20A-7-401.3 Voter participation areas.

(1) Except as provided in Subsection (2):
   (a) a metro township with a population of 65,000 or more, a city of the first or second class, or a county of the first or second class shall, no later than January 1, 2020, again on January 1, 2022, and January 1 each 10 years after 2022, divide the metro township, city, or county into eight contiguous and compact voter participation areas of substantially equal population; and
   (ii) a metro township with a population of 10,000 or more, a city of the third or fourth class, or a county of the third or fourth class shall, no later than January 1, 2020, again on January 1, 2022, and January 1 each 10 years after 2022, divide the metro township, city, or county into four contiguous and compact voter participation areas of substantially equal population.
   (b) A metro township, city, or county shall use the voter participation areas described in Subsection (1)(a) or (2)(b) for the purpose described in Sections 20A-7-501 and 20A-7-601.

(2) This section does not apply to a metro township with a population of less than 10,000, a county of the fifth or sixth class, a city of the fifth class, or a town.
   A metro township, city, or county that has established council districts that are not at-large districts may, regardless of the number of council districts that are not at-large districts, use the council districts as voter participation areas under this section.

Enacted by Chapter 203, 2019 General Session

20A-7-401.5 Proposition information pamphlet.

(1)
   (a) Within 15 days after the day on which an eligible voter files an application to circulate an initiative petition under Section 20A-7-502 or an application to circulate a referendum petition under Section 20A-7-602:
      (A) the sponsors of the proposed initiative or referendum may submit a written argument in favor of the proposed initiative or referendum to the election officer of the county or municipality to which the petition relates; and
      (B) the county or municipality to which the application relates may submit a written argument in favor of, or against, the proposed initiative or referendum to the county's or municipality's election officer.
   (ii) If a county or municipality submits more than one written argument under Subsection (1)(a)(i)(B), the election officer shall select one of the written arguments, giving preference to a written argument submitted by a member of a local legislative body if a majority of the local legislative body supports the written argument.
   (b) Within one business day after the day on which an election officer receives an argument under Subsection (1)(a)(i)(A), the election officer shall provide a copy of the argument to the county or municipality described in Subsection (1)(a)(i)(B) or (1)(a)(ii), as applicable.
   (c) Within one business day after the date on which an election officer receives an argument under Subsection (1)(a)(i)(B), the election officer shall provide a copy of the argument to the
first three sponsors of the proposed initiative or referendum described in Subsection (1)(a)(i) (A).

(d) The sponsors of the proposed initiative or referendum may submit a revised version of the written argument described in Subsection (1)(a)(i)(A) to the election officer of the county or municipality to which the petition relates within 20 days after the day on which the eligible voter files an application to circulate an initiative petition under Section 20A-7-502 or an application to circulate a referendum petition under Section 20A-7-602.

(e) The author of a written argument described in Subsection (1)(a)(i)(B) submitted by a county or municipality may submit a revised version of the written argument to the county's or municipality's election officer within 20 days after the day on which the eligible voter files an application to circulate an initiative petition under Section 20A-7-502 or an application to circulate a referendum petition under Section 20A-7-602.

(2)

(a) A written argument described in Subsection (1) may not exceed 500 words.

(b) Except as provided in Subsection (2)(c), a person may not modify a written argument described in Subsection (1)(d) or (e) after the written argument is submitted to the election officer.

(c) The election officer and the person that submits the written argument described in Subsection (1)(d) or (e) may jointly agree to modify the written argument to:
   (i) correct factual, grammatical, or spelling errors; or
   (ii) reduce the number of words to come into compliance with Subsection (2)(a).

(d) An election officer shall refuse to include a written argument in the proposition information pamphlet described in this section if the person who submits the argument:
   (i) fails to negotiate, in good faith, to modify the argument in accordance with Subsection (2)(c); or
   (ii) does not timely submit the written argument to the election officer.

(e) An election officer shall make a good faith effort to negotiate a modification described in Subsection (2)(c) in an expedited manner.

(3) An election officer who receives a written argument described in Subsection (1) shall prepare a proposition information pamphlet for publication that includes:

   a copy of the application for the proposed initiative or referendum;
   except as provided in Subsection (2)(d), immediately after the copy described in Subsection (3)(a), the argument prepared by the sponsors of the proposed initiative or referendum, if any;
   except as provided in Subsection (2)(d), immediately after the argument described in Subsection (3)(b), the argument prepared by the county or municipality, if any; and
   a copy of the initial fiscal impact statement and legal impact statement described in Section 20A-7-502.5 or 20A-7-602.5.

(4)

(a) A proposition information pamphlet is a draft for purposes of Title 63G, Chapter 2, Government Records Access and Management Act, until the earlier of when the election officer:
   (i) complies with Subsection (4)(b); or
   (ii) publishes the proposition information pamphlet under Subsection (5) or (6).

(b) Within 21 days after the day on which the eligible voter files an application to circulate an initiative petition under Section 20A-7-502, or an application to circulate a referendum petition under Section 20A-7-602, the election officer shall provide a copy of the proposition information pamphlet to the sponsors of the initiative or referendum and each individual who submitted an argument included in the proposition information pamphlet.
(5) An election officer for a municipality shall publish the proposition information pamphlet as follows:

(a) within the later of 10 days after the day on which the municipality or a court determines that the proposed initiative or referendum is legally referable to voters, or, if the election officer modifies an argument under Subsection (2)(c), three days after the day on which the election officer and the person that submitted the argument agree on the modification:

(i) by sending the proposition information pamphlet electronically to each individual in the municipality for whom the municipality has an email address, unless the individual has indicated that the municipality is prohibited from using the individual's email address for that purpose; and

(ii) by posting the proposition information pamphlet on the Utah Public Notice Website, created in Section 63F-1-701, and the home page of the municipality's website, if the municipality has a website, until:

(A) if the sponsors of the proposed initiative or referendum do not timely deliver any verified initiative packets under Section 20A-7-506 or any verified referendum packets under Section 20A-7-606, the day after the date of the deadline for delivery of the verified initiative packets or verified referendum packets;

(B) the local clerk determines, under Section 20A-7-507 or 20A-7-607, that the number of signatures necessary to qualify the proposed initiative or referendum for placement on the ballot is insufficient and the determination is not timely appealed or is upheld after appeal; or

(C) the day after the date of the election at which the proposed initiative or referendum appears on the ballot; and

(b) if the municipality regularly mails a newsletter, utility bill, or other material to the municipality's residents, including an Internet address, where a resident may view the proposition information pamphlet, in the next mailing, for which the municipality has not begun preparation, that falls on or after the later of:

(i) 10 days after the day on which the municipality or a court determines that the proposed initiative or referendum is legally referable to voters; or

(ii) if the election officer modifies an argument under Subsection (2)(c), three days after the day on which the election officer and the person that submitted the argument agree on the modification.

(6) An election officer for a county shall, within the later of 10 days after the day on which the county or a court determines that the proposed initiative or referendum is legally referable to voters, or, if the election officer modifies an argument under Subsection (2)(c), three days after the day on which the election officer and the person that submitted the argument agree on the modification, publish the proposition information pamphlet as follows:

(a) by sending the proposition information pamphlet electronically to each individual in the county for whom the county has an email address obtained via voter registration; and

(b) by posting the proposition information pamphlet on the Utah Public Notice Website, created in Section 63F-1-701, and the home page of the county's website, until:

(i) if the sponsors of the proposed initiative or referendum do not timely deliver any verified initiative packets under Section 20A-7-506 or any verified referendum packets under Section 20A-7-606, the day after the date of the deadline for delivery of the verified initiative packets or verified referendum packets;

(ii) the local clerk determines, under Section 20A-7-507 or 20A-7-607, that the number of signatures necessary to qualify the proposed initiative or referendum for placement on the ballot is insufficient and the determination is not timely appealed or is upheld after appeal; or
(iii) the day after the date of the election at which the proposed initiative or referendum appears on the ballot.

Enacted by Chapter 203, 2019 General Session

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 complies with the requirements of this part.

(2)
(a) Within the time requirements described in Subsection (2)(c)(i), a municipality that is subject to a special local ballot proposition shall provide a notice that complies with the requirements of Subsection (2)(c)(ii) to the municipality’s residents by:
   (i) if the municipality regularly mails a newsletter, utility bill, or other material to the municipality’s residents, including the notice with a newsletter, utility bill, or other material;
   (ii) posting the notice, until after the deadline described in Subsection (2)(d) has passed, on:
       (A) the Utah Public Notice Website created in Section 63F-1-701; and
       (B) the home page of the municipality’s website, if the municipality has a website; and
   (iii) sending the notice electronically to each individual in the municipality for whom the municipality has an email address.
(b) A county that is subject to a special local ballot proposition shall:
   (i) send an electronic notice that complies with the requirements of Subsection (2)(c)(ii) to each individual in the county for whom the county has an email address; or
   (ii) until after the deadline described in Subsection (2)(d) has passed, post a notice that complies with the requirements of Subsection (2)(c)(ii) on:
       (A) the Utah Public Notice Website created in Section 63F-1-701; and
       (B) the home page of the county’s website.
(c) A municipality or county that mails, sends, or posts a notice under Subsection (2)(a) or (b) shall:
   (i) mail, send, or post the notice:
       (A) not less than 90 days before the date of the election at which a special local ballot proposition will be voted upon; or
       (B) if the requirements of Subsection (2)(c)(i)(A) cannot be met, as soon as practicable after the special local ballot proposition is approved to be voted upon in an election; and
   (ii) ensure that the notice contains:
       (A) the ballot title for the special local ballot proposition;
       (B) instructions on how to file a request under Subsection (2)(d); and
       (C) the deadline described in Subsection (2)(d).
(d) To prepare a written argument for or against a special local ballot proposition, an eligible voter shall file a request with the election officer before 5 p.m. no later than 64 days before the day of the election at which the special local ballot proposition is to be voted on.
(e) If more than one eligible voter requests the opportunity to prepare a written argument for or against a special local ballot proposition, the election officer shall make the final designation in accordance with the following order of priority:
   (i) sponsors have priority in preparing an argument regarding a special local ballot proposition; and
   (ii) members of the local legislative body have priority over others if a majority of the local legislative body supports the written argument.
(f) The election officer shall grant a request described in Subsection (2)(d) or (e) no later than 60 days before the day of the election at which the ballot proposition is to be voted on.

(g)
  (i) A sponsor of a special local ballot proposition may prepare a written argument in favor of the special local ballot proposition.
  (ii) Subject to Subsection (2)(e), an eligible voter opposed to the special local ballot proposition who submits a request under Subsection (2)(d) may prepare a written argument against the special local ballot proposition.

(h) An eligible voter who submits a written argument under this section in relation to a special local ballot proposition shall:
  (i) ensure that the written argument does not exceed 500 words in length, not counting the information described in Subsection (2)(h)(ii) or (iv);
  (ii) list, at the end of the argument, at least one, but no more than five, names as sponsors;
  (iii) submit the written argument to the election officer before 5 p.m. no later than 55 days before the election day on which the ballot proposition will be submitted to the voters;
  (iv) list in the argument, immediately after the eligible voter's name, the eligible voter's residential address; and
  (v) submit with the written argument the eligible voter's name, residential address, postal address, email address if available, and phone number.

(i) An election officer shall refuse to accept and publish an argument submitted after the deadline described in Subsection (2)(h)(iii).

(3)
  (a) An election officer who timely receives the written arguments in favor of and against a special local ballot proposition shall, within one business day after the day on which the election office receives both written arguments, send, via mail or email:
    (i) a copy of the written argument in favor of the special local ballot proposition to the eligible voter who submitted the written argument against the special local ballot proposition; and
    (ii) a copy of the written argument against the special local ballot proposition to the eligible voter who submitted the written argument in favor of the special local ballot proposition.

  (b) The eligible voter who submitted a timely written argument in favor of the special local ballot proposition:
    (i) may submit to the election officer a written rebuttal argument of the written argument against the special local ballot proposition;
    (ii) shall ensure that the written rebuttal argument does not exceed 250 words in length, not counting the information described in Subsection (2)(h)(ii) or (iv); and
    (iii) shall submit the written rebuttal argument before 5 p.m. no later than 45 days before the election day on which the special local ballot proposition will be submitted to the voters.

  (c) The eligible voter who submitted a timely written argument against the special local ballot proposition:
    (i) may submit to the election officer a written rebuttal argument of the written argument in favor of the special local ballot proposition;
    (ii) shall ensure that the written rebuttal argument does not exceed 250 words in length, not counting the information described in Subsection (2)(h)(ii) or (iv); and
    (iii) shall submit the written rebuttal argument before 5 p.m. no later than 45 days before the election day on which the special local ballot proposition will be submitted to the voters.

  (d) An election officer shall refuse to accept and publish a written rebuttal argument in relation to a special local ballot proposition that is submitted after the deadline described in Subsection (3)(b)(iii) or (3)(c)(iii).
(4) Except as provided in Subsection (4)(b), in relation to a special local ballot proposition:
   (i) an eligible voter may not modify a written argument or a written rebuttal argument after
       the eligible voter submits the written argument or written rebuttal argument to the election
       officer; and
   (ii) a person other than the eligible voter described in Subsection (4)(a)(i) may not modify a
        written argument or a written rebuttal argument.
(b) The election officer, and the eligible voter who submits a written argument or written rebuttal
    argument in relation to a special local ballot proposition, may jointly agree to modify a written
    argument or written 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 a written argument or written rebuttal
    argument in relation to a special local ballot proposition if the eligible voter who submits the
    written argument or written rebuttal argument fails to negotiate, in good faith, to modify the
    written argument or written rebuttal argument in accordance with Subsection (4)(b).

(5) In relation to a special local ballot proposition, 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) Sponsors whose written argument in favor of a standard local ballot proposition is included in a
    proposition information pamphlet under Section 20A-7-401.5:
   (a) may, if a written argument against the standard local ballot proposition is included in the
       proposition information pamphlet, submit a written rebuttal argument to the election officer;
   (b) shall ensure that the written rebuttal argument does not exceed 250 words in length; and
   (c) shall submit the written rebuttal argument no later than 45 days before the election day on
       which the standard local ballot proposition will be submitted to the voters.

(7) A county or municipality that submitted a written argument against a standard local ballot
    proposition that is included in a proposition information pamphlet under Section 20A-7-401.5:
   (a) may, if a written argument in favor of the standard local ballot proposition is included in the
       proposition information pamphlet, submit a written rebuttal argument to the election officer;
   (b) shall ensure that the written rebuttal argument does not exceed 250 words in length; and
   (c) shall submit the written rebuttal argument no later than 45 days before the election day on
       which the ballot proposition will be submitted to the voters.
   (b) If a county or municipality submits more than one written rebuttal argument under Subsection
       (7)(a)(i), the election officer shall select one of the written rebuttal arguments, giving
       preference to a written rebuttal argument submitted by a member of a local legislative body.

(8) An election officer shall refuse to accept and publish a written rebuttal argument that is
    submitted after the deadline described in Subsection (6)(c) or (7)(a)(iii).
   (b) Before an election officer publishes a local voter information pamphlet under this section, a
       written rebuttal argument is a draft for purposes of Title 63G, Chapter 2, Government Records
       Access and Management Act.
   (c) An election officer who receives a written rebuttal argument described in this section may not,
       before publishing the local voter information pamphlet described in this section, disclose the
       written rebuttal argument, or any information contained in the written rebuttal argument, to
       any person who may in any way be involved in preparing an opposing rebuttal argument.
(9) Except as provided in Subsection (9)(b), a person may not modify a written rebuttal argument after the written rebuttal argument is submitted to the election officer.

(b) The election officer, and the person who submits a written rebuttal argument, may jointly agree to modify a written rebuttal argument in order to:

   (i) correct factual, grammatical, or spelling errors; or

   (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 a written rebuttal argument if the person who submits the written rebuttal argument:

   (i) fails to negotiate, in good faith, to modify the written rebuttal argument in accordance with Subsection (9)(b); or

   (ii) does not timely submit the written rebuttal argument to the election officer.

(d) An election officer shall make a good faith effort to negotiate a modification described in Subsection (9)(b) in an expedited manner.

(10) An election officer may designate another person to take the place of a person who submits a written rebuttal argument in relation to a standard local ballot proposition if the person is, due to injury, illness, death, or another circumstance, unable to continue to fulfill the person's duties.

(11) The local voter information pamphlet shall include a copy of the initial fiscal impact estimate and the legal impact statement prepared for each initiative under Section 20A-7-502.5.

(b) If the initiative proposes a tax increase, the local voter information pamphlet shall include the following statement in bold type:

   "This initiative seeks to increase the current (insert name of tax) rate by (insert the tax percentage difference) percent, resulting in a(n) (insert the tax percentage increase) percent increase in the current tax rate."

(12) In preparing the local voter information pamphlet, the election officer shall:

   (i) ensure that the written 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 written 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) not less than 15 days before, but not more than 45 days before, the election at which the ballot proposition will be voted on, distribute, by mail or carrier, to each registered voter entitled to vote on the ballot proposition:

      (A) a voter information pamphlet; or

      (B) the notice described in Subsection (12)(c).

(b) If the language of the ballot proposition exceeds 500 words in length, the election officer may summarize the ballot proposition in 500 words or less.

(ii) The summary shall state where a complete copy of the ballot proposition is available for public review.

(c) 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 (12)(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 22, 2020 General Session
Amended by Chapter 354, 2020 General Session

20A-7-405 Public meeting.
(1) A county or municipality may not discuss a proposed initiative, an initiative, a proposed referendum, or a referendum at a public meeting unless the county or municipality complies with the requirements of this section.
(2) The legislative body of a county or municipality may hold a public meeting to discuss a proposed initiative, an initiative, a proposed referendum, or a referendum if the legislative body:
   (a) allows equal time, within a reasonable limit, for presentations on both sides of the proposed initiative, initiative, proposed referendum, or referendum;
   (b) provides interested parties an opportunity to present oral testimony within reasonable time limits; and
   (c) holds the public meeting:
      (i) during the legislative body's normal meeting time; or
      (ii) for a meeting time other than the legislative body's normal meeting time, beginning at or after 6 p.m.
(3) This section does not prohibit a working group meeting from being held before 6 p.m.

Enacted by Chapter 203, 2019 General Session

20A-7-406 Informational materials.
The lieutenant governor shall create and publish to the lieutenant governor's website instructions on how a person may:
(1) qualify a local initiative for the ballot under Part 5, Local Initiatives - Procedures; or
(2) qualify a local referendum for the ballot under Part 6, Local Referenda - Procedures.

Enacted by Chapter 203, 2019 General Session

20A-7-407 Applicability of statute to pending processes.
(1) If a local initiative or local referendum process is pending as described in Subsection (2), that local initiative or local referendum process:
   (a) is subject to the provisions of law that were in effect on May 13, 2019; and
   (b) is not subject to the provisions of Laws of Utah 2019, Chapter 203.
(2) A local initiative or local referendum process is pending under Subsection (1) if, on or before May 13, 2019:
   (a) sponsors have filed an application to circulate the initiative petition under Section 20A-7-502; or
   (ii) sponsors have filed an application to circulate the referendum petition under Section 20A-7-602; and
   (b) the process described in Subsection (2)(a) has not concluded.