

HB0379S01 compared with HB0379

~~{deleted text}~~ shows text that was in HB0379 but was deleted in HB0379S01.

inserted text shows text that was not in HB0379 but was inserted into HB0379S01.

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~~{PROPOSED TAX INCREASE AND BOND PROPOSITION~~

~~AMENDMENTS}~~ Representative Ryan D. Wilcox proposes the following substitute bill:

TRANSPARENCY OF BALLOT PROPOSITIONS

2014 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ryan D. Wilcox

Senate Sponsor: _____

LONG TITLE

General Description:

This bill provides requirements for certain ballot propositions~~{ and tax increases }~~.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ provides for the submission and posting of arguments in favor of and against certain ballot propositions~~{ or tax increases }~~;
- ▶ requires a governing body of a taxing entity to conduct a public meeting to allow interested parties to:
 - present arguments in favor of and against certain ballot propositions~~{ or tax increases }~~; and

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- provide oral testimony regarding the ballot proposition ~~{or tax increase}~~; and
- ▶ requires ~~{a governing body of}~~ a taxing entity to provide ~~{remote access to}~~ a digital audio recording of the public meeting.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

ENACTS:

59-1-1601, Utah Code Annotated 1953

59-1-1602, Utah Code Annotated 1953

59-1-1603, Utah Code Annotated 1953

59-1-1604, Utah Code Annotated 1953

59-1-1605, Utah Code Annotated 1953

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

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

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

(1) The governing body of any local political subdivision that wishes to issue bonds under the authority granted in Section 11-14-103 shall^[5]:

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

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

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

~~[(i)]~~ (A) the lieutenant governor; and

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

(b) comply with the requirements of Title 59, Chapter 1, Part 16, ~~{Proposed Tax Increase and Bond Proposition}~~ Transparency of Ballot Propositions Act.

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

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

(a) refunding bonds; or

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

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

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

Part 16. ~~{Proposed Tax Increase and Bond Proposition}~~ Transparency of Ballot

Propositions Act

59-1-1601. Title.

This part is known as the "~~{Proposed Tax Increase and Bond Proposition}~~ Transparency of Ballot Propositions Act."

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

59-1-1602. Definitions.

As used in this part:

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

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

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

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

(2) "Determination date" means the ~~{earlier of the }~~date~~{:~~

~~_____ (a) } of an election at which a ballot proposition is considered by voters~~{; or~~~~

~~_____ (b) a governing body adopts a tax increase by a resolution or ordinance}.~~

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

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

~~{ _____ (5) "Remote access" or "remotely accessed" means the ability of an individual to access the proceedings of a public meeting described under this part via the Internet when the~~

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individual is not physically present at the public meeting.

~~{6}~~5 "Tax increase" means:

(a) for a property tax levied under Chapter 2, Property Tax Act, a tax rate that exceeds the taxing entity's certified tax rate, as defined in Section 59-2-924; or

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

(i) is not currently imposed; or

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

~~{7}~~6 "Taxing entity" means:

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

(b) a county, city, or town authorized to impose a sales and use tax under Chapter 12, Sales and Use Tax Act.

~~{8}~~7 "Eligible voter" means a person who:

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

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

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

59-1-1603. Applicability of part.

A taxing entity may not submit a ballot proposition ~~for adopt a tax increase by resolution or ordinance~~ unless the taxing entity complies with this part.

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

59-1-1604. Arguments for and against a ballot proposition ~~for tax increase~~--

Rebuttal arguments -- Posting arguments.

(1) (a) (i) A member of the governing body of a taxing entity shall submit to the election officer an argument in favor of a ballot proposition ~~for tax increase~~.

(ii) If two or more members of the governing body of a taxing entity wish to submit an argument under Subsection (1)(a)(i), the election officer shall designate one of the members of the governing body to submit the argument described in Subsection (1)(a)(i).

(b) (i) (A) A member of the governing body of a taxing entity may submit to the election officer an argument against the ballot proposition ~~for tax increase~~.

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(B) If two or more members of the governing body of a taxing entity wish to submit an argument under Subsection (1)(b)(i)(A), the election officer shall designate one of the members of the governing body to submit the argument described in Subsection (1)(b)(i)(A).

(ii) (A) If no submission is made under Subsection (1)(b)(i), any eligible voter may submit to the election officer an argument against the ballot proposition ~~{or tax increase}~~.

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

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

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

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

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

(2) (a) When the election officer has received the arguments in favor of and against a ballot proposition ~~{or tax increase}~~, the election officer shall immediately send, via email or mail:

(i) a copy of the argument in favor of the ballot proposition ~~{or tax increase}~~ to the author of the argument against the ballot proposition ~~{or tax increase}~~; and

(ii) a copy of the argument against the ballot proposition ~~{or tax increase}~~ to the author of the argument in favor of the ballot proposition ~~{or tax increase}~~.

(b) (i) The author of the argument in favor of the ballot proposition ~~{or tax increase}~~ may submit to the election officer a rebuttal argument directed to the argument against the ballot proposition ~~{or tax increase}~~.

(ii) The author of the argument against the ballot proposition ~~{or tax increase}~~ may submit to the election officer a rebuttal argument directed to the argument in favor of the ballot proposition ~~{or tax increase}~~.

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

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

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

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

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

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

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

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

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

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

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

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

(a) ~~{for arguments and rebuttal arguments directed to a ballot proposition only.}~~ post the arguments and rebuttal arguments on the Statewide Electronic Voter Information Website as described in Section 20A-7-801 for 30 consecutive days before the determination date;

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

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

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

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

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

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(c) information regarding the public meeting required by Section 59-1-1605 follows immediately after the posted arguments, including

- ~~— (i) the date, time, and place of the public meeting;~~
- ~~— (ii) that the public meeting can be remotely accessed; and~~
- ~~— (iii) how and from what website the public meeting can be remotely accessed.~~

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

59-1-1605. Public meeting requirements.

(1) The governing body of a taxing entity shall conduct a public meeting in accordance with this section no more than 14, but at least 4, days before the determination date.

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

- (i) in favor of the ballot proposition ~~or tax increase~~; and
- (ii) against the ballot proposition ~~or tax increase~~.

(b) The governing body of the taxing entity shall allow equal time, within a reasonable limit, for rebuttal of the arguments presented under Subsection (2)(a).

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

~~{ (b) The agenda required by Title 52, Chapter 4, Open and Public Meetings Act, for a public meeting described in Subsection (1) may only include an item that notifies the public of:~~

- ~~— (i) the presentation of arguments described in Subsection (2); and~~
- ~~— (ii) the opportunity for an interested party to present oral testimony described under Subsection (3)(a).~~

~~{ (c) } (b) A taxing entity shall hold a public meeting described in this section beginning at or after 6 p.m.~~

(4) (a) A ~~governing body of a~~ taxing entity shall provide ~~remote access to~~ a digital audio recording of a public meeting described in Subsection (1) no later than three days after the date of the public meeting.

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

- (i) if a taxing entity has a public website, provide ~~the remote~~ access to the digital

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audio recording described in Subsection (4)(a) on the taxing entity's public website; or

(ii) ~~establish a website on which to provide the remote access described in Subsection (4)(a).~~

~~(c) The remote access~~ provide a digital copy of the recording described in Subsection (4)(a) ~~shall include real-time audio and video of the proceedings~~ to members of the public ~~meeting described in Subsection (1).~~

Legislative Review Note

~~as of 2-19-14 5:46 PM~~

~~Office of Legislative Research and General Counsel~~ at the taxing entity's primary government office building.