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CONSTITUTIONAL AMENDMENTS: NOVEMBER 3, 2026

INTRODUCTION

Utah voters have the opportunity to ratify or reject two proposed constitutional amendments in the election on November 3, 2026. To take effect, a Utah constitutional amendment must first pass the Senate and the House with a two-thirds majority, then receive a simple majority of the public.[1]

The following pages explain each amendment, provide important context, and outline leading arguments for and against each, helping voters make informed decisions.

Voter participation is important on these proposed constitutional amendments because it acts as a check on the power of the Utah Legislature and the rules that govern it. As with any issue, each voter should base their opinion on informed personal judgment.

An Overview of the Two Constitutional Amendments

	Summary	Questions to Consider
A	Removes the newspaper publication requirement for amendments, updating the publication method to one "provided by statute."	1. Should publication methods be constitutionally protected or statutorily flexible? 2. Does transferring publication requirements to statute give the Utah Legislature too much discretion or the right amount? 3. Do newspaper notices effectively communicate proposed amendments, and are public website notices a reasonable replacement?
B	Raises the voter approval threshold from 50% to 60% for ballot initiatives involving tax increases.	1. What are the advantages and disadvantages of requiring 60% voter approval for tax-related initiatives? 2. Should tax-related initiatives be treated differently from other ballot initiatives? Why or why not? 3. How might this amendment affect the balance between direct democracy and representative government?

The Utah Foundation is an independent, nonprofit, nonpartisan, public-policy research organization. It aims to provide accurate, up-to-date, and unbiased information. The Utah Foundation does not support or oppose the proposed 2026 constitutional amendments.

Utah Foundation project staff: Owen Nebeker, Research Assistant, author; Christopher Collard, Research Director, author; Shawn Teigen, President, author.

1 Utah State Legislature, 2025, "2026 Proposed Constitutional Amendments, General Session," https://le.utah.gov/constitutionalAmendment/2026/constitutionalamendments.pdf.

AMENDMENT A: PUBLICATION REQUIREMENTS WHEN AMENDING THE UTAH CONSTITUTION

What It Would Do

The Utah Constitution requires that a proposed constitutional amendment be published in a newspaper in every county that has one, two months before the general election. Amendment A removes any specific publication method, giving the Utah Legislature the power to change it. It also changes the two-month requirement to 60 days.

Background

In 2024, the Utah Supreme Court determined that votes for 2024's Amendment D would not be counted in the 2024 general election because, "The Legislature did not cause the amendment to be published in newspapers throughout the state for two months."[2] For the same reason, the Utah Third District Court voided 2024's Amendment A.[3]

In response, during the 2025 General Session, the Utah Legislature passed House Joint Resolution (HJR) 10. HJR 10 passed unanimously, the Senate 29-0-0 and the House 70-0-5.[4] At the heart of HJR 10 are two distinct changes: Amendment A and House Bill (HB) 481.

Amendment A

Amendment A amends the constitutional publication requirements for future amendments. It changes the method of publication from newspaper to "a manner provided by statute."[5] It also slightly modifies the required timing of the notice from two months to 60 days.

Argument For Amendment A

Proponents argue that changing the publication requirement from constitutional to statutory lets legislators update public notice methods as needed.

Argument Against Amendment A

While the amendment makes it easier to modify notification methods, any such methods are not constitutionally binding. Elizabeth Hutchings, speaking for Alliance for a Better Utah, was neutral on the issue, but pointed out:

> "[The Constitution] is supposed to be hard to change, and each time we add an amendment that adds language such as "manner provided by statute" potentially circumvents the idea that our Constitution should be hard to change."[6]

Across the nation, 32 other states constitutionally mandate the publishing of proposed constitutional amendments.[7]

WHAT IS COMPANION LEGISLATION?

Changing the Utah Constitution is a long process. Constitutional amendments must pass the Utah State Legislature by 66% and then be ratified by 50% of the public.* By contrast, most Utah laws pass with only a simple majority (>50%) of legislators. As a result, when the Legislature seeks to change policy in a way that would alter the Constitution, the policy sometimes includes "companion legislation." This companion legislation only becomes active if the public ratifies the associated constitutional amendment. This allows greater flexibility when policy changes are complex, or part of a larger compromise.

In many cases, arguments for and against amendments often include the benefits or costs of the companion legislation. However, it is important to note that companion legislation is much more flexible and can be readily changed, while, as noted, it is difficult to change the Constitution. Because companion legislation can be amended by future legislatures, voters may wish to distinguish between constitutional requirements and statutory promises. Further, companion legislation can carry legislative compromises that are not constitutionally binding.

* Utah Constitution Article XXIII, Section 1, https://le.utah.gov/xcode/ArticleXXIII/Article_XXIII,_Section_1.html

2 Supreme Court of the State of Utah, "League of Women Voters of Utah v. Utah State Legislature," (No. 20240965), 2024, https://utahnewsdispatch.com/wp-content/uploads/2024/09/Per-Curiam-Decision_104460274.pdf.

3 Wright, Josh, 2024, "On the Ballot", Utah Foundation, https://www.utahfoundation.org/wp-content/uploads/On-the-Ballot-2024-Oct10.pdf.

4 Utah State Legislature, 2025, "2026 Proposed Constitutional Amendments, General Session," https://le.utah.gov/constitutionalAmendment/2026/constitutionalamendments.pdf.

5 Ibid.

6 Utah Legislature, Senate Revenue and Taxation Committee, March 4, 2025, https://le.utah.gov/av/committeeArchive.jsp?mtgID=19936.

7 Ballotpedia, "Publication requirements for proposed state constitutional amendments," https://ballotpedia.org/Publication_requirements_for_proposed_state_constitutional_amendments .

HB 481

The amendment includes companion legislation, HB 481, which will pass if voters approve Amendment A.[8] HB 481 requires any new amendments or ballot initiatives to be listed on the Utah Public Notice website as a "Class A" notice for the 60-day time frame.

For context, Class A notices are posted on the Utah Public Notice website and the government body's website, and are physically posted in public areas. Class B notices include all Class A requirements and require mailing notices to all affected residents and property owners.[9]

Argument For HB 481

Proponents argue that newspapers are not what they used to be in conveying information to the public. Defending the amendment, Representative Anthony Loubet (R-27) said:

> "Back in the day, [the newspaper] was a great way to communicate with people. People received their newspapers daily, and that would be a good method of notification. Unfortunately, nowadays that's not true."[10]

Moving away from the newspaper requirement is part of a broader trend in Utah. In 2021, SB 201 was enacted, removing newspaper requirements for local governments and moving mandates to the Utah Public Notice website.[11] In 2023, SB 43 replaced hundreds of separate public notice rules in Utah law with two standard notice types.[12]

Proponents point out that the Utah Public Notice website is free and accessible to everyone with internet access.

Argument Against HB 481

While the Utah Public Notice website is free and accessible, the site is not often visited. According to a Utah Foundation GRAMA request for Utah Public Records, the notice website recorded 313,000 U.S. visits in all of 2025, with 127,000 from Utah. This number may overrepresent total traffic because it does not distinguish among interested Utahns, bots, web-crawlers, developers, or government officials.[13]

On the other hand, newspaper publication can reach readers who do not routinely monitor government websites. The Salt Lake Tribune, for example, reports a combined *monthly* unique visitors across print, e-edition, and website totals 1.47M people.[14] These three platforms are those on which legal notices would typically appear.[15] The Tribune did not distinguish between Utah and non-Utah residents. Further, newspapers can place constitutional amendments within a broader news context.[16]

Across the nation, 32 states specifically require newspaper publication.[17] Ten states provide for direct distribution to voters or households of official information concerning proposed constitutional amendments, including nearby Arizona, California, Colorado, Montana, Nevada, Oregon, and Washington. Distribution methods vary, with some states mailing or emailing individual registered voters and others distributing materials by household or mailing address.[18] This is similar to Utah's Class B notification.

Takeaways

A vote **FOR** Amendment A would remove newspaper publication requirements, update the publication method to one "provided by statute," and enact HB 481, which would require listing new initiatives and amendments on the official government notice website for 60 days before the general election.

A vote **AGAINST** Amendment A would keep the constitutional language unchanged, meaning the newspaper publication requirements would remain in place.

8 Utah State Legislature, HB 481, Ballot Proposition Requirements, General Session 2025, https://le.utah.gov/~2025/bills/static/HB0481.html.
9 Utah State Legislature, S.B. 43, 2023 Gen. Sess. (Utah 2023) (enacted), https://le.utah.gov/~2023/bills/static/SB0043.html.
10 McKellar, Katie, 2026, "Utah lawmakers move to set higher bar for ballot initiatives — but voters will have a say in 2026," Utah News Dispatch, https://utahnewsdispatch.com/2025/03/10/utah-lawmakers-move-to-set-higher-bar-for-ballot-initiatives/
11 Utah State Legislature, S.B. 201, 64th Leg., 2021 Gen. Sess., https://le.utah.gov/~2021/bills/static/SB0201.html.
12 Utah State Legislature, S.B. 43, 2023 Gen. Sess., https://le.utah.gov/~2023/bills/static/SB0043.html.
13 GRAMA request for PNW website analytics, Patrick Weber, Product Manager Tyler Technologies
14 Email correspondence with the editor of the Salt Lake Tribune. Note that this is not unique page views, which is higher than unique visitors.
15 Email correspondence with the editor of the Salt Lake Tribune, noting that the Tribune has far higher views on social media, but those would rarely show legal notices.
16 Please note, however, that whether a broader reach justifies retaining a constitutional newspaper mandate is a separate question from whether the current statutory replacement provides adequate notice.
17 See the last page for this footnote's complete list of citations.
18 See the last page for this footnote's complete list of citations.

AMENDMENT B: STATEWIDE INITIATIVE REQUIREMENTS

What It Would Do

Amendment B would increase the majority needed for voter initiatives that involve tax increases to pass during general elections. This would raise the voter approval threshold from a simple majority, which is more than 50%, to a supermajority of more than 60%.

Specifically, this would affect any ballot initiative that imposes a new tax, expands an existing tax, increases an existing tax rate, or, for a property tax, changes the tax rate in a way that causes it to decrease less than it would under current law.[19] Ballot initiatives affecting tax measures currently require a simple majority vote.

Background

Utah has technically allowed the ballot initiative process since 1900, though legislative rules effectively prohibited initiatives until 1960. Since then, seven of 28 ballot initiatives have passed.[20] Only two have met the proposed 60% threshold.[21] Of the seven that have passed, only one proposed raising taxes.

In 2018, Proposition 3, a ballot initiative to expand Medicaid coverage, passed with a 53% majority. The bill included a 0.15% sales tax increase on non-food items.[22] Such a bill would not have passed under the newly proposed amendment.

Generally, democratic decisions are made using a simple majority vote. Raising the bar makes it harder for items to pass and change to occur. The framers of the U.S. Constitution generally thought a simple majority to be preferable; however, they did outline a supermajority requirement for certain significant actions.[23] Supermajority requirements are typically applied to issues that change fundamental rules or make permanent changes.[24]

In 2025, SJR 2 passed the Senate 21-8-0 and the House 55-17-3, mostly along party lines.[25] Support came entirely from Republican legislators, while Democrats and several Republicans voted against the measure.

Argument For Amendment B

Proponents see the amendment as protection against neighbors being able to "raise taxes on your neighbors."[26] Billy Hesterman, President of the Utah Taxpayers Association, put it this way, "If they have to get to that 60% threshold, they're going to have to make the case for why it's important."[27]

Two other states, Arizona and Florida, require supermajorities specifically for tax-related ballot measures. Three states, Washington, Oregon, and Utah, have supermajority requirements for specific topics, though not for taxes.[28]

In 1998, Utah voters approved a supermajority for one type of ballot initiative. It passed a proposition amending the Utah Constitution to require a two-thirds majority for ballot initiatives that "allow, limit, or prohibit the taking of wildlife or the season for or method of taking wildlife."[29]

Argument Against Amendment B

Chase Thomas, Senior Policy Advisor at Alliance for a Better Utah, said the initiative process already has multiple safeguards to ensure well-supported initiatives make it onto the ballot. He added that "the majority should be able to continue to act as a check on the legislature in this area as they do in other policy areas."[30] In addition, the Utah Citizens' Counsel says that, "It further unbalances power between the legislature and Utah citizens."[31]

19 Utah State Legislature, 2025, "2026 Proposed Constitutional Amendments, General Session," https://le.utah.gov/constitutionalAmendment/2026/constitutionalamendments.pdf.
20 Ballotpedia, "History of initiative and referendum in Utah," https://ballotpedia.org/History_of_initiative_and_referendum_in_Utah.
21 Winterton, Scott, 2026, "Opinion: This fiscal conservative is voting no on Amendment B", Deseret News, https://www.deseret.com/opinion/2026/10/08/this-fiscal-conservative-is-voting-no-on-amendment-b/.
22 Wood, Benjamin, 2026, " Utah voters approved Medicaid expansion, but lawmakers may delay it or impose work requirements," The Salt Lake Tribune, https://www.sltrib.com/news/politics/2019/01/10/utah-voters-approved/.
23 Hudiburg, Jane, 2023, "Supermajority Votes in the House," Congressional Research Service," https://sgp.fas.org/crs/misc/98-778.pdf.
24 Buchanan, James M., and Gordon Tullock, 1962, The Calculus of Consent: Logical Foundations of Constitutional Democracy (Ann Arbor: University of Michigan Press).
25 Utah State Legislature, 2025, "2026 Proposed Constitutional Amendments, General Session," https://le.utah.gov/constitutionalAmendment/2026/constitutionalamendments.pdf. And McKellar, Katie, 2026, "Utah lawmakers move to set higher bar for ballot initiatives — but voters will have a say in 2026," News From the States, https://www.newsfromthestates.com/article/utah-lawmakers-move-set-higher-bar-ballot-initiatives-voters-will-have-say-2026.
26 Ballotpedia, "Utah 2026 ballot measures," https://ballotpedia.org/Utah_2026_ballot_measures.
27 Ballotpedia, "Utah Constitutional Amendment B, 60% Vote Requirement for Ballot Initiatives to Increase or Expand Taxes Measure (2026)," https://ballotpedia.org/Utah_Constitutional_Amendment_B,_60%25_Vote_Requirement_for_Ballot_Initiatives_to_Increase_or_Expand_Taxes_Measure_(2026).
28 Ibid.
29 Ballotpedia, " Utah Proposition 5, Two-Thirds Vote Requirement for Hunting-Related Initiatives Amendment (1998)," https://ballotpedia.org/Utah_Proposition_5,_Two-Thirds_Vote_Requirement_for_Hunting-Related_Initiatives_Amendment_(1998).
30 Ballotpedia, "Utah 2026 ballot measures," https://ballotpedia.org/Utah_2026_ballot_measures.
31 Utah Citizens' Counsel, "Opinion: Utah's initiative process is not broken — Vote no on Amendment B," October 14, 2026, https://utahcitizenscounsel.org/policy-briefs-positions/opinion-thinking-about-immigrations-impact-on-utah-9574x.

In some ways, the Utah Legislature already provides a check against ballot initiatives that raise taxes. Utah is one of 11 states that allows its legislature to easily repeal or amend initiated state statutes, and it has done so in the past.[32] For example, after voters approved the aforementioned Proposition 3 in 2018, lawmakers initially substantially modified that ballot initiative.[33]

Tax policy generally follows a simple-majority vote and is easy to change. The Utah Legislature passed a sweeping tax overhaul in December 2019, and then repealed it the following month.[34]

Finally, supermajority thresholds allow a minority of voters (in this case, at least 40%) to override policy supported by a majority of voters (in this case, up to 60%).

Takeaways

A vote **FOR** Amendment B would raise the requirement for ballot initiatives involving a tax increase to 60%.

A vote **AGAINST** Amendment B would maintain the simple majority requirement for ballot initiatives involving a tax increase.

32 Ballotpedia, "Legislative alteration", 2026, https://ballotpedia.org/Legislative_alteration.

33 Ballotpedia, "Utah Proposition 3, Medicaid Expansion Initiative", https://ballotpedia.org/Utah_Proposition_3,_Medicaid_Expansion_Initiative_(2018).

34 Utah State Legislature, SB 2001, Tax Restructuring Revisions, https://le.utah.gov/~2019s2/bills/static/sb2001.html, and Utah State Legislature, HB 185, Tax Restructuring Revisions - Repeal, https://le.utah.gov/~2020/bills/static/HB0185.html.

17 Continued from page 3: 18 states have newspaper requirements in their constitutions. See Ballotpedia, "Publication requirements for proposed state constitutional amendments," https://ballotpedia.org/Publication_requirements_for_proposed_state_constitutional_amendments. (While Ballotpedia counts Arizona as a 19th state, the constitutional requirement has been superseded by state statute.) The following fourteen states have newspaper requirements in state statute. N.J. Const. art. IX, ¶¶ 1–4; see, e.g., S. Con. Res. 36, 221st Leg., § 3 (N.J. 2024), https://pub.njleg.gov/Bills/2024/SCR/36_I1.HTM; Ga. Code Ann. § 50-12-100, https://law.justia.com/codes/georgia/title-50/chapter-12/article-6/section-50-12-100/ and Ga. Const. art. X, § 1, para. II https://law.justia.com/constitution/georgia/conart10.html ; Ind. Code § 3-10-3-1(b), https://iga.in.gov/laws/2026/ic/titles/3#3-10-3; Kan. Stat. Ann. § 64-103(b)(1), https://www.kslegislature.gov/li_2022/b2021_22/statute/064_000_0000_chapter/064_001_0000_article/064_001_0003_section/064_001_0003_k/; Ky. Rev. Stat. Ann. § 118.415, https://apps.legislature.ky.gov/law/statutes/statute.aspx?id=54651; La. Const. art. XIII, § 1(A)(1), https://www.legis.la.gov/Legis/Law.aspx?d=206363; Miss. Code Ann. § 7-3-39, https://law.justia.com/codes/mississippi/title-7/chapter-3/general-provisions/section-7-3-39/; N.Y. Elec. Law § 4-116, https://www.nysenate.gov/legislation/laws/ELN/4-116; N.D. Cent. Code § 16.1-13-05, https://ndlegis.gov/cencode/t16-1c13.pdf; Okla. Stat. § 34-17, https://law.justia.com/codes/oklahoma/title-34/section-34-17/; S.D. Codified Laws § 12-13, https://sdlegislature.gov/Statutes/12-13; Tenn. Code Ann. § 2-12-111, https://law.justia.com/codes/tennessee/title-2/chapter-12/part-1/section-2-12-111/; Va. Code Ann. § 30-19.9, https://law.lis.virginia.gov/vacode/title30/chapter1/section30-19.9/; Wis. Stat. ch. 10, https://docs.legis.wisconsin.gov/statutes/statutes/10.

18 Continued from page 3: Alaska Stat. § 15.58.080(a) (2025), https://law.justia.com/codes/alaska/title-15/chapter-58/section-15-58-080/; Ariz. Rev. Stat. Ann. § 19-123(b) (2026), https://www.azleg.gov/ars/19/00123.htm; Cal. Elec. Code § 9094(b) (2026), https://california.public.law/codes/elections_code_section_9094; Colo. Rev. Stat. § 1-40-124.5 (2025), https://colorado.public.law/statutes/crs_1-40-124.5; 5 Ill. Comp. Stat. 20/2(d)–(e) (2025), https://law.justia.com/codes/illinois/chapter-5/act-5-ilcs-20/; Mass. Gen. Laws ch. 54, § 53 (2025), https://law.justia.com/codes/massachusetts/part-i/title-viii/chapter-54/section-53/; Mont. Code Ann. § 13-27-410(4) (2025), https://mca.legmt.gov/bills/2025/mca/title_0130/chapter_0270/part_0040/section_0100/0130-0270-0040-0100.html; Nev. Rev. Stat. § 293.565(5) (2025), https://nevada.public.law/statutes/nrs_293.565; Or. Rev. Stat. §§ 251.315 (2025), https://www.oregonlegislature.gov/bills_laws/ors/ors251.html; Wash. Rev. Code § 29A.32.010 (2024), https://app.leg.wa.gov/rcw/default.aspx?cite=29A.32.010.

CAN THE UTAH STATE LEGISLATURE CHANGE VOTER INITIATIVES?

With one exception, the Utah State Legislature can alter or repeal voter initiatives. The exception is initiatives that "alter or reform government," which the Utah Supreme Court ruled in 2024 receive special constitutional protection.* Even in these cases, the state legislature can make changes that support, facilitate, or do not impair the reform, and even make impairing changes if they are narrowly tailored to a compelling government interest.† Indeed, the Utah State Legislature made substantial changes to 2018's Propositions 2, 3, and 4.‡ Lawsuits challenged the changes made to Propositions 2 and 4.§ Courts ruled changes to Proposition 2 allowable because they did not alter or reform government, while changes to Proposition 4 were declared invalid because they did.# Any legislation that would raise taxes, as outlined in Amendment B, would likely not be classified as an attempt to alter or reform government and would be subject to legislative change.

* League of Women Voters of Utah v. Utah State Legislature, 2024 UT 21 (Utah Supreme Court, July 11, 2024), paragraph 11, https://law.justia.com/cases/utah/supreme-court/2024/20220991.html.

† Ibid.

‡ House Bill 3001, 2018 Third Special Session, "Utah Medical Cannabis Act," https://le.utah.gov/~2018S3/bills/static/HB3001.html; Senate Bill 96, 2019 General Session, "Medicaid Expansion Adjustments," https://le.utah.gov/~2019/bills/static/SB0096.html; Senate Bill 200, 2020 General Session, "Redistricting Amendments," https://le.utah.gov/~2020/bills/static/SB0200.html.

§ The People's Right v. Utah State Legislature. No. 20190013-SC (Utah Supreme Court, August 21, 2019); League of Women Voters of Utah v. Utah State Legislature, 2024 UT 21 (Utah Supreme Court, July 11, 2024), paragraph 11, https://law.justia.com/cases/utah/supreme-court/2024/20220991.html.

Ibid.

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