EXECUTIVE ORDER

Suspending Certain Provisions of the Utah Election Code Regarding
Signature Gathering for Local Referenda

WHEREAS, on March 6, 2020, I issued Executive Order 2020-1, declaring a state of emergency due to novel coronavirus disease 2019 (COVID-19);

WHEREAS, COVID-19 is caused by a virus that spreads easily from person to person, may result in serious illness or death, and has been characterized by the World Health Organization as a worldwide pandemic;

WHEREAS, the number of COVID-19-related deaths and diagnosed cases in Utah continues to rise;

WHEREAS, on March 16, 2020, President Trump and the White House Coronavirus Task Force issued the President's Coronavirus Guidelines for America to help protect Americans during the global COVID-19 outbreak;

WHEREAS, on March 27, 2020, I issued the Governor's "Stay Safe, Stay Home" Directive, further emphasizing the critical need to limit in-person contact;

WHEREAS, consistent with the President's Coronavirus Guidelines for America and the Governor's "Stay Safe, Stay Home" Directive, state and local authorities have issued guidelines and orders encouraging individuals and businesses to limit in-person contact to prevent the continued spread of COVID-19;

WHEREAS, Utah Code Title 20A, Chapter 7, Part 6, Local Referenda, governs the administration of local referenda;

WHEREAS, certain provisions of Utah Code Title 20A, Chapter 7, Part 6, require or imply a requirement that a referendum packet, including any signature sheets and a verification page, be attached or bound physically;

WHEREAS, certain provisions of Utah Code Title 20A, Chapter 7, Part 6, require or imply a requirement that a signature sheet be signed in the presence of and verified by an individual as provided in Utah Code § 20A-7-605(2);

WHEREAS, enforcing provisions of Utah Code Title 20A, Chapter 7, Part 6, that require a referendum packet, including any signature sheets and a verification page, to be attached or bound physically, or that require a signature sheet to be signed in the presence of and verified by an individual as provided in Utah Code § 20A-7-605(2), would necessitate a referendum sponsor to deliver referendum packets to the public for signatures in person or by physical mail;

WHEREAS, requiring a referendum sponsor to deliver referendum packets to the public for signatures in person or by physical mail conflicts with recommendations by state and local authorities to limit in-person contact to prevent the continued spread of COVID-19, and limits the ability of a referendum sponsor to gather and submit signatures during the state of emergency;

WHEREAS, suspending the enforcement of the aforementioned provisions of Utah Code Title 20A, Chapter 7, Part 6, as specified below, is directly related to and necessary to address the COVID-19 pandemic;

WHEREAS, the State maintains a compelling interest in preserving the integrity of the local referenda process;

WHEREAS, Utah Code § 53-2a-209(4) authorizes the governor to suspend by executive order enforcement of a statute that is directly related and necessary to address a state of emergency;

WHEREAS, Utah Code § 53-2a-204(1)(b) authorizes the governor to employ measures and give direction to state and local officers and agencies that are reasonable and necessary to secure compliance with orders made pursuant to Utah Code Title 53, Chapter 2a, Part 2, Disaster Response and Recovery Act.

NOW, THEREFORE, I, Gary R. Herbert, Governor of the State of Utah, hereby order as follows:

1. Subject to the conditions set forth in Subsection (2) of this Order, the following statutory provisions are suspended:

a. Utah Code § 20A-7-603(1)(b), to the extent it requires a referendum sponsor to attach physically a copy of the law that is the subject of the referendum to each referendum petition;

b. Utah Code § 20A-7-603(2)(b), to the extent it requires a signature sheet to be bound physically;

c. Utah Code § 20A-7-603(3), requiring the final page of each referendum packet to contain a verification statement to be completed and signed by a person in whose presence the signature sheet is signed;

d. Utah Code § 20A-7-604(4)(b), to the extent it requires a referendum packet to be bound physically; and

e. Utah Code § 20A-7-604(4)(c), to the extent it requires a signature sheet to be attached physically to a referendum packet;

f. Utah Code § 20A-7-605(2), requiring a referendum sponsor to ensure that any signature sheet is signed in the presence of and verified by an individual meeting certain qualifications by completing a verification printed on the last page of each referendum packet;

g. Utah Code § 20A-7-606(2), requiring the county clerk to check the verification page of each referendum packet and prohibits the county clerk from

h. certifying a signature on a referendum packet that is not verified in accordance with Utah Code § 20A-7-605(2); and

i. the following statutory provisions to the extent that each requires or implies a requirement that a signature sheet in a referendum packet be verified as required by Utah Code § 20A-7-605(2):

i. Utah Code § 20A-7-606(1)(a);

ii. Utah Code § 20A-7-606(3)(c);

iii. Utah Code § 20A-7-613(3); and

iv. Utah Code § 20A-7-613(4).

2. The statutory suspensions described in Subsection (1) of this Order apply only if the referendum sponsor ensures that the circulated referendum packet includes a copy of the law that is the subject of the referendum and a copy of the proposition information pamphlet described in and required by Utah Code § 20A-7-604(4)(d).

I further direct the Utah Director of Elections to issue a memorandum explaining the effect of this Order.

This Order modifies, amends, and supersedes Executive Order 2020-12, issued on April 1, 2020, suspending certain provisions of the Utah Election Code regarding signature gathering for local referenda.

This Order is declared and effective immediately and shall remain in effect until the date the state of emergency declared in Executive Order 2020-1 is terminated, or until otherwise modified, amended, rescinded, or superseded by me or by a succeeding governor.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah. Done in Salt Lake City, Utah, on this, the 3rd day of April, 2020.

(State Seal)

Gary R. Herbert
Governor

ATTEST:

Spencer J. Cox
Lieutenant Governor

2020/014/EO