

1 **NOTIFICATION REQUIREMENTS FOR BALLOT**

2 **PROPOSALS**

3 2016 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Jacob L. Anderegg**

6 Senate Sponsor: _____

8 **LONG TITLE**

9 **General Description:**

10 This bill addresses notification requirements related to a ballot proposition.

11 **Highlighted Provisions:**

12 This bill:

13 ▶ addresses notification requirements for the submission of arguments for or against a
14 ballot proposition.

15 **Money Appropriated in this Bill:**

16 None

17 **Other Special Clauses:**

18 None

19 **Utah Code Sections Affected:**

20 AMENDS:

21 **20A-7-402**, as last amended by Laws of Utah 2012, Chapters 334 and 369

22 **20A-7-704**, as last amended by Laws of Utah 2012, Chapter 334

23 **20A-7-705**, as last amended by Laws of Utah 2008, Chapter 225

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

26 Section 1. Section **20A-7-402** is amended to read:

27 **20A-7-402. Local voter information pamphlet -- Contents -- Limitations --**



28 **Preparation -- Statement on front cover.**

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

31 (2) ~~(a)~~ The arguments for and against a ballot proposition shall conform to the
32 requirements of this section.

33 (3) (a) Within the time requirements described in Subsection (3)(c)(i), a municipality
34 that is subject to a ballot proposition:

35 (i) shall mail a notice that complies with the requirements of Subsection (3)(c)(ii) to
36 each household in the municipality;

37 (ii) may include the notice described in Subsection (3)(a)(i) with a newsletter, utility
38 bill, or other material the municipality regularly mails to the municipality's citizens; and

39 (iii) shall post a notice that complies with the requirements of Subsection (3)(c)(ii) on
40 the home page of the municipality's website until after the deadline described in Subsection
41 (3)(d) has passed.

42 (b) A county that is subject to a ballot proposition shall:

43 (i) send an electronic notice that complies with the requirements of Subsection
44 (3)(c)(ii) to each individual in the county for which the county has an email address; or

45 (ii) post a notice that complies with the requirements of Subsection (3)(c)(ii) on the
46 home page of the county's website until the deadline described in Subsection (3)(d) has passed.

47 (c) A municipality or county that mails, sends, or posts a notice under Subsection (3)(a)
48 or (b) shall:

49 (i) mail, send, or post the notice:

50 (A) not less than 90 days before the date of the election at which a ballot proposition
51 will be voted upon; or

52 (B) if the requirements of Subsection (3)(c)(i)(A) cannot be met, as soon as practicable
53 after the ballot proposition is approved to be voted upon in an election; and

54 (ii) ensure that the notice contains:

55 (A) the ballot title for the ballot proposition;

56 (B) instructions on how to file a request under Subsection (3)(d); and

57 (C) the deadline described in Subsection (3)(d).

58 ~~(i)~~ (d) To prepare arguments for or against a ballot proposition, a person shall file a

59 request with the local legislative body at least 65 days before the election at which the ballot
60 proposition is to be voted upon.

61 ~~[(ii)]~~ (e) If more than one person requests the opportunity to prepare arguments for or
62 against a ballot proposition, the governing body shall make the final designation according to
63 the following criteria:

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

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

67 ~~[(iii)-(A)]~~ (f) (i) Except as provided by Subsection ~~[(2)(a)(iv)]~~ (3)(g), a sponsor of a
68 ballot proposition may prepare an argument in favor of the ballot proposition.

69 ~~[(B)]~~ (ii) Except as provided by Subsection ~~[(2)(a)(iv)]~~ (3)(g), a person opposed to the
70 ballot proposition who submits a request under Subsection ~~[(2)(a)(i)]~~ (3)(d) may prepare an
71 argument against the ballot proposition.

72 ~~[(iv)-(A)]~~ (g) (i) For a referendum, a person who is in favor of a law that is referred to
73 the voters and who submits a request under Subsection ~~[(2)(a)(i)]~~ (3)(d) may prepare an
74 argument for adoption of the law.

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

77 ~~[(v)]~~ (h) The arguments may not:

78 ~~[(A)]~~ (i) exceed 500 words in length; or

79 ~~[(B)]~~ (ii) list more than five names as sponsors.

80 ~~[(vi)]~~ (i) The arguments supporting and opposing any county or municipal ballot
81 proposition shall be filed with the local clerk not less than 50 days before the election at which
82 they are to be voted upon.

83 ~~[(b)]~~ (4) The local voter information pamphlet shall include a copy of the initial fiscal
84 impact estimate prepared for each initiative under Section [20A-7-502.5](#).

85 ~~[(3)]~~ (5) (a) In preparing the local voter information pamphlet, the local legislative
86 body shall:

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

89 (ii) ensure that the following statement is printed on the front cover or the heading of

90 the first page of the printed arguments:

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

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

93 (iv) ensure that the local clerk distributes either the pamphlets or the notice described
94 in Subsection [~~(3)~~] (5)(c) either by mail or carrier not less than 15 days but not more than 45
95 days before the election at which the ballot propositions are to be voted upon.

96 (b) (i) If the proposed measure exceeds 500 words in length, the local legislative body
97 may direct the local clerk to summarize the measure in 500 words or less.

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

100 (c) (i) The local legislative body may distribute a notice printed on a postage prepaid,
101 preaddressed return form that a person may use to request delivery of a voter information
102 pamphlet by mail.

103 (ii) The notice described in Subsection [~~(3)~~] (5)(c)(i) shall include:

104 (A) the address of the Statewide Electronic Voter Information Website authorized by
105 Section 20A-7-801; and

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

108 Section 2. Section 20A-7-704 is amended to read:

109 **20A-7-704. Initiative measures -- Arguments for and against -- Voters' requests**
110 **for argument -- Ballot arguments.**

111 (1) (a) (i) (A) By July 10 of the regular general election year, the sponsors of any
112 initiative petition that has been declared sufficient by the lieutenant governor may deliver to the
113 lieutenant governor an argument for the adoption of the measure.

114 (B) If two or more sponsors wish to submit arguments for the measure, the lieutenant
115 governor shall designate one of [~~them~~] the sponsors to submit the argument for [~~his~~] the
116 sponsor's side of the measure.

117 (ii) (A) Any member of the Legislature may request permission to submit an argument
118 against the adoption of the measure.

119 (B) If two or more legislators wish to submit an argument against the measure, the
120 presiding officers of the Senate and House of Representatives shall jointly designate one of

121 ~~[them]~~ the legislators to submit the argument to the lieutenant governor.

122 (b) The sponsors and the legislators submitting arguments shall ensure that each
123 argument:

124 (i) does not exceed 500 words in length; and

125 (ii) is delivered by July 10.

126 (2) (a) ~~[(†)]~~ If an argument for or against a measure to be submitted to the voters by
127 initiative petition has not been filed within the time required ~~[by]~~ under Subsection (1)~~];~~:

128 (i) the Office of the Lieutenant Governor shall immediately:

129 (A) send an electronic notice that complies with the requirements of Subsection (2)(b)
130 to each individual in the state for whom the Office of the Lieutenant Governor has an email
131 address; or

132 (B) post a notice that complies with the requirements of Subsection (2)(b) on the home
133 page of the lieutenant governor's website;

134 (ii) any voter may request the lieutenant governor for permission to prepare an
135 argument for the side on which no argument has been ~~[prepared.]~~ filed; and

136 ~~[(†) If]~~ (iii) if two or more voters request permission to submit arguments on the same
137 side of a measure, the lieutenant governor shall designate one of the voters to write the
138 argument.

139 (b) A notice described in Subsection (2)(a)(i) shall contain:

140 (i) the ballot title for the measure;

141 (ii) instructions on how to submit a request under Subsection (2)(a)(ii); and

142 (iii) the deadline described in Subsection (2)(c).

143 ~~[(b)]~~ (c) Any argument prepared under this ~~[subsection]~~ Subsection (2) shall be

144 submitted to the lieutenant governor by July 20.

145 (3) The lieutenant governor may not accept a ballot argument submitted under this
146 section unless it is accompanied by:

147 (a) the name and address of the person submitting it, if it is submitted by an individual
148 voter; or

149 (b) the name and address of the organization and the names and addresses of at least
150 two of its principal officers, if it is submitted on behalf of an organization.

151 (4) (a) Except as provided in Subsection (4)(c), the authors may not amend or change

152 the arguments after they are submitted to the lieutenant governor.

153 (b) Except as provided in Subsection (4)(c), the lieutenant governor may not alter the
154 arguments in any way.

155 (c) The lieutenant governor and the authors of an argument may jointly modify an
156 argument after it is submitted if:

157 (i) they jointly agree that changes to the argument must be made to correct spelling or
158 grammatical errors; and

159 (ii) the argument has not yet been submitted for typesetting.

160 Section 3. Section **20A-7-705** is amended to read:

161 **20A-7-705. Measures to be submitted to voters and referendum measures --**

162 **Preparation of argument of adoption.**

163 (1) (a) Whenever the Legislature submits any measure to the voters or whenever an act
164 of the Legislature is referred to the voters by referendum petition, the presiding officer of the
165 house of origin of the measure shall appoint the sponsor of the measure or act and one member
166 of either house who voted with the majority to pass the act or submit the measure to draft an
167 argument for the adoption of the measure.

168 (b) (i) The argument may not exceed 500 words in length.

169 (ii) If the sponsor of the measure or act desires separate arguments to be written in
170 favor by each person appointed, separate arguments may be written but the combined length of
171 the two arguments may not exceed 500 words.

172 (2) (a) If a measure or act submitted to the voters by the Legislature or by referendum
173 petition was not adopted unanimously by the Legislature, the presiding officer of each house
174 shall, at the same time as appointments to an argument in its favor are made, appoint one
175 member who voted against the measure or act from their house to write an argument against
176 the measure or act.

177 (b) (i) The argument may not exceed 500 words.

178 (ii) If those members appointed to write an argument against the measure or act desire
179 separate arguments to be written in opposition to the measure or act by each person appointed,
180 separate arguments may be written, but the combined length of the two arguments may not
181 exceed 500 words.

182 (3) (a) The legislators appointed by the presiding officer of the Senate or House of

183 Representatives to submit arguments shall submit them to the lieutenant governor not later than
184 the day that falls 150 days before the date of the election.

185 (b) Except as provided in Subsection (3)(d), the authors may not amend or change the
186 arguments after they are submitted to the lieutenant governor.

187 (c) Except as provided in Subsection (3)(d), the lieutenant governor may not alter the
188 arguments in any way.

189 (d) The lieutenant governor and the authors of an argument may jointly modify an
190 argument after it is submitted if:

191 (i) they jointly agree that changes to the argument must be made to correct spelling or
192 grammatical errors; and

193 (ii) the argument has not yet been submitted for typesetting.

194 (4) (a) If an argument for or an argument against a measure submitted to the voters by
195 the Legislature or by referendum petition has not been filed by a member of the Legislature
196 within the time required by this section^[7]:

197 (i) the Office of the Lieutenant Governor shall immediately:

198 (A) send an electronic notice that complies with the requirements of Subsection (4)(b)
199 to each individual in the state for whom the Office of the Lieutenant Governor has an email
200 address; or

201 (B) post a notice that complies with the requirements of Subsection (4)(b) on the home
202 page of the lieutenant governor's website; and

203 (ii) any voter may request the presiding officer of the house in which the measure
204 originated for permission to prepare and file an argument for the side on which no argument
205 has been ~~prepared~~ filed by a member of the Legislature.

206 (b) A notice described in Subsection (4)(a)(i) shall contain:

207 (i) the ballot title for the measure;

208 (ii) instructions on how to submit a request under Subsection (4)(a)(ii); and

209 (iii) the deadline described in Subsection (4)(d).

210 ~~(b)~~ (c) (i) The presiding officer of the house of origin shall grant permission unless
211 two or more voters request permission to submit arguments on the same side of a measure.

212 (ii) If two or more voters request permission to submit arguments on the same side of a
213 measure, the presiding officer shall designate one of the voters to write the argument.

214 ~~[(e)]~~ (d) Any argument prepared under this ~~[subsection]~~ Subsection (4) shall be
215 submitted to the lieutenant governor not later than ~~[the day that falls]~~ 135 days before the date
216 of the election.

217 ~~[(d)]~~ (e) The lieutenant governor may not accept a ballot argument submitted under this
218 section unless it is accompanied by:

219 (i) the name and address of the person submitting it, if it is submitted by an individual
220 voter; or

221 (ii) the name and address of the organization and the names and addresses of at least
222 two of its principal officers, if it is submitted on behalf of an organization.

223 ~~[(e)]~~ (f) Except as provided in Subsection (4)~~[(g)]~~(h), the authors may not amend or
224 change the arguments after they are submitted to the lieutenant governor.

225 ~~[(f)]~~ (g) Except as provided in Subsection (4)~~[(g)]~~(h), the lieutenant governor may not
226 alter the arguments in any way.

227 ~~[(g)]~~ (h) The lieutenant governor and the authors of an argument may jointly modify an
228 argument after it is submitted if:

229 (i) they jointly agree that changes to the argument must be made to correct spelling or
230 grammatical errors; and

231 (ii) the argument has not yet been submitted for typesetting.

Legislative Review Note
Office of Legislative Research and General Counsel