

STATE OF UTAH  
OFFICE OF THE LIEUTENANT GOVERNOR



GREG BELL  
LIEUTENANT GOVERNOR

March 14, 2011

Steven Maxfield  
95 East 700 South  
Kanosh, Utah 84637

Dear Mr. Maxfield,

Enclosed is one copy of the referendum and signature sheet which the lieutenant governor is required to furnish to you under Utah Code § 20A-7-304(2). After you print a sufficient number of referendum packets, please return them to our office for numbering.

Please note that the lieutenant governor will evaluate the sufficiency of the petition, and the appropriation of the processes followed, based upon the law in force when he makes that evaluation. This methodology is required based on Owens v. Hunt, 882 P.2d 660 (Utah 1994) and Utah Safe to Learn-Safe to Worship Coalition, Inc. v. State, 32, 94 P.2d 217 (Utah 2004). In each of those cases after a ballot proposition application was filed the legislature amended the statute concerning ballot proposition procedures. The Court ruled the lieutenant governor must evaluate a proposed initiative based on the law in effect when he takes action or reviews the ballot proposal, not when the application is first filed.

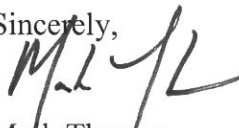
Your application requests that you be allowed to use e-signatures in accordance with the lieutenant governor's rule on electronic signatures. However, that rule requires that you provide the lieutenant governor with information concerning the communication and exchange of information between the sponsor and the circulators being sufficient to prevent fraud and mistake in the process, requires that the circulator circulate the petition to legal voters other than him or herself, and requires that the person signing the petition is someone other than the circulator. See R623-4-6. You have not provided such information or assurances to this office in order to allow this office to authorize e-signatures under the rule, even if the rule were applicable. Further, the process under the rule is significantly different than the process which have previously been used by those

gathering e-signatures, making such assurances and demonstrations of compliance with the rule necessary.

In addition, the statutory provisions concerning initiatives and referendums have been amended effective March 10, 2011. The changes affect your petition, including the processes for obtaining signatures and what type of signatures are allowed. Specifically, "signature" is defined as a holographic signature and does not mean or include an electronic signature. Utah Code § 20A-7-101(17). Thus, electronic signatures cannot be counted by the county clerks or lieutenant governor. In addition, Utah law now does not allow a circulator to sign the required verification of a referendum packet if he or she had also signed the signature sheet in the referendum packet. Utah Code § 20A-7-305(2)(b).

Therefore, this office cannot and will not authorize the electronic circulation of the referendum packets or the use of electronic signatures. You will be required, as the statute indicates, to print sufficient number of referendum packets for circulation and return them to the lieutenant governor's office for individual numbering. After the packets have been so individually numbered, those packets may be circulated in accordance with Utah law to obtain written, holographic signatures.

Sincerely,

A handwritten signature in black ink, appearing to read 'M. Thomas', written over a horizontal line.

Mark Thomas  
Director of Elections