

MUNICIPAL ELECTION QUESTIONS

2014 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kraig Powell

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies the Utah Municipal Code to establish procedures for submitting a nonbinding opinion question to the registered voters of a municipality.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ establishes procedures for submitting a nonbinding opinion question to registered voters of a municipality;
- ▶ describes the duties of an election official in submitting the opinion question to the voters; $\hat{H} \rightarrow$ **[and]** $\leftarrow \hat{H}$
- ▶ establishes procedures for the ballot form, voter information pamphlet, public notice, and manner of voting $\hat{H} \rightarrow$ **[-] ; and**
- ▶ **provides a repeal date.** $\leftarrow \hat{H}$

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

$\hat{H} \rightarrow$ **AMENDS:**

63I-2-210, as last amended by Laws of Utah 2009, Chapter 205 $\leftarrow \hat{H}$

ENACTS:

10-20-101, Utah Code Annotated 1953

10-20-102, Utah Code Annotated 1953



- 28 [10-20-103](#), Utah Code Annotated 1953
- 29 [10-20-201](#), Utah Code Annotated 1953
- 30 [10-20-202](#), Utah Code Annotated 1953
- 31 [10-20-203](#), Utah Code Annotated 1953
- 32 [10-20-301](#), Utah Code Annotated 1953
- 33 [10-20-302](#), Utah Code Annotated 1953
- 34 [10-20-303](#), Utah Code Annotated 1953

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

37 Section 1. Section **10-20-101** is enacted to read:

38 **CHAPTER 20. NONBINDING MUNICIPAL OPINION QUESTIONS**

39 **Part 1. General Provisions**

40 **10-20-101. Title.**

41 (1) This chapter is known as "Nonbinding Municipal Opinion Questions."

42 (2) This part is known as "General Provisions."

43 Section 2. Section **10-20-102** is enacted to read:

44 **10-20-102. Definitions.**

45 (1) "Election official" is as defined in Section [20A-1-102](#).

46 (2) "Municipal general election" is as defined in Section [20A-1-102](#).

47 (3) "Opinion question" means a nonbinding question that is:

48 (a) submitted to all legal voters of a municipality in accordance with this chapter; and

49 (b) limited to a matter within the municipality's authority to decide or take action upon.

50 (4) "Regular general election" is as defined in Section [20A-1-102](#).

51 Section 3. Section **10-20-103** is enacted to read:

52 **10-20-103. Exemption.**

53 Title 20A, Chapter 7, Issues Submitted to the Voters, does not apply to an opinion
54 question.

55 Section 4. Section **10-20-201** is enacted to read:

56 **Part 2. Submission of Nonbinding Opinion Question to Voters**

57 **10-20-201. Title.**

58 This part is known as "Submission of Nonbinding Opinion Question to Voters."

59 Section 5. Section **10-20-202** is enacted to read:

60 **10-20-202. Resolution to submit nonbinding opinion question to municipal voters.**

61 (1) (a) The governing body of a municipality may submit an opinion question to the
62 legal voters of the municipality by adopting a resolution in accordance with the requirements of
63 this section.

64 (b) An opinion question submitted to the voters in accordance with this chapter is not
65 binding on the municipal governing body.

66 (2) The resolution described in Subsection (1) shall include:

67 (a) a general description in an understandable form of the issue that the governing body
68 intends to submit to the voters;

69 (b) a statement directing the election official to include the opinion question for the
70 approval or rejection of the voters;

71 (c) language designating the date, subject to Subsection (3), of the regular general
72 election or municipal general election in which the opinion question shall be submitted to the
73 voters; and

74 (d) a statement that the result of the election on the opinion question is not binding on
75 the municipal governing body.

76 (3) The municipal legislative body shall designate the next regular or municipal general
77 election, whichever occurs first, that is at least ~~H→ [60]~~ 65 ←H days after the day on
77a which the legislative
78 body adopts the resolution under Subsection (1).

79 (4) After adoption of the resolution, the governing body shall submit to the election
80 official the resolution with instructions that the opinion question specified in the resolution be
81 submitted to the voters on the election date specified in the resolution.

82 Section 6. Section **10-20-203** is enacted to read:

83 **10-20-203. Election official's duties.**

84 (1) After receipt of a resolution described in Section [10-20-202](#), the election official
85 shall:

86 (a) submit the opinion question to the legal voters of the municipality as required by
87 the resolution;

88 (b) comply with Section [10-20-302](#); and

89 (c) except as provided in Section [10-20-103](#), comply with all relevant provisions of

90 Title 20A, Election Code, relating to the conduct of elections.

91 (2) The lieutenant governor may establish additional requirements that are not contrary
 92 to law for the election official to facilitate the conduct of the election.

93 Section 7. Section **10-20-301** is enacted to read:

94 **Part 3. Notice and Ballot**

95 **10-20-301. Title.**

96 This part is known as "Notice and Ballot."

97 Section 8. Section **10-20-302** is enacted to read:

98 **10-20-302. Procedures -- Ballot title -- Publication of nonbinding opinion**
 99 **question.**

100 (1) If a municipal legislative body adopts a resolution described in Section [10-20-202](#),
 101 the city attorney of the municipality shall no later than ~~Ĥ→ [60]~~ **65** ~~←Ĥ~~ days before the day
 101a of the election:

102 (a) draft a ballot title that summarizes the subject matter of the opinion question; and

103 (b) deliver the ballot title to the election officer.

103a ~~Ĥ→~~ **(2) The municipal legislative body shall make available a local voter information**
 103b **pamphlet in accordance with Section 20A-7-402**

104 ~~[(2)]~~ **(3)** ~~←Ĥ~~ On or before August 31, the lieutenant governor shall certify the
 104a number and ballot

105 title of the opinion question to the election official in accordance with Section [20A-6-107](#).

106 ~~Ĥ→ [(3)]~~ **(4)** ~~←Ĥ~~ No more than ~~Ĥ→ [60]~~ **65** ~~←Ĥ~~ days nor less than 14 days before the date of
 106a the regular or
 107 municipal general election, the election official shall cause the full text of the opinion question
 108 to be published in at least one newspaper of general circulation within the municipality.

109 ~~Ĥ→ [(4)]~~ **(5)** ~~←Ĥ~~ The election official shall cause both the number and title of the
 109a opinion question to
 110 be:

111 (a) printed on the ballot to be used on the election day;

112 (b) printed on the sample ballots; and

113 (c) otherwise published as required by law.

114 Section 9. Section **10-20-303** is enacted to read:

115 **10-20-303. Ballot form -- Manner of voting.**

116 The election official shall ensure that a ballot containing an opinion question includes:

117 (1) a number and ballot title;

118 (2) the text of the opinion question; and

119 (3) (a) the words "FOR" and "AGAINST," each word presented with an adjacent
 120 square in which the voter may indicate the voter's vote; or

121 (b) all possible responses to the opinion question, each response presented with an
122 adjacent square in which the voter may indicate the voter's vote.

122a **Ĥ→ Section 10. Section 63I-2-210 is amended to read:**

122b **63I-2-210. Repeal dates -- Title 10.**

122c **(1) Subsection 10-9a-305(2) is repealed July 1, 2013.**

122d **(2) Title 10, Chapter 20, Nonbinding Municipal Opinion Questions, is repealed**

122e **July 1, 2019.** ←Ĥ

Legislative Review Note

as of 1-29-14 11:11 AM

Office of Legislative Research and General Counsel