

PUBLIC MEETINGS DURING PARTY CAUCUSES

2012 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kraig Powell

Senate Sponsor: Karen Mayne

LONG TITLE

General Description:

This bill enacts and amends provisions relating to registered political parties, notices, and public meetings.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ requires the party liaison to notify the lieutenant governor of the date and time of a party caucus;
- ▶ requires the lieutenant governor to post notice of a party caucus on:
 - the Statewide Electronic Voter Information Website; and
 - the Utah Public Notice Website;
- ▶ prohibits a public body from holding a meeting during a caucus of certain registered political parties; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:



28 20A-7-801, as last amended by Laws of Utah 2011, Chapters 291 and 340

29 20A-8-402, as last amended by Laws of Utah 2011, Chapters 35 and 396

30 ENACTS:

31 52-4-211, Utah Code Annotated 1953



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

34 Section 1. Section 20A-7-801 is amended to read:

35 **20A-7-801. Statewide Electronic Voter Information Website Program -- Duties of**
36 **the lieutenant governor -- Content -- Duties of local election officials -- Deadlines --**
37 **Frequently asked voter questions -- Other elections.**

38 (1) There is established the Statewide Electronic Voter Information Website Program
39 administered by the lieutenant governor in cooperation with the county clerks for general
40 elections and municipal authorities for municipal elections.

41 (2) In accordance with this section, and as resources become available, the lieutenant
42 governor, in cooperation with county clerks, shall develop, establish, and maintain a
43 state-provided Internet website designed to help inform the voters of the state of:

- 44 (a) the offices and candidates up for election; and
- 45 (b) the content, effect, operation, fiscal impact, and supporting and opposing arguments
46 of ballot propositions submitted to the voters.

47 (3) Except as provided under Subsection (6), the website shall include:

- 48 (a) all information currently provided in the Utah voter information pamphlet under
49 Title 20A, Chapter 7, Part 7, Voter Information Pamphlet, including a section prepared,
50 analyzed, and submitted by the Judicial Council describing the judicial selection and retention
51 process;

52 (b) all information submitted by election officers under Subsection (4) on local office
53 races, local office candidates, and local ballot propositions;

54 (c) a list that contains the name of a political subdivision that operates an election day
55 voting center under Section 20A-3-703 and the location of the election day voting center; ~~and~~

56 (d) the date and time of a voting precinct caucus, as required in Section 20A-8-402;

57 and

58 ~~[(d)]~~ (e) other information determined appropriate by the lieutenant governor that is

59 currently being provided by law, rule, or ordinance in relation to candidates and ballot
60 questions.

61 (4) (a) An election official shall submit the following information for each ballot label
62 under the election official's direct responsibility under this title:

63 (i) a list of all candidates for each office;

64 (ii) if submitted by the candidate to the election official's office on or before August 20
65 at 5 p.m.:

66 (A) a statement of qualifications, not exceeding 200 words in length, for each
67 candidate;

68 (B) the following biographical information if desired by the candidate, current:

69 (I) age;

70 (II) occupation;

71 (III) city of residence;

72 (IV) years of residence in current city; and

73 (V) email address; and

74 (C) a single web address where voters may access more information about the
75 candidate and the candidate's views; and

76 (iii) factual information pertaining to all ballot propositions submitted to the voters,
77 including:

78 (A) a copy of the number and ballot title of each ballot proposition;

79 (B) the final vote cast for each ballot proposition, if any, by a legislative body if the
80 vote was required to place the ballot proposition on the ballot;

81 (C) a complete copy of the text of each ballot proposition, with all new language
82 underlined and all deleted language placed within brackets; and

83 (D) other factual information determined helpful by the election official.

84 (b) The information under Subsection (4)(a) shall be submitted to the lieutenant
85 governor no later than one business day after the deadline under Subsection (4)(a) for each
86 general election year and each municipal election year.

87 (c) The lieutenant governor shall:

88 (i) review the information submitted under this section prior to placing it on the
89 website to determine compliance under this section;

90 (ii) refuse to post information submitted under this section on the website if it is not in
91 compliance with the provisions of this section; and

92 (iii) organize, format, and arrange the information submitted under this section for the
93 website.

94 (d) The lieutenant governor may refuse to include information the lieutenant governor
95 determines is not in keeping with:

96 (i) Utah voter needs;

97 (ii) public decency; or

98 (iii) the purposes, organization, or uniformity of the website.

99 (e) A refusal under Subsection (4)(d) is subject to appeal in accordance with
100 Subsection (5).

101 (5) (a) A person whose information is refused under Subsection (4), and who is
102 aggrieved by the determination, may appeal by submitting a written notice of appeal to the
103 lieutenant governor within 10 business days after the date of the determination. A notice of
104 appeal submitted under this Subsection (5)(a) shall contain:

105 (i) a listing of each objection to the lieutenant governor's determination; and

106 (ii) the basis for each objection.

107 (b) The lieutenant governor shall review the notice of appeal and shall issue a written
108 response within 10 business days after the notice of appeal is submitted.

109 (c) An appeal of the response of the lieutenant governor shall be made to the district
110 court, which shall review the matter de novo.

111 (6) (a) The lieutenant governor shall ensure that each voter will be able to conveniently
112 enter the voter's address information on the website to retrieve information on which offices,
113 candidates, and ballot propositions will be on the voter's ballot at the next general election or
114 municipal election.

115 (b) The information on the website will anticipate and answer frequent voter questions
116 including the following:

117 (i) what offices are up in the current year for which the voter may cast a vote;

118 (ii) who is running for what office and who is the incumbent, if any;

119 (iii) what address each candidate may be reached at and how the candidate may be
120 contacted;

121 (iv) for partisan races only, what, if any, is each candidate's party affiliation;

122 (v) what qualifications have been submitted by each candidate;

123 (vi) where additional information on each candidate may be obtained;

124 (vii) what ballot propositions will be on the ballot; and

125 (viii) what judges are up for retention election.

126 ~~[(7) By not later than March 1, 2008, the lieutenant governor shall have the Statewide~~
 127 ~~Electronic Voter Information Website Program ready for use in the next election in accordance~~
 128 ~~with this section.]~~

129 [(8)] (7) As resources are made available and in cooperation with the county clerks, the
 130 lieutenant governor may expand the electronic voter information website program to include
 131 the same information as provided under this section for special elections and primary elections.

132 Section 2. Section **20A-8-402** is amended to read:

133 **20A-8-402. Political party officers -- Submission of names of officers to the**
 134 **lieutenant governor -- Notice of caucus.**

135 (1) Each state political party shall:

136 (a) designate a party officer to act as liaison with:

137 (i) the lieutenant governor's office; and

138 (ii) each county legislative body; and

139 (b) within seven days of any change in the party liaison, submit the name of the new
 140 liaison to the lieutenant governor.

141 (2) Each state political party and each county political party shall:

142 (a) submit the name, address, and phone number of each officer to the lieutenant
 143 governor within seven days after the officers are selected; and

144 (b) within seven days of any change in party officers, submit the name, address, and
 145 phone number of each new officer to the lieutenant governor.

146 (3) (a) As used in this Subsection (3), "voting precinct caucus" means the meeting at
 147 which a delegate to a county or state nominating convention for the political party is selected.

148 (b) At least 90 days before a voting precinct caucus, a party officer designated under
 149 Subsection (1)(a) shall inform the lieutenant governor of the date and time of ~~H~~→ [a]
 149a the party's ←H voting precinct
 150 caucus.

151 (c) (i) Within three business days of receiving the information described in Subsection

152 (3)(b), the lieutenant governor shall post the date and time of a voting precinct caucus on:

153 (A) the Statewide Electronic Voter Information Website created in Section 20A-7-801;

154 and

155 (B) the Utah Public Notice Website created in Section 63F-1-701.

156 (ii) In the posting described in Subsection (3)(c)(i), the lieutenant governor shall note if
 157 the political party polled a total vote for any of its candidates for any office equal to 10% or
 158 more of the total votes cast for all candidates for the United States House of Representatives in
 159 the last regular general election.

160 Section 3. Section **52-4-211** is enacted to read:

161 **52-4-211. Meetings prohibited during caucus.**

162 (1) As used in this section:

163 (a) "Registered political party" means an organization of registered voters that:

164 (i) is qualified to participate in an election by meeting the requirements of Title 20A,
 165 Chapter 8, Political Party Formation and Procedures; and

166 (ii) polled a total vote for any of its candidates for any office equal to 10% or more of
 167 the total votes cast for all candidates for the United States House of Representatives in the last
 168 regular general election.

169 (b) "Voting precinct caucus" means the meeting at which a delegate to a county or state
 170 nominating convention for the registered political party is selected.

171 (2) ~~H→~~ [~~Except in case of emergency, A~~] (a) **Except as provided by Subsection**
 171a **(2)(b), a ~~←H~~ public body may not convene a meeting at the same time as a voting precinct**
 172 **caucus ~~H→~~ [~~provided proper~~] if notice of the [party's] voting precinct caucus has been**
 172a **given pursuant to Section 20A-8-402. [.]**

172b **(b) A public body may convene an emergency meeting authorized by Section 52-4-202 at the**
 172c **same time as a voting precinct caucus. ~~←H~~**

Legislative Review Note
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Office of Legislative Research and General Counsel