

Effective 5/14/2019

20A-11-1206 Exclusions.

- (1) Nothing in this chapter prohibits a public official from speaking, campaigning, contributing personal money, or otherwise exercising the public official's individual First Amendment rights for political purposes.
- (2)
 - (a) Subject to Subsection (2)(b), nothing in this chapter prohibits a public entity from providing factual information about a ballot proposition to the public, so long as the information grants equal access to both the opponents and proponents of the ballot proposition.
 - (b) A county or municipality may not provide any information to the public about a proposed initiative, initiative, proposed referendum, or referendum unless the county or municipality:
 - (i) provides the information in a manner required, or expressly permitted, by law; or
 - (ii) is directly providing information solely to a person or a group of people in response to a question asked by the person or group of people.
- (3) Nothing in this chapter prohibits a public entity from the neutral encouragement of voters to vote.
- (4) Nothing in this chapter prohibits an elected official from campaigning or advocating for or against a ballot proposition.
- (5) Subject to Subsection (6), a county or municipality may expend a reasonable amount of public funds to:
 - (a) prepare and publish a written argument or written rebuttal argument in accordance with Section 20A-7-401.5, 20A-7-402, or 59-1-1604; or
 - (b) prepare an argument for, and present an argument at, a public meeting under Section 20A-7-405 or 59-1-1605.
- (6) A county or municipality may not:
 - (a) publish an argument or rebuttal argument prepared under Section 20A-7-401.5 or 20A-7-402, unless, at the same time and in the same manner, the county or municipality publishes each opposing argument and rebuttal argument that:
 - (i) relates to the same proposed initiative, initiative, proposed referendum, or referendum; and
 - (ii) complies with the requirements of Section 20A-7-401.5 or 20A-7-402;
 - (b) publish an argument or rebuttal argument for or against a proposed initiative, initiative, proposed referendum, or referendum that was not prepared and submitted in accordance with Section 20A-7-401.5 or 20A-7-402; or
 - (c) present an argument or rebuttal argument for or against a proposed initiative, initiative, proposed referendum, or referendum at a public meeting, unless the county or municipality provides equal opportunity for persons to present opposing arguments and rebuttal arguments at the public meeting.

Amended by Chapter 203, 2019 General Session