17-79-102 . Definitions.**

638 As used in this chapter:

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

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

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

- 643 or land use decision; or
- 644 (b) will suffer a damage different in kind than, or an injury distinct from, that of the  
645 general community as a result of the land use decision.
- 646 (3) "Affected entity" means a county, municipality, special district, special service district  
647 under Title 17D, Chapter 1, Special Service District Act, school district, interlocal  
648 cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act,  
649 specified property owner, property owner's association, public utility, or the Department  
650 of Transportation, if:
- 651 (a) the entity's services or facilities are likely to require expansion or significant  
652 modification because of an intended use of land;
- 653 (b) the entity has filed with the county a copy of the entity's general or long-range plan;  
654 or
- 655 (c) the entity has filed with the county a request for notice during the same calendar year  
656 and before the county provides notice to an affected entity in compliance with a  
657 requirement imposed under this chapter.
- 658 (4) "Affected owner" means the owner of real property that is:
- 659 (a) a single project;
- 660 (b) the subject of a land use approval that sponsors of a referendum timely challenged in  
661 accordance with Subsection ~~[20A-7-601(6)]~~ 20A-7-601(7); and
- 662 (c) determined to be legally referable under Section 20A-7-602.8.
- 663 (5) "Appeal authority" means the person, board, commission, agency, or other body  
664 designated by ordinance to decide an appeal of a decision of a land use application or a  
665 variance.
- 666 (6) "Billboard" means a freestanding ground sign located on industrial, commercial, or  
667 residential property if the sign is designed or intended to direct attention to a business,  
668 product, or service that is not sold, offered, or existing on the property where the sign is  
669 located.
- 670 ~~[(7) "Building code adoption cycle" means the period of time beginning the day on which a  
671 specific edition of a construction code from a nationally recognized code authority is  
672 adopted and effective in Title 15A, State Construction and Fire Codes Act, until the day  
673 before a new edition of a construction code is adopted and effective in Title 15A, State  
674 Construction and Fire Codes Act.]~~
- 675 ~~[(8)]~~ (7)(a) "Boundary adjustment" means an agreement between adjoining property  
676 owners to relocate a common boundary that results in a conveyance of property

- 677 between the adjoining lots, adjoining parcels, or adjoining lots and parcels.
- 678 (b) "Boundary adjustment" does not mean a modification of a lot or parcel boundary that:
- 679 (i) creates an additional lot or parcel; or
- 680 (ii) is made by the Department of Transportation.
- 681 [(9)] (8)(a) "Boundary establishment" means an agreement between adjoining property
- 682 owners to clarify the location of an ambiguous, uncertain, or disputed common
- 683 boundary.
- 684 (b) "Boundary establishment" does not mean a modification of a lot or parcel boundary
- 685 that:
- 686 (i) creates an additional lot or parcel; or
- 687 (ii) is made by the Department of Transportation.
- 688 (9) "Building code adoption cycle" means the period of time beginning the day on which a
- 689 specific edition of a construction code from a nationally recognized code authority is
- 690 adopted and effective in Title 15A, State Construction and Fire Codes Act, until the day
- 691 before a new edition of a construction code is adopted and effective in Title 15A, State
- 692 Construction and Fire Codes Act.
- 693 (10)(a) "Charter school" means:
- 694 (i) an operating charter school;
- 695 (ii) a charter school applicant that a charter school authorizer approves in accordance
- 696 with Title 53G, Chapter 5, Part 3, Charter School Authorization; or
- 697 (iii) an entity that is working on behalf of a charter school or approved charter
- 698 applicant to develop or construct a charter school building.
- 699 (b) "Charter school" does not include a therapeutic school.
- 700 (11) "Chief executive officer" means the person or body that exercises the executive powers
- 701 of the county.
- 702 (12) "Conditional use" means a land use that, because of the unique characteristics or
- 703 potential impact of the land use on the county, surrounding neighbors, or adjacent land
- 704 uses, may not be compatible in some areas or may be compatible only if certain
- 705 conditions are required that mitigate or eliminate the detrimental impacts.
- 706 (13) "Constitutional taking" means a governmental action that results in a taking of private
- 707 property so that compensation to the owner of the property is required by the:
- 708 (a) Fifth or Fourteenth Amendment [~~of the Constitution of the United States~~] to the
- 709 United States Constitution; or
- 710 (b) Utah Constitution, Article I, Section 22.

- 711 (14) "Conveyance document" means an instrument that:
- 712 (a) meets the definition of "document" in Section 57-1-1; and
- 713 (b) meets the requirements of Section 57-1-45.5.
- 714 (15) "Conveyance of property" means the transfer of ownership of any portion of real
- 715 property from one person to another person.
- 716 (16) "County utility easement" means an easement that:
- 717 (a) a plat recorded in a county recorder's office described as a county utility easement or
- 718 otherwise as a utility easement;
- 719 (b) is not a protected utility easement or a public utility easement as defined in Section
- 720 54-3-27;
- 721 (c) the county or the county's affiliated governmental entity owns or creates; and
- 722 (d)(i) either:
- 723 (A) no person uses or occupies; or
- 724 (B) the county or the county's affiliated governmental entity uses and occupies to
- 725 provide a utility service, including sanitary sewer, culinary water, electrical,
- 726 storm water, or communications or data lines; or
- 727 (ii) a person uses or occupies with or without an authorized franchise or other
- 728 agreement with the county.
- 729 (17) "Culinary water authority" means the department, agency, or public entity with
- 730 responsibility to review and approve the feasibility of the culinary water system and
- 731 sources for the subject property.
- 732 (18) "Department of Transportation" means the entity created in Section 72-1-201.
- 733 (19) "Development activity" means:
- 734 (a) any construction or expansion of a building, structure, or use that creates additional
- 735 demand and need for public facilities;
- 736 (b) any change in use of a building or structure that creates additional demand and need
- 737 for public facilities; or
- 738 (c) any change in the use of land that creates additional demand and need for public
- 739 facilities.
- 740 (20)(a) "Development agreement" means a written agreement or amendment to a written
- 741 agreement between a county and one or more parties that regulates or controls the use
- 742 or development of a specific area of land.
- 743 (b) "Development agreement" does not include an improvement completion assurance.
- 744 (21)(a) "Disability" means a physical or mental impairment that substantially limits one

745 or more of a person's major life activities, including a person having a record of such  
746 an impairment or being regarded as having such an impairment.

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

750 (22) "Document" means the same as that term is defined in Section 57-1-1.

751 (23) "Educational facility":

752 (a) means:

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

756 (ii) a structure or facility:

757 (A) located on the same property as a building described in Subsection (23)(a)(i);  
758 and

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

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

762 (b) does not include:

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

766 (A) not located on the same property as a building described in Subsection  
767 (23)(a)(i); and

768 (B) used in support of the purposes of a building described in Subsection (23)(a)(i);  
769 or

770 (ii) a therapeutic school.

771 (24) "Establishment document" means an instrument that:

772 (a) meets the definition of "document" in Section 57-1-1; and

773 (b) meets the requirements of Section 57-1-45.

774 [~~(25) "Full boundary adjustment" means a boundary adjustment that is not a simple~~  
775 ~~boundary adjustment.]~~

776 [(26)] (25) "Fire authority" means the department, agency, or public entity with  
777 responsibility to review and approve the feasibility of fire protection and suppression  
778 services for the subject property.

- 779 [(27)] (26) "Flood plain" means land that:
- 780 (a) is within the 100-year flood plain designated by the Federal Emergency Management  
781 Agency; or
- 782 (b) has not been studied or designated by the Federal Emergency Management Agency  
783 but presents a likelihood of experiencing chronic flooding or a catastrophic flood  
784 event because the land has characteristics that are similar to those of a 100-year flood  
785 plain designated by the Federal Emergency Management Agency.
- 786 (27) "Full boundary adjustment" means a boundary adjustment that is not a simple  
787 boundary adjustment.
- 788 (28) "Gas corporation" has the same meaning as defined in Section 54-2-1.
- 789 (29) "General plan" means a document that a county adopts that sets forth general  
790 guidelines for proposed future development of:
- 791 (a) the unincorporated land within the county; or
- 792 (b) for a mountainous planning district, the land within the mountainous planning  
793 district.
- 794 (30) "Geologic hazard" means:
- 795 (a) a surface fault rupture;
- 796 (b) shallow groundwater;
- 797 (c) liquefaction;
- 798 (d) a landslide;
- 799 (e) a debris flow;
- 800 (f) unstable soil;
- 801 (g) a rock fall; or
- 802 (h) any other geologic condition that presents a risk:
- 803 (i) to life;
- 804 (ii) of substantial loss of real property; or
- 805 (iii) of substantial damage to real property.
- 806 (31) "Home-based microschool" means the same as that term is defined in Section  
807 53G-6-201.
- 808 (32) "Hookup fee" means a fee for the installation and inspection of any pipe, line, meter,  
809 or appurtenance to connect to a county water, sewer, storm water, power, or other utility  
810 system.
- 811 (33)(a) "Identical plans" means floor plans submitted to a county that:
- 812 (i) are submitted within the same building code adoption cycle as floor plans that

- 813 were previously approved by the county;
- 814 (ii) have no structural differences from floor plans that were previously approved by
- 815 the county; and
- 816 (iii) describe a building that:
- 817 (A) is located on land zoned the same as the land on which the building described
- 818 in the previously approved plans is located;
- 819 (B) has a substantially identical floor plan to a floor plan previously approved by
- 820 the county; and
- 821 (C) does not require any engineering or analysis beyond a review to confirm the
- 822 submitted floor plans are substantially identical to a floor plan previously
- 823 approved by the county or a review of the site plan and associated geotechnical
- 824 reports for the site.
- 825 (b) "Identical plans" include floor plans that are oriented differently as the floor plan that
- 826 was previously approved by the county.
- 827 (34) "Impact fee" means a payment of money imposed under Title 11, Chapter 36a, Impact
- 828 Fees Act.
- 829 (35) "Improvement completion assurance" means a surety bond, letter of credit, financial
- 830 institution bond, cash, assignment of rights, lien, or other equivalent security required by
- 831 a county to guaranty the proper completion of landscaping or an infrastructure
- 832 improvement required as a condition precedent to:
- 833 (a) recording a subdivision plat; or
- 834 (b) development of a commercial, industrial, mixed use, or multifamily project.
- 835 (36) "Improvement warranty" means an applicant's unconditional warranty that the
- 836 applicant's installed and accepted landscaping or infrastructure improvement:
- 837 (a) complies with the county's written standards for design, materials, and workmanship;
- 838 and
- 839 (b) will not fail in any material respect, as a result of poor workmanship or materials,
- 840 within the improvement warranty period.
- 841 (37) "Improvement warranty period" means a period:
- 842 (a) no later than one year after a county's acceptance of required public landscaping; or
- 843 (b) no later than one year after a county's acceptance of required infrastructure, unless
- 844 the county:
- 845 (i) determines, based on accepted industry standards and for good cause, that a
- 846 one-year period would be inadequate to protect the public health, safety, and

- 847 welfare; and
- 848 (ii) has substantial evidence, on record:
- 849 (A) of prior poor performance by the applicant; or
- 850 (B) that the area upon which the infrastructure will be constructed contains
- 851 suspect soil and the county has not otherwise required the applicant to mitigate
- 852 the suspect soil.
- 853 (38) "Infrastructure improvement" means permanent infrastructure that is essential for the
- 854 public health and safety or that:
- 855 (a) is required for human consumption; and
- 856 (b) an applicant shall install:
- 857 (i) in accordance with published installation and inspection specifications for public
- 858 improvements; and
- 859 (ii) as a condition of:
- 860 (A) recording a subdivision plat;
- 861 (B) obtaining a building permit; or
- 862 (C) developing a commercial, industrial, mixed use, condominium, or multifamily
- 863 project.
- 864 (39) "Internal lot restriction" means a platted note, platted demarcation, or platted
- 865 designation that:
- 866 (a) runs with the land; and
- 867 (b)(i) creates a restriction that is enclosed within the perimeter of a lot described on
- 868 the plat; or
- 869 (ii) designates a development condition that is enclosed within the perimeter of a lot
- 870 described on the plat.
- 871 (40) "Interstate pipeline company" means a person or entity engaged in natural gas
- 872 transportation subject to the jurisdiction of the Federal Energy Regulatory Commission
- 873 under the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.
- 874 (41) "Intrastate pipeline company" means a person or entity engaged in natural gas
- 875 transportation that is not subject to the jurisdiction of the Federal Energy Regulatory
- 876 Commission under the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.
- 877 (42) "Land use applicant" means a property owner, or the property owner's designee, who
- 878 submits a land use application regarding the property owner's land.
- 879 (43) "Land use application":
- 880 (a) means an application that is:

- 881 (i) required by a county; and
- 882 (ii) submitted by a land use applicant to obtain a land use decision; and
- 883 (b) does not mean an application to enact, amend, or repeal a land use regulation.
- 884 (44) "Land use authority" means:
- 885 (a) a person, board, commission, agency, or body, including the local legislative body,
- 886 designated by the local legislative body to act upon a land use application; or
- 887 (b) if the local legislative body has not designated a person, board, commission, agency,
- 888 or body, the local legislative body.
- 889 (45) "Land use decision" means an administrative decision of a land use authority or appeal
- 890 authority regarding:
- 891 (a) a land use permit;
- 892 (b) a land use application; or
- 893 (c) the enforcement of a land use regulation, land use permit, or development agreement.
- 894 (46) "Land use permit" means a permit issued by a land use authority.
- 895 (47) "Land use regulation":
- 896 (a) means a legislative decision enacted by ordinance, law, code, map, resolution,
- 897 engineering or development standard, specification for public improvement, fee, or
- 898 rule that governs the use or development of land;
- 899 (b) includes the adoption or amendment of a zoning map or the text of the zoning code;
- 900 and
- 901 (c) does not include:
- 902 (i) a land use decision of the legislative body acting as the land use authority, even if
- 903 the decision is expressed in a resolution or ordinance; or
- 904 (ii) a temporary revision to an engineering specification that does not materially:
- 905 (A) increase a land use applicant's cost of development compared to the existing
- 906 specification; or
- 907 (B) impact a land use applicant's use of land.
- 908 (48) "Legislative body" means the county legislative body, or for a county that has adopted
- 909 an alternative form of government, the body exercising legislative powers.
- 910 (49) "Lot" means a tract of land, regardless of any label, that is created by and shown on a
- 911 subdivision plat that has been recorded in the office of the county recorder.
- 912 (50) "Major transit investment corridor" means public transit service that uses or occupies:
- 913 (a) public transit rail right-of-way;
- 914 (b) dedicated road right-of-way for the use of public transit, such as bus rapid transit; or

- 915 (c) fixed-route bus corridors subject to an interlocal agreement or contract between a  
916 municipality or county and:
- 917 (i) a public transit district as defined in Section 17B-2a-802; or  
918 (ii) an eligible political subdivision as defined in Section 59-12-2202.
- 919 (51) "Micro-education entity" means the same as that term is defined in Section 53G-6-201.
- 920 (52) "Moderate income housing" means housing occupied or reserved for occupancy by  
921 households with a gross household income equal to or less than 80% of the median gross  
922 income for households of the same size in the county in which the housing is located.
- 923 (53) "Mountainous planning district" means an area designated by a county legislative body  
924 in accordance with Section 17-79-408.
- 925 (54) "Nominal fee" means a fee that reasonably reimburses a county only for time spent and  
926 expenses incurred in:
- 927 (a) verifying that building plans are identical plans; and  
928 (b) reviewing and approving those minor aspects of identical plans that differ from the  
929 previously reviewed and approved building plans.
- 930 (55) "Noncomplying structure" means a structure that:
- 931 (a) legally existed before the structure's current land use designation; and  
932 (b) because of one or more subsequent land use ordinance changes, does not conform to  
933 the setback, height restrictions, or other regulations, excluding those regulations that  
934 govern the use of land.
- 935 (56) "Nonconforming use" means a use of land that:
- 936 (a) legally existed before the current land use designation;  
937 (b) has been maintained continuously since the time the land use ordinance regulation  
938 governing the land changed; and  
939 (c) because of one or more subsequent land use ordinance changes, does not conform to  
940 the regulations that now govern the use of the land.
- 941 (57) "Official map" means a map drawn by county authorities and recorded in the county  
942 recorder's office that:
- 943 (a) shows actual and proposed rights-of-way, centerline alignments, and setbacks for  
944 highways and other transportation facilities;  
945 (b) provides a basis for restricting development in designated rights-of-way or between  
946 designated setbacks to allow the government authorities time to purchase or  
947 otherwise reserve the land; and  
948 (c) has been adopted as an element of the county's general plan.

- 949 (58) "Parcel" means any real property that is not a lot.
- 950 (59) "Person" means an individual, corporation, partnership, organization, association, trust,  
951 governmental agency, or any other legal entity.
- 952 (60) "Plan for moderate income housing" means a written document adopted by a county  
953 legislative body that includes:
- 954 (a) an estimate of the existing supply of moderate income housing located within the  
955 county;
- 956 (b) an estimate of the need for moderate income housing in the county for the next five  
957 years;
- 958 (c) a survey of total residential land use;
- 959 (d) an evaluation of how existing land uses and zones affect opportunities for moderate  
960 income housing; and
- 961 (e) a description of the county's program to encourage an adequate supply of moderate  
962 income housing.
- 963 (61) "Planning advisory area" means a contiguous, geographically defined portion of the  
964 unincorporated area of a county established under this part with planning and zoning  
965 functions as exercised through the planning advisory area planning commission, as  
966 provided in this chapter, but with no legal or political identity separate from the county  
967 and no taxing authority.
- 968 (62) "Plat" means an instrument subdividing property into lots as depicted on a map or  
969 other graphical representation of lands that a licensed professional land surveyor makes  
970 and prepares in accordance with Section 17-79-703 or 57-8-13.
- 971 (63) "Potential geologic hazard area" means an area that:
- 972 (a) is designated by a Utah Geological Survey map, county geologist map, or other  
973 relevant map or report as needing further study to determine the area's potential for  
974 geologic hazard; or
- 975 (b) has not been studied by the Utah Geological Survey or a county geologist but  
976 presents the potential of geologic hazard because the area has characteristics similar  
977 to those of a designated geologic hazard area.
- 978 (64) "Public agency" means:
- 979 (a) the federal government;
- 980 (b) the state;
- 981 (c) a county, municipality, school district, special district, special service district, or  
982 other political subdivision of the state; or

983 (d) a charter school.

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

986 (66) "Public meeting" means a meeting that is required to be open to the public under Title  
987 52, Chapter 4, Open and Public Meetings Act.

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

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

995 (69) "Record of survey map" means a map of a survey of land prepared in accordance with  
996 Section 17-73-504.

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

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

999 (b) which is licensed or certified by the Department of Health and Human Services  
1000 under:

1001 (i) Title 26B, Chapter 2, Part 1, Human Services Programs and Facilities; or

1002 (ii) Title 26B, Chapter 2, Part 2, Health Care Facility Licensing and Inspection.

1003 (71) "Residential roadway" means a public local residential road that:

1004 (a) will serve primarily to provide access to adjacent primarily residential areas and  
1005 property;

1006 (b) is designed to accommodate minimal traffic volumes or vehicular traffic;

1007 (c) is not identified as a supplementary to a collector or other higher system classified  
1008 street in an approved municipal street or transportation master plan;

1009 (d) has a posted speed limit of 25 miles per hour or less;

1010 (e) does not have higher traffic volumes resulting from connecting previously separated  
1011 areas of the municipal road network;

1012 (f) cannot have a primary access, but can have a secondary access, and does not abut lots  
1013 intended for high volume traffic or community centers, including schools, recreation  
1014 centers, sports complexes, or libraries; and

1015 (g) primarily serves traffic within a neighborhood or limited residential area and is not  
1016 necessarily continuous through several residential areas.

- 1017 (72) "Rules of order and procedure" means a set of rules that govern and prescribe in a  
1018 public meeting:
- 1019 (a) parliamentary order and procedure;
- 1020 (b) ethical behavior; and
- 1021 (c) civil discourse.
- 1022 (73) "Sanitary sewer authority" means the department, agency, or public entity with  
1023 responsibility to review and approve the feasibility of sanitary sewer services or onsite  
1024 wastewater systems.
- 1025 (74) "Sending zone" means an unincorporated area that a county designates, by ordinance,  
1026 as an area from which an owner of land may transfer a transferable development right.
- 1027 (75) "Simple boundary adjustment" means a boundary adjustment that does not:
- 1028 (a) affect a public right-of-way, county utility easement, or other public property;
- 1029 (b) affect an existing easement, onsite wastewater system, or an internal lot restriction; or
- 1030 (c) result in a lot or parcel out of conformity with land use regulations.
- 1031 (76) "Site plan" means a document or map that may be required by a county during a  
1032 preliminary review before the issuance of a building permit to demonstrate that an  
1033 owner's or developer's proposed development activity meets a land use requirement.
- 1034 (77)(a) "Special district" means an entity under Title 17B, Limited Purpose Local  
1035 Government Entities - Special Districts.
- 1036 (b) "Special district" includes a governmental or quasi-governmental entity that is not a  
1037 county, municipality, school district, or the state.
- 1038 (78) "Specified public agency" means:
- 1039 (a) the state;
- 1040 (b) a school district; or
- 1041 (c) a charter school.
- 1042 (79) "Specified public utility" means an electrical corporation, gas corporation, or telephone  
1043 corporation, as those terms are defined in Section 54-2-1.
- 1044 (80) "State" includes any department, division, or agency of the state.
- 1045 (81)(a) "Subdivision" means any land that is divided, resubdivided, or proposed to be  
1046 divided into two or more lots or other division of land for the purpose, whether  
1047 immediate or future, for offer, sale, lease, or development either on the installment  
1048 plan or upon any and all other plans, terms, and conditions.
- 1049 (b) "Subdivision" includes:
- 1050 (i) the division or development of land, whether by deed, metes and bounds

1051 description, devise and testacy, map, plat, or other recorded instrument, regardless  
1052 of whether the division includes all or a portion of a parcel or lot; and  
1053 (ii) except as provided in Subsection (81)(c), divisions of land for residential and  
1054 nonresidential uses, including land used or to be used for commercial, agricultural,  
1055 and industrial purposes.

1056 (c) "Subdivision" does not include:

1057 (i) a bona fide division or partition of agricultural land for agricultural purposes;

1058 (ii) a recorded conveyance document:

1059 (A) consolidating multiple lots or parcels into one legal description encompassing  
1060 all lots by reference to a recorded plat and all parcels by metes and bounds  
1061 description; or

1062 (B) joining a lot to a parcel;

1063 (iii) a bona fide division or partition of land in a county other than a first class county  
1064 for the purpose of siting, on one or more of the resulting separate parcels:

1065 (A) an electrical transmission line or a substation;

1066 (B) a natural gas pipeline or a regulation station; or

1067 (C) an unmanned telecommunications, microwave, fiber optic, electrical, or other  
1068 utility service regeneration, transformation, retransmission, or amplification  
1069 facility;

1070 (iv) a bona fide division of land by deed or other instrument if the deed or other  
1071 instrument states in writing that the division:

1072 (A) is in anticipation of future land use approvals on the parcel or parcels;

1073 (B) does not confer any land use approvals; and

1074 (C) has not been approved by the land use authority;

1075 (v) a boundary adjustment;

1076 (vi) a boundary establishment;

1077 (vii) a road, street, or highway dedication plat;

1078 (viii) a deed or easement for a road, street, or highway purpose; or

1079 (ix) any other division of land authorized by law.

1080 (82)(a) "Subdivision amendment" means an amendment to a recorded subdivision in  
1081 accordance with Section 17-79-711 that:

1082 (i) vacates all or a portion of the subdivision;

1083 (ii) increases the number of lots within the subdivision;

1084 (iii) alters a public right-of-way, a public easement, or public infrastructure within the

- 1085 subdivision; or
- 1086 (iv) alters a common area or other common amenity within the subdivision.
- 1087 (b) "Subdivision amendment" does not include a simple boundary adjustment.
- 1088 (83) "Substantial evidence" means evidence that:
- 1089 (a) is beyond a scintilla; and
- 1090 (b) a reasonable mind would accept as adequate to support a conclusion.
- 1091 (84) "Suspect soil" means soil that has:
- 1092 (a) a high susceptibility for volumetric change, typically clay rich, having more than a
- 1093 3% swell potential;
- 1094 (b) bedrock units with high shrink or swell susceptibility; or
- 1095 (c) gypsiferous silt and clay, gypsum, or bedrock units containing abundant gypsum
- 1096 commonly associated with dissolution and collapse features.
- 1097 (85) "Therapeutic school" means a residential group living facility:
- 1098 (a) for four or more individuals who are not related to:
- 1099 (i) the owner of the facility; or
- 1100 (ii) the primary service provider of the facility;
- 1101 (b) that serves students who have a history of failing to function:
- 1102 (i) at home;
- 1103 (ii) in a public school; or
- 1104 (iii) in a nonresidential private school; and
- 1105 (c) that offers:
- 1106 (i) room and board; and
- 1107 (ii) an academic education integrated with:
- 1108 (A) specialized structure and supervision; or
- 1109 (B) services or treatment related to a disability, an emotional development, a
- 1110 behavioral development, a familial development, or a social development.
- 1111 (86) "Transferable development right" means a right to develop and use land that originates
- 1112 by an ordinance that authorizes a land owner in a designated sending zone to transfer
- 1113 land use rights from a designated sending zone to a designated receiving zone.
- 1114 (87) "Unincorporated" means the area outside of the incorporated area of a municipality.
- 1115 (88) "Water interest" means any right to the beneficial use of water, including:
- 1116 (a) each of the rights listed in Section 73-1-11; and
- 1117 (b) an ownership interest in the right to the beneficial use of water represented by:
- 1118 (i) a contract; or

1119 (ii) a share in a water company, as defined in Section 73-3-3.5.

1120 (89) "Zoning map" means a map, adopted as part of a land use ordinance, that depicts land  
1121 use zones, overlays, or districts.

1122 Section 4. Section **17-79-803** is amended to read:

1123 **17-79-803 . Applicant's entitlement to land use application approval --**

1124 **Application relating to land in a high priority transportation corridor -- County's**  
1125 **requirements and limitations -- Vesting upon submission of development plan and**  
1126 **schedule.**

1127 (1)(a)(i) Subject to Subsection (7), an applicant who has submitted a complete land  
1128 use application, including the payment of all application fees, is entitled to  
1129 substantive review of the application under the land use regulations:

1130 (A) in effect on the date that the application is complete; and

1131 (B) applicable to the application or to the information shown on the submitted  
1132 application.

1133 (ii) An applicant is entitled to approval of a land use application if the application  
1134 conforms to the requirements of the applicable land use regulations, land use  
1135 decisions, and development standards in effect when the applicant submits a  
1136 complete application and pays all application fees, unless:

1137 (A) the land use authority, on the record, formally finds that a compelling,  
1138 countervailing public interest would be jeopardized by approving the  
1139 application and specifies the compelling, countervailing public interest in  
1140 writing; or

1141 (B) in the manner provided by local ordinance and before the applicant submits  
1142 the application, the county formally initiates proceedings to amend the county's  
1143 land use regulations in a manner that would prohibit approval of the  
1144 application as submitted.

1145 (b) The county shall process an application without regard to proceedings the county  
1146 initiated to amend the county's ordinances as described in Subsection (1)(a)(ii)(B) if:

1147 (i) 180 days have passed since the county initiated the proceedings; and

1148 (ii)(A) the proceedings have not resulted in an enactment that prohibits approval  
1149 of the application as submitted; or

1150 (B) during the 12 months before the county processing the application or multiple  
1151 applications of the same type, the application is impaired or prohibited under  
1152 the terms of a temporary land use regulation adopted under Section 17-79-504.

- 1153 (c) A land use application is considered submitted and complete when the applicant  
1154 provides the application in a form that complies with the requirements of applicable  
1155 ordinances and pays all applicable fees.
- 1156 (d) Unless a phasing sequence is required in an executed development agreement, a  
1157 county shall, without regard to any other separate and distinct land use application,  
1158 accept and process a complete land use application in accordance with this chapter.
- 1159 (e) The continuing validity of an approval of a land use application is conditioned upon  
1160 the applicant proceeding after approval to implement the approval with reasonable  
1161 diligence.
- 1162 (f) Subject to Subsection (7), a county may not impose on an applicant who has  
1163 submitted a complete application a requirement that is not expressed in:  
1164 (i) this chapter;  
1165 (ii) a county ordinance in effect on the date that the applicant submits a complete  
1166 application, subject to Subsection (1)(a)(ii); or  
1167 (iii) a county specification for public improvements applicable to a subdivision or  
1168 development that is in effect on the date that the applicant submits an application.
- 1169 (g) A county may not impose on a holder of an issued land use permit or a final,  
1170 unexpired subdivision plat a requirement that is not expressed:  
1171 (i) in a land use permit;  
1172 (ii) on the subdivision plat;  
1173 (iii) in a document on which the land use permit or subdivision plat is based;  
1174 (iv) in the written record evidencing approval of the land use permit or subdivision  
1175 plat;  
1176 (v) in this chapter;  
1177 (vi) in a county ordinance; or  
1178 (vii) in a county specification for residential roadways in effect at the time a  
1179 residential subdivision was approved.
- 1180 (h) Except as provided in Subsection (1)(i) or (j), a county may not withhold issuance of  
1181 a certificate of occupancy or acceptance of subdivision improvements because of an  
1182 applicant's failure to comply with a requirement that is not expressed:  
1183 (i) in the building permit or subdivision plat, documents on which the building permit  
1184 or subdivision plat is based, or the written record evidencing approval of the  
1185 building permit or subdivision plat; or  
1186 (ii) in this chapter or the county's ordinances.

- 1187 (i) A county may not unreasonably withhold issuance of a certificate of occupancy  
1188 where an applicant has met all requirements essential for the public health, public  
1189 safety, and general welfare of the occupants, in accordance with this chapter, unless:  
1190 (i) the applicant and the county have agreed in a written document to the withholding  
1191 of a certificate of occupancy; or  
1192 (ii) the applicant has not provided a financial assurance for required and uncompleted  
1193 public landscaping improvements or infrastructure improvements in accordance  
1194 with an applicable local ordinance.
- 1195 (j) A county may not conduct a final inspection required before issuing a certificate of  
1196 occupancy for a residential unit that is within the boundary of an infrastructure  
1197 financing district, as defined in Section 17B-1-102, until the applicant for the  
1198 certificate of occupancy provides adequate proof to the county that any lien on the  
1199 unit arising from the infrastructure financing district's assessment against the unit  
1200 under Title 11, Chapter 42, Assessment Area Act, has been released after payment in  
1201 full of the infrastructure financing district's assessment against that unit.
- 1202 (k) A county:
- 1203 (i) may require the submission of a private landscaping plan, as defined in Section  
1204 17-79-707, before landscaping is installed; and  
1205 (ii) may not withhold an applicant's building permit or certificate of occupancy  
1206 because the applicant has not submitted a private landscaping plan.
- 1207 (2) A county is bound by the terms and standards of applicable land use regulations and  
1208 shall comply with mandatory provisions of those regulations.
- 1209 (3) A county may not, as a condition of land use application approval, require a person  
1210 filing a land use application to obtain documentation regarding a school district's  
1211 willingness, capacity, or ability to serve the development proposed in the land use  
1212 application.
- 1213 (4) Subject to Subsection (7), a specified public agency's submission of a development plan  
1214 and schedule as required in Subsection 17-79-305(8) that complies with the  
1215 requirements of that subsection, the specified public agency vests in the county's  
1216 applicable land use maps, zoning map, hookup fees, impact fees, other applicable  
1217 development fees, and land use regulations in effect on the date of submission.
- 1218 (5)(a) If sponsors of a referendum timely challenge a project in accordance with  
1219 Subsection [~~20A-7-601(6)~~] 20A-7-601(7), the project's affected owner may rescind  
1220 the project's land use approval by delivering a written notice:

- 1221 (i) to the local clerk as defined in Section 20A-7-101; and  
 1222 (ii) no later than seven days after the day on which a petition for a referendum is  
 1223 determined sufficient under Subsection 20A-7-607(4).
- 1224 (b) Upon delivery of a written notice described in Subsection (5)(a) the following are  
 1225 rescinded and are of no further force or effect:
- 1226 (i) the relevant land use approval; and  
 1227 (ii) any land use regulation enacted specifically in relation to the land use approval.
- 1228 (6)(a) After issuance of a building permit, a county may not:
- 1229 (i) change or add to the requirements expressed in the building permit, unless the  
 1230 change or addition is:
- 1231 (A) requested by the building permit holder; or  
 1232 (B) necessary to comply with an applicable state building code; or
- 1233 (ii) revoke the building permit or take action that has the effect of revoking the  
 1234 building permit.
- 1235 (b) Subsection (6)(a) does not prevent a county from issuing a building permit that  
 1236 contains an expiration date defined in the building permit.
- 1237 (7) A county shall comply with the provisions of this chapter regarding all pending land use  
 1238 applications and new land use applications submitted under this chapter.
- 1239 Section 5. Section **20A-1-102** is amended to read:
- 1240 **20A-1-102 . Definitions.**
- 1241 As used in this title:
- 1242 (1) "Active voter" means a registered voter who has not been classified as an inactive voter  
 1243 by the county clerk.
- 1244 (2) "Automatic tabulating equipment" means apparatus that automatically examines and  
 1245 counts votes recorded on ballots and tabulates the results.
- 1246 (3)(a) "Ballot" means the storage medium, including a paper, mechanical, or electronic  
 1247 storage medium, that records an individual voter's vote.
- 1248 (b) "Ballot" does not include a record to tally multiple votes.
- 1249 (4) "Ballot proposition" means a question, issue, or proposal that is submitted to voters on  
 1250 the ballot for their approval or rejection including:
- 1251 (a) an opinion question specifically authorized by the Legislature;  
 1252 (b) a constitutional amendment;  
 1253 (c) an initiative;  
 1254 (d) a referendum;

- 1255 (e) a bond proposition;
- 1256 (f) a judicial retention question;
- 1257 (g) an incorporation of a city or town; or
- 1258 (h) any other ballot question specifically authorized by the Legislature.
- 1259 (5) "Bind," "binding," or "bound" means securing more than one piece of paper together
- 1260 using staples or another means in at least three places across the top of the paper in the
- 1261 blank space reserved for securing the paper.
- 1262 (6) "Board of canvassers" means the entities established by Sections 20A-4-301 and
- 1263 20A-4-306 to canvass election returns.
- 1264 (7) "Bond election" means an election held for the purpose of approving or rejecting the
- 1265 proposed issuance of bonds by a government entity.
- 1266 (8) "Business day" means a Monday, Tuesday, Wednesday, Thursday, or Friday that is not
- 1267 a holiday.
- 1268 (9) "Business reply mail envelope" means an envelope that may be mailed free of charge by
- 1269 the sender.
- 1270 (10) "Calendar day" means any day, regardless of whether the day is a weekend, a holiday,
- 1271 a business day, or any other type of day.
- 1272 (11) "Canvass" means the review of election returns and the official declaration of election
- 1273 results by the board of canvassers.
- 1274 (12) "Canvassing judge" means a poll worker designated to assist in counting ballots at the
- 1275 canvass.
- 1276 (13) "Contracting election officer" means an election officer who enters into a contract or
- 1277 interlocal agreement with a provider election officer.
- 1278 (14) "Convention" means the political party convention at which party officers and
- 1279 delegates are selected.
- 1280 (15) "Counting center" means one or more locations selected by the election officer in
- 1281 charge of the election for the automatic counting of ballots.
- 1282 (16) "Counting judge" means a poll worker designated to count the ballots during election
- 1283 day.
- 1284 (17) "Counting room" means a suitable and convenient private place or room for use by the
- 1285 poll workers and counting judges to count ballots.
- 1286 (18) "County officers" means those county officers that are required by law to be elected.
- 1287 (19) "Date of the election" or "election day" or "day of the election":
- 1288 (a) means the day that is specified in the calendar year as the day on which the election

- 1289 occurs; and
- 1290 (b) does not include:
- 1291 (i) deadlines established for voting by mail, military-overseas voting, or emergency
- 1292 voting; or
- 1293 (ii) any early voting or early voting period as provided under Chapter 3a, Part 6,
- 1294 Early Voting.
- 1295 (20) "Elected official" means:
- 1296 (a) a person elected to an office under Section 20A-1-303 or Chapter 4, Part 6,
- 1297 Municipal Alternate Voting Methods Pilot Project;
- 1298 (b) a person who is considered to be elected to a municipal office in accordance with
- 1299 Subsection 20A-1-206(1)(c)(ii); or
- 1300 (c) a person who is considered to be elected to a special district office in accordance
- 1301 with Subsection 20A-1-206(3)(b)(ii).
- 1302 (21) "Election" means a regular general election, a municipal general election, a statewide
- 1303 special election, a local special election, a regular primary election, a municipal primary
- 1304 election, and a special district election.
- 1305 (22) "Election Assistance Commission" means the commission established by the Help
- 1306 America Vote Act of 2002, Pub. L. No. 107-252.
- 1307 (23) "Election cycle" means the period beginning on the first day on which individuals are
- 1308 eligible to file declarations of candidacy and ending when the canvass is completed.
- 1309 (24) "Election judge" means a poll worker that is assigned to:
- 1310 (a) preside over other poll workers at a polling place;
- 1311 (b) act as the presiding election judge; or
- 1312 (c) serve as a canvassing judge, counting judge, or receiving judge.
- 1313 (25) "Election material" includes:
- 1314 (a) the verification documentation described in Subsection 20A-3a-401(9)(b)(iv);
- 1315 (b) the list of voters contacted to cure a ballot described in Subsection 20A-3a-401(10)(b);
- 1316 (c) the record of rejected and resolved ballots described in Subsection 20A-3a-401(11)(a);
- 1317 (d) any chain of custody documentation described in Section 20A-3a-401.1, including:
- 1318 (i) the count of ballots described in Subsection 20A-3a-401.1(3); and
- 1319 (ii) the batch log described in Subsection 20A-3a-401.1(5);
- 1320 (e) the record of signature verification audits described in Subsection 20A-3a-402.5(4);
- 1321 (f) the affidavit of compliance described in Subsection 20A-3a-404(2);
- 1322 (g) the physical and electronic log of replicated ballots described in Subsection

- 1323 20A-4-104(3);
- 1324 (h) the physical or electronic log of adjudicated ballots described in Section 20A-5-802.5;
- 1325 (i) the record of voter database access described in Subsection 20A-5-905(2);
- 1326 (j) the reports on military and overseas voters described in Section 20A-16-202;
- 1327 (k) scanned copies of return envelopes;
- 1328 (l) a copy of the final election results database described in Section 20A-5-802.5; and
- 1329 (m) the materials used in the programming of the automatic tabulating equipment.
- 1330 (26) "Election officer" means:
- 1331 (a) the lieutenant governor, for all statewide ballots and elections;
- 1332 (b) the county clerk for:
- 1333 (i) a county ballot and election; and
- 1334 (ii) a ballot and election as a provider election officer as provided in Section
- 1335 20A-5-400.1 or 20A-5-400.5;
- 1336 (c) the municipal clerk for:
- 1337 (i) a municipal ballot and election; and
- 1338 (ii) a ballot and election as a provider election officer as provided in Section
- 1339 20A-5-400.1 or 20A-5-400.5;
- 1340 (d) the special district clerk or chief executive officer for:
- 1341 (i) a special district ballot and election; and
- 1342 (ii) a ballot and election as a provider election officer as provided in Section
- 1343 20A-5-400.1 or 20A-5-400.5; or
- 1344 (e) the business administrator or superintendent of a school district for:
- 1345 (i) a school district ballot and election; ~~and~~
- 1346 (ii) a referendum petition as provided in Chapter 7, Issues Submitted to the Voters;
- 1347 and
- 1348 ~~[(ii)] (iii)~~ a ballot and election as a provider election officer as provided in Section
- 1349 20A-5-400.1 or 20A-5-400.5.
- 1350 (27) "Election official" means any election officer, election judge, or poll worker.
- 1351 (28) "Election results" means:
- 1352 (a) for an election other than a bond election, the count of votes cast in the election and
- 1353 the election returns requested by the board of canvassers; or
- 1354 (b) for bond elections, the count of those votes cast for and against the bond proposition
- 1355 plus any or all of the election returns that the board of canvassers may request.
- 1356 (29) "Election results database" means the following information generated by voting

- 1357 equipment:
- 1358 (a) one or more electronic files that contains a digital interpretation of each ballot that is
- 1359 counted in an election;
- 1360 (b) a ballot image; and
- 1361 (c) other information related to a ballot that is adjudicated under Section 20A-4-105.
- 1362 (30) "Election returns" means:
- 1363 (a) the pollbook;
- 1364 (b) the military and overseas absentee voter registration and voting certificates;
- 1365 (c) one of the tally sheets;
- 1366 (d) any unprocessed ballots;
- 1367 (e) all counted ballots;
- 1368 (f) all excess ballots;
- 1369 (g) all unused ballots;
- 1370 (h) all spoiled ballots;
- 1371 (i) all ballot disposition forms, including any provisional ballot disposition forms;
- 1372 (j) the final election results database described in Section 20A-5-802.5;
- 1373 (k) all return envelopes;
- 1374 (l) any provisional ballot envelopes; and
- 1375 (m) the total votes cast form.
- 1376 (31) "Electronic signature" means an electronic sound, symbol, or process attached to or
- 1377 logically associated with a record and executed or adopted by a person with the intent to
- 1378 sign the record.
- 1379 (32) "Holiday" means a legal holiday described in Subsections 63G-1-301(1) and (2).
- 1380 (33) "Inactive voter" means a registered voter who is listed as inactive by a county clerk
- 1381 under Subsection 20A-2-505(4)(c)(i) or (ii).
- 1382 (34) "Judicial office" means the office filled by any judicial officer.
- 1383 (35) "Judicial officer" means any justice or judge of a court of record or any county court
- 1384 judge.
- 1385 (36) "Local election" means a regular county election, a regular municipal election, a
- 1386 municipal primary election, a local special election, a special district election, and a
- 1387 bond election.
- 1388 (37) "Local political subdivision" means a county, a municipality, a special district, or a
- 1389 local school district.
- 1390 (38) "Local special election" means a special election called by the governing body of a

- 1391 local political subdivision in which all registered voters of the local political subdivision  
1392 may vote.
- 1393 (39) "Manual ballot" means a paper document produced by an election officer on which an  
1394 individual records an individual's vote by directly placing a mark on the paper document  
1395 using a pen or other marking instrument.
- 1396 (40) "Mechanical ballot" means a record, including a paper record, electronic record, or  
1397 mechanical record, that:
- 1398 (a) is created via electronic or mechanical means; and  
1399 (b) records an individual voter's vote cast via a method other than an individual directly  
1400 placing a mark, using a pen or other marking instrument, to record an individual  
1401 voter's vote.
- 1402 (41) "Municipal executive" means:
- 1403 (a) the mayor in the council-mayor form of government defined in Section 10-3b-102; or  
1404 (b) the mayor in the council-manager form of government defined in Subsection  
1405 10-3b-103(6).
- 1406 (42) "Municipal general election" means the election held in municipalities and, as  
1407 applicable, special districts on the first Tuesday after the first Monday in November of  
1408 each odd-numbered year for the purposes established in Section 20A-1-202.
- 1409 (43) "Municipal legislative body" means the council of the city or town in any form of  
1410 municipal government.
- 1411 (44) "Municipal office" means an elective office in a municipality.
- 1412 (45) "Municipal officers" means those municipal officers that are required by law to be  
1413 elected.
- 1414 (46) "Municipal primary election" means an election held to nominate candidates for  
1415 municipal office.
- 1416 (47) "Municipality" means a city or town.
- 1417 (48) "Official ballot" means the ballots distributed by the election officer for voters to  
1418 record their votes.
- 1419 (49) "Official endorsement" means the information on the ballot that identifies:
- 1420 (a) the ballot as an official ballot;  
1421 (b) the date of the election; and  
1422 (c)(i) for a ballot prepared by an election officer other than a county clerk, the  
1423 facsimile signature required by Subsection 20A-6-401(1)(a)(iii); or  
1424 (ii) for a ballot prepared by a county clerk, the words required by Subsection

- 1425 20A-6-301(1)(b)(iii).
- 1426 (50) "Official register" means the official record furnished to election officials by the  
1427 election officer that contains the information required by Section 20A-5-401.
- 1428 (51) "Political party" means an organization of registered voters that has qualified to  
1429 participate in an election by meeting the requirements of Chapter 8, Political Party  
1430 Formation and Procedures.
- 1431 (52)(a) "Poll worker" means a person assigned by an election official to assist with an  
1432 election, voting, or counting votes.
- 1433 (b) "Poll worker" includes election judges.
- 1434 (c) "Poll worker" does not include a watcher.
- 1435 (53) "Pollbook" means a record of the names of voters in the order that the voters appear to  
1436 cast votes.
- 1437 (54) "Polling place" means a building where voting is conducted.
- 1438 (55) "Position" means a square, circle, rectangle, or other geometric shape on a ballot in  
1439 which the voter marks the voter's choice.
- 1440 (56) "Presidential Primary Election" means the election established in Chapter 9, Part 8,  
1441 Presidential Primary Election.
- 1442 (57) "Primary convention" means the political party conventions held during the year of the  
1443 regular general election.
- 1444 (58) "Protective counter" means a separate counter, which cannot be reset, that:  
1445 (a) is built into a voting machine; and  
1446 (b) records the total number of movements of the operating lever.
- 1447 (59) "Provider election officer" means an election officer who enters into a contract or  
1448 interlocal agreement with a contracting election officer to conduct an election for the  
1449 contracting election officer's local political subdivision in accordance with Section  
1450 20A-5-400.1.
- 1451 (60) "Provisional ballot" means a ballot voted provisionally by a person:  
1452 (a) whose name is not listed on the official register at the polling place;  
1453 (b) whose legal right to vote is challenged as provided in this title; or  
1454 (c) whose identity was not sufficiently established by a poll worker.
- 1455 (61) "Provisional ballot envelope" means an envelope printed in the form required by  
1456 Section 20A-6-105 that is used to identify provisional ballots and to provide information  
1457 to verify a person's legal right to vote.
- 1458 (62)(a) "Public figure" means an individual who, due to the individual being considered

- 1459 for, holding, or having held a position of prominence in a public or private capacity,  
1460 or due to the individual's celebrity status, has an increased risk to the individual's  
1461 safety.
- 1462 (b) "Public figure" does not include an individual:
- 1463 (i) elected to public office; or
- 1464 (ii) appointed to fill a vacancy in an elected public office.
- 1465 (63) "Qualify" or "qualified" means to take the oath of office and begin performing the  
1466 duties of the position for which the individual was elected.
- 1467 (64) "Receiving judge" means the poll worker that checks the voter's name in the official  
1468 register at a polling place and provides the voter with a ballot.
- 1469 (65) "Registration form" means a form by which an individual may register to vote under  
1470 this title.
- 1471 (66) "Regular ballot" means a ballot that is not a provisional ballot.
- 1472 (67) "Regular general election" means the election held throughout the state on the first  
1473 Tuesday after the first Monday in November of each even-numbered year for the  
1474 purposes established in Section 20A-1-201.
- 1475 (68) "Regular primary election" means the election, held on the date specified in Section  
1476 20A-1-201.5, to nominate candidates of political parties and candidates for nonpartisan  
1477 local school board positions to advance to the regular general election.
- 1478 (69) "Resident" means a person who resides within a specific voting precinct in Utah.
- 1479 (70) "Return envelope" means the envelope, described in Subsection 20A-3a-202(4),  
1480 provided to a voter with a manual ballot:
- 1481 (a) into which the voter places the manual ballot after the voter has voted the manual  
1482 ballot in order to preserve the secrecy of the voter's vote; and
- 1483 (b) that includes the voter affidavit and a place for the voter's signature.
- 1484 (71) "Sample ballot" means a mock ballot similar in form to the official ballot, published as  
1485 provided in Section 20A-5-405.
- 1486 (72) "Special district" means a local government entity under Title 17B, Limited Purpose  
1487 Local Government Entities - Special Districts, and includes a special service district  
1488 under Title 17D, Chapter 1, Special Service District Act.
- 1489 (73) "Special district officers" means those special district board members who are required  
1490 by law to be elected.
- 1491 (74) "Special election" means an election held as authorized by Section 20A-1-203.
- 1492 (75) "Spoiled ballot" means each ballot that:

- 1493 (a) is spoiled by the voter;
- 1494 (b) is unable to be voted because it was spoiled by the printer or a poll worker; or
- 1495 (c) lacks the official endorsement.
- 1496 (76) "Statewide special election" means a special election called by the governor or the
- 1497 Legislature in which all registered voters in Utah may vote.
- 1498 (77) "Tabulation system" means a device or system designed for the sole purpose of
- 1499 tabulating votes cast by voters at an election.
- 1500 (78) "Ticket" means a list of:
- 1501 (a) political parties;
- 1502 (b) candidates for an office; or
- 1503 (c) ballot propositions.
- 1504 (79) "Transfer case" means the sealed box used to transport voted ballots to the counting
- 1505 center.
- 1506 (80) "Vacancy" means:
- 1507 (a) except as provided in Subsection (80)(b), the absence of an individual to serve in a
- 1508 position created by state constitution or state statute, whether that absence occurs
- 1509 because of death, disability, disqualification, resignation, or other cause; or
- 1510 (b) in relation to a candidate for a position created by state constitution or state statute,
- 1511 the removal of a candidate due to the candidate's death, resignation, or
- 1512 disqualification.
- 1513 (81) "Valid voter identification" means:
- 1514 (a) a form of identification that bears the name and photograph of the voter which may
- 1515 include:
- 1516 (i) a currently valid Utah driver license;
- 1517 (ii) a currently valid identification card issued under Title 53, Chapter 3, Part 8,
- 1518 Identification Card Act;
- 1519 (iii) a currently valid identification card that is issued by:
- 1520 (A) the state; or
- 1521 (B) a branch, department, or agency of the United States;
- 1522 (iv) a currently valid Utah permit to carry a concealed weapon;
- 1523 (v) a currently valid United States passport; or
- 1524 (vi) a currently valid United States military identification card;
- 1525 (b) one of the following identification cards, regardless of whether the card includes a
- 1526 photograph of the voter:

- 1527 (i) a valid tribal identification card;
- 1528 (ii) a Bureau of Indian Affairs card; or
- 1529 (iii) a tribal treaty card; or
- 1530 (c) two forms of identification not listed under Subsection (81)(a) or (b) but that bear the
- 1531 name of the voter and provide evidence that the voter resides in the voting precinct,
- 1532 which may include:
- 1533 (i) before January 1, 2029, an original or copy of a current utility bill, dated no more
- 1534 than 90 calendar days before the date of the election;
- 1535 (ii) before January 1, 2029, an original or copy of a bank or other financial account
- 1536 statement, dated no more than 90 calendar days before the date of the election;
- 1537 (iii) a certified birth certificate;
- 1538 (iv) a valid social security card;
- 1539 (v) an original or copy of a check issued by the state or the federal government, dated
- 1540 no more than 90 calendar days before the date of the election;
- 1541 (vi) an original or copy of a paycheck from the voter's employer, dated no more than
- 1542 90 calendar days before the date of the election;
- 1543 (vii) a currently valid Utah hunting or fishing license;
- 1544 (viii) certified naturalization documentation;
- 1545 (ix) a currently valid license issued by an authorized agency of the United States;
- 1546 (x) a certified copy of court records showing the voter's adoption or name change;
- 1547 (xi) a valid Medicaid card, Medicare card, or Electronic Benefits Transfer [~~Card~~] card;
- 1548 (xii) a currently valid identification card issued by:
- 1549 (A) a local government within the state;
- 1550 (B) an employer for an employee; or
- 1551 (C) a college, university, technical school, or professional school located within
- 1552 the state; or
- 1553 (xiii) a current Utah vehicle registration.
- 1554 (82) "Valid write-in candidate" means a candidate who has qualified as a write-in candidate
- 1555 by following the procedures and requirements of this title.
- 1556 (83) "Vote by mail" means to vote, using a manual ballot that is mailed to the voter, by:
- 1557 (a) mailing the ballot to the location designated in the mailing; or
- 1558 (b) depositing the ballot in a ballot drop box designated by the election officer.
- 1559 (84) "Voter" means an individual who:
- 1560 (a) meets the requirements for voting in an election;

- 1561 (b) meets the requirements of election registration;  
 1562 (c) is registered to vote; and  
 1563 (d) is listed in the official register.
- 1564 (85) "Voter registration deadline" means the registration deadline provided in Section  
 1565 20A-2-102.5.
- 1566 (86) "Voting area" means the area within six feet of the voting booths, voting machines,  
 1567 and ballot box.
- 1568 (87) "Voting booth" means:  
 1569 (a) the space or compartment within a polling place that is provided for the preparation  
 1570 of ballots, including the voting enclosure or curtain; or  
 1571 (b) a voting device that is free standing.
- 1572 (88) "Voting device" means any device provided by an election officer for a voter to vote a  
 1573 mechanical ballot.
- 1574 (89) "Voting precinct" means the smallest geographical voting unit, established under  
 1575 Chapter 5, Part 3, Duties of the County and Municipal Legislative Bodies.
- 1576 (90) "Watcher" means an individual who complies with the requirements described in  
 1577 Section 20A-3a-801 to become a watcher for an election.
- 1578 (91) "Write-in ballot" means a ballot containing any write-in votes.
- 1579 (92) "Write-in vote" means a vote cast for an individual, whose name is not printed on the  
 1580 ballot, in accordance with the procedures established in this title.
- 1581 Section 6. Section **20A-4-301** is amended to read:  
 1582 **20A-4-301 . Board of canvassers.**
- 1583 (1)(a) Each county legislative body is the board of county canvassers for:  
 1584 (i) the county; and  
 1585 (ii) each special district whose election is conducted by the county if:  
 1586 (A) the election relates to the creation of the special district;  
 1587 (B) the county legislative body serves as the governing body of the special  
 1588 district; or  
 1589 (C) there is no duly constituted governing body of the special district.
- 1590 (b) The board of county canvassers shall meet to canvass the returns at the usual place of  
 1591 meeting of the county legislative body, at a date and time determined by the county  
 1592 clerk that is no sooner than seven calendar days after the day of the election and no  
 1593 later than 14 calendar days after the day of the election.
- 1594 (c) If one or more of the county legislative body fails to attend the meeting of the board

- 1595 of county canvassers, the remaining members shall replace the absent member by  
1596 appointing in the order named:
- 1597 (i) the county treasurer;
  - 1598 (ii) the county assessor; or
  - 1599 (iii) the county sheriff.
- 1600 (d) Attendance of the number of persons equal to a simple majority of the county  
1601 legislative body, but not less than three persons, shall constitute a quorum for  
1602 conducting the canvass.
- 1603 (e) The county clerk is the clerk of the board of county canvassers.
- 1604 (2)(a) The mayor and the municipal legislative body are the board of municipal  
1605 canvassers for the municipality.
- 1606 (b) The board of municipal canvassers shall meet to canvass the returns at the usual  
1607 place of meeting of the municipal legislative body:
- 1608 (i) for canvassing of returns from a municipal general election, no sooner than seven  
1609 calendar days after the day of the election and no later than 14 calendar days after  
1610 the day of the election; or
  - 1611 (ii) for canvassing of returns from a municipal primary election, no sooner than seven  
1612 calendar days after the day of the election and no later than 14 calendar days after  
1613 the election.
- 1614 (c) Attendance of a simple majority of the municipal legislative body shall constitute a  
1615 quorum for conducting the canvass.
- 1616 (3)(a) The legislative body of the entity authorizing a bond election is the board of  
1617 canvassers for each bond election.
- 1618 (b) The board of canvassers for the bond election shall comply with the canvassing  
1619 procedures and requirements of Section 11-14-207.
- 1620 (c) Attendance of a simple majority of the legislative body of the entity authorizing a  
1621 bond election shall constitute a quorum for conducting the canvass.
- 1622 (4)(a) If a board of trustees or an administrative control board is the governing body of a  
1623 special district, the board of trustees or the administrative control board is the board  
1624 of special district canvassers for the special district.
- 1625 (b) The board of special district canvassers shall meet to canvass the returns at the usual  
1626 place of meeting for the board of trustees or the administrative control board, as  
1627 applicable, at a date and time determined by the special district clerk that is no sooner  
1628 than seven calendar days after the day of the election and no later than 14 calendar

1629 days after the day of the election.

1630 (c) Attendance of a simple majority of the board of trustees or the administrative control  
1631 board is a quorum for conducting the canvass.

1632 (5)(a) The local school board of a school district is the board of school district  
1633 canvassers for a referendum election under Subsection 20A-7-102(4).

1634 (b) The board of school district canvassers shall meet to canvass the returns at the usual  
1635 place of meeting of the local school board no sooner than seven calendar days after  
1636 the day of the election and no later than 14 calendar days after the day of the election.

1637 (c) Attendance of a simple majority of the local school board shall constitute a quorum  
1638 for conducting the canvass.

1639 [~~5~~] (6) In relation to an election for the creation of a new school district under Section  
1640 53G-3-301.1, 53G-3-301.3, or 53G-3-301.4, or in relation to an election of members of a  
1641 local school board for a new school district or a reorganized new school district under  
1642 Section 53G-3-302, the board of canvassers is:

1643 (a) if the voters permitted to vote in the election are all residents of the same  
1644 municipality, the mayor and the municipal legislative body;

1645 (b) if the voters permitted to vote in the election are not all residents of the same  
1646 municipality, but are all residents of the same county, the county legislative body; or

1647 (c) if the voters permitted to vote in the election are not all residents of the same  
1648 municipality and are not all residents of the same county, the county legislative body  
1649 of the county where the majority of the voters permitted to vote in the election are  
1650 residents.

1651 Section 7. Section **20A-7-101** is amended to read:

1652 **20A-7-101 . Definitions.**

1653 As used in this chapter:

1654 (1) "Approved device" means a device described in Subsection 20A-21-201(4) used to  
1655 gather signatures for the electronic initiative process, the electronic referendum process,  
1656 or the electronic candidate qualification process.

1657 (2) "Budget officer" means:

1658 (a) for a county, the person designated as finance officer as defined in Section 17-63-101;

1659 (b) for a city, the person designated as budget officer in Subsection 10-6-106(4); [or]

1660 (c) for a town, the town council[-]; or

1661 (d) for a school district, the individual appointed business administrator under Section  
1662 53G-4-302.

- 1663 (3) "Certified" means that the county clerk has acknowledged a signature as being the  
1664 signature of a registered voter.
- 1665 (4) "Circulation" means the process of submitting an initiative petition or a referendum  
1666 petition to legal voters for their signature.
- 1667 (5) "Electronic initiative process" means:
- 1668 (a) as it relates to a statewide initiative, the process, described in Sections 20A-7-215  
1669 and 20A-21-201, for gathering signatures; or
- 1670 (b) as it relates to a local initiative, the process, described in Sections 20A-7-514 and  
1671 20A-21-201, for gathering signatures.
- 1672 (6) "Electronic referendum process" means:
- 1673 (a) as it relates to a statewide referendum, the process, described in Sections 20A-7-313  
1674 and 20A-21-201, for gathering signatures; or
- 1675 (b) as it relates to a local referendum, the process, described in Sections 20A-7-614 and  
1676 20A-21-201, for gathering signatures.
- 1677 (7) "Eligible voter" means a legal voter who resides in the jurisdiction of the county, city, or  
1678 town that is holding an election on a ballot proposition.
- 1679 (8) "Final fiscal impact statement" means a financial statement prepared after voters  
1680 approve an initiative that contains the information required by Subsection  
1681 20A-7-202.5(2) or 20A-7-502.5(2).
- 1682 (9) "Initial fiscal impact statement" means a financial statement prepared under Section  
1683 20A-7-202.5 after the filing of a statewide initiative application.
- 1684 (10) "Initial fiscal impact and legal statement" means a financial and legal statement  
1685 prepared under Section 20A-7-502.5 or 20A-7-602.5 for a local initiative or a local  
1686 referendum.
- 1687 (11) "Initiative" means a new law proposed for adoption by the public as provided in this  
1688 chapter.
- 1689 (12) "Initiative application" means:
- 1690 (a) for a statewide initiative, an application described in Subsection 20A-7-202(2) that  
1691 includes all the information, statements, documents, and notarized signatures  
1692 required under Subsection 20A-7-202(2); or
- 1693 (b) for a local initiative, an application described in Subsection 20A-7-502(2) that  
1694 includes all the information, statements, documents, and notarized signatures  
1695 required under Subsection 20A-7-502(2).
- 1696 (13) "Initiative packet" means a copy of the initiative petition, a copy of the proposed law,

- 1697 and the signature sheets, all of which have been bound together as a unit.
- 1698 (14) "Initiative petition":
- 1699 (a) as it relates to a statewide initiative, using the manual initiative process:
- 1700 (i) means the form described in Subsection 20A-7-203(2)(a), petitioning for
- 1701 submission of the initiative to the Legislature or the legal voters; and
- 1702 (ii) if the initiative proposes a tax increase, includes the statement described in
- 1703 Subsection 20A-7-203(2)(b);
- 1704 (b) as it relates to a statewide initiative, using the electronic initiative process:
- 1705 (i) means the form described in Subsections 20A-7-215(2) and (3), petitioning for
- 1706 submission of the initiative to the Legislature or the legal voters; and
- 1707 (ii) if the initiative proposes a tax increase, includes the statement described in
- 1708 Subsection 20A-7-215(5)(b);
- 1709 (c) as it relates to a local initiative, using the manual initiative process:
- 1710 (i) means the form described in Subsection 20A-7-503(2)(a), petitioning for
- 1711 submission of the initiative to the legislative body or the legal voters; and
- 1712 (ii) if the initiative proposes a tax increase, includes the statement described in
- 1713 Subsection 20A-7-503(2)(b); or
- 1714 (d) as it relates to a local initiative, using the electronic initiative process:
- 1715 (i) means the form described in Subsection 20A-7-514(2)(a), petitioning for
- 1716 submission of the initiative to the legislative body or the legal voters; and
- 1717 (ii) if the initiative proposes a tax increase, includes the statement described in
- 1718 Subsection 20A-7-514(4)(a).
- 1719 (15)(a) "Land use law" means a law of general applicability, enacted based on the
- 1720 weighing of broad, competing policy considerations, that relates to the use of land,
- 1721 including a land use regulation, a general plan, a land use development code, an
- 1722 annexation ordinance, the rezoning of a single property or multiple properties, or a
- 1723 comprehensive zoning ordinance or resolution.
- 1724 (b) "Land use law" does not include a land use decision, as defined in Section 10-20-102
- 1725 or 17-79-102.
- 1726 (16) "Legal signatures" means the number of signatures of legal voters that:
- 1727 (a) meet the numerical requirements of this chapter; and
- 1728 (b) have been obtained, certified, and verified as provided in this chapter.
- 1729 (17) "Legal voter" means an individual who is registered to vote in Utah.
- 1730 (18) "Legally referable to voters" means:

- 1731 (a) for a proposed local initiative, that the proposed local initiative is legally referable to  
 1732 voters under Section 20A-7-502.7; or
- 1733 (b) for a proposed local referendum, that the proposed local referendum is legally  
 1734 referable to voters under Section 20A-7-602.7.
- 1735 (19) "Local attorney" means the county attorney, city attorney, ~~[or]~~town attorney, or local  
 1736 school district attorney in whose jurisdiction a local initiative or referendum petition is  
 1737 circulated.
- 1738 ~~[(20) "Local clerk" means the county clerk, city recorder, or town clerk in whose~~  
 1739 ~~jurisdiction a local initiative or referendum petition is circulated.]~~
- 1740 (20) "Local clerk" means:
- 1741 (a)(i) for a local initiative or referendum that is a county initiative or referendum, the  
 1742 county clerk in whose jurisdiction the local initiative or referendum petition is  
 1743 circulated; or
- 1744 (ii) for a local referendum that is a school district referendum, the county clerk of the  
 1745 county where a majority of the voters in the school district reside; or
- 1746 (b) for a local initiative or referendum that is a municipal initiative or referendum, the  
 1747 city recorder or town clerk in whose jurisdiction the local initiative or referendum  
 1748 petition is circulated.
- 1749 (21)(a) "Local law" includes:
- 1750 (i) an ordinance;
- 1751 (ii) a resolution;
- 1752 (iii) a land use law;
- 1753 (iv) a land use regulation, as defined in Section 10-20-102; ~~[or]~~
- 1754 (v) other legislative action of a local legislative body~~[-]~~ ; or
- 1755 (vi) any legislative action of a local school board, other than legislative action  
 1756 described in Subsection (21)(b)(ii).
- 1757 (b) "Local law" does not include:
- 1758 (i) a land use decision, as defined in Section 10-20-102~~[-]~~ ; or
- 1759 (ii) a local school tax law.
- 1760 (22)(a) "Local legislative body" means the legislative body of a county, city, or town.
- 1761 (b) "Local legislative body" does not include the local school board of a school district.
- 1762 (23) "Local obligation law" means a local law passed by the local legislative body  
 1763 regarding a bond that was approved by a majority of qualified voters in an election.
- 1764 (24) "Local school board" means a board elected under Chapter 14, Part 2, Election of

- 1765 Members of Local Board of Education.
- 1766 [~~(24)~~] "Local tax law" means a law, passed by a political subdivision with an annual or
- 1767 biannual calendar fiscal year, that increases a tax or imposes a new tax.]
- 1768 (25)(a) "Local school tax law" means legislative action of a local school board that:
- 1769 (i) increases a tax or imposes a new tax; or
- 1770 (ii) otherwise imposes a payment obligation on property.
- 1771 (b) "Local school tax law" includes:
- 1772 (i) a board local levy under Section 53F-8-302;
- 1773 (ii) a capitol local level under Section 53F-8-303;
- 1774 (iii) a judgment levy imposed by a local school board under Section 59-2-1330; or
- 1775 (iv) any other tax or levy that is within a school district's discretion to impose.
- 1776 (c) "Local school tax law" does not include legislative action of a local school board that
- 1777 increases a tax or imposes a new tax, if the increased tax or new tax:
- 1778 (i) relates to a voted local levy under Section 53G-8-301;
- 1779 (ii) relates to a bond election under Section 53G-4-603; or
- 1780 (iii) is required to be imposed by state law, or is otherwise not within a local school
- 1781 board's discretion to impose.
- 1782 (26)(a) "Local tax law" means a law, passed by a county, city, or town with an annual or
- 1783 biannual calendar fiscal year, that increases a tax or imposes a new tax.
- 1784 (b) "Local tax law" does not include a local school tax law.
- 1785 [~~(25)~~] (27) "Manual initiative process" means the process for gathering signatures for an
- 1786 initiative using paper signature packets that a signer physically signs.
- 1787 [~~(26)~~] (28) "Manual referendum process" means the process for gathering signatures for a
- 1788 referendum using paper signature packets that a signer physically signs.
- 1789 [~~(27)~~] (29)(a) "Measure" means a proposed constitutional amendment, an initiative, or
- 1790 referendum.
- 1791 (b) "Measure" does not include a ballot proposition for the creation of a new school
- 1792 district under Section 53G-3-301.1, 53G-3-301.3, or 53G-3-301.4.
- 1793 [~~(28)~~] (30) "Presiding officers" means the president of the Senate and the speaker of the
- 1794 House of Representatives.
- 1795 [~~(29)~~] (31) "Referendum" means a process by which a law passed by the [Legislature or by a
- 1796 local legislative body] Legislature, a local legislative body, or a local school board is
- 1797 submitted or referred to the voters for their approval or rejection.
- 1798 [~~(30)~~] (32) "Referendum application" means:

- 1799 (a) for a statewide referendum, an application described in Subsection 20A-7-302(2) that  
 1800 includes all the information, statements, documents, and notarized signatures  
 1801 required under Subsection 20A-7-302(2); or  
 1802 (b) for a local referendum, an application described in Subsection 20A-7-602(2) that  
 1803 includes all the information, statements, documents, and notarized signatures  
 1804 required under Subsection 20A-7-602(2).

1805 [~~(31)~~] (33) "Referendum packet" means a copy of the referendum petition, a copy of the law  
 1806 being submitted or referred to the voters for their approval or rejection, and the signature  
 1807 sheets, all of which have been bound together as a unit.

1808 [~~(32)~~] (34) "Referendum petition" means:

- 1809 (a) as it relates to a statewide referendum, using the manual referendum process, the  
 1810 form described in Subsection 20A-7-303(2)(a), petitioning for submission of a law  
 1811 passed by the Legislature to legal voters for their approval or rejection;  
 1812 (b) as it relates to a statewide referendum, using the electronic referendum process, the  
 1813 form described in Subsection 20A-7-313(2), petitioning for submission of a law  
 1814 passed by the Legislature to legal voters for their approval or rejection;  
 1815 (c) as it relates to a local referendum, using the manual referendum process, the form  
 1816 described in Subsection 20A-7-603(2)(a), petitioning for submission of a local law or  
 1817 a local school tax law to legal voters for their approval or rejection; or  
 1818 (d) as it relates to a local referendum, using the electronic referendum process, the form  
 1819 described in Subsection 20A-7-614(2), petitioning for submission of a local law or a  
 1820 local school tax law to legal voters for their approval or rejection.

1821 [~~(33)~~] (35) "Signature":

- 1822 (a) for a statewide initiative:  
 1823 (i) as it relates to the electronic initiative process, means an electronic signature  
 1824 collected under Section 20A-7-215 and Subsection 20A-21-201(6)(c); or  
 1825 (ii) as it relates to the manual initiative process:  
 1826 (A) means a holographic signature collected physically on a signature sheet  
 1827 described in Section 20A-7-203;  
 1828 (B) as it relates to an individual who, due to a qualifying disability under the  
 1829 Americans with Disabilities Act, is unable to fill out the signature sheet or to  
 1830 sign the voter's name consistently, the initials "AV," indicating that the voter's  
 1831 identity will be verified by an alternate verification process described in  
 1832 Section 20A-7-106; and

- 1833 (C) does not include an electronic signature;
- 1834 (b) for a statewide referendum:
- 1835 (i) as it relates to the electronic referendum process, means an electronic signature
- 1836 collected under Section 20A-7-313 and Subsection 20A-21-201(6)(c); or
- 1837 (ii) as it relates to the manual referendum process:
- 1838 (A) means a holographic signature collected physically on a signature sheet
- 1839 described in Section 20A-7-303;
- 1840 (B) as it relates to an individual who, due to a qualifying disability under the
- 1841 Americans with Disabilities Act, is unable to fill out the signature sheet or to
- 1842 sign the voter's name consistently, the initials "AV," indicating that the voter's
- 1843 identity will be verified by an alternate verification process described in
- 1844 Section 20A-7-106; and
- 1845 (C) does not include an electronic signature;
- 1846 (c) for a local initiative:
- 1847 (i) as it relates to the electronic initiative process, means an electronic signature
- 1848 collected under Section 20A-7-514 and Subsection 20A-21-201(6)(c); or
- 1849 (ii) as it relates to the manual initiative process:
- 1850 (A) means a holographic signature collected physically on a signature sheet
- 1851 described in Section 20A-7-503;
- 1852 (B) as it relates to an individual who, due to a qualifying disability under the
- 1853 Americans with Disabilities Act, is unable to fill out the signature sheet or to
- 1854 sign the voter's name consistently, the initials "AV," indicating that the voter's
- 1855 identity will be verified by an alternate verification process described in
- 1856 Section 20A-7-106; and
- 1857 (C) does not include an electronic signature; or
- 1858 (d) for a local referendum:
- 1859 (i) as it relates to the electronic referendum process, means an electronic signature
- 1860 collected under Section 20A-7-614 and Subsection 20A-21-201(6)(c); or
- 1861 (ii) as it relates to the manual referendum process:
- 1862 (A) means a holographic signature collected physically on a signature sheet
- 1863 described in Section 20A-7-603;
- 1864 (B) as it relates to an individual who, due to a qualifying disability under the
- 1865 Americans with Disabilities Act, is unable to fill out the signature sheet or to
- 1866 sign the voter's name consistently, the initials "AV," indicating that the voter's

1867 identity will be verified by an alternate verification process described in  
 1868 Section 20A-7-106; and

1869 (C) does not include an electronic signature.

1870 [(34)] (36) "Signature sheets" means sheets in the form required by this chapter that are used  
 1871 under the manual initiative process or the manual referendum process to collect  
 1872 signatures in support of an initiative or referendum.

1873 [(35)] (37) "Special local ballot proposition" means a local ballot proposition that is not a  
 1874 standard local ballot proposition.

1875 [(36)] (38) "Sponsors" means the legal voters who support the initiative or referendum and  
 1876 who sign the initiative application or referendum application.

1877 [(37)] (39)(a) "Standard local ballot proposition" means a local ballot proposition for an  
 1878 initiative or a referendum.

1879 (b) "Standard local ballot proposition" does not include a property tax referendum  
 1880 described in Section 20A-7-613.

1881 [(38)] (40) "Tax percentage difference" means the difference between the tax rate proposed  
 1882 by an initiative or an initiative petition and the current tax rate.

1883 [(39)] (41) "Tax percentage increase" means a number calculated by dividing the tax  
 1884 percentage difference by the current tax rate and rounding the result to the nearest  
 1885 thousandth.

1886 [(40)] (42) "Verified" means acknowledged by the person circulating the petition as required  
 1887 in Section 20A-7-105.

1888 Section 8. Section **20A-7-102** is amended to read:

1889 **20A-7-102 . Initiatives and referenda authorized -- Restrictions.**

1890 By following the procedures and requirements of this chapter, Utah voters may, subject  
 1891 to the restrictions [~~of Article VI, Sec. 1, Utah Constitution~~] of Utah Constitution, Article VI,  
 1892 Section 1, and this chapter:

1893 (1) initiate any desired legislation and cause it to be submitted to:

1894 (a) the Legislature or to a vote of the people for approval or rejection if it is a proposed  
 1895 state law; or

1896 (b) a local legislative body or to a vote of the people if it is a local law;

1897 (2) require any law passed by the Legislature, except those laws passed by a two-thirds vote  
 1898 of the members elected to each house of the Legislature, to be referred to the voters for  
 1899 their approval or rejection before the law takes effect; [~~and~~]

1900 (3) require any [~~law or ordinance~~] local law passed by a local legislative body to be referred

1901 to the voters for their approval or rejection before the law takes effect[-] ; or  
 1902 (4) require any local law or local school tax law passed by a local school board to be  
 1903 referred to the voters for their approval or rejection before the local law or local school  
 1904 tax law takes effect, unless:

- 1905 (a) the local school board is comprised of five members and four members or more  
 1906 voted in favor of the local law or local school tax law;  
 1907 (b) the local school board is comprised of seven members and five members or more  
 1908 voted in favor of the local law or local school tax law; or  
 1909 (c) the local school board is comprised of nine members and seven members or more  
 1910 voted in favor of the local law or local school tax law.

1911 Section 9. Section **20A-7-401.3** is amended to read:

1912 **20A-7-401.3 . Voter participation areas.**

1913 (1)(a) Except as provided in Subsection (2):

- 1914 (i) a city of the first or second class or a county of the first or second class shall, no  
 1915 later than January 1, 2020, again on January 1, 2022, and January 1 each 10 years  
 1916 after 2022, divide the city or county into eight contiguous and compact voter  
 1917 participation areas of substantially equal population; and  
 1918 (ii) a city of the third or fourth class or a county of the third or fourth class shall, no  
 1919 later than January 1, 2020, again on January 1, 2022, and January 1 each 10 years  
 1920 after 2022, divide the city or county into four contiguous and compact voter  
 1921 participation areas of substantially equal population.

1922 (b) A city or county shall use the voter participation areas described in Subsection (1)(a)  
 1923 or (2)(b) for the purpose described in Sections 20A-7-501 and 20A-7-601.

1924 (2)(a) This section does not apply to a county of the fifth or sixth class, a city of the fifth  
 1925 class, ~~or a town~~ a town, or a school district.

1926 (b) A city or county that has established council districts that are not at-large districts  
 1927 may, regardless of the number of council districts that are not at-large districts, use  
 1928 the council districts as voter participation areas under this section.

1929 Section 10. Section **20A-7-401.5** is amended to read:

1930 **20A-7-401.5 . Proposition information pamphlet.**

1931 (1)(a)(i) Within 15 calendar days after the day on which an eligible voter files an  
 1932 application to circulate an initiative petition under Section 20A-7-502 or an  
 1933 application to circulate a referendum petition under Section 20A-7-602:

1934 (A) the sponsors of the proposed initiative or referendum may electronically

1935 submit a written argument in favor of the proposed initiative or referendum to  
1936 the election officer of the [~~county or municipality~~] county, municipality, or  
1937 school district to which the petition relates; and

1938 (B) the [~~county or municipality~~] county, municipality, or school district to which  
1939 the application relates may electronically submit a written argument in favor  
1940 of, or against, the proposed initiative or referendum to the county's[~~or~~  
1941 municipality's] , municipality's, or school district's election officer.

1942 (ii) If a [~~county or municipality~~] county, municipality, or school district submits more  
1943 than one written argument under Subsection (1)(a)(i)(B), the election officer shall  
1944 select one of the written arguments, giving preference to a written argument  
1945 submitted by a member of a local legislative body or the local school board if a  
1946 majority of the local legislative body or the local school board supports the written  
1947 argument.

1948 (b) Within one business day after the day on which an election officer receives an  
1949 argument under Subsection (1)(a)(i)(A), the election officer shall provide a copy of  
1950 the argument to the [~~county or municipality~~] county, municipality, or school district  
1951 described in Subsection (1)(a)(i)(B) or (1)(a)(ii), as applicable.

1952 (c) Within one business day after the date on which an election officer receives an  
1953 argument under Subsection (1)(a)(i)(B), the election officer shall provide a copy of  
1954 the argument to the first three sponsors of the proposed initiative or referendum  
1955 described in Subsection (1)(a)(i)(A).

1956 (d) The sponsors of the proposed initiative or referendum may electronically submit a  
1957 revised version of the written argument described in Subsection (1)(a)(i)(A) to the  
1958 election officer of the [~~county or municipality~~] county, municipality, or school district  
1959 to which the petition relates within 20 calendar days after the day on which the  
1960 eligible voter files an application to circulate an initiative petition under Section  
1961 20A-7-502 or an application to circulate a referendum petition under Section  
1962 20A-7-602.

1963 (e) The author of a written argument described in Subsection (1)(a)(i)(B) submitted by a [  
1964 ~~county or municipality~~] county, municipality, or school district may electronically  
1965 submit a revised version of the written argument to the county's[~~or municipality's~~] ,  
1966 municipality's, or school district's election officer within 20 calendar days after the  
1967 day on which the eligible voter files an application to circulate an initiative petition  
1968 under Section 20A-7-502 or an application to circulate a referendum petition under

- 1969 Section 20A-7-602.
- 1970 (2)(a) A written argument described in Subsection (1) may not exceed 500 words.
- 1971 (b) Except as provided in Subsection (2)(c), a person may not modify a written argument
- 1972 described in Subsection (1)(d) or (e) after the written argument is submitted to the
- 1973 election officer.
- 1974 (c) The election officer and the person [that] who submits the written argument described
- 1975 in Subsection (1)(d) or (e) may jointly agree to modify the written argument to:
- 1976 (i) correct factual, grammatical, or spelling errors; or
- 1977 (ii) reduce the number of words to come into compliance with Subsection (2)(a).
- 1978 (d) An election officer shall refuse to include a written argument in the proposition
- 1979 information pamphlet described in this section if the person who submits the
- 1980 argument:
- 1981 (i) fails to negotiate, in good faith, to modify the argument in accordance with
- 1982 Subsection (2)(c); or
- 1983 (ii) does not timely submit the written argument to the election officer.
- 1984 (e) An election officer shall make a good faith effort to negotiate a modification
- 1985 described in Subsection (2)(c) in an expedited manner.
- 1986 (3) An election officer who receives a written argument described in Subsection (1) shall
- 1987 prepare a proposition information pamphlet for publication that includes:
- 1988 (a) a copy of the application for the proposed initiative or referendum;
- 1989 (b) except as provided in Subsection (2)(d), immediately after the copy described in
- 1990 Subsection (3)(a), the argument prepared by the sponsors of the proposed initiative or
- 1991 referendum, if any;
- 1992 (c) except as provided in Subsection (2)(d), immediately after the argument described in
- 1993 Subsection (3)(b), the argument prepared by the county or municipality, if any; and
- 1994 (d) a copy of the initial fiscal impact statement and legal impact statement described in
- 1995 Section 20A-7-502.5 or 20A-7-602.5.
- 1996 (4)(a) A proposition information pamphlet is a draft for purposes of Title 63G, Chapter
- 1997 2, Government Records Access and Management Act, until the earlier of when the
- 1998 election officer:
- 1999 (i) complies with Subsection (4)(b); or
- 2000 (ii) publishes the proposition information pamphlet under Subsection (5) or (6).
- 2001 (b) Within 21 calendar days after the day on which the eligible voter files an application
- 2002 to circulate an initiative petition under Section 20A-7-502, or an application to

2003 circulate a referendum petition under Section 20A-7-602, the election officer shall  
 2004 provide a copy of the proposition information pamphlet to the sponsors of the  
 2005 initiative or referendum and each individual who submitted an argument included in  
 2006 the proposition information pamphlet.

2007 (5) An election officer for a municipality shall publish the proposition information  
 2008 pamphlet as follows:

2009 (a) within the later of 10 calendar days after the day on which the municipality or a court  
 2010 determines that the proposed initiative or referendum is legally referable to voters, or,  
 2011 if the election officer modifies an argument under Subsection (2)(c), three calendar  
 2012 days after the day on which the election officer and the person [~~that~~] who submitted  
 2013 the argument agree on the modification:

2014 (i) by sending the proposition information pamphlet electronically to each individual  
 2015 in the municipality for whom the municipality has an email address, unless the  
 2016 individual has indicated that the municipality is prohibited from using the  
 2017 individual's email address for that purpose; and

2018 (ii) by posting the proposition information pamphlet on the Utah Public Notice  
 2019 Website, created in Section 63A-16-601, and the home page of the municipality's  
 2020 website, if the municipality has a website, until:

2021 (A) if the sponsors of the proposed initiative or referendum or an agent of the  
 2022 sponsors do not timely deliver any verified initiative packets or any verified  
 2023 referendum packets under Section 20A-7-105, the day after the date of the  
 2024 deadline for delivery of the verified initiative packets or verified referendum  
 2025 packets;

2026 (B) the local clerk determines, under Section 20A-7-507 or 20A-7-607, that the  
 2027 number of signatures necessary to qualify the proposed initiative or referendum  
 2028 for placement on the ballot is insufficient and the determination is not timely  
 2029 appealed or is upheld after appeal; or

2030 (C) the day after the date of the election at which the proposed initiative or  
 2031 referendum appears on the ballot; and

2032 (b) if the municipality regularly mails a newsletter, utility bill, or other material to the  
 2033 municipality's residents, including an [~~Internet~~] internet address, where a resident may  
 2034 view the proposition information pamphlet, in the next mailing, for which the  
 2035 municipality has not begun preparation, that falls on or after the later of:

2036 (i) 10 calendar days after the day on which the municipality or a court determines that

2037 the proposed initiative or referendum is legally referable to voters; or  
2038 (ii) if the election officer modifies an argument under Subsection (2)(c), three  
2039 calendar days after the day on which the election officer and the person [that] who  
2040 submitted the argument agree on the modification.

2041 (6) An election officer for a county shall, within the later of 10 calendar days after the day  
2042 on which the county or a court determines that the proposed initiative or referendum is  
2043 legally referable to voters, or, if the election officer modifies an argument under  
2044 Subsection (2)(c), three calendar days after the day on which the election officer and the  
2045 person [that] who submitted the argument agree on the modification, publish the  
2046 proposition information pamphlet as follows:

2047 (a) by sending the proposition information pamphlet electronically to each individual in  
2048 the county for whom the county has an email address obtained via voter registration;  
2049 and

2050 (b) by posting the proposition information pamphlet on the Utah Public Notice Website,  
2051 created in Section 63A-16-601, and the home page of the county's website, until:

2052 (i) if the sponsors of the proposed initiative or referendum or an agent of the sponsors  
2053 do not timely deliver any verified initiative packets or any verified referendum  
2054 packets under Section 20A-7-105, the day after the date of the deadline for  
2055 delivery of the verified initiative packets or verified referendum packets;

2056 (ii) the local clerk determines, under Section 20A-7-507 or 20A-7-607, that the  
2057 number of signatures necessary to qualify the proposed initiative or referendum  
2058 for placement on the ballot is insufficient and the determination is not timely  
2059 appealed or is upheld after appeal; or

2060 (iii) the day after the date of the election at which the proposed initiative or  
2061 referendum appears on the ballot.

2062 (7) An election officer for a school district shall, within the later of 10 calendar days after  
2063 the day on which the school district or a court determines that the proposed referendum  
2064 is legally referable to voters, or, if the election officer modifies an argument under  
2065 Subsection (2)(c), three calendar days after the day on which the election officer and the  
2066 person who submitted the argument agree on the modification, publish the proposition  
2067 information pamphlet as follows:

2068 (a) by sending the proposition information pamphlet electronically to each individual in  
2069 the school district for whom the school district has an email address, unless the  
2070 individual has indicated that the school district is prohibited from using the

- 2071 individual's email address for that purpose;
- 2072 (b) by posting the proposition information pamphlet on the Utah Public Notice Website,
- 2073 created in Section 63A-16-601, and the home page of the school district's website, if
- 2074 the school district has a website, until:
- 2075 (i) if the sponsors of the proposed referendum or an agent of the sponsors do not
- 2076 timely deliver any verified referendum packets under Section 20A-7-105, the day
- 2077 after the date of the deadline for delivery of the verified referendum packets;
- 2078 (ii) the local clerk determines, under Section 20A-7-607, that the number of
- 2079 signatures necessary to qualify the proposed referendum for placement on the
- 2080 ballot is insufficient and the determination is not timely appealed or is upheld after
- 2081 appeal; or
- 2082 (iii) the day after the date of the election at which the proposed referendum appears
- 2083 on the ballot.
- 2084 (c) if the school district regularly mails a newsletter or other material to the school
- 2085 district's residents, including an internet address, where a resident may view the
- 2086 proposition information pamphlet, in the next mailing, for which the school district
- 2087 has not begun preparation, that falls on or after the later of:
- 2088 (i) 10 calendar days after the day on which the school district or a court determines
- 2089 that the proposed referendum is legally referable to voters; or
- 2090 (ii) if the election officer modifies an argument under Subsection (2)(c), three
- 2091 calendar days after the day on which the election officer and the person who
- 2092 submitted the argument agree on the modification.

2093 Section 11. Section **20A-7-402** is amended to read:

2094 **20A-7-402 . Local voter information pamphlet -- Notice -- Contents --**

2095 **Limitations -- Preparation -- Statement on front cover.**

- 2096 (1)(a) The county[~~or municipality~~] , municipality, or school district that is subject to a
- 2097 ballot proposition shall prepare a local voter information pamphlet that complies with
- 2098 the requirements of this part.
- 2099 (b) Each county or municipality that contains all or part of a proposed new school
- 2100 district or a reorganized new school district that will appear on a regular general
- 2101 election ballot under Section 53G-3-301.1, 53G-3-301.3, or 53G-3-301.4 shall
- 2102 prepare a local voter information pamphlet that complies with the requirements of
- 2103 this part.
- 2104 (2)(a) [~~Within the time requirements described in Subsection (2)(c)(i), a municipality~~

- 2105 described in Subsection (1) shall provide a notice that complies with the requirements  
 2106 of Subsection (2)(e)(ii) to the municipality's residents by publishing the notice for the  
 2107 municipality, as a class A notice under Section 63G-30-102, for the time period set  
 2108 under Subsection (2)(e)(i)] A county, municipality, or school district described in  
 2109 Subsection (1) shall provide a notice that complies with the requirements described in  
 2110 Subsection (2)(b)(ii) to the county's, municipality's, or school district's residents by  
 2111 publishing the notice for the county, municipality, or school district, as a class A  
 2112 notice under Section 63G-30-102, for the time period described in Subsection (2)(b)(i).  
 2113 [~~(b) A county described in Subsection (1) shall publish a notice that complies with the~~  
 2114 ~~requirements of Subsection (2)(e)(ii) for the county, as a class A notice under Section~~  
 2115 ~~63G-30-102.]~~  
 2116 [(e)] ~~(b) [A municipality or county that publishes a notice under Subsection (2)(a) or (b)~~  
 2117 ~~shall] A county, municipality, or school district that publishes a notice under~~  
 2118 ~~Subsection (2)(a) shall:~~  
 2119 (i) publish the notice:  
 2120 (A) not less than 90 calendar days before the date of the election at which a  
 2121 special local ballot proposition will be voted upon; or  
 2122 (B) if the requirements of Subsection [~~(2)(e)(i)(A)] (2)(b)(i)(A) cannot be met, as~~  
 2123 ~~soon as practicable after the special local ballot proposition is approved to be~~  
 2124 ~~voted upon in an election; and~~  
 2125 (ii) ensure that the notice contains:  
 2126 (A) the ballot title for the special local ballot proposition;  
 2127 (B) instructions on how to file a request under Subsection [~~(2)(d)] (2)(c); and~~  
 2128 (C) the deadline described in Subsection [~~(2)(d)] (2)(c).~~  
 2129 [~~(d)] (c) [Except as provided in Subsection (13), to] To prepare a written argument for or  
 2130 against a special local ballot proposition, an eligible voter shall file a request with the  
 2131 election officer no later than 5 p.m. on the last business day that is at least 64  
 2132 calendar days before the day of the election at which the special local ballot  
 2133 proposition is to be voted on.  
 2134 [(e)] ~~(d) If more than one eligible voter requests the opportunity to prepare a written~~  
 2135 ~~argument for or against a special local ballot proposition, the election officer shall~~  
 2136 ~~make the final designation in accordance with the following order of priority:~~  
 2137 (i) sponsors have priority in preparing an argument regarding a special local ballot  
 2138 proposition; and~~

2139 (ii) members of the local legislative body or the local school board have priority over  
 2140 others if a majority of the local legislative body or the local school board supports  
 2141 the written argument.

2142 [(f)] (e) [~~Except as provided in Subsection (13), the~~] The election officer shall grant a  
 2143 request described in Subsection [(2)(d) or (e)] (2)(c) or (d) no later than 60 calendar  
 2144 days before the day of the election at which the ballot proposition is to be voted on.

2145 [(g)] (f)(i) A sponsor of a special local ballot proposition may prepare a written  
 2146 argument in favor of the special local ballot proposition.

2147 (ii) Subject to Subsection [(2)(e)] (2)(d), an eligible voter opposed to the special local  
 2148 ballot proposition who submits a request under Subsection [(2)(d)] (2)(c) may  
 2149 prepare a written argument against the special local ballot proposition.

2150 [(h)] (g) An eligible voter who submits a written argument under this section in relation  
 2151 to a special local ballot proposition shall:

2152 (i) ensure that the written argument does not exceed 500 words in length, not  
 2153 counting the information described in Subsection [(2)(h)(ii)] (2)(g)(ii) or (iv);

2154 (ii) list, at the end of the argument, at least one, but no more than five, names as  
 2155 sponsors;

2156 (iii) [~~except as provided in Subsection (13),~~] submit the written argument to the  
 2157 election officer no later than 5 p.m. on the last business day that is at least 55  
 2158 calendar days before the election day on which the ballot proposition will be  
 2159 submitted to the voters;

2160 (iv) list in the argument, immediately after the eligible voter's name, the eligible  
 2161 voter's residential address; and

2162 (v) submit with the written argument the eligible voter's name, residential address,  
 2163 postal address, email address if available, and phone number.

2164 [(i)] (h) An election officer shall refuse to accept and publish an argument submitted  
 2165 after the deadline described in Subsection [(2)(h)(iii)] (2)(g)(iii).

2166 (3)(a) An election officer who timely receives the written arguments in favor of and  
 2167 against a special local ballot proposition shall, within one business day after the day  
 2168 on which the election office receives both written arguments, send, via mail or email:

2169 (i) a copy of the written argument in favor of the special local ballot proposition to  
 2170 the eligible voter who submitted the written argument against the special local  
 2171 ballot proposition; and

2172 (ii) a copy of the written argument against the special local ballot proposition to the

2173 eligible voter who submitted the written argument in favor of the special local  
2174 ballot proposition.

2175 (b) The eligible voter who submitted a timely written argument in favor of the special  
2176 local ballot proposition:

2177 (i) may submit to the election officer a written rebuttal argument of the written  
2178 argument against the special local ballot proposition;

2179 (ii) shall ensure that the written rebuttal argument does not exceed 250 words in  
2180 length, not counting the information described in Subsection ~~[(2)(h)(ii)]~~ (2)(g)(ii)  
2181 or (iv); and

2182 (iii) ~~[except as provided in Subsection (13),]~~ shall submit the written rebuttal  
2183 argument no later than 5 p.m. on the last business day that is at least 45 calendar  
2184 days before the election day on which the special local ballot proposition will be  
2185 submitted to the voters.

2186 (c) The eligible voter who submitted a timely written argument against the special local  
2187 ballot proposition:

2188 (i) may submit to the election officer a written rebuttal argument of the written  
2189 argument in favor of the special local ballot proposition;

2190 (ii) shall ensure that the written rebuttal argument does not exceed 250 words in  
2191 length, not counting the information described in Subsection ~~[(2)(h)(ii)]~~ (2)(g)(ii)  
2192 or (iv); and

2193 (iii) ~~[except as provided in Subsection (13),]~~ shall submit the written rebuttal  
2194 argument no later than 5 p.m. on the last business day that is at least 45 calendar  
2195 days before the election day on which the special local ballot proposition will be  
2196 submitted to the voters.

2197 (d) An election officer shall refuse to accept and publish a written rebuttal argument in  
2198 relation to a special local ballot proposition that is submitted after the deadline  
2199 described in Subsection (3)(b)(iii) or (3)(c)(iii).

2200 (4)(a) Except as provided in Subsection (4)(b), in relation to a special local ballot  
2201 proposition:

2202 (i) an eligible voter may not modify a written argument or a written rebuttal argument  
2203 after the eligible voter submits the written argument or written rebuttal argument  
2204 to the election officer; and

2205 (ii) a person other than the eligible voter described in Subsection (4)(a)(i) may not  
2206 modify a written argument or a written rebuttal argument.

- 2207 (b) The election officer, and the eligible voter who submits a written argument or written  
 2208 rebuttal argument in relation to a special local ballot proposition, may jointly agree to  
 2209 modify a written argument or written rebuttal argument in order to:
- 2210 (i) correct factual, grammatical, or spelling errors; and
  - 2211 (ii) reduce the number of words to come into compliance with the requirements of  
 2212 this section.
- 2213 (c) An election officer shall refuse to accept and publish a written argument or written  
 2214 rebuttal argument in relation to a special local ballot proposition if the eligible voter  
 2215 who submits the written argument or written rebuttal argument fails to negotiate, in  
 2216 good faith, to modify the written argument or written rebuttal argument in accordance  
 2217 with Subsection (4)(b).
- 2218 (5) In relation to a special local ballot proposition, an election officer may designate another  
 2219 eligible voter to take the place of an eligible voter described in this section if the original  
 2220 eligible voter is, due to injury, illness, death, or another circumstance, unable to continue  
 2221 to fulfill the duties of an eligible voter described in this section.
- 2222 (6) Sponsors whose written argument in favor of a standard local ballot proposition is  
 2223 included in a proposition information pamphlet under Section 20A-7-401.5:
- 2224 (a) may, if a written argument against the standard local ballot proposition is included in  
 2225 the proposition information pamphlet, submit a written rebuttal argument to the  
 2226 election officer;
  - 2227 (b) shall ensure that the written rebuttal argument does not exceed 250 words in length;  
 2228 and
  - 2229 (c) shall submit the written rebuttal argument no later than 5 p.m. on the last business  
 2230 day that is at least 45 calendar days before the election day on which the standard  
 2231 local ballot proposition will be submitted to the voters.
- 2232 (7)(a) A county[~~-or municipality~~] , municipality, or school district that submitted a  
 2233 written argument against a standard local ballot proposition that is included in a  
 2234 proposition information pamphlet under Section 20A-7-401.5:
- 2235 (i) may, if a written argument in favor of the standard local ballot proposition is  
 2236 included in the proposition information pamphlet, submit a written rebuttal  
 2237 argument to the election officer;
  - 2238 (ii) shall ensure that the written rebuttal argument does not exceed 250 words in  
 2239 length; and
  - 2240 (iii) shall submit the written rebuttal argument no later than 5 p.m. on the last

2241 business day that is at least 45 calendar days before the election day on which the  
2242 ballot proposition will be submitted to the voters.

2243 (b) If a county~~[or municipality]~~ , municipality, or school district submits more than one  
2244 written rebuttal argument under Subsection (7)(a)(i), the election officer shall select  
2245 one of the written rebuttal arguments, giving preference to a written rebuttal  
2246 argument submitted by a member of a local legislative body or local school board.

2247 (8)(a) An election officer shall refuse to accept and publish a written rebuttal argument  
2248 that is submitted after the deadline described in Subsection (6)(c) or (7)(a)(iii).

2249 (b) Before an election officer publishes a local voter information pamphlet under this  
2250 section, a written rebuttal argument is a draft for purposes of Title 63G, Chapter 2,  
2251 Government Records Access and Management Act.

2252 (c) An election officer who receives a written rebuttal argument described in this section  
2253 may not, before publishing the local voter information pamphlet described in this  
2254 section, disclose the written rebuttal argument, or any information contained in the  
2255 written rebuttal argument, to any person who may in any way be involved in  
2256 preparing an opposing rebuttal argument.

2257 (9)(a) Except as provided in Subsection (9)(b), a person may not modify a written  
2258 rebuttal argument after the written rebuttal argument is submitted to the election  
2259 officer.

2260 (b) The election officer, and the person who submits a written rebuttal argument, may  
2261 jointly agree to modify a written rebuttal argument in order to:

2262 (i) correct factual, grammatical, or spelling errors; or

2263 (ii) reduce the number of words to come into compliance with the requirements of  
2264 this section.

2265 (c) An election officer shall refuse to accept and publish a written rebuttal argument if  
2266 the person who submits the written rebuttal argument:

2267 (i) fails to negotiate, in good faith, to modify the written rebuttal argument in  
2268 accordance with Subsection (9)(b); or

2269 (ii) does not timely submit the written rebuttal argument to the election officer.

2270 (d) An election officer shall make a good faith effort to negotiate a modification  
2271 described in Subsection (9)(b) in an expedited manner.

2272 (10) An election officer may designate another person to take the place of a person who  
2273 submits a written rebuttal argument in relation to a standard local ballot proposition if  
2274 the person is, due to injury, illness, death, or another circumstance, unable to continue to

2275 fulfill the person's duties.

2276 (11)(a) The local voter information pamphlet shall include a copy of the initial fiscal  
2277 impact estimate and the legal impact statement prepared for each initiative under  
2278 Section 20A-7-502.5.

2279 (b) If the initiative proposes a tax increase, the local voter information pamphlet shall include  
2280 the following statement in bold type:

2281 "This initiative seeks to increase the current (insert name of tax) rate by (insert the tax  
2282 percentage difference) percent, resulting in a(n) (insert the tax percentage increase) percent  
2283 increase in the current tax rate."

2284 (12)(a) In preparing the local voter information pamphlet, the election officer shall:

2285 (i) ensure that the written arguments are printed on the same sheet of paper upon  
2286 which the ballot proposition is also printed;

2287 (ii) ensure that the following statement is printed on the front cover or the heading of the first  
2288 page of the printed written arguments:

2289 "The arguments for or against a ballot proposition are the opinions of the authors.";

2290 (iii) pay for the printing and binding of the local voter information pamphlet; and

2291 (iv) not less than 15 calendar days before, but not more than 45 calendar days before,  
2292 the election at which the ballot proposition will be voted on, distribute, by mail or  
2293 carrier, to each registered voter entitled to vote on the ballot proposition:

2294 (A) a voter information pamphlet; or

2295 (B) the notice described in Subsection (12)(c).

2296 (b)(i) If the language of the ballot proposition exceeds 500 words in length, the  
2297 election officer may summarize the ballot proposition in 500 words or less.

2298 (ii) The summary shall state where a complete copy of the ballot proposition is  
2299 available for public review.

2300 (c)(i) The election officer may distribute a notice printed on a postage prepaid,  
2301 preaddressed return form that a person may use to request delivery of a voter  
2302 information pamphlet by mail.

2303 (ii) The notice described in Subsection (12)(c)(i) shall include:

2304 (A) the address of the Statewide Electronic Voter Information Website authorized  
2305 by Section 20A-7-801; and

2306 (B) the phone number a voter may call to request delivery of a voter information  
2307 pamphlet by mail or carrier.

2308 [~~(13) For 2024 only, in relation to an election that will appear on the regular general~~

2309 ~~election ballot to create a new school district under Section 53G-3-301.1, 53G-3-301.3,~~  
 2310 ~~or 53G-3-301.4, if the notice described in Subsection (2)(b) is published less than 72~~  
 2311 ~~calendar days before the day of the election:]~~  
 2312 [(a) the deadline to file a request described in Subsection (2)(d) is before 5 p.m. no later  
 2313 than five business days after the notice is published;]  
 2314 [(b) the deadline to grant a request under Subsection (2)(f) is no later than seven  
 2315 business days after the notice is published;]  
 2316 [(c) the deadline to submit the written argument to the election officer under Subsection  
 2317 (2)(h)(iii) is before 5 p.m. no later than 12 business days after the notice is published;  
 2318 and]  
 2319 [(d) the deadline to submit the written rebuttal argument under Subsection (3)(b)(iii) or  
 2320 (e)(iii) is no later than 17 business days after the notice is published.]

2321 Section 12. Section **20A-7-405** is amended to read:

2322 **20A-7-405 . Public meeting.**

- 2323 (1) A [~~county or municipality~~] county, municipality, or school district may not discuss a  
 2324 proposed initiative, an initiative, a proposed referendum, or a referendum at a public  
 2325 meeting unless the [~~county or municipality~~] county, municipality, or school district  
 2326 complies with the requirements of this section.
- 2327 (2) The legislative body of a [~~county or municipality~~] county, municipality, or school district  
 2328 may hold a public meeting to discuss a proposed initiative, an initiative, a proposed  
 2329 referendum, or a referendum if the legislative body:  
 2330 (a) allows equal time, within a reasonable limit, for presentations on both sides of the  
 2331 proposed initiative, initiative, proposed referendum, or referendum;  
 2332 (b) provides interested parties an opportunity to present oral testimony within reasonable  
 2333 time limits; and  
 2334 (c) holds the public meeting:  
 2335 (i) during the legislative body's normal meeting time; or  
 2336 (ii) for a meeting time other than the legislative body's normal meeting time,  
 2337 beginning at or after 6 p.m.
- 2338 (3) This section does not prohibit a working group meeting from being held before 6 p.m.

2339 Section 13. Section **20A-7-601** is amended to read:

2340 **20A-7-601 . Referenda -- General signature requirements -- Signature**  
 2341 **requirements for land use laws, subjurisdictional laws, and transit area land use laws --**  
 2342 **Time requirements.**

- 2343 (1) As used in this section:
- 2344 (a) "Number of active voters" means the number of active voters in the county, city, ~~[or]~~
- 2345 town, or school district on the immediately preceding January 1.
- 2346 (b) "Qualifying county" means a county that has created a small public transit district, as
- 2347 defined in Section 17B-2a-802, on or before January 1, 2022.
- 2348 (c) "Qualifying transit area" means:
- 2349 (i) a station area, as defined in Section 10-21-101, for which the municipality with
- 2350 jurisdiction over the station area has satisfied the requirements of Subsection
- 2351 10-21-203(1)(a)(i), as demonstrated by the adoption of a station area plan or
- 2352 resolution under Subsection 10-21-203(1); or
- 2353 (ii) a housing and transit reinvestment zone, as defined in Section 63N-3-602, created
- 2354 within a qualifying county.
- 2355 (d) "Subjurisdiction" means an area comprised of all precincts and subprecincts in the
- 2356 jurisdiction of a county, city, or town that are subject to a subjurisdictional law.
- 2357 (e)(i) "Subjurisdictional law" means a local law or local obligation law passed by a
- 2358 local legislative body that imposes a tax or other payment obligation on property
- 2359 in an area that does not include all precincts and subprecincts under the
- 2360 jurisdiction of the county, city, or town.
- 2361 (ii) "Subjurisdictional law" does not include a land use law.
- 2362 (f) "Transit area land use law" means a land use law that relates to the use of land within
- 2363 a qualifying transit area.
- 2364 (g) "Voter participation area" means an area described in Subsection 20A-7-401.3(1)(a)
- 2365 or (2)(b).
- 2366 (2) Except as provided in Subsections (3) through (5), an eligible voter seeking to have a
- 2367 local law passed by the local legislative body submitted to a vote of the people shall,
- 2368 after filing a referendum application, obtain legal signatures equal to:
- 2369 (a) for a county of the first class:
- 2370 (i) 7.75% of the number of active voters in the county; and
- 2371 (ii) ~~[beginning on January 1, 2020,]~~7.75% of the number of active voters in at least
- 2372 75% of the county's voter participation areas;
- 2373 (b) for a city of the first class:
- 2374 (i) 7.5% of the number of active voters in the city; and
- 2375 (ii) ~~[beginning on January 1, 2020,]~~7.5% of the number of active voters in at least
- 2376 75% of the city's voter participation areas;

- 2377 (c) for a county of the second class:
- 2378 (i) 8% of the number of active voters in the county; and
- 2379 (ii) [~~beginning on January 1, 2020,~~]8% of the number of active voters in at least 75%
- 2380 of the county's voter participation areas;
- 2381 (d) for a city of the second class:
- 2382 (i) 8.25% of the number of active voters in the city; and
- 2383 (ii) [~~beginning on January 1, 2020,~~]8.25% of the number of active voters in at least
- 2384 75% of the city's voter participation areas;
- 2385 (e) for a county of the third class:
- 2386 (i) 9.5% of the number of active voters in the county; and
- 2387 (ii) [~~beginning on January 1, 2020,~~]9.5% of the number of active voters in at least
- 2388 75% of the county's voter participation areas;
- 2389 (f) for a city of the third class:
- 2390 (i) 10% of the number of active voters in the city; and
- 2391 (ii) [~~beginning on January 1, 2020,~~]10% of the number of active voters in at least
- 2392 75% of the city's voter participation areas;
- 2393 (g) for a county of the fourth class:
- 2394 (i) 11.5% of the number of active voters in the county; and
- 2395 (ii) [~~beginning on January 1, 2020,~~]11.5% of the number of active voters in at least
- 2396 75% of the county's voter participation areas;
- 2397 (h) for a city of the fourth class:
- 2398 (i) 11.5% of the number of active voters in the city; and
- 2399 (ii) [~~beginning on January 1, 2020,~~]11.5% of the number of active voters in at least
- 2400 75% of the city's voter participation areas;
- 2401 (i) for a city of the fifth class or a county of the fifth class, 25% of the number of active
- 2402 voters in the city or county; or
- 2403 (j) for a town or a county of the sixth class, 35% of the number of active voters in the
- 2404 town or county.
- 2405 (3) Except as provided in Subsection (4) or (5), an eligible voter seeking to have a land use
- 2406 law or local obligation law passed by the local legislative body submitted to a vote of the
- 2407 people shall, after filing a referendum application, obtain legal signatures equal to:
- 2408 (a) for a county of the first, second, third, or fourth class:
- 2409 (i) 16% of the number of active voters in the county; and
- 2410 (ii) [~~beginning on January 1, 2020,~~]16% of the number of active voters in at least

- 2411 75% of the county's voter participation areas;
- 2412 (b) for a county of the fifth or sixth class:
- 2413 (i) 16% of the number of active voters in the county; and
- 2414 (ii) [~~beginning on January 1, 2020,~~]16% of the number of active voters in at least
- 2415 75% of the county's voter participation areas;
- 2416 (c) for a city of the first class:
- 2417 (i) 15% of the number of active voters in the city; and
- 2418 (ii) [~~beginning on January 1, 2020,~~]15% of the number of active voters in at least
- 2419 75% of the city's voter participation areas;
- 2420 (d) for or a city of the second class:
- 2421 (i) 16% of the number of active voters in the city; and
- 2422 (ii) [~~beginning on January 1, 2020,~~]16% of the number of active voters in at least
- 2423 75% of the city's voter participation areas;
- 2424 (e) for a city of the third class:
- 2425 (i) 27.5% of the number of active voters in the city; and
- 2426 (ii) [~~beginning on January 1, 2020,~~]27.5% of the number of active voters in at least
- 2427 75% of the city's voter participation areas;
- 2428 (f) for a city of the fourth class:
- 2429 (i) 29% of the number of active voters in the city; and
- 2430 (ii) [~~beginning on January 1, 2020,~~]29% of the number of active voters in at least
- 2431 75% of the city's voter participation areas;
- 2432 (g) for a city of the fifth class, 35% of the number of active voters in the city; or
- 2433 (h) for a town, 40% of the number of active voters in the town.
- 2434 (4) A person seeking to have a subjurisdictional law passed by the local legislative body
- 2435 submitted to a vote of the people shall, after filing a referendum application, obtain legal
- 2436 signatures of the residents in the subjurisdiction equal to:
- 2437 (a) 10% of the number of active voters in the subjurisdiction if the number of active
- 2438 voters exceeds 25,000;
- 2439 (b) 12.5% of the number of active voters in the subjurisdiction if the number of active
- 2440 voters does not exceed 25,000 but is more than 10,000;
- 2441 (c) 15% of the number of active voters in the subjurisdiction if the number of active
- 2442 voters does not exceed 10,000 but is more than 2,500;
- 2443 (d) 20% of the number of active voters in the subjurisdiction if the number of active
- 2444 voters does not exceed 2,500 but is more than 500;

- 2445 (e) 25% of the number of active voters in the subjurisdiction if the number of active  
 2446 voters does not exceed 500 but is more than 250; [~~and~~] or
- 2447 (f) 30% of the number of active voters in the subjurisdiction if the number of active  
 2448 voters does not exceed 250.
- 2449 (5) An eligible voter seeking to have a transit area land use law passed by the local  
 2450 legislative body submitted to a vote of the people shall, after filing a referendum  
 2451 application, obtain legal signatures equal to:
- 2452 (a) for a county:
- 2453 (i) 20% of the number of active voters in the county; and  
 2454 (ii) 21% of the number of active voters in at least 75% of the county's voter  
 2455 participation areas;
- 2456 (b) for a city of the first class:
- 2457 (i) 20% of the number of active voters in the city; and  
 2458 (ii) 20% of the number of active voters in at least 75% of the city's voter participation  
 2459 areas;
- 2460 (c) for a city of the second class:
- 2461 (i) 20% of the number of active voters in the city; and  
 2462 (ii) 21% of the number of active voters in at least 75% of the city's voter participation  
 2463 areas;
- 2464 (d) for a city of the third class:
- 2465 (i) 34% of the number of active voters in the city; and  
 2466 (ii) 34% of the number of active voters in at least 75% of the city's voter participation  
 2467 areas;
- 2468 (e) for a city of the fourth class:
- 2469 (i) 36% of the number of active voters in the city; and  
 2470 (ii) 36% of the number of active voters in at least 75% of the city's voter participation  
 2471 areas; or
- 2472 (f) for a city of the fifth class or a town, 40% of the number of active voters in the city or  
 2473 town.
- 2474 (6) An eligible voter seeking to have a local law or local school tax law passed by the local  
 2475 school board of a school district submitted to a vote of the people shall, after filing a  
 2476 referendum application, obtain legal signatures equal to:
- 2477 (a) 10% of the number of active voters in the school district if the number of active  
 2478 voters exceeds 25,000;

- 2479           (b) 12.5% of the number of active voters in the school district if the number of active  
 2480           voters does not exceed 25,000 but is more than 10,000;  
 2481           (c) 15% of the number of active voters in the school district if the number of active  
 2482           voters does not exceed 10,000 but is more than 2,500;  
 2483           (d) 20% of the number of active voters in the school district if the number of active  
 2484           voters does not exceed 2,500 but is more than 500;  
 2485           (e) 25% of the number of active voters in the school district if the number of active  
 2486           voters does not exceed 500 but is more than 250; or  
 2487           (f) 30% of the number of active voters in the school district if the number of active  
 2488           voters does not exceed 250.

2489   ~~[(6)]~~ (7) Sponsors of any referendum petition challenging, under Subsection (2), (3), (4), ~~[or]~~  
 2490           (5), or (6), any local law or local school tax law passed by a local legislative body or  
 2491           local school board, as applicable, shall file the application no later than the first business  
 2492           day that is at least five calendar days after the day on which the local law or the local  
 2493           school tax law was passed.

2494   ~~[(7)]~~ (8) This section does not authorize a local legislative body to impose a tax or other  
 2495           payment obligation on a subjurisdiction in order to benefit an area outside of the  
 2496           subjurisdiction.

2497           Section 14. Section **20A-7-602** is amended to read:

2498           **20A-7-602 . Local referendum process -- Application procedures.**

- 2499   (1) Individuals wishing to circulate a referendum petition shall file a referendum  
 2500           application with the local clerk.  
 2501   (2) The referendum application shall include:  
 2502           (a) the name and residence address of at least five sponsors of the referendum petition;  
 2503           (b) a statement indicating that each of the sponsors is registered to vote in Utah;  
 2504           (c) a statement indicating whether persons gathering signatures for the referendum  
 2505           petition may be paid for gathering signatures;  
 2506           (d) the signature of each of the sponsors, acknowledged by a notary public; and  
 2507           (e)(i) if the referendum challenges an ordinance or resolution, a copy of the ordinance  
 2508           or resolution; ~~[or]~~  
 2509           (ii) if the referendum challenges a local law that is not an ordinance or resolution, a  
 2510           written description of the local law, including the result of the local legislative  
 2511           body's vote on the local law[-] ; or  
 2512           (iii) if the referendum challenges a local school tax law, a written description of the

2513 local school tax law, including the results of the local school board's vote on the  
 2514 local school tax law.

2515 Section 15. Section **20A-7-602.5** is amended to read:

2516 **20A-7-602.5 . Initial fiscal and legal impact statement -- Preparation of statement.**

2517 (1) Within three business days after the day on which the local clerk receives a referendum  
 2518 application, the local clerk shall submit a copy of the referendum application to the [  
 2519 ~~county, city, or town's~~] county's, city's, town's, or school district's budget officer.

2520 (2)(a) The budget officer, together with legal counsel, shall prepare an unbiased, good  
 2521 faith initial fiscal and legal impact statement for repealing the law the referendum  
 2522 proposes to repeal that contains:

2523 (i) a dollar amount representing the total estimated fiscal impact of repealing the law;

2524 (ii) if repealing the law would increase or decrease taxes, a dollar amount  
 2525 representing the total estimated increase or decrease for each type of tax that  
 2526 would be impacted by the law's repeal and a dollar amount representing the total  
 2527 estimated increase or decrease in taxes that would result from the law's repeal;

2528 (iii) if repealing the law would result in the issuance or a change in the status of  
 2529 bonds, notes, or other debt instruments, a dollar amount representing the total  
 2530 estimated increase or decrease in public debt that would result;

2531 (iv) a listing of all sources of funding for the estimated costs that would be associated  
 2532 with the law's repeal, showing each source of funding and the percentage of total  
 2533 funding that would be provided from each source;

2534 (v) a dollar amount representing the estimated costs or savings, if any, to state and  
 2535 local government entities if the law were repealed;

2536 (vi) the legal impacts that would result from repealing the law, including:

2537 (A) any significant effects on a person's vested property rights;

2538 (B) any significant effects on other laws or ordinances;

2539 (C) any significant legal liability the city, county, or town may incur; and

2540 (D) any other significant legal impact as determined by the budget officer and the  
 2541 legal counsel; and

2542 (vii) a concise explanation, not exceeding 100 words, of the information described in  
 2543 this Subsection (2)(a) and of the estimated fiscal impact, if any, if the law were  
 2544 repealed.

2545 (b)(i) If repealing the law would have no fiscal impact, the local budget officer shall include a  
 2546 summary statement in the initial fiscal impact and legal statement in substantially the

2547 following form:

2548 "The (title of the local budget officer) estimates that repealing the law this referendum  
2549 proposes to repeal would have no significant fiscal impact and would not result in either an  
2550 increase or decrease in taxes or debt."

2551 (ii) If repealing the law is estimated to have a fiscal impact, the local budget officer  
2552 shall include a summary statement in the initial fiscal and legal impact statement  
2553 describing the fiscal impact.

2554 (iii) If the estimated fiscal impact of repealing the law is highly variable or is  
2555 otherwise difficult to reasonably express in a summary statement, the local budget  
2556 officer may include in the summary statement a brief explanation that identifies  
2557 those factors impacting the variability or difficulty of the estimate.

2558 (3) Within 20 calendar days after the day on which the local clerk submits a copy of the  
2559 application under Subsection (1), the budget officer shall:

2560 (a) send a copy of the initial fiscal impact and legal statement to the local clerk's office;  
2561 and

2562 (b) send a copy of the initial fiscal impact and legal statement to the first three sponsors  
2563 named in the referendum application.

2564 Section 16. Section **20A-7-602.7** is amended to read:

2565 **20A-7-602.7 . Referability to voters of local law other than land use law.**

2566 (1) Within 20 calendar days after the day on which an eligible voter files a referendum  
2567 application under Section 20A-7-602 for a local school tax law, or a local law other than  
2568 a land use law, counsel for the county, city, [~~or town~~] town, or school district to which  
2569 the referendum [~~pertains~~] relates shall:

2570 (a) review the referendum application to determine whether the proposed referendum is  
2571 legally referable to voters; and

2572 (b) notify the first three sponsors, in writing, whether the proposed referendum is:

2573 (i) legally referable to voters; or

2574 (ii) rejected as not legally referable to voters.

2575 (2) For a local school tax law, or a local law other than a land use law, a proposed  
2576 referendum is legally referable to voters unless:

2577 (a) the proposed referendum challenges an action that is administrative, rather than  
2578 legislative, in nature;

2579 (b) the proposed referendum challenges more than one law passed by the local  
2580 legislative body or the local school board; or

- 2581 (c) the referendum application was not timely filed or does not comply with the  
 2582 requirements of this part.
- 2583 (3) After the end of the 20-calendar-day period described in Subsection (1), [~~a county, city,~~  
 2584 ~~or town may not, for a local law other than a land use law]~~ a county, city, town, or school  
 2585 district may not, for a local school tax law, or a local law other than a land use law:
- 2586 (a) reject a proposed referendum as not legally referable to voters; or  
 2587 (b) except as provided in Subsection (4), challenge, in a legal action or otherwise, a  
 2588 proposed referendum on the grounds that the proposed referendum is not legally  
 2589 referable to voters.
- 2590 (4)(a) If, under Subsection (1)(b)(ii), a county, city, [~~or town]~~ town, or school district  
 2591 rejects a proposed referendum concerning a local school tax law, or a local law other  
 2592 than a land use law, a sponsor of the proposed referendum may, within 10 days after  
 2593 the day on which a sponsor is notified under Subsection (1)(b), challenge or appeal  
 2594 the decision to:
- 2595 (i) the Supreme Court, by means of an extraordinary writ, if possible; or  
 2596 (ii) a district court, if the sponsor is prohibited from pursuing an extraordinary writ  
 2597 under Subsection (4)(a)(i).
- 2598 (b) Failure of a sponsor to timely challenge or appeal a rejection under Subsection (4)(a)  
 2599 terminates the referendum.
- 2600 (5) If, on a challenge or appeal, the court determines that the proposed referendum  
 2601 described in Subsection (4) is legally referable to voters, the local clerk shall comply  
 2602 with Subsection 20A-7-604(3), or give the sponsors access to the website defined in  
 2603 Section 20A-21-101, within five calendar days after the day on which the determination,  
 2604 and any challenge or appeal of the determination, is final.
- 2605 Section 17. Section **20A-7-603** is amended to read:
- 2606 **20A-7-603 . Manual referendum process -- Form of referendum petition and**  
 2607 **signature sheet.**
- 2608 (1) This section applies only to the manual referendum process.
- 2609 (2)(a) Each proposed referendum petition shall be printed in substantially the following form:
- 2610 "REFERENDUM PETITION To the Honorable \_\_\_\_\_, County Clerk/City  
 2611 Recorder/Town Clerk:
- 2612 We, the undersigned citizens of Utah, respectfully order that (description of the local  
 2613 law or local school tax law, or portion of local law or local school tax law being challenged),  
 2614 passed by the \_\_\_\_\_ be referred to the voters for their approval or rejection at the

2615 regular/municipal general election to be held on \_\_\_\_\_(month\day\year);

2616 Each signer says:

2617 I have personally signed this referendum petition or, if I am an individual with a  
2618 qualifying disability, I have signed this referendum petition by directing the signature gatherer  
2619 to enter the initials "AV" as my signature;

2620 The date next to my signature correctly reflects the date that I actually signed the  
2621 petition;

2622 I have personally read the entire statement included with this packet;

2623 I am registered to vote in Utah; and

2624 My residence and post office address are written correctly after my name."

2625 (b) The sponsors of a referendum or an agent of the sponsors shall attach a copy of the  
2626 law that is the subject of the referendum to each referendum petition.

2627 (3) Each referendum signature sheet shall:

2628 (a) be printed on sheets of paper 8-1/2 inches long and 11 inches wide;

2629 (b) be ruled with a horizontal line three-fourths inch from the top, with the space above  
2630 that line blank for the purpose of binding;

2631 (c) include the title of the referendum printed below the horizontal line, in at least  
2632 14-point type;

2633 (d) include a table immediately below the title of the referendum, and beginning .5 inch  
2634 from the left side of the paper, as follows:

2635 (i) the first column shall be .5 inch wide and include three rows;

2636 (ii) the first row of the first column shall be .85 inch tall and contain the words "For  
2637 Office Use Only" in 10-point type;

2638 (iii) the second row of the first column shall be .35 inch tall;

2639 (iv) the third row of the first column shall be .5 inch tall;

2640 (v) the second column shall be 2.75 inches wide;

2641 (vi) the first row of the second column shall be .35 inch tall and contain the words  
2642 "Registered Voter's Printed Name (must be legible to be counted)" in 10-point  
2643 type;

2644 (vii) the second row of the second column shall be .5 inch tall;

2645 (viii) the third row of the second column shall be .35 inch tall and contain the words  
2646 "Street Address, City, Zip Code" in 10-point type;

2647 (ix) the fourth row of the second column shall be .5 inch tall;

2648 (x) the third column shall be 2.75 inches wide;

- 2649 (xi) the first row of the third column shall be .35 inch tall and contain the words  
 2650 "Signature of Registered Voter" in 10-point type;  
 2651 (xii) the second row of the third column shall be .5 inch tall;  
 2652 (xiii) the third row of the third column shall be .35 inch tall and contain the words  
 2653 "Email Address (optional, to receive additional information)" in 10-point type;  
 2654 (xiv) the fourth row of the third column shall be .5 inch tall;  
 2655 (xv) the fourth column shall be one inch wide;  
 2656 (xvi) the first row of the fourth column shall be .35 inch tall and contain the words  
 2657 "Date Signed" in 10-point type;  
 2658 (xvii) the second row of the fourth column shall be .5 inch tall;  
 2659 (xviii) the third row of the fourth column shall be .35 inch tall and contain the words  
 2660 "Birth Date or Age (optional)" in 10-point type;  
 2661 (xix) the fourth row of the third column shall be .5 inch tall; and  
 2662 (xx) the fifth row of the entire table shall be the width of the entire table, .4 inch tall,  
 2663 and contain the following words, "By signing this referendum petition, you are  
 2664 stating that you have read and understand the law that this referendum petition  
 2665 seeks to overturn." in 12-point type;  
 2666 (e) the table described in Subsection (3)(d) shall be repeated, leaving sufficient room at  
 2667 the bottom of the sheet or the information described in Subsection (3)(f); and  
 2668 (f) at the bottom of the sheet, include the word "Warning," in 12-point, bold type, followed by  
 2669 the following statement in not less than eight-point type:

2670 "It is a class A misdemeanor for an individual to sign a referendum petition with a name  
 2671 other than the individual's own name, or to knowingly sign the individual's name more than  
 2672 once for the same referendum petition, or to sign a referendum petition when the individual  
 2673 knows that the individual is not a registered voter.

2674 Birth date or age information is not required, but it may be used to verify your identity  
 2675 with voter registration records. If you choose not to provide it, your signature may not be  
 2676 verified as a valid signature if you change your address before petition signatures are verified  
 2677 or if the information you provide does not match your voter registration records."

- 2678 (4) The final page of each referendum packet shall contain the following printed or typed  
 2679 statement:

2680 "Verification of signature collector

2681 State of Utah, County of \_\_\_\_

2682 I, \_\_\_\_\_, of \_\_\_\_\_, hereby state, under penalty of perjury, that:

2683 I am at least 18 years old;

2684 All the names that appear in this packet were signed by individuals who professed to be  
2685 the individuals whose names appear in it, and each of the individuals signed the individual's  
2686 name on it in my presence or, in the case of an individual with a qualifying disability, I have  
2687 signed this referendum petition on the individual's behalf, at the direction of the individual and  
2688 in the individual's presence, by entering the initials "AV" as the individual's signature;

2689 I certify that, for each individual whose signature is represented in this referendum  
2690 packet by the initials "AV":

2691 I obtained the individual's voluntary direction or consent to sign the referendum  
2692 petition on the individual's behalf;

2693 I do not believe, or have reason to believe, that the individual lacked the mental  
2694 capacity to give direction or consent;

2695 I do not believe, or have reason to believe, that the individual did not  
2696 understand the purpose or nature of my signing the referendum petition on the individual's  
2697 behalf;

2698 I did not intentionally or knowingly deceive the individual into directing me to,  
2699 or consenting for me to, sign the referendum petition on the individual's behalf; and

2700 I did not intentionally or knowingly enter false information on the signature  
2701 sheet;

2702 I did not knowingly make a misrepresentation of fact concerning the law this petition  
2703 seeks to overturn; and

2704 I believe that each individual's name, post office address, and residence is written  
2705 correctly, that each signer has read the law that the referendum seeks to overturn, and that each  
2706 signer is registered to vote in Utah.

2707 \_\_\_\_\_

2708

2709 (Name) (Residence Address) (Date)

2710 The correct date of signature appears next to each individual's name.

2711 I have not paid or given anything of value to any individual who signed this referendum  
2712 packet to encourage that individual to sign it.

2713 \_\_\_\_\_

2714 (Name) (Residence Address) (Date)".

2715 (5) If the forms described in this section are substantially followed, the referendum  
2716 petitions are sufficient, notwithstanding clerical and merely technical errors.

2717 Section 18. Section **20A-7-604** is amended to read:

2718 **20A-7-604 . Manual referendum process -- Circulation requirements -- Local**  
2719 **clerk to provide sponsors with materials.**

2720 (1) This section applies only to the manual referendum process.

2721 (2) In order to obtain the necessary number of signatures required by this part, the sponsors  
2722 or an agent of the sponsors shall, after the sponsors receive the documents described in  
2723 Subsections (3) and 20A-7-401.5(4)(b), circulate referendum packets that meet the form  
2724 requirements of this part.

2725 (3) Within five calendar days after the day on which a county, city, town, school district, or  
2726 court determines, in accordance with Section 20A-7-602.7, that a proposed referendum  
2727 is legally referable to voters, the local clerk shall provide the sponsors with:

2728 (a) a copy of the referendum petition;

2729 (b) a signature sheet; and

2730 (c) a copy of the proposition information pamphlet provided to the sponsors under  
2731 Subsection 20A-7-401.5(4)(b).

2732 (4) The sponsors of the referendum petition shall:

2733 (a) arrange and pay for the printing of all documents that are part of the referendum  
2734 packets; and

2735 (b) ensure that the referendum packets and the documents described in Subsection (4)(a)  
2736 meet the form requirements of this section.

2737 (5)(a) The sponsors or an agent of the sponsors may prepare the referendum packets for  
2738 circulation by creating multiple referendum packets.

2739 (b) The sponsors or an agent of the sponsors shall create referendum packets by binding  
2740 a copy of the referendum petition with the text of the law that is the subject of the  
2741 referendum and no more than 50 signature sheets together at the top in a manner that  
2742 the referendum packets may be conveniently opened for signing.

2743 (c) A referendum packet is not required to have a uniform number of signature sheets.

2744 (d) The sponsors or an agent of the sponsors shall include, with each packet, a copy of  
2745 the proposition information pamphlet provided to the sponsors under Subsection  
2746 20A-7-401.5(4)(b).

2747 (6)(a) The sponsors or an agent of the sponsors shall, before gathering signatures:

2748 (i) contact the county clerk to receive a range of numbers that the sponsors may use  
2749 to number referendum packets;

2750 (ii) sign an agreement with the local clerk, specifying the range of numbers that the

- 2751 sponsor will use to number the referendum packets; and
- 2752 (iii) number each referendum packet, sequentially, within the range of numbers
- 2753 provided by the county clerk, starting with the lowest number in the range.
- 2754 (b) The sponsors or an agent of the sponsors may not:
- 2755 (i) number a referendum packet in a manner not directed by the county clerk; or
- 2756 (ii) circulate or submit a referendum packet that is not numbered in the manner
- 2757 directed by the county clerk.

2758 Section 19. Section **20A-7-607** is amended to read:

2759 **20A-7-607 . Evaluation by the local clerk -- Determination of election for vote on**

2760 **referendum.**

- 2761 (1) In relation to the manual referendum process, when the local clerk receives a
- 2762 referendum packet from a county clerk, the local clerk shall record the number of the
- 2763 referendum packet received.
- 2764 (2) The county clerk shall:
- 2765 (a) in relation to the manual referendum process:
- 2766 (i) post the names, voter identification numbers, and dates of signatures described in
- 2767 Subsection 20A-7-105(6)(a)(iii) on the lieutenant governor's website, in a
- 2768 conspicuous location designated by the lieutenant governor, for at least 45
- 2769 calendar days; and
- 2770 (ii) update on the local clerk's website the number of signatures certified as of the
- 2771 date of the update; or
- 2772 (b) in relation to the electronic referendum process:
- 2773 (i) post the names, voter identification numbers, and dates of signatures described in
- 2774 Subsection 20A-7-616(3) on the lieutenant governor's website, in a conspicuous
- 2775 location designated by the lieutenant governor, for at least 45 calendar days; and
- 2776 (ii) update on the lieutenant governor's website the number of signatures certified as
- 2777 of the date of the update.
- 2778 (3) The local clerk:
- 2779 (a) shall, except as provided in Subsection (3)(b), declare the referendum petition to be
- 2780 sufficient or insufficient:
- 2781 (i) in relation to the manual referendum process, no later than 111 calendar days after
- 2782 the day of the deadline, described in Subsection 20A-7-105(5)(a)(iv), to submit a
- 2783 referendum packet to the county clerk; or
- 2784 (ii) in relation to the electronic referendum process, no later than 111 calendar days

- 2785 after the day of the deadline, described in Subsection 20A-7-616(2), to collect a  
2786 signature; or
- 2787 (b) may declare the referendum petition to be insufficient before the day described in  
2788 Subsection (3)(a) if:
- 2789 (i) in relation to the manual referendum process, the total of all valid signatures on  
2790 timely and lawfully submitted referendum packets that have been certified by the  
2791 county clerk, plus the number of signatures on timely and lawfully submitted  
2792 referendum packets that have not yet been evaluated for certification, is less than  
2793 the number of names required under Section 20A-7-601;
- 2794 (ii) in relation to the electronic referendum process, the total of all timely and  
2795 lawfully submitted valid signatures that have been certified by the county clerks,  
2796 plus the number of timely and lawfully submitted valid signatures received under  
2797 Subsection 20A-21-201(6)(b) that have not yet been evaluated for certification, is  
2798 less than the number of names required under Section 20A-7-601; or
- 2799 (iii) a requirement of this part has not been met.
- 2800 (4)(a) If the total number of names certified under Subsection (3) equals or exceeds the  
2801 number of names required under Section 20A-7-601, and the requirements of this  
2802 part are met, the local clerk shall mark upon the front of the referendum petition the  
2803 word "sufficient."
- 2804 (b) If the total number of names certified under Subsection (3) does not equal or exceed  
2805 the number of names required under Section 20A-7-601 or a requirement of this part  
2806 is not met, the local clerk shall mark upon the front of the referendum petition the  
2807 word "insufficient."
- 2808 (c) The local clerk shall immediately notify any one of the sponsors of the local clerk's  
2809 finding.
- 2810 (d) After a referendum petition is declared insufficient, a person may not submit  
2811 additional signatures to qualify the referendum for the ballot.
- 2812 (5)(a) If the local clerk refuses to declare a referendum petition sufficient, any voter  
2813 may, no later than 10 days after the day on which the local clerk declares the  
2814 referendum petition insufficient, apply to the appropriate court for an order finding  
2815 the referendum petition legally sufficient.
- 2816 (b) If the court determines that the referendum petition is legally sufficient, the local  
2817 clerk shall mark the referendum petition "sufficient" and consider the declaration of  
2818 sufficiency effective as of the date on which the referendum petition should have

- 2819           been declared sufficient by the local clerk's office.
- 2820           (c) If the court determines that a referendum petition filed is not legally sufficient, the
- 2821           court may enjoin the local clerk and all other officers from:
- 2822           (i) certifying or printing the ballot title and numbers of that referendum on the official
- 2823           ballot for the next election; or
- 2824           (ii) as it relates to a local tax law or local school tax law that is conducted entirely by
- 2825           mail, certifying, printing, or mailing the ballot title and numbers of that
- 2826           referendum under Section 20A-7-609.5.
- 2827           (6) A referendum petition determined to be sufficient in accordance with this section is
- 2828           qualified for the ballot.
- 2829           (7)(a) Except as provided in Subsection (7)(b) or (c), if a referendum relates to
- 2830           legislative action taken after April 15, the election officer may not place the
- 2831           referendum on an election ballot until a primary election, a general election, or a
- 2832           special election the following year.
- 2833           (b) The election officer may place a referendum described in Subsection (7)(a) on the
- 2834           ballot for a special, primary, or general election held during the year that the
- 2835           legislative action was taken if the following agree, in writing, on a timeline to place
- 2836           the referendum on that ballot:
- 2837           (i) the local clerk;
- 2838           (ii) the county clerk; and
- 2839           (iii) the attorney for the county~~[-or-]~~ , municipality, or school district that took the
- 2840           legislative action.
- 2841           (c) For a referendum on a land use law, if, before August 30, the local clerk or a court
- 2842           determines that the total number of certified names equals or exceeds the number of
- 2843           signatures required in Section 20A-7-601, the election officer shall place the
- 2844           referendum on the election ballot for:
- 2845           (i) the next general election; or
- 2846           (ii) another election, if the following agree, in writing, on a timeline to place the
- 2847           referendum on that ballot:
- 2848           (A) the affected owners, as defined in Section 10-20-102 or 17-79-102, as
- 2849           applicable;
- 2850           (B) the local clerk;
- 2851           (C) the county clerk; and
- 2852           (D) the attorney for the county or municipality that took the legislative action.

2853 Section 20. Section **20A-7-608** is amended to read:

2854 **20A-7-608 . Short title and summary of referendum -- Duties of local clerk and**  
2855 **local attorney.**

2856 (1) Upon receipt of a referendum petition, the local clerk shall deliver a copy of the  
2857 referendum petition and the law to which the referendum relates to the local attorney.

2858 (2) The local attorney shall:

2859 (a) entitle each [~~county or municipal~~] county, municipal, or school district referendum  
2860 that qualifies for the ballot "Proposition Number \_\_\_" and give the referendum a  
2861 number assigned in accordance with Section 20A-6-107;

2862 (b) prepare for the referendum:

2863 (i) an impartial short title, not exceeding 25 words, that generally describes the  
2864 subject of the law to which the referendum relates; and

2865 (ii) an impartial summary of the contents of the law to which the referendum relates,  
2866 not exceeding 125 words;

2867 (c) file the proposed short title, summary, and the numbered referendum title with the  
2868 local clerk within 20 calendar days after the day on which an eligible voter submits  
2869 the referendum petition to the local clerk; and

2870 (d) promptly provide notice of the filing of the proposed short title and summary to:

2871 (i) the sponsors of the petition; and

2872 (ii) the local legislative body or the local school board for the jurisdiction where the  
2873 referendum petition was circulated.

2874 (3)(a) The short title and summary may be distinct from the title of the law that is the  
2875 subject of the referendum petition.

2876 (b) In preparing a short title, the local attorney shall, to the best of the local attorney's  
2877 ability, give a true and impartial description of the subject of the referendum.

2878 (c) In preparing a summary, the local attorney shall, to the best of the local attorney's  
2879 ability, give a true and impartial summary of the contents of the referendum.

2880 (d) The short title and summary may not intentionally be an argument, or likely to create  
2881 prejudice, for or against the referendum.

2882 (4)(a) Within five calendar days after the day on which the local attorney files a  
2883 proposed short title and summary under Subsection (2)(c), the local legislative body  
2884 or the local school board for the jurisdiction where the referendum petition was  
2885 circulated and the sponsors of the referendum petition may file written comments in  
2886 response to the proposed short title and summary with the local clerk.

- 2887 (b) Within five calendar days after the last date to submit written comments under  
2888 Subsection (4)(a), the local attorney shall:
- 2889 (i) review any written comments filed in accordance with Subsection (4)(a);  
2890 (ii) prepare a final short title and summary that meets the requirements of Subsection  
2891 (3); and  
2892 (iii) return the referendum petition and file the short title and summary with the local  
2893 clerk.
- 2894 (c) Subject to Subsection (6), for each [~~county or municipal~~] county, municipal, or school  
2895 district referendum, the following shall be printed on the official ballot:
- 2896 (i) the short title; and  
2897 (ii) except as provided in Subsection (4)(d):  
2898 (A) the summary;  
2899 (B) a copy of the ordinance, resolution, or written description of the local law or  
2900 the local school tax law; and  
2901 (C) a link to a location on the election officer's website where a voter may review  
2902 additional information relating to each referendum, including the information  
2903 described in Subsection 20A-7-602(2) and the arguments relating to the  
2904 referendum that are included in the local voter information pamphlet.
- 2905 (d) Unless the information described in Subsection (4)(c)(ii) is printed on the official  
2906 ballot, the election officer shall include with the ballot a separate ballot proposition  
2907 insert that includes the short title and summary for each referendum on the ballot and  
2908 a link to a location on the election officer's website where a voter may review the  
2909 additional information described in Subsection (4)(c)(ii)(C).
- 2910 (e) Unless the information described in Subsection 20A-7-508(4)(c)(ii) for all initiatives  
2911 on the ballot, and the information described in Subsection (4)(c)(ii) for all referenda  
2912 on the ballot, is printed on the ballot, the ballot shall include the following statement  
2913 at the beginning of the portion of the ballot that includes ballot measures, "The ballot  
2914 proposition sheet included with this ballot contains an impartial summary of each  
2915 initiative and referendum on this ballot, unless the summary is printed directly on the  
2916 ballot."
- 2917 (5) Immediately after the local attorney files a copy of the short title and summary with the  
2918 local clerk, the local clerk shall send a copy of the short title and summary to the  
2919 sponsors of the referendum petition and the local legislative body or the local school  
2920 board for the jurisdiction where the referendum petition was circulated.

- 2921 (6)(a) If the short title or summary provided by the local attorney is unsatisfactory or  
 2922 does not comply with the requirements of this section, the decision of the local  
 2923 attorney may be appealed to the appropriate court by:
- 2924 (i) at least three sponsors of the referendum petition; or
  - 2925 (ii) a majority of the local legislative body or the local school board for the  
 2926 jurisdiction where the referendum petition was circulated.
- 2927 (b) The court shall:
- 2928 (i) [~~shall~~]examine the short title and summary and consider the arguments; and
  - 2929 (ii) enter an order consistent with the requirements of this section.
- 2930 (c) The local clerk shall include the short title and summary in the ballot or ballot  
 2931 proposition insert, as required by this section.
- 2932 Section 21. Section **20A-7-609** is amended to read:
- 2933 **20A-7-609 . Form of ballot -- Manner of voting.**
- 2934 (1) The local clerk shall ensure that the number and ballot title are presented upon the  
 2935 official ballot with, immediately adjacent to them, the words "For" and "Against," each  
 2936 word presented with an adjacent square in which the elector may indicate the elector's  
 2937 vote.
- 2938 (2)(a) Except as provided in Subsection [~~(2)(e)(i)~~] (2)(d)(i), and unless the county  
 2939 legislative body calls a special election, the county clerk shall ensure that [~~county~~  
 2940 ~~referenda that have~~] a county referendum that has qualified for the ballot [~~appear~~  
 2941 appears] on the next regular general election ballot.
- 2942 (b) Except as provided in Subsection [~~(2)(e)(ii)~~] (2)(d)(ii), and unless the municipal  
 2943 legislative body calls a special election, the municipal recorder or town clerk shall  
 2944 ensure that [~~municipal referenda that have~~] a municipal referendum that has qualified  
 2945 for the ballot [~~appear~~] appears on the next regular municipal election ballot.
- 2946 (c) Except as provided in Subsection (2)(d)(iii), and unless the local school board calls a  
 2947 special election, the county clerk shall ensure that a school district referendum that  
 2948 has qualified for the ballot appears on the next regular general election ballot.
- 2949 [~~(e)~~] (d)(i) If a local law passes after January 30 of the year in which there is a regular  
 2950 general election, the county clerk shall ensure that a county referendum that has  
 2951 qualified for the ballot appears on the ballot at the second regular general election  
 2952 immediately following the passage of the local law unless the county legislative  
 2953 body calls a special election.
- 2954 (ii) If a local law passes after January 30 of the year in which there is a municipal

2955 general election, the municipal recorder or town clerk shall ensure that a  
 2956 municipal referendum that has qualified for the ballot appears on the ballot at the  
 2957 second municipal general election immediately following the passage of the local  
 2958 law unless the municipal legislative body calls a special election.

2959 (iii) If a local law or local school tax law passes after January 30 of the year in which  
 2960 there is a regular general election, the county clerk shall ensure that a school  
 2961 district referendum that has qualified for the ballot appears on the ballot at the  
 2962 second regular general election immediately following passage of the local law or  
 2963 local school tax law unless the local school board calls a special election.

2964 (3)(a)(i) A voter desiring to vote in favor of the law that is the subject of the  
 2965 referendum shall mark the square adjacent to the word "For."

2966 (ii) The law that is the subject of the referendum is effective if a majority of voters  
 2967 mark "For."

2968 (b)(i) A voter desiring to vote against the law that is the subject of the referendum  
 2969 shall mark the square following the word "Against."

2970 (ii) The law that is the subject of the referendum is not effective if a majority of  
 2971 voters mark "Against."

2972 Section 22. Section **20A-7-609.5** is amended to read:

2973 **20A-7-609.5 . Election on referendum challenging local tax law or local school**  
 2974 **tax law conducted entirely by mail.**

2975 (1) An election officer may administer an election on a referendum challenging a local tax  
 2976 law or a local school tax law entirely by mail.

2977 (2) For purposes of an election conducted under this section, the election officer shall:

2978 (a) designate as the election day the first business day that is at least 30 calendar days  
 2979 after the day on which the election officer complies with Subsection (2)(b); and

2980 (b) subject to Subsection (6), within 30 calendar days after the day on which the  
 2981 referendum described in Subsection (1) qualifies for the ballot, mail to each  
 2982 registered voter within the voting precincts or school district to which the local tax  
 2983 law or the local school tax law applies:

2984 (i) a manual ballot;

2985 (ii) a statement that there will be no polling place for the election;

2986 (iii) a statement specifying the election day described in Subsection (2)(a);

2987 (iv) a return envelope;

2988 (v) instructions for returning the ballot that include an express notice about any

- 2989 relevant deadlines that the voter must meet in order for the voter's vote to be  
2990 counted;
- 2991 (vi) a warning, on a separate page of colored paper in boldface print, indicating that if  
2992 the voter fails to follow the instructions included with the manual ballot, the voter  
2993 will be unable to vote in that election because there will be no polling place for the  
2994 election; and
- 2995 (vii)(A) a copy of the proposition information pamphlet relating to the referendum  
2996 if a proposition information pamphlet relating to the referendum was published  
2997 under Section 20A-7-401.5; or
- 2998 (B) a website address where an individual may view a copy of the proposition  
2999 information pamphlet described in Subsection (2)(b)(vii)(A).
- 3000 (3) An election officer who administers an election under this section shall:
- 3001 (a)(i) obtain, in person, the signatures of each voter within that voting precinct or  
3002 school district before the election; or
- 3003 (ii) obtain the signature of each voter within the voting precinct or school district  
3004 from the county clerk; and
- 3005 (b) maintain the signatures on file in the election officer's office.
- 3006 (4)(a) Upon receiving a returned manual ballot under this section, the election officer  
3007 shall compare the signature on each return envelope with the voter's signature that is  
3008 maintained on file and verify that the signatures are the same.
- 3009 (b) If the election officer questions the authenticity of the signature on the return  
3010 envelope, the election officer shall immediately contact the voter to verify the  
3011 signature.
- 3012 (c) If there is not a signature on the return envelope or if the election officer determines  
3013 that the signature on the return envelope does not match the voter's signature that is  
3014 maintained on file, the election officer shall:
- 3015 (i) disqualify the ballot; and
- 3016 (ii) notify the voter of the disqualification and the reason for the disqualification.
- 3017 (5) The following provisions do not apply to an election described in this section:
- 3018 (a) Section 20A-3a-201;
- 3019 (b) Subsection 20A-3a-202(2)(a)(iv);
- 3020 (c) Section 20A-3a-203;
- 3021 (d) Section 20A-3a-601;
- 3022 (e) Section 20A-3a-603;

3023 (f) Section 20A-3a-702;

3024 (g) Section 20A-5-403; or

3025 (h) Subsection 20A-7-609(2).

3026 (6) Notwithstanding Section 20A-3a-202.5, for an election described in this section, the  
3027 election officer shall send a ballot by mail to all registered voters in the jurisdiction.

3028 Section 23. Section **20A-7-610** is amended to read:

3029 **20A-7-610 . Return and canvass -- Conflicting measures -- Law effective on**  
3030 **proclamation.**

3031 (1) The votes on the law that is the subject of the referendum petition shall be counted,  
3032 canvassed, and delivered as provided in Chapter 4, Part 3, Canvassing Returns.

3033 (2) After the local board of canvassers completes the canvass, the local clerk shall certify to  
3034 the local legislative body or the local school board the vote for and against the law that  
3035 is the subject of the referendum petition.

3036 (3)(a) The local legislative body or the local school board shall immediately issue a  
3037 proclamation that:

3038 (i) gives the total number of votes cast in the local jurisdiction for and against each  
3039 law that is the subject of a referendum petition; and

3040 (ii) in accordance with Section 20A-7-611, declares those laws that are the subject of  
3041 a referendum petition that are approved by majority vote to be in full force and  
3042 effect as the law of the local jurisdiction.

3043 (b) When the local legislative body or the local school board determines that two laws,  
3044 or that parts of two laws approved by the people at the same election are entirely in  
3045 conflict, the local legislative body shall proclaim to be law the law that received the  
3046 greatest number of affirmative votes, regardless of the difference in the majorities  
3047 which those approved laws received.

3048 (4)(a) Within 10 days after the day on which the local legislative body or the local  
3049 school board issues the proclamation described in Subsection (3), any qualified voter  
3050 residing in the jurisdiction for a law that is declared by the local legislative body to  
3051 be superseded by another law approved at the same election may bring an action in  
3052 the appropriate court to review the decision.

3053 (b) The court shall:

3054 (i) consider the matter and decide whether the approved laws are entirely in conflict;  
3055 and

3056 (ii) issue an order, consistent with the court's decision, to the local legislative body or

3057 the local school board.

3058 (5) Within 10 calendar days after the day on which the court enters an order under  
3059 Subsection (4)(b)(ii), the local legislative body or the local school board shall:

- 3060 (a) proclaim as law all those laws approved by the people that the court determines are  
3061 not in conflict; and  
3062 (b) of all those laws approved by the people as law that the court determines to be in  
3063 conflict, proclaim as law the one that receives the greatest number of affirmative  
3064 votes, regardless of the difference in majorities.

3065 Section 24. Section **20A-7-611** is amended to read:

3066 **20A-7-611 . Temporary stay -- Effective date -- Effect of repeal by local**  
3067 **legislative body.**

- 3068 (1) Any law submitted to the people by referendum petition that is rejected by the voters at  
3069 any election is repealed as of the date of the election.
- 3070 (2) If, at the time during the process described in Subsection 20A-7-607(2), the local clerk  
3071 determines that, at that point in time, an adequate number of signatures are certified to  
3072 comply with the signature requirements, the local clerk shall:
- 3073 (a) issue an order temporarily staying the law from going into effect; and  
3074 (b) continue the process of certifying signatures and removing signatures as required by  
3075 this part.
- 3076 (3) The temporary stay described in Subsection (2)(a) remains in effect, regardless of  
3077 whether a future count falls below the signature threshold, until:
- 3078 (a) if the local clerk declares the referendum petition insufficient, five calendar days  
3079 after the day on which the local clerk declares the referendum petition insufficient; or  
3080 (b) if the local clerk declares the referendum petition sufficient, the day on which the  
3081 local legislative body issues the proclamation described in Section 20A-7-610.
- 3082 (4) A law submitted to the people by referendum that is approved by the voters at an  
3083 election takes effect the later of:
- 3084 (a) five calendar days after the date of the official proclamation of the vote by the local  
3085 legislative body; or  
3086 (b) the effective date specified in the approved law.
- 3087 (5) If, after the local clerk issues a temporary stay order under Subsection (2)(a), the local  
3088 clerk declares the referendum petition insufficient, the law that is the subject of the  
3089 referendum petition takes effect the later of:
- 3090 (a) five calendar days after the day on which the local clerk declares the petition

- 3091 insufficient; or
- 3092 (b) the effective date specified in the proposed law.
- 3093 (6)(a) A law approved by the people under this part is not subject to veto.
- 3094 (b) The local legislative body or the local school board may amend any laws approved
- 3095 by the people under this part after the people approve the law.
- 3096 (7) If the local legislative body or the local school board repeals a law challenged by
- 3097 referendum petition under this part, the referendum petition is void and no further action
- 3098 on the referendum petition is required.
- 3099 Section 25. Section **20A-7-613** is amended to read:
- 3100 **20A-7-613 . Property tax referendum petition.**
- 3101 (1) As used in this section[;] :
- 3102 (a) "[~~certified~~] Certified tax rate" means the same as that term is defined in Section
- 3103 59-2-924.
- 3104 (b) "Taxing entity" means a county, city, town, or school district with the authority to
- 3105 levy a tax on property.
- 3106 (2) Except as provided in this section, the requirements of this part apply to a referendum
- 3107 petition challenging a taxing entity's legislative body's vote to impose a tax rate that
- 3108 exceeds the certified tax rate.
- 3109 (3)(a) Notwithstanding Subsection 20A-7-105(5)(a)(iv), and subject to Subsection (3)(b),
- 3110 the sponsors or an agent of the sponsors shall deliver a signed and verified
- 3111 referendum packet to the county clerk of the county in which the packet was
- 3112 circulated before 5 p.m. no later than the earlier of:
- 3113 (i) the first business day that is at least 30 calendar days after the day on which the
- 3114 first individual signs the packet; or
- 3115 (ii) the first business day that is at least 40 calendar days after the day on which the
- 3116 local clerk complies with Subsection 20A-7-604(3).
- 3117 (b) For a county where the county clerk's office is closed on a business day, if the
- 3118 deadline described in Subsection (3)(a) is on that business day, the deadline is
- 3119 extended until 5 p.m. the next day that the office is open.
- 3120 (4) Notwithstanding Subsections 20A-7-105(6)(a) and (9), the county clerk shall take the
- 3121 actions required in Subsections 20A-7-105(6)(a) and (9) within 10 business days after
- 3122 the day on which the county clerk receives the signed and verified referendum packet as
- 3123 described in Subsection (3).
- 3124 (5) The local clerk shall take the actions required by Section 20A-7-607 within two

- 3125 business days after:
- 3126 (a) in relation to the manual referendum process, the day on which the local clerk  
3127 receives the referendum packets from the county clerk; or
- 3128 (b) in relation to the electronic referendum process, the deadline described in Subsection  
3129 20A-7-616(2).
- 3130 (6) Notwithstanding Subsection 20A-7-608(2), the local attorney shall prepare the ballot  
3131 title within two business days after the day on which the referendum petition is declared  
3132 sufficient for submission to a vote of the people.
- 3133 (7) Notwithstanding Subsection [~~20A-7-609(2)(e)~~] 20A-7-609(2)(d), a referendum that  
3134 qualifies for the ballot under this section shall appear on the ballot for the earlier of the  
3135 next regular general election or the next municipal general election unless a special  
3136 election is called.
- 3137 (8) The election officer shall mail manual ballots on a referendum under this section the  
3138 later of:
- 3139 (a) the time provided in Section 20A-3a-202 or 20A-16-403; or  
3140 (b) the time that ballots are prepared for mailing under this section.
- 3141 (9) Section 20A-7-402 does not apply to a referendum described in this section.
- 3142 (10)(a) If a majority of voters does not vote against imposing the tax at a rate calculated  
3143 to generate the increased revenue budgeted, adopted, and approved by the taxing  
3144 entity's legislative body:
- 3145 (i) the certified tax rate for the fiscal year during which the referendum petition is  
3146 filed is its most recent certified tax rate; and
- 3147 (ii) the proposed increased revenues for purposes of establishing the certified tax rate  
3148 for the fiscal year after the fiscal year described in Subsection (10)(a)(i) are the  
3149 proposed increased revenues budgeted, adopted, and approved by the taxing  
3150 entity's legislative body before the filing of the referendum petition.
- 3151 (b) If a majority of voters votes against imposing a tax at the rate established by the vote  
3152 of the taxing entity's legislative body, the certified tax rate for the taxing entity is the  
3153 taxing entity's most recent certified tax rate.
- 3154 (c) If the tax rate is set in accordance with Subsection (10)(a)(ii), a taxing entity is not  
3155 required to comply with the notice and public hearing requirements of Section  
3156 59-2-919 if the taxing entity complies with those notice and public hearing  
3157 requirements before the referendum petition is filed.
- 3158 (11) The ballot title shall, at a minimum, include in substantially this form the following:

3159 "Shall the [name of the taxing entity] be authorized to levy a tax rate in the amount  
 3160 sufficient to generate an increased property tax revenue of [amount] for fiscal year [year]  
 3161 as budgeted, adopted, and approved by the [name of the taxing entity]."[ ]

3162 (12) A taxing entity shall pay the county the costs incurred by the county that are directly  
 3163 related to meeting the requirements of this section and that the county would not have  
 3164 incurred but for compliance with this section.

3165 (13)(a) An election officer shall include on a ballot a referendum that has not yet  
 3166 qualified for placement on the ballot, if:

- 3167 (i) sponsors file an application for a referendum described in this section;
- 3168 (ii) the ballot will be used for the election for which the sponsors are attempting to  
 3169 qualify the referendum; and
- 3170 (iii) the deadline for qualifying the referendum for placement on the ballot occurs  
 3171 after the day on which the ballot will be printed.

3172 (b) If an election officer includes on a ballot a referendum described in Subsection  
 3173 (13)(a), the ballot title shall comply with Subsection (11).

3174 (c) If an election officer includes on a ballot a referendum described in Subsection  
 3175 (13)(a) that does not qualify for placement on the ballot, the election officer shall  
 3176 inform the voters by any practicable method that the referendum has not qualified for  
 3177 the ballot and that votes cast in relation to the referendum will not be counted.

3178 Section 26. Section **20A-7-614** is amended to read:

3179 **20A-7-614 . Electronic referendum process -- Form of referendum petition --**  
 3180 **Circulation requirements -- Signature collection.**

3181 (1) This section applies only to the electronic referendum process.

3182 (2)(a) The first screen presented on the approved device shall include the following statement:

3183 "This REFERENDUM PETITION is addressed to the Honorable \_\_\_\_, County  
 3184 Clerk/City Recorder/Town Clerk:

3185 The citizens of Utah who sign this petition respectfully order that (description of the  
 3186 local law or local school tax law, or portion of the local law or local school tax law being  
 3187 challenged), passed by the \_\_\_\_ be referred to the voters for their approval or rejection at the  
 3188 regular/municipal general election to be held on \_\_\_\_\_(month\day\year)."

3189 (b) An individual may not advance to the second screen until the individual clicks a link  
 3190 at the bottom of the first screen stating, "By clicking here, I attest that I have read and  
 3191 understand the information presented on this screen."

3192 (3)(a) The second screen presented on the approved device shall include the entire text

3193 of the law that is the subject of the referendum petition.

3194 (b) An individual may not advance to the third screen until the individual clicks a link at  
3195 the bottom of the second screen stating, "By clicking here, I attest that I have read  
3196 and understand the entire text of the law that is the subject of the referendum  
3197 petition."

3198 (4)(a) The third screen presented on the approved device shall include a statement  
3199 indicating whether persons gathering signatures for the referendum petition may be  
3200 paid for gathering signatures.

3201 (b) An individual may not advance to the fourth screen until the individual clicks a link  
3202 at the bottom of the third screen stating, "By clicking here, I attest that I have read  
3203 and understand the information presented on this screen."

3204 (5) The fourth screen presented on the approved device shall include the following statement,  
3205 followed by links where the individual may click "yes" or "no":

3206 "I have personally read the entirety of each statement presented on this device;  
3207 I am personally signing this referendum petition;  
3208 I am registered to vote in Utah; and  
3209 All information I enter on this device, including my residence and post office address, is  
3210 accurate.

3211 It is a class A misdemeanor for an individual to sign a referendum petition with a name  
3212 other than the individual's own name, or to knowingly sign the individual's name more than  
3213 once for the same referendum petition, or to sign a referendum petition when the individual  
3214 knows that the individual is not a registered voter.

3215 Do you wish to continue and sign this referendum petition?"

3216 (6)(a) If the individual clicks "no" in response to the question described in Subsection (5),  
3217 the next screen shall include the following statement, "Thank you for your time.  
3218 Please return this device to the signature-gatherer."

3219 (b) If the individual clicks "yes" in response to the question described in Subsection (5),  
3220 the website, or the application that accesses the website, shall take the  
3221 signature-gatherer and the individual signing the referendum petition through the  
3222 signature process described in Section 20A-21-201.

3223 Section 27. Section **63G-30-102** is amended to read:

3224 **63G-30-102 . Public notice classifications and requirements.**

3225 (1) A public body or a government official that is required to provide a class A notice:

3226 (a) shall publish the public notice on the Utah Public Notice Website;

- 3227 (b) shall publish the public notice on the public body's or government official's official  
3228 website, if the public body or government official:
- 3229 (i) maintains an official website; and  
3230 (ii) has an annual operating budget of \$250,000 or more; and
- 3231 (c) except as provided in Subsection (4), and subject to Subsection (5), post the public  
3232 notice in connection with the affected area as follows:
- 3233 (i) if the affected area is a municipality with a population of less than 2,000, in a  
3234 public location in or near the affected area that is reasonably likely to be seen by  
3235 residents of the affected area;
- 3236 (ii) if the affected area is a proposed municipality with a population of less than  
3237 2,000, in a public location in or near the affected area that is reasonably likely to  
3238 be seen by residents of the affected area;
- 3239 (iii) if the affected area is an area other than an area described in Subsections (1)(c)(i),  
3240 (1)(c)(ii), or (1)(c)(iv) through (viii), in a public location in or near the affected  
3241 area that is reasonably likely to be seen by:
- 3242 (A) residents of the affected area; or  
3243 (B) if there are no residents within the affected area, individuals who pass through  
3244 or near the affected area;
- 3245 (iv) if the affected area is a county, in a public location within the county that is  
3246 reasonably likely to be seen by residents of the county;
- 3247 (v) if the affected area is a municipality with a population of 2,000 or more, or a  
3248 proposed municipality with a population of 2,000 or more, in a public location  
3249 within the municipality or proposed municipality that is reasonably likely to be  
3250 seen by residents of the municipality or proposed municipality;
- 3251 (vi) if the affected area is a public street, on or adjacent to the public street;
- 3252 (vii) if the affected area is an easement:
- 3253 (A) on or adjacent to the easement; or  
3254 (B) in a public location that is reasonably likely to be seen by persons who are  
3255 likely to be impacted by the easement; [or]
- 3256 (viii) if the affected area is an interlocal entity, within, or as applicable near, each  
3257 jurisdiction that is part of the interlocal entity, in accordance with the provisions  
3258 of this Subsection (1) that apply to that jurisdiction[-] ; or
- 3259 (ix) if the affected area is a school district, in a public location within the school  
3260 district that is reasonably likely to be seen by residents of the school district.

- 3261 (2) Subject to Subsection (5), a public body or a government official that is required to  
3262 provide a class B notice shall:
- 3263 (a) comply with the requirements described in Subsection (1) for a class A notice;
- 3264 (b) if a statute, county ordinance, or municipal ordinance requires that the notice be  
3265 provided for a designated geographic area, mail or otherwise deliver the public notice  
3266 or a notice summary statement to each residence within, and, in accordance with  
3267 Subsection (3), to each owner of real property located within, the designated  
3268 geographic area; and
- 3269 (c) if a statute, county ordinance, or municipal ordinance requires that the notice be  
3270 provided to one or more designated persons or real property owners, mail or  
3271 otherwise deliver the public notice or a notice summary statement, in accordance  
3272 with Subsection (3), to each designated person and real property owner.
- 3273 (3) When providing notice to a real property owner under Subsection (2)(b) or (c), the  
3274 public body or government official shall:
- 3275 (a) use the current residential or business address of the real property owner;
- 3276 (b) if the public body or government official is not reasonably able to obtain the address  
3277 described in Subsection (3)(a), use the last known address of the real property owner  
3278 that the public body or government official is able to obtain via a reasonable inquiry  
3279 into public records; or
- 3280 (c) if the public body or government official is not reasonably able to obtain an address  
3281 described in Subsection (3)(a) or (b), post the notice on the real property.
- 3282 (4) A government official, a public body, or any other body that is required to post notice  
3283 under Subsection (1) is not required to comply with Subsection (1)(c) if:
- 3284 (a) the affected area is the state;
- 3285 (b) the body is a specified body, as defined in Section 52-4-103;
- 3286 (c) the public body is the Legislature or a public body within the state legislative branch;  
3287 or
- 3288 (d) the government official is required to post the notice on behalf of a body described in  
3289 Subsection (4)(b) or (c).
- 3290 (5) If a statute, ordinance, or rule requires a public body or government official to provide  
3291 notice for a period of time:
- 3292 (a) in relation to posting the notice on the Utah Public Notice Website, the requirement  
3293 is not violated due to temporary technological issues that interrupt the posting, unless  
3294 the posting is interrupted for more than 25% of the required posting time;

- 3295 (b) in relation to posting the notice in a physical location, the requirement is fulfilled if:
- 3296 (i) the notice is posted at or, except to the extent prohibited by law, before the
- 3297 beginning of the period of time;
- 3298 (ii) the public body or government official does not remove the posting before the
- 3299 end of the period of time; and
- 3300 (iii) until the end of the period of time, the public body or government official:
- 3301 (A) periodically verifies that the notice remains in place; and
- 3302 (B) replaces the notice within a reasonable time after discovering that the notice
- 3303 has been removed or damaged; and
- 3304 (c) in relation to mailing, sending, or otherwise delivering notice to a person, the mailing
- 3305 is made at or, except to the extent prohibited by law, before, the beginning of the
- 3306 period of time.

3307 Section 28. **Effective Date.**

3308 This bill takes effect on May 6, 2026.