

Bond Case Briefs

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BALLOT INITIATIVE - UTAH

Smith v. Zook

Supreme Court of Utah - April 15, 2021 - P.3d - 2021 WL 1419579 - 2021 UT 10

Citizens, who had collected signatures in support of referendum petition after city enacted ordinance that approved development project on land owned by land developer, filed petition for extraordinary writ after city recorder rejected petition on ground that signatures collected in response to mailer were not valid and legal, seeking order compelling recorder to accept referendum petition and qualify it for ballot.

The First District Court granted summary judgment in favor of citizens. Land developer appealed.

The Supreme Court held that online referendum packet failed to fulfill requirements of Election Code.

Online referendum packet regarding challenge to city ordinance, to which sponsors directed voters via document sent through mail, failed to fulfill requirements of Election Code, and thus signatures collected in response to such document were not valid and legal, even after taking into consideration executive order issued by governor during COVID-19, which suspended enforcement of provisions that required sponsor to physically attach copy of law at issue and that required packet to be bound physically and signature sheet to be attached physically; order did not alter requirement that sponsors create packet that bound together copy of components of packet into single unit to be opened for signing by voters and include copy of referendum petition and ordinance, and it was not enough for sponsors to merely make packet available to voters online.