

1                                   **TRANSPARENCY OF BALLOT PROPOSITIONS**

2   2014 GENERAL SESSION

3   STATE OF UTAH

4                                   **Chief Sponsor: Ryan D. Wilcox**

5                                   Senate Sponsor: Deidre M. Henderson

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7 **LONG TITLE**

8 **General Description:**

9           This bill provides requirements for certain ballot propositions.

10 **Highlighted Provisions:**

11           This bill:

- 12           ▶ defines terms;
- 13           ▶ provides for the submission and posting of arguments in favor of and against certain
- 14 ballot propositions;
- 15           ▶ requires a governing body of a taxing entity to conduct a public meeting to allow
- 16 interested parties to:
  - 17           • present arguments in favor of and against certain ballot propositions; and
  - 18           • provide oral testimony regarding the ballot proposition; and
- 19           ▶ requires a taxing entity to provide a digital audio recording of the public meeting.

20 **Money Appropriated in this Bill:**

21           None

22 **Other Special Clauses:**

23           None

24 **Utah Code Sections Affected:**

25 AMENDS:

26           **11-14-201**, as last amended by Laws of Utah 2006, Chapter 83

27 ENACTS:

28           **59-1-1601**, Utah Code Annotated 1953

29           **59-1-1602**, Utah Code Annotated 1953

30 **59-1-1603**, Utah Code Annotated 1953  
 31 **59-1-1604**, Utah Code Annotated 1953  
 32 **59-1-1605**, Utah Code Annotated 1953

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34 *Be it enacted by the Legislature of the state of Utah:*

35 Section 1. Section **11-14-201** is amended to read:

36 **11-14-201. Election on bond issues -- Qualified electors -- Resolution and notice.**

37 (1) The governing body of any local political subdivision that wishes to issue bonds  
 38 under the authority granted in Section **11-14-103** shall~~[-]~~:

39 (a) at least 75 days before the date of election:

40 ~~[(a)]~~ (i) approve a resolution submitting the question of the issuance of the bonds to the  
 41 voters of the local political subdivision; and

42 ~~[(b)]~~ (ii) provide a copy of the resolution to:

43 ~~[(+)]~~ (A) the lieutenant governor; and

44 ~~[(+)]~~ (B) the election officer, as defined in Section **20A-1-102**, charged with  
 45 conducting the election~~[-]~~; and

46 (b) comply with the requirements of Title 59, Chapter 1, Part 16, Transparency of  
 47 Ballot Propositions Act.

48 (2) The local political subdivision may not issue the bonds unless the majority of the  
 49 qualified voters of the local political subdivision who vote on the bond proposition approve the  
 50 issuance of the bonds.

51 (3) Nothing in this section requires an election for the issuance of:

52 (a) refunding bonds; or

53 (b) other bonds not required by law to be voted on at an election.

54 (4) The resolution calling the election shall include a ballot proposition, in substantially  
 55 final form, that complies with the requirements of Subsection **11-14-206(2)**.

56 Section 2. Section **59-1-1601** is enacted to read:

57 **Part 16. Transparency of Ballot Propositions Act**

58 59-1-1601. Title.

59 This part is known as the "Transparency of Ballot Propositions Act."

60 Section 3. Section **59-1-1602** is enacted to read:

61 59-1-1602. Definitions.

62 As used in this part:

63 (1) (a) "Ballot proposition" means:

64 (i) an opinion question or other question concerning a tax increase submitted to voters  
65 for their approval or rejection; or

66 (ii) a question submitted to voters concerning the issuance of bonds under Section  
67 11-14-103.

68 (b) "Ballot proposition" does not include an initiative or referendum authorized under  
69 Title 20A, Chapter 7, Issues Submitted to the Voters.

70 (2) "Determination date" means the date of an election at which a ballot proposition is  
71 considered by voters.

72 (3) "Election officer" is as defined in Section 20A-1-102.

73 (4) "Eligible voter" means a person who:

74 (a) has registered to vote in accordance with Title 20A, Chapter 2, Voter Registration;  
75 and

76 (b) is a resident of a voting district or precinct within the taxing entity that is holding  
77 an election to consider a ballot proposition.

78 (5) "Governing body" is as defined in Section 59-2-102.

79 (6) "Tax increase" means:

80 (a) for a property tax, the imposition of a property tax rate or increase in a property tax  
81 rate if the imposition or increase is required to be submitted to voters for their approval or  
82 rejection; or

83 (b) for a sales and use tax imposed under Chapter 12, Sales and Use Tax Act, a sales  
84 and use tax rate that:

85 (i) is not currently imposed; or

86 (ii) exceeds the sales and use tax rate that is currently imposed.

87 (7) "Taxing entity" means:

88 (a) a taxing entity as defined in Section 59-2-102; or

89 (b) a county, city, or town authorized to impose a sales and use tax under Chapter 12,

90 Sales and Use Tax Act.

91 Section 4. Section **59-1-1603** is enacted to read:

92 **59-1-1603. Applicability of part.**

93 A taxing entity may not submit a ballot proposition unless the taxing entity complies  
94 with this part.

95 Section 5. Section **59-1-1604** is enacted to read:

96 **59-1-1604. Arguments for and against a ballot proposition -- Rebuttal arguments**  
97 **-- Posting arguments.**

98 (1) (a) The governing body of a taxing entity shall submit to the election officer an  
99 argument in favor of a ballot proposition.

100 (b) (i) Any eligible voter may submit to the election officer an argument against the  
101 ballot proposition.

102 (ii) If two or more eligible voters wish to submit an argument under Subsection  
103 (1)(b)(i), the election officer shall designate one of the eligible voters to submit the argument  
104 described in Subsection (1)(b)(i).

105 (c) (i) Subject to Subsection (1)(c)(ii), the election officer shall ensure that each  
106 argument submitted under this Subsection (1):

107 (A) does not exceed 500 words in length; and

108 (B) is submitted not less than 60 days before the determination date.

109 (ii) The election officer shall ensure that each argument submitted under Subsection  
110 (1)(b)(ii) is submitted not less than 50 days before the determination date.

111 (2) (a) When the election officer has received the arguments in favor of and against a  
112 ballot proposition, the election officer shall immediately send, via email or mail:

113 (i) a copy of the argument in favor of the ballot proposition to the author of the

114 argument against the ballot proposition; and

115 (ii) a copy of the argument against the ballot proposition to the author of the argument  
116 in favor of the ballot proposition.

117 (b) (i) The author of the argument in favor of the ballot proposition may submit to the  
118 election officer a rebuttal argument directed to the argument against the ballot proposition.

119 (ii) The author of the argument against the ballot proposition may submit to the  
120 election officer a rebuttal argument directed to the argument in favor of the ballot proposition.

121 (c) The election officer shall ensure that each rebuttal argument submitted under  
122 Subsection (2)(b):

123 (i) does not exceed 250 words in length; and

124 (ii) is submitted not less than 40 days before the determination date.

125 (d) (i) An author of an argument described in Subsection (1) may designate a person to  
126 submit a rebuttal argument described in this Subsection (2).

127 (ii) A person designated in Subsection (2)(d)(i) shall be an eligible voter.

128 (3) A person submitting an argument under this section shall provide the election  
129 officer with:

130 (a) the person's name and address; and

131 (b) an email address by which the person may be contacted.

132 (4) (a) Except as provided in Subsection (4)(c), an author may not amend or change an  
133 argument or rebuttal argument after the argument or rebuttal argument is submitted to the  
134 election officer.

135 (b) Except as provided in Subsection (4)(c), the election officer may not alter an  
136 argument or rebuttal argument in any way.

137 (c) The election officer and an author of an argument may jointly modify an argument  
138 or a rebuttal argument after the argument or rebuttal argument is submitted if the election  
139 officer and the author jointly agree that changes to the argument or rebuttal argument must be  
140 made to correct spelling, factual, or grammatical errors.

141 (5) The governing body of a taxing entity shall:

142 (a) post the arguments and rebuttal arguments on the Statewide Electronic Voter  
143 Information Website as described in Section 20A-7-801 for 30 consecutive days before the  
144 determination date;

145 (b) if a taxing entity has a public website, post all arguments and rebuttal arguments in  
146 a prominent place on the taxing entity's public website for 30 consecutive days before the  
147 determination date; and

148 (c) if the taxing entity publishes a newsletter or other periodical, post all arguments and  
149 rebuttal arguments in the next scheduled newsletter or other periodical published before the  
150 determination date.

151 (6) For purposes of posting an argument and rebuttal argument under Subsection (5),  
152 the governing body of a taxing entity shall ensure that:

153 (a) a rebuttal argument is posted in the same manner as a direct argument;

154 (b) each rebuttal argument follows immediately after the direct argument that it seeks  
155 to rebut; and

156 (c) information regarding the public meeting required by Section 59-1-1605 follows  
157 immediately after the posted arguments, including the date, time, and place of the public  
158 meeting.

159 Section 6. Section **59-1-1605** is enacted to read:

160 **59-1-1605. Public meeting requirements.**

161 (1) The governing body of a taxing entity shall conduct a public meeting in accordance  
162 with this section no more than 14, but at least four, days before the determination date.

163 (2) The governing body of the taxing entity shall allow equal time, within a reasonable  
164 limit, for a presentation of the arguments:

165 (a) in favor of the ballot proposition; and

166 (b) against the ballot proposition.

167 (3) (a) A governing body of a taxing entity conducting a public meeting described in  
168 Subsection (1) shall provide an interested party desiring to be heard an opportunity to present  
169 oral testimony within reasonable time limits.

170 (b) A taxing entity shall hold a public meeting described in this section beginning at or  
171 after 6 p.m.

172 (4) (a) A taxing entity shall provide a digital audio recording of a public meeting  
173 described in Subsection (1) no later than three days after the date of the public meeting.

174 (b) For purposes of providing the digital audio recording described in Subsection  
175 (4)(a), a governing body of a taxing entity shall:

176 (i) if a taxing entity has a public website, provide access to the digital audio recording  
177 described in Subsection (4)(a) on the taxing entity's public website; or

178 (ii) provide a digital copy of the recording described in Subsection (4)(a) to members  
179 of the public at the taxing entity's primary government office building.