

Part 7 Voter Information Pamphlet

20A-7-701 Voter information pamphlet to be prepared.

- (1) The lieutenant governor shall cause to be printed a voter information pamphlet designed to inform the voters of the state of the content, effect, operation, fiscal impact, and the supporting and opposing arguments of any measure submitted to the voters by the Legislature or by a statewide initiative or referendum petition.
- (2) The pamphlet shall also include a separate section prepared, analyzed, and submitted by the Judicial Council describing the judicial selection and retention process.
- (3) The lieutenant governor shall cause to be printed as many voter information pamphlets as needed to comply with the provisions of this chapter.
- (4) Voter information pamphlets prepared in association with a local initiative or a local referendum shall be prepared in accordance with the procedures and requirements of Section 20A-7-402.

Amended by Chapter 225, 2008 General Session

20A-7-702 Voter information pamphlet -- Form -- Contents -- Distribution.

- (1) The lieutenant governor shall ensure that all information submitted for publication in the voter information pamphlet is:
 - (a) printed and bound in a single pamphlet;
 - (b) printed in clear readable type, no less than 10 point, except that the text of any measure may be set forth in eight-point type; and
 - (c) printed on a quality and weight of paper that best serves the voters.
- (2) The voter information pamphlet shall contain the following items in this order:
 - (a) a cover title page;
 - (b) an introduction to the pamphlet by the lieutenant governor;
 - (c) a table of contents;
 - (d) a list of all candidates for constitutional offices;
 - (e) a list of candidates for each legislative district;
 - (f) a 100-word statement of qualifications for each candidate for the office of governor, lieutenant governor, attorney general, state auditor, or state treasurer, if submitted by the candidate to the lieutenant governor's office before 5 p.m. on the date that falls 105 days before the date of the election;
 - (g) information pertaining to all measures to be submitted to the voters, beginning a new page for each measure and containing, in the following order for each measure:
 - (i) a copy of the number and ballot title of the measure;
 - (ii) the final vote cast by the Legislature on the measure if it is a measure submitted by the Legislature or by referendum;
 - (iii) the impartial analysis of the measure prepared by the Office of Legislative Research and General Counsel;
 - (iv) the arguments in favor of the measure, the rebuttal to the arguments in favor of the measure, the arguments against the measure, and the rebuttal to the arguments against the measure, with the name and title of the authors at the end of each argument or rebuttal;
 - (v) for each constitutional amendment, a complete copy of the text of the constitutional amendment, with all new language underlined, and all deleted language placed within brackets;

- (vi) for each initiative qualified for the ballot, a copy of the measure as certified by the lieutenant governor and a copy of the fiscal impact estimate prepared according to Section 20A-7-202.5; and
- (vii) for each referendum qualified for the ballot, a complete copy of the text of the law being submitted to the voters for their approval or rejection, with all new language underlined and all deleted language placed within brackets, as applicable;
- (h) a description provided by the Judicial Performance Evaluation Commission of the selection and retention process for judges, including, in the following order:
 - (i) a description of the judicial selection process;
 - (ii) a description of the judicial performance evaluation process;
 - (iii) a description of the judicial retention election process;
 - (iv) a list of the criteria of the judicial performance evaluation and the minimum performance standards;
 - (v) the names of the judges standing for retention election; and
 - (vi) for each judge:
 - (A) a list of the counties in which the judge is subject to retention election;
 - (B) a short biography of professional qualifications and a recent photograph;
 - (C) a narrative concerning the judge's performance;
 - (D) for each standard of performance, a statement identifying whether or not the judge met the standard and, if not, the manner in which the judge failed to meet the standard;
 - (E) a statement identifying whether or not the Judicial Performance Evaluation Commission recommends the judge be retained or declines to make a recommendation and the number of votes for and against the commission's recommendation;
 - (F) any statement provided by a judge who is not recommended for retention by the Judicial Performance Evaluation Commission under Section 78A-12-203;
 - (G) in a bar graph, the average of responses to each survey category, displayed with an identification of the minimum acceptable score as set by Section 78A-12-205 and the average score of all judges of the same court level; and
 - (H) a website address that contains the Judicial Performance Evaluation Commission's report on the judge's performance evaluation;
- (i) for each judge, a statement provided by the Utah Supreme Court identifying the cumulative number of informal reprimands, when consented to by the judge in accordance with Title 78A, Chapter 11, Judicial Conduct Commission, formal reprimands, and all orders of censure and suspension issued by the Utah Supreme Court under Utah Constitution, Article VIII, Section 13, during the judge's current term and the immediately preceding term, and a detailed summary of the supporting reasons for each violation of the Code of Judicial Conduct that the judge has received;
- (j) an explanation of ballot marking procedures prepared by the lieutenant governor, indicating the ballot marking procedure used by each county and explaining how to mark the ballot for each procedure;
- (k) voter registration information, including information on how to obtain an absentee ballot;
- (l) a list of all county clerks' offices and phone numbers; and
- (m) on the back cover page, a printed copy of the following statement signed by the lieutenant governor: "I, _____ (print name), Lieutenant Governor of Utah, certify that the measures contained in this pamphlet will be submitted to the voters of Utah at the election to be held throughout the state on ____ (date of election), and that this pamphlet is complete and correct according to law.

SEAL

Witness my hand and the Great Seal of the State, at Salt Lake City, Utah this ____ day
of ____ (month), ____ (year)

(signed) _____

Lieutenant Governor"

(3) No earlier than 75 days, and no later than 15 days, before the day on which voting commences, the lieutenant governor shall:

(a)

(i) distribute one copy of the voter information pamphlet to each household within the state;

(ii) distribute to each household within the state a notice:

(A) printed on a postage prepaid, preaddressed return form that a person may use to request delivery of a voter information pamphlet by mail;

(B) that states the address of the Statewide Electronic Voter Information Website authorized by Section 20A-7-801; and

(C) that states the phone number a voter may call to request delivery of a voter information pamphlet by mail; or

(iii) ensure that one copy of the voter information pamphlet is placed in one issue of every newspaper of general circulation in the state;

(b) ensure that a sufficient number of printed voter information pamphlets are available for distribution as required by this section;

(c) provide voter information pamphlets to each county clerk for free distribution upon request and for placement at polling places; and

(d) ensure that the distribution of the voter information pamphlets is completed 15 days before the election.

(4) The lieutenant governor may distribute a voter information pamphlet at a location frequented by a person who cannot easily access the Statewide Electronic Voter Information Website authorized by Section 20A-7-801.

Amended by Chapter 348, 2016 General Session

20A-7-703 Impartial analysis of measure -- Determination of fiscal effects.

(1) The director of the Office of Legislative Research and General Counsel, after the approval of the legislative general counsel as to legal sufficiency, shall:

(a) prepare an impartial analysis of each measure submitted to the voters by the Legislature or by initiative or referendum petition; and

(b) submit the impartial analysis to the lieutenant governor no later than the day that falls 90 days before the date of the election in which the measure will appear on the ballot.

(2) The director shall ensure that the impartial analysis:

(a) is not more than 1,000 words long;

(b) is prepared in clear and concise language that will easily be understood by the average voter;

(c) avoids the use of technical terms as much as possible;

(d) shows the effect of the measure on existing law;

(e) identifies any potential conflicts with the United States or Utah Constitutions raised by the measure;

(f) fairly describes the operation of the measure;

(g) identifies the measure's fiscal effects for the first full year of implementation and the first year when the last provisions to be implemented are fully effective; and

(h) identifies the amount of any increase or decrease in revenue or cost to state or local government.

- (3) The director shall analyze the measure as it is proposed to be adopted without considering any implementing legislation, unless the implementing legislation has been enacted and will become effective upon the adoption of the measure by the voters.
- (4)
 - (a) In determining the fiscal effects of a measure, the director shall confer with the legislative fiscal analyst.
 - (b) The director shall consider any measure that requires implementing legislation in order to take effect to have no financial effect, unless implementing legislation has been enacted that will become effective upon adoption of the measure by the voters.
- (5) If the director requests the assistance of any state department, agency, or official in preparing his analysis, that department, agency, or official shall assist the director.

Amended by Chapter 334, 2012 General Session

20A-7-704 Initiative measures -- Arguments for and against -- Voters' requests for argument -- Ballot arguments.

- (1)
 - (a)
 - (i)
 - (A) By July 10 of the regular general election year, the sponsors of any initiative petition that has been declared sufficient by the lieutenant governor may deliver to the lieutenant governor an argument for the adoption of the measure.
 - (B) If two or more sponsors wish to submit arguments for the measure, the lieutenant governor shall designate one of them to submit the argument for his side of the measure.
 - (ii)
 - (A) Any member of the Legislature may request permission to submit an argument against the adoption of the measure.
 - (B) If two or more legislators wish to submit an argument against the measure, the presiding officers of the Senate and House of Representatives shall jointly designate one of them to submit the argument to the lieutenant governor.
 - (b) The sponsors and the legislators submitting arguments shall ensure that each argument:
 - (i) does not exceed 500 words in length; and
 - (ii) is delivered by July 10.
- (2)
 - (a)
 - (i) If an argument for or against a measure to be submitted to the voters by initiative petition has not been filed within the time required by Subsection (1), any voter may request the lieutenant governor for permission to prepare an argument for the side on which no argument has been prepared.
 - (ii) If two or more voters request permission to submit arguments on the same side of a measure, the lieutenant governor shall designate one of the voters to write the argument.
 - (b) Any argument prepared under this subsection shall be submitted to the lieutenant governor by July 20.
- (3) The lieutenant governor may not accept a ballot argument submitted under this section unless it is accompanied by:
 - (a) the name and address of the person submitting it, if it is submitted by an individual voter; or
 - (b) the name and address of the organization and the names and addresses of at least two of its principal officers, if it is submitted on behalf of an organization.

- (4)
 - (a) Except as provided in Subsection (4)(c), the authors may not amend or change the arguments after they are submitted to the lieutenant governor.
 - (b) Except as provided in Subsection (4)(c), the lieutenant governor may not alter the arguments in any way.
 - (c) The lieutenant governor and the authors of an argument may jointly modify an argument after it is submitted if:
 - (i) they jointly agree that changes to the argument must be made to correct spelling or grammatical errors; and
 - (ii) the argument has not yet been submitted for typesetting.

Amended by Chapter 334, 2012 General Session

20A-7-705 Measures to be submitted to voters and referendum measures -- Preparation of argument of adoption.

- (1)
 - (a) Whenever the Legislature submits any measure to the voters or whenever an act of the Legislature is referred to the voters by referendum petition, the presiding officer of the house of origin of the measure shall appoint the sponsor of the measure or act and one member of either house who voted with the majority to pass the act or submit the measure to draft an argument for the adoption of the measure.
 - (b)
 - (i) The argument may not exceed 500 words in length.
 - (ii) If the sponsor of the measure or act desires separate arguments to be written in favor by each person appointed, separate arguments may be written but the combined length of the two arguments may not exceed 500 words.
- (2)
 - (a) If a measure or act submitted to the voters by the Legislature or by referendum petition was not adopted unanimously by the Legislature, the presiding officer of each house shall, at the same time as appointments to an argument in its favor are made, appoint one member who voted against the measure or act from their house to write an argument against the measure or act.
 - (b)
 - (i) The argument may not exceed 500 words.
 - (ii) If those members appointed to write an argument against the measure or act desire separate arguments to be written in opposition to the measure or act by each person appointed, separate arguments may be written, but the combined length of the two arguments may not exceed 500 words.
- (3)
 - (a) The legislators appointed by the presiding officer of the Senate or House of Representatives to submit arguments shall submit them to the lieutenant governor not later than the day that falls 150 days before the date of the election.
 - (b) Except as provided in Subsection (3)(d), the authors may not amend or change the arguments after they are submitted to the lieutenant governor.
 - (c) Except as provided in Subsection (3)(d), the lieutenant governor may not alter the arguments in any way.
 - (d) The lieutenant governor and the authors of an argument may jointly modify an argument after it is submitted if:

- (i) they jointly agree that changes to the argument must be made to correct spelling or grammatical errors; and
 - (ii) the argument has not yet been submitted for typesetting.
- (4)
- (a) If an argument for or an argument against a measure submitted to the voters by the Legislature or by referendum petition has not been filed by a member of the Legislature within the time required by this section, any voter may request the presiding officer of the house in which the measure originated for permission to prepare and file an argument for the side on which no argument has been prepared by a member of the Legislature.
 - (b)
 - (i) The presiding officer of the house of origin shall grant permission unless two or more voters request permission to submit arguments on the same side of a measure.
 - (ii) If two or more voters request permission to submit arguments on the same side of a measure, the presiding officer shall designate one of the voters to write the argument.
 - (c) Any argument prepared under this subsection shall be submitted to the lieutenant governor not later than the day that falls 135 days before the date of the election.
 - (d) The lieutenant governor may not accept a ballot argument submitted under this section unless it is accompanied by:
 - (i) the name and address of the person submitting it, if it is submitted by an individual voter; or
 - (ii) the name and address of the organization and the names and addresses of at least two of its principal officers, if it is submitted on behalf of an organization.
 - (e) Except as provided in Subsection (4)(g), the authors may not amend or change the arguments after they are submitted to the lieutenant governor.
 - (f) Except as provided in Subsection (4)(g), the lieutenant governor may not alter the arguments in any way.
 - (g) The lieutenant governor and the authors of an argument may jointly modify an argument after it is submitted if:
 - (i) they jointly agree that changes to the argument must be made to correct spelling or grammatical errors; and
 - (ii) the argument has not yet been submitted for typesetting.

Amended by Chapter 225, 2008 General Session

20A-7-706 Copies of arguments to be sent to opposing authors -- Rebuttal arguments.

- (1) When the lieutenant governor has received the arguments for and against a measure to be submitted to the voters, the lieutenant governor shall immediately send copies of the arguments in favor of the measure to the authors of the arguments against and copies of the arguments against to the authors of the arguments in favor.
- (2) The authors may prepare and submit rebuttal arguments not exceeding 250 words.
- (3)
 - (a) The rebuttal arguments shall be filed with the lieutenant governor:
 - (i) for constitutional amendments and referendum petitions, not later than the day that falls 120 days before the date of the election; and
 - (ii) for initiatives, not later than July 30.
 - (b) Except as provided in Subsection (3)(d), the authors may not amend or change the rebuttal arguments after they are submitted to the lieutenant governor.
 - (c) Except as provided in Subsection (3)(d), the lieutenant governor may not alter the arguments in any way.

- (d) The lieutenant governor and the authors of a rebuttal argument may jointly modify a rebuttal argument after it is submitted if:
 - (i) they jointly agree that changes to the rebuttal argument must be made to correct spelling or grammatical errors; and
 - (ii) the rebuttal argument has not yet been submitted for typesetting.
- (4) The lieutenant governor shall ensure that:
 - (a) rebuttal arguments are printed in the same manner as the direct arguments; and
 - (b) each rebuttal argument follows immediately after the direct argument which it seeks to rebut.

Amended by Chapter 334, 2012 General Session