

BALLOT PROPOSITION AMENDMENTS

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Justin L. Fawson

Senate Sponsor: Margaret Dayton

LONG TITLE

General Description:

This bill amends provisions related to ballot propositions.

Highlighted Provisions:

This bill:

- ▶ addresses requirements relating to preparing and publishing arguments for or against a ballot proposition;
- ▶ describes the duties of an election officer in relation to a ballot proposition and arguments for or against a ballot proposition;
- ▶ modifies deadlines relating to ballot propositions, arguments, and public meeting requirements; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

20A-7-101, as last amended by Laws of Utah 2014, Chapters 364 and 396

20A-7-402, as last amended by Laws of Utah 2012, Chapters 334 and 369

59-1-1604, as enacted by Laws of Utah 2014, Chapter 356



28 **59-1-1605**, as enacted by Laws of Utah 2014, Chapter 356

29

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

31 Section 1. Section **20A-7-101** is amended to read:

32 **20A-7-101. Definitions.**

33 As used in this chapter:

34 (1) "Budget officer" means:

35 (a) for a county, the person designated as budget officer in Section **17-19a-203**;

36 (b) for a city, the person designated as budget officer in Subsection **10-6-106(5)**; or

37 (c) for a town, the town council.

38 (2) "Certified" means that the county clerk has acknowledged a signature as being the
39 signature of a registered voter.

40 (3) "Circulation" means the process of submitting an initiative or referendum petition
41 to legal voters for their signature.

42 (4) "Eligible voter" means a legal voter who resides in the jurisdiction of the county,
43 city, or town that is holding an election on a ballot proposition.

44 [~~(4)~~] (5) "Final fiscal impact statement" means a financial statement prepared after
45 voters approve an initiative that contains the information required by Subsection
46 **20A-7-202.5(2)** or **20A-7-502.5(2)**.

47 [~~(5)~~] (6) "Initial fiscal impact estimate" means:

48 (a) a financial statement prepared under Section **20A-7-202.5** after the filing of an
49 application for an initiative petition; or

50 (b) a financial and legal statement prepared under Section **20A-7-502.5** or **20A-7-602.5**
51 for an initiative or referendum petition.

52 [~~(6)~~] (7) "Initiative" means a new law proposed for adoption by the public as provided
53 in this chapter.

54 [~~(7)~~] (8) "Initiative packet" means a copy of the initiative petition, a copy of the
55 proposed law, and the signature sheets, all of which have been bound together as a unit.

56 [~~(8)~~] (9) "Legal signatures" means the number of signatures of legal voters that:

57 (a) meet the numerical requirements of this chapter; and

58 (b) have been certified and verified as provided in this chapter.

59 ~~[(9)]~~ (10) "Legal voter" means a person who:

60 (a) is registered to vote; or

61 (b) becomes registered to vote before the county clerk certifies the signatures on an
62 initiative or referendum petition.

63 ~~[(10)]~~ (11) "Local attorney" means the county attorney, city attorney, or town attorney
64 in whose jurisdiction a local initiative or referendum petition is circulated.

65 ~~[(11)]~~ (12) "Local clerk" means the county clerk, city recorder, or town clerk in whose
66 jurisdiction a local initiative or referendum petition is circulated.

67 ~~[(12)]~~ (13) (a) "Local law" includes an ordinance, resolution, master plan, and any
68 comprehensive zoning regulation adopted by ordinance or resolution.

69 (b) "Local law" does not include an individual property zoning decision.

70 ~~[(13)]~~ (14) "Local legislative body" means the legislative body of a county, city, or
71 town.

72 ~~[(14)]~~ (15) "Local obligation law" means a local law passed by the local legislative
73 body regarding a bond that was approved by a majority of qualified voters in an election.

74 ~~[(15)]~~ (16) "Local tax law" means a local law, passed by a political subdivision with an
75 annual or biannual calendar fiscal year, that increases a tax or imposes a new tax.

76 ~~[(16)]~~ (17) "Measure" means a proposed constitutional amendment, an initiative, or
77 referendum.

78 ~~[(17)]~~ (18) "Referendum" means a process by which a law passed by the Legislature or
79 by a local legislative body is submitted or referred to the voters for their approval or rejection.

80 ~~[(18)]~~ (19) "Referendum packet" means a copy of the referendum petition, a copy of
81 the law being submitted or referred to the voters for their approval or rejection, and the
82 signature sheets, all of which have been bound together as a unit.

83 ~~[(19)]~~ (20) (a) "Signature" means a holographic signature.

84 (b) "Signature" does not mean an electronic signature.

85 ~~[(20)]~~ (21) "Signature sheets" means sheets in the form required by this chapter that are
86 used to collect signatures in support of an initiative or referendum.

87 ~~[(21)]~~ (22) "Sponsors" means the legal voters who support the initiative or referendum
88 and who sign the application for petition copies.

89 ~~[(22)]~~ (23) "Sufficient" means that the signatures submitted in support of an initiative

90 or referendum petition have been certified and verified as required by this chapter.

91 ~~[(23)]~~ (24) "Verified" means acknowledged by the person circulating the petition as
 92 required in Sections 20A-7-205 and 20A-7-305.

93 Section 2. Section 20A-7-402 is amended to read:

94 **20A-7-402. Local voter information pamphlet -- Contents -- Limitations --**
 95 **Preparation -- Statement on front cover.**

96 (1) The county or municipality that is subject to a ballot proposition shall prepare a
 97 local voter information pamphlet that meets the requirements of this part.

98 (2) (a) The arguments for ~~[and]~~ or against a ballot proposition shall conform to the
 99 requirements of this section.

100 ~~[(i)]~~ (b) To prepare ~~[arguments]~~ an argument for or against a ballot proposition, ~~[a~~
 101 ~~person]~~ an eligible voter shall file a request with the ~~[local legislative body]~~ election officer at
 102 least 65 days before the election at which the ballot proposition is to be voted ~~[upon]~~ on.

103 ~~[(i)]~~ (c) If more than one ~~[person]~~ eligible voter requests the opportunity to prepare
 104 ~~[arguments]~~ an argument for or against a ballot proposition, the ~~[governing body]~~ election
 105 officer shall make the final designation according to the following criteria:

106 ~~[(A)]~~ (i) sponsors have priority in preparing an argument regarding a ballot
 107 proposition; and

108 ~~[(B)]~~ (ii) members of the local legislative body have priority over others.

109 ~~[(iii)-(A)]~~ (d) (i) Except as provided ~~[by]~~ in Subsection (2)~~[(a)(iv)]~~(e), a sponsor of a
 110 ballot proposition may prepare an argument in favor of the ballot proposition.

111 ~~[(B)]~~ (ii) Except as provided ~~[by]~~ in Subsection (2)~~[(a)(iv)]~~(e), ~~[a person]~~ and subject
 112 to Subsection (2)(c), an eligible voter opposed to the ballot proposition who submits a request
 113 under Subsection (2)~~[(a)(i)]~~(b) may prepare an argument against the ballot proposition.

114 ~~[(iv)-(A)]~~ (e) (i) For a referendum, ~~[a person]~~ subject to Subsection (2)(c), an eligible
 115 voter who is in favor of a law that is referred to the voters and who submits a request under
 116 Subsection (2)~~[(a)(i)]~~(b) may prepare an argument for adoption of the law.

117 ~~[(B)]~~ (ii) The sponsors of a referendum may prepare an argument against the adoption
 118 of a law that is referred to the voters.

119 ~~[(v) The arguments may not:]~~

120 (f) An eligible voter who submits an argument under this section shall:

- 121 ~~[(A)]~~ (i) ensure that the argument does not exceed 500 words in length; [or]
- 122 ~~[(B)]~~ (ii) ensure that the argument does not list more than five names as sponsors[-];
- 123 (iii) submit the argument to the election officer no later than 60 days before the
- 124 election day on which the ballot proposition will be submitted to the voters; and
- 125 (iv) include with the argument the eligible voter's name, residential address, postal
- 126 address, email address ~~^~~→ **if available** ←~~^~~ , and phone number.
- 127 ~~[(vi) The arguments supporting and opposing any county or municipal ballot~~
- 128 ~~proposition shall be filed with the local clerk not less than 50 days before the election at which~~
- 129 ~~they are to be voted upon.]~~
- 130 (g) An election officer shall refuse to accept and publish an argument that is submitted
- 131 after the deadline described in Subsection (2)(f)(iii).
- 132 (3) (a) An election officer who timely receives the arguments in favor of and against a
- 133 ballot proposition shall, within one business day after the day on which the election office
- 134 receives both arguments, send, via mail or email:
- 135 (i) a copy of the argument in favor of the ballot proposition to the eligible voter who
- 136 submitted the argument against the ballot proposition; and
- 137 (ii) a copy of the argument against the ballot proposition to the eligible voter who
- 138 submitted the argument in favor of the ballot proposition.
- 139 (b) The eligible voter who submitted a timely argument in favor of the ballot
- 140 proposition:
- 141 (i) may submit to the election officer a rebuttal argument of the argument against the
- 142 ballot proposition;
- 143 (ii) shall ensure that the rebuttal argument does not exceed 250 words in length; and
- 144 (iii) shall submit the rebuttal argument no later than 45 days before the election day on
- 145 which the ballot proposition will be submitted to the voters.
- 146 (c) The eligible voter who submitted a timely argument against the ballot proposition:
- 147 (i) may submit to the election officer a rebuttal argument of the argument in favor of
- 148 the ballot proposition;
- 149 (ii) shall ensure that the rebuttal argument does not exceed 250 words in length; and
- 150 (iii) shall submit the rebuttal argument no later than 45 days before the election day on
- 151 which the ballot proposition will be submitted to the voters.

152 (d) An election officer shall refuse to accept and publish a rebuttal argument that is
153 submitted after the deadline described in Subsection (3)(b)(iii) or (3)(c)(iii).

154 (4) (a) Except as provided in Subsection (4)(b):

155 (i) an eligible voter may not modify an argument or rebuttal argument after the eligible
156 voter submits the argument or rebuttal argument to the election officer; and

157 (ii) a person other than the eligible voter described in Subsection (4)(a)(i) may not
158 modify an argument or rebuttal argument.

159 (b) The election officer, and the eligible voter who submits an argument or rebuttal
160 argument, may jointly agree to modify an argument or rebuttal argument in order to:

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

162 (ii) reduce the number of words to come into compliance with the requirements of this
163 section.

164 (c) An election officer shall refuse to accept and publish an argument or rebuttal
165 argument if the eligible voter who submits the argument or rebuttal argument fails to negotiate,
166 in good faith, to modify the argument or rebuttal argument in accordance with Subsection
167 (4)(b).

168 (5) An election officer may designate another eligible voter to take the place of an
169 eligible voter described in this section if the original eligible voter is, due to injury, illness,
170 death, or another circumstance, unable to continue to fulfill the duties of an eligible voter
171 described in this section.

172 ~~[(b)]~~ (6) The local voter information pamphlet shall include a copy of the initial fiscal
173 impact estimate prepared for each initiative under Section [20A-7-502.5](#).

174 ~~[(3)]~~ (7) (a) In preparing the local voter information pamphlet, the ~~[local legislative~~
175 ~~body]~~ election officer shall:

176 (i) ensure that the arguments are printed on the same sheet of paper upon which the
177 ballot proposition is also printed;

178 (ii) ensure that the following statement is printed on the front cover or the heading of
179 the first page of the printed arguments:

180 "The arguments for or against a ballot proposition are the opinions of the authors.";

181 (iii) pay for the printing and binding of the local voter information pamphlet; and

182 (iv) ~~[ensure that the local clerk distributes]~~ distribute either the pamphlets or the notice

183 described in Subsection ~~[(3)]~~ (7)(c) either by mail or carrier not less than 15 days before, but
 184 not more than 45 days before, the election at which the ballot propositions are to be voted
 185 upon.

186 (b) (i) If the proposed measure exceeds 500 words in length, the ~~[local legislative body~~
 187 ~~may direct the local clerk to]~~ election officer may summarize the measure in 500 words or less.

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

190 (c) (i) The ~~[local legislative body]~~ election officer may distribute a notice printed on a
 191 postage prepaid, preaddressed return form that a person may use to request delivery of a voter
 192 information pamphlet by mail.

193 (ii) The notice described in Subsection ~~[(3)]~~ (7)(c)(i) shall include:

194 (A) the address of the Statewide Electronic Voter Information Website authorized by
 195 Section [20A-7-801](#); and

196 (B) the phone number a voter may call to request delivery of a voter information
 197 pamphlet by mail or carrier.

198 Section 3. Section **59-1-1604** is amended to read:

199 **59-1-1604. Arguments for and against a ballot proposition -- Rebuttal arguments**
 200 **-- Posting arguments.**

201 (1) The arguments for or against a ballot proposition shall conform to the requirements
 202 of this section.

203 ~~[(+)]~~ (2) (a) (i) The governing body of a taxing entity shall submit to the election
 204 officer an argument in favor of a ballot proposition.

205 (ii) To prepare an argument for or against a ballot proposition, an eligible voter shall
 206 file a request with the election officer at least 65 days before the election at which the ballot
 207 proposition is to be voted on.

208 (b) ~~[(i) Any eligible voter may submit to the election officer an argument against the~~
 209 ~~ballot proposition. (ii)]~~ If two or more eligible voters wish to submit an argument ~~[under~~
 210 ~~Subsection (1)(b)(i)]~~ for, or an argument against, a ballot proposition, the election officer shall
 211 designate one of the eligible voters to submit the argument ~~[described in Subsection (1)(b)(i)].~~

212 (c) (i) ~~[Subject to Subsection (1)(c)(ii), the election officer shall ensure that each~~
 213 ~~argument submitted under this Subsection (1):]~~ An eligible voter who submits an argument

214 under this section shall:

215 (A) ensure that the argument does not exceed 500 words in length; [and]

216 (B) ~~[is submitted not]~~ submit the argument to the election officer no less than 60 days
217 before the determination date[-]; and

218 (C) include with the argument the eligible voter's name, residential address, postal
219 address, email address ~~H~~→ **if available** ←~~H~~, and phone number.

220 ~~[(ii) The election officer shall ensure that each argument submitted under Subsection~~
221 ~~(1)(b)(ii) is submitted not less than 50 days before the determination date.]~~

222 (ii) An election officer shall refuse to accept and publish an argument that is submitted
223 after the deadline described in Subsection (2)(c)(i)(B).

224 ~~[(2)] (3) (a) [When the election officer has received]~~ An election officer who timely
225 receives the arguments in favor of and against a ballot proposition[-; the election officer shall
226 immediately] shall, within one business day after the day on which the election officer receives
227 both arguments, send, via email or mail:

228 (i) a copy of the argument in favor of the ballot proposition to the ~~[author of]~~ eligible
229 voter who submitted the argument against the ballot proposition; and

230 (ii) a copy of the argument against the ballot proposition to the ~~[author of]~~ eligible
231 voter who submitted the argument in favor of the ballot proposition.

232 ~~[(b)(i) The author of the argument in favor of the ballot proposition may submit to the~~
233 ~~election officer a rebuttal argument directed to the argument against the ballot proposition.]~~

234 ~~[(ii) The author of the argument against the ballot proposition may submit to the~~
235 ~~election officer a rebuttal argument directed to the argument in favor of the ballot proposition.]~~

236 ~~[(c) The election officer shall ensure that each rebuttal argument submitted under~~
237 ~~Subsection (2)(b):]~~

238 ~~[(i) does not exceed 250 words in length; and]~~

239 ~~[(ii) is submitted not less than 40 days before the determination date.]~~

240 ~~[(d)(i) An author of an argument described in Subsection (1) may designate a person to~~
241 ~~submit a rebuttal argument described in this Subsection (2).]~~

242 ~~[(ii) A person designated in Subsection (2)(d)(i) shall be an eligible voter.]~~

243 ~~[(3) A person submitting an argument under this section shall provide the election~~
244 ~~officer with:]~~

245 ~~[(a) the person's name and address; and]~~
 246 ~~[(b) an email address by which the person may be contacted.]~~
 247 (b) The eligible voter who submitted a timely argument in favor of the ballot
 248 proposition:
 249 (i) may submit to the election officer a rebuttal argument of the argument against the
 250 ballot proposition;
 251 (ii) shall ensure that the rebuttal argument does not exceed 250 words in length; and
 252 (iii) shall submit the rebuttal argument no later than 45 days before the election day on
 253 which the ballot proposition will be submitted to the voters.
 254 (c) The eligible voter who submitted a timely argument against the ballot proposition:
 255 (i) may submit to the election officer a rebuttal argument of the argument in favor of
 256 the ballot proposition;
 257 (ii) shall ensure that the rebuttal argument does not exceed 250 words in length; and
 258 (iii) shall submit the rebuttal argument no later than 45 days before the election day on
 259 which the ballot proposition will be submitted to the voters.
 260 (d) An election officer shall refuse to accept and publish a rebuttal argument that is
 261 submitted after the deadline described in Subsection (3)(b)(iii) or (3)(c)(iii).
 262 ~~(4) (a) Except as provided in Subsection ~~[(4)(c), an author may not amend or change]~~~~
 263 ~~(4)(b):~~
 264 (i) an eligible voter may not modify an argument or rebuttal argument after the eligible
 265 voter submits the argument or rebuttal argument [is submitted] to the election officer[-]; and
 266 ~~[(b) Except as provided in Subsection (4)(c), the election officer may not alter an~~
 267 ~~argument or rebuttal argument in any way.]~~
 268 (ii) a person other than the eligible voter described in Subsection (4)(a)(i) may not
 269 modify an argument or rebuttal argument.
 270 ~~[(e)]~~ (b) The election officer, and [an author of an argument] the eligible voter who
 271 submits an argument or rebuttal argument, may jointly agree to modify an argument or a
 272 rebuttal argument [after the argument or rebuttal argument is submitted if the election officer
 273 and the author jointly agree that changes to the argument or rebuttal argument must be made to
 274 correct spelling, factual, or grammatical errors.] in order to:
 275 (i) correct factual, grammatical, and spelling errors; and

276 (ii) reduce the number of words to come into compliance with the requirements of this
277 section.

278 (c) An election officer shall refuse to accept and publish an argument or rebuttal
279 argument if the eligible voter who submits the argument or rebuttal argument fails to negotiate,
280 in good faith, to modify the argument or rebuttal argument in accordance with Subsection
281 (4)(b).

282 (5) An election officer may designate another eligible voter to take the place of an
283 eligible voter described in this section if the original eligible voter is, due to injury, illness,
284 death, or another circumstance, unable to continue to fulfill the duties of an eligible voter
285 described in this section.

286 ~~[(5) The governing body]~~

287 (6) The election officer of a taxing entity shall:

288 (a) post the arguments and rebuttal arguments on the Statewide Electronic Voter
289 Information Website as described in Section 20A-7-801 for 30 consecutive days before the
290 determination date;

291 (b) if a taxing entity has a public website, post all arguments and rebuttal arguments in
292 a prominent place on the taxing entity's public website for 30 consecutive days before the
293 determination date; and

294 (c) if the taxing entity publishes a newsletter or other periodical, post all arguments and
295 rebuttal arguments in the next scheduled newsletter or other periodical published before the
296 determination date.

297 ~~[(6) For purposes of]~~ (7) When posting an argument and rebuttal argument under
298 Subsection ~~[(5), the governing body]~~ (6), the election officer of a taxing entity shall ensure that:

299 (a) a rebuttal argument is posted in the same manner as a direct argument;

300 (b) each rebuttal argument follows immediately after the direct argument that it seeks
301 to rebut; and

302 (c) information regarding the public meeting required by Section 59-1-1605 follows
303 immediately after the posted arguments, including the date, time, and place of the public
304 meeting.

305 Section 4. Section 59-1-1605 is amended to read:

306 **59-1-1605. Public meeting requirements.**

307 (1) The governing body of a taxing entity shall conduct a public meeting in accordance
308 with this section no more than [~~14~~] 45, but at least four, days before the determination date.

309 (2) The governing body of the taxing entity shall allow equal time, within a reasonable
310 limit, for a presentation of the arguments:

311 (a) in favor of the ballot proposition; and

312 (b) against the ballot proposition.

313 (3) (a) A governing body of a taxing entity conducting a public meeting described in
314 Subsection (1) shall provide an interested party desiring to be heard an opportunity to present
315 oral testimony within reasonable time limits.

316 (b) A taxing entity shall hold a public meeting described in this section beginning at or
317 after 6 p.m.

318 (4) (a) A taxing entity shall provide a digital audio recording of a public meeting
319 described in Subsection (1) no later than three days after the date of the public meeting.

320 (b) For purposes of providing the digital audio recording described in Subsection
321 (4)(a), a governing body of a taxing entity shall:

322 (i) if a taxing entity has a public website, provide access to the digital audio recording
323 described in Subsection (4)(a) on the taxing entity's public website; or

324 (ii) provide a digital copy of the recording described in Subsection (4)(a) to members
325 of the public at the taxing entity's primary government office building.