

Bond Case Briefs

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BALLOT INITIATIVES - UTAH

Cook v. Bell

Supreme Court of Utah - October 24, 2014 - P.3d - 2014 UT 46

Initiative proponents brought declaratory judgment action against Lieutenant Governor and County Clerk, alleging amended provisions for placing a local initiative on the ballot were unconstitutional. The District Court found the amendments did not violate any constitutional provisions, and the proponents appealed.

The Supreme Court of Utah held that:

- Statutory amendment that required local initiative proponents to collect signatures equal to ten percent of the votes cast in the most recent presidential election, rather than ten percent of the votes cast in the prior gubernatorial election, did not amount to a per se unreasonable restriction on the right to initiative;
- Amendment did not unduly burden the right to initiative under State Constitution;
- Amendment served a legitimate governmental purpose;
- Amendment did not violate the uniform operation of laws provision of the State Constitution; and
- Amendment did not improperly hinder initiative proponents' First Amendment right to express their political message by means of a ballot initiative.