

CONSTITUTIONAL AMENDMENT

Shall the Utah Constitution be amended to change words that apply to a single gender (such as the word “men”) to words that are not limited to a single gender (such as the word “persons”)?

A

Ballot Title

FOR

AGAINST

Legislative Votes

Utah Senate

27 Yes 0 No 2 Not Present

Utah House of Representatives

63 Yes 0 No 12 Not Present

Bill Title & Session

2019 Legislative General Session
Senate Joint Resolution (S.J.R.) 7
*Proposal to Amend Utah
Constitution -- Terminology Update*

IMPARTIAL ANALYSIS

Current Provisions of the Utah Constitution

The current Utah Constitution uses words in some sections that apply to a single gender. These words include men, he, his, and him. When these sections were drafted, it was common to use words that apply to a single gender.

Effect of Constitutional Amendment A

Constitutional Amendment A changes words in the Utah Constitution that apply to a single gender to reflect the more current practice of using words that are not limited to a single gender. For example, in one section the Amendment changes the word “men” to the word “persons,” and in other sections the Amendment changes “he” to “the person.”

Effective Date

If approved by voters, Constitutional Amendment A takes effect on January 1, 2021.

Fiscal Effects

The Legislative Fiscal Analyst has determined that Constitutional Amendment A will have no fiscal effect and will not result in any increase or decrease in revenue or cost to the state or to local governments.

CONSTITUTIONAL AMENDMENT A

ARGUMENT IN FAVOR

The Utah Constitution has 237 sections. Constitutional Amendment A makes technical changes to the terminology in six of those sections, bringing them into conformity with the other 231.

Uniformity of language is important in the state constitution and state statute. When the Legislature passes bills, the terminology in existing law is regularly updated. However, all changes to the Utah Constitution require a vote of the people.

This amendment does not alter the substance or meaning of any part of the Utah Constitution. It is simply a technical update to the language in six out of the 237 sections of the Utah Constitution.

The Legislature voted unanimously for this proposed amendment. We ask you to vote FOR Constitutional Amendment A.

- Senator Deidre Henderson and Representative Candice Pierucci

No rebuttal was submitted to the argument in favor of Constitutional Amendment A.
No argument was submitted against Constitutional Amendment A.

FULL TEXT OF CONSTITUTIONAL AMENDMENT A

PROPOSAL TO AMEND UTAH CONSTITUTION -- TERMINOLOGY UPDATE

2019 General Session

Utah Constitution Sections Affected:

AMENDS:

ARTICLE I, SECTION 1

ARTICLE I, SECTION 11

ARTICLE I, SECTION 12

ARTICLE VI, SECTION 7

ARTICLE VI, SECTION 20

ARTICLE VI, SECTION 33

Be it resolved by the Legislature of the state of Utah, two-thirds of all members elected to each of the two houses voting in favor thereof:

Section 1. It is proposed to amend Utah Constitution, Article I, Section 1, to read:

Article I, Section 1. [Inherent and inalienable rights.]

All ~~[men]~~ persons have the inherent and inalienable right to enjoy and defend their lives and liberties; to acquire, possess and protect property; to worship according to the dictates of their consciences; to assemble peaceably, protest against wrongs, and petition for redress of grievances; to communicate freely their thoughts and opinions, being responsible for the abuse of that right.

Section 2. It is proposed to amend Utah Constitution, Article I, Section 11, to read:

Article I, Section 11. [Courts open -- Redress of injuries.]

All courts shall be open, and every person, for an injury done to ~~[him-in-his]~~ the person in his or her person, property, or reputation, shall have remedy by due course of law, which shall be administered without denial or unnecessary delay; and no person shall be barred from prosecuting or defending before any tribunal in this State, ~~[by himself or]~~ with or without counsel, any civil cause to which ~~[he]~~ the person is a party.

Section 3. It is proposed to amend Utah Constitution, Article I, Section 12, to read:

Article I, Section 12. [Rights of accused persons.]

In criminal prosecutions the accused shall have the right to appear and defend in person and by counsel, to demand the nature and cause of the accusation ~~[against him]~~, to have a copy thereof, to testify in ~~[his]~~ the accused's own behalf, to be confronted by the witnesses against ~~[him]~~ the accused, to have compulsory process to compel the attendance of witnesses in ~~[his]~~ the accused's own behalf, to have a speedy public trial by an impartial jury of the county or district in which the offense is alleged to have been committed, and the right to appeal in all cases. In no instance shall any accused person, before final judgment, be compelled to advance money or fees to secure the rights herein guaranteed. The accused shall not be compelled to give evidence against himself or herself; a ~~[wife]~~ person shall not be compelled to testify against

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~~[her husband, nor a husband against his wife]~~ the person's spouse, nor shall any person be twice put in jeopardy for the same offense.

Where the defendant is otherwise entitled to a preliminary examination, the function of that examination is limited to determining whether probable cause exists unless otherwise provided by statute. Nothing in this constitution shall preclude the use of reliable hearsay evidence as defined by statute or rule in whole or in part at any preliminary examination to determine probable cause or at any pretrial proceeding with respect to release of the defendant if appropriate discovery is allowed as defined by statute or rule.

Section 4. It is proposed to amend Utah Constitution, Article VI, Section 7, to read:

Article VI, Section 7. [Ineligibility of legislator to office created at term for which elected.]

No member of the Legislature, during the term for which ~~[he]~~ the member was elected, shall be appointed or elected to any civil office of profit under this State, which shall have been created, or the emoluments of which shall have been increased, during the term for which ~~[he]~~ the member was elected.

Section 5. It is proposed to amend Utah Constitution, Article VI, Section 20, to read:

Article VI, Section 20. [Service of articles of impeachment.]

No person shall be tried on impeachment, unless ~~[he]~~ the person shall have been served with a copy of the articles thereof, at least ten days before the trial, and after such service ~~[he]~~ the person shall not exercise the duties of ~~[his]~~ office until ~~[he shall have been]~~ acquitted.

Section 6. It is proposed to amend Utah Constitution, Article VI, Section 33, to read:

Article VI, Section 33. [Legislative auditor appointed.]

The Legislature shall appoint a legislative auditor to serve at its pleasure. The legislative auditor shall have authority to conduct audits of any funds, functions, and accounts in any branch, department, agency or political subdivision of this state and shall perform such other related duties as may be prescribed by the Legislature. ~~[He]~~ The legislative auditor shall report to and be answerable only to the Legislature.

Section 7. **Submittal to voters.**

The lieutenant governor is directed to submit this proposed amendment to the voters of the state at the next regular general election in the manner provided by law.

Section 8. **Contingent effective date.**

If the amendment proposed by this joint resolution is approved by a majority of those voting on it at the next regular general election, the amendment shall take effect on January 1, 2021.