

Part 4 Local Initiatives and Referenda - General Provisions

20A-7-402 Local voter information pamphlet -- Contents -- Limitations -- Preparation -- Statement on front cover.

- (1) The county or municipality that is subject to a ballot proposition shall prepare a local voter information pamphlet that meets the requirements of this part.
- (2)
 - (a) The arguments for or against a ballot proposition shall conform to the requirements of this section.
 - (b) To prepare an argument for or against a ballot proposition, an eligible voter shall file a request with the election officer at least 65 days before the election at which the ballot proposition is to be voted on.
 - (c) If more than one eligible voter requests the opportunity to prepare an argument for or against a ballot proposition, the election officer shall make the final designation according to the following criteria:
 - (i) sponsors have priority in preparing an argument regarding a ballot proposition; and
 - (ii) members of the local legislative body have priority over others.
 - (d)
 - (i) Except as provided in Subsection (2)(e), a sponsor of a ballot proposition may prepare an argument in favor of the ballot proposition.
 - (ii) Except as provided in Subsection (2)(e), and subject to Subsection (2)(c), an eligible voter opposed to the ballot proposition who submits a request under Subsection (2)(b) may prepare an argument against the ballot proposition.
 - (e)
 - (i) For a referendum, subject to Subsection (2)(c), an eligible voter who is in favor of a law that is referred to the voters and who submits a request under Subsection (2)(b) may prepare an argument for adoption of the law.
 - (ii) The sponsors of a referendum may prepare an argument against the adoption of a law that is referred to the voters.
 - (f) An eligible voter who submits an argument under this section shall:
 - (i) ensure that the argument does not exceed 500 words in length;
 - (ii) ensure that the argument does not list more than five names as sponsors;
 - (iii) submit the argument to the election officer no later than 60 days before the election day on which the ballot proposition will be submitted to the voters; and
 - (iv) include with the argument the eligible voter's name, residential address, postal address, email address if available, and phone number.
 - (g) An election officer shall refuse to accept and publish an argument that is submitted after the deadline described in Subsection (2)(f)(iii).
- (3)
 - (a) An election officer who timely receives the arguments in favor of and against a ballot proposition shall, within one business day after the day on which the election office receives both arguments, send, via mail or email:
 - (i) a copy of the argument in favor of the ballot proposition to the eligible voter who submitted the argument against the ballot proposition; and
 - (ii) a copy of the argument against the ballot proposition to the eligible voter who submitted the argument in favor of the ballot proposition.

- (b) The eligible voter who submitted a timely argument in favor of the ballot proposition:
 - (i) may submit to the election officer a rebuttal argument of the argument against the ballot proposition;
 - (ii) shall ensure that the rebuttal argument does not exceed 250 words in length; and
 - (iii) shall submit the rebuttal argument no later than 45 days before the election day on which the ballot proposition will be submitted to the voters.
 - (c) The eligible voter who submitted a timely argument against the ballot proposition:
 - (i) may submit to the election officer a rebuttal argument of the argument in favor of the ballot proposition;
 - (ii) shall ensure that the rebuttal argument does not exceed 250 words in length; and
 - (iii) shall submit the rebuttal argument no later than 45 days before the election day on which the ballot proposition will be submitted to the voters.
 - (d) An election officer shall refuse to accept and publish a rebuttal argument that is submitted after the deadline described in Subsection (3)(b)(iii) or (3)(c)(iii).
- (4)
- (a) Except as provided in Subsection (4)(b):
 - (i) an eligible voter may not modify an argument or rebuttal argument after the eligible voter submits the argument or rebuttal argument to the election officer; and
 - (ii) a person other than the eligible voter described in Subsection (4)(a)(i) may not modify an argument or rebuttal argument.
 - (b) The election officer, and the eligible voter who submits an argument or rebuttal argument, may jointly agree to modify an argument or rebuttal argument in order to:
 - (i) correct factual, grammatical, or spelling errors; and
 - (ii) reduce the number of words to come into compliance with the requirements of this section.
 - (c) An election officer shall refuse to accept and publish an argument or rebuttal argument if the eligible voter who submits the argument or rebuttal argument fails to negotiate, in good faith, to modify the argument or rebuttal argument in accordance with Subsection (4)(b).
- (5) An election officer may designate another eligible voter to take the place of an eligible voter described in this section if the original eligible voter is, due to injury, illness, death, or another circumstance, unable to continue to fulfill the duties of an eligible voter described in this section.
- (6) The local voter information pamphlet shall include a copy of the initial fiscal impact estimate prepared for each initiative under Section 20A-7-502.5.
- (7)
- (a) In preparing the local voter information pamphlet, the election officer shall:
 - (i) ensure that the arguments are printed on the same sheet of paper upon which the ballot proposition is also printed;
 - (ii) ensure that the following statement is printed on the front cover or the heading of the first page of the printed arguments: "The arguments for or against a ballot proposition are the opinions of the authors.";
 - (iii) pay for the printing and binding of the local voter information pamphlet; and
 - (iv) distribute either the pamphlets or the notice described in Subsection (7)(c) either by mail or carrier not less than 15 days before, but not more than 45 days before, the election at which the ballot propositions are to be voted upon.
 - (b)
 - (i) If the proposed measure exceeds 500 words in length, the election officer may summarize the measure in 500 words or less.
 - (ii) The summary shall state where a complete copy of the ballot proposition is available for public review.

- (c)
 - (i) The election officer may distribute a notice printed on a postage prepaid, preaddressed return form that a person may use to request delivery of a voter information pamphlet by mail.
 - (ii) The notice described in Subsection (7)(c)(i) shall include:
 - (A) the address of the Statewide Electronic Voter Information Website authorized by Section 20A-7-801; and
 - (B) the phone number a voter may call to request delivery of a voter information pamphlet by mail or carrier.

Amended by Chapter 53, 2016 General Session