

**Effective 5/13/2014**

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

**59-1-1601 Title.**

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

Enacted by Chapter 356, 2014 General Session

**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 date of an election at which a ballot proposition is considered by voters.
- (3) "Election officer" is as defined in Section 20A-1-102.
- (4) "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.
- (5) "Governing body" is as defined in Section 59-2-102.
- (6) "Tax increase" means:
  - (a) for a property tax, the imposition of a property tax rate or increase in a property tax rate if the imposition or increase is required to be submitted to voters for their approval or rejection; 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) "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.

Enacted by Chapter 356, 2014 General Session

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

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

Enacted by Chapter 356, 2014 General Session

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

- (1) The arguments for or against a ballot proposition shall conform to the requirements of this section.
- (2)
  - (a)
    - (i) The governing body of a taxing entity shall submit to the election officer an argument in favor of a ballot proposition.
    - (ii) To prepare an argument for or against a ballot proposition, an eligible voter shall file a request with the election officer at least 65 days before the election at which the ballot proposition is to be voted on.
  - (b) If two or more eligible voters wish to submit an argument for, or an argument against, a ballot proposition, the election officer shall designate one of the eligible voters to submit the argument.
  - (c)
    - (i) An eligible voter who submits an argument under this section shall:
      - (A) ensure that the argument does not exceed 500 words in length;
      - (B) submit the argument to the election officer no less than 60 days before the determination date; and
      - (C) include with the argument the eligible voter's name, residential address, postal address, email address if available, and phone number.
    - (ii) An election officer shall refuse to accept and publish an argument that is submitted after the deadline described in Subsection (2)(c)(i)(B).
- (3)
  - (a) An election officer who timely receives the arguments in favor of and against a ballot proposition shall, within one business day after the day on which the election officer receives both arguments, send, via email or mail:
    - (i) a copy of the argument in favor of the ballot proposition to the eligible voter who submitted the argument against the ballot proposition; and
    - (ii) a copy of the argument against the ballot proposition to the eligible voter who submitted the argument in favor of the ballot proposition.
  - (b) The eligible voter who submitted a timely argument in favor of the ballot proposition:
    - (i) may submit to the election officer a rebuttal argument of the argument against the ballot proposition;
    - (ii) shall ensure that the rebuttal argument does not exceed 250 words in length; and
    - (iii) shall submit the rebuttal argument no later than 45 days before the election day on which the ballot proposition will be submitted to the voters.
  - (c) The eligible voter who submitted a timely argument against the ballot proposition:
    - (i) may submit to the election officer a rebuttal argument of the argument in favor of the ballot proposition;
    - (ii) shall ensure that the rebuttal argument does not exceed 250 words in length; and
    - (iii) shall submit the rebuttal argument no later than 45 days before the election day on which the ballot proposition will be submitted to the voters.
  - (d) An election officer shall refuse to accept and publish a rebuttal argument that is submitted after the deadline described in Subsection (3)(b)(iii) or (3)(c)(iii).
- (4)
  - (a) Except as provided in Subsection (4)(b):

- (i) an eligible voter may not modify an argument or rebuttal argument after the eligible voter submits the argument or rebuttal argument to the election officer; and
- (ii) a person other than the eligible voter described in Subsection (4)(a)(i) may not modify an argument or rebuttal argument.
- (b) The election officer, and the eligible voter who submits an argument or rebuttal argument, may jointly agree to modify an argument or a rebuttal argument in order to:
  - (i) correct factual, grammatical, and 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 an argument or rebuttal argument if the eligible voter who submits the argument or rebuttal argument fails to negotiate, in good faith, to modify the argument or rebuttal argument in accordance with Subsection (4)(b).
- (5) 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) The election officer of a taxing entity shall:
  - (a) 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.
- (7) When posting an argument and rebuttal argument under Subsection (6), the election officer 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
  - (c) information regarding the public meeting required by Section 59-1-1605 follows immediately after the posted arguments, including the date, time, and place of the public meeting.

Amended by Chapter 53, 2016 General Session

**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 45, but at least four, days before the determination date.
- (2) The governing body of the taxing entity shall allow equal time, within a reasonable limit, for a presentation of the arguments:
  - (a) in favor of the ballot proposition; and
  - (b) against the ballot proposition.
- (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) A taxing entity shall hold a public meeting described in this section beginning at or after 6 p.m.
- (4)

- (a) A taxing entity shall provide 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 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 access to the digital audio recording described in Subsection (4)(a) on the taxing entity's public website; or
  - (ii) provide a digital copy of the recording described in Subsection (4)(a) to members of the public at the taxing entity's primary government office building.

Amended by Chapter 53, 2016 General Session