

Senator Jacob L. Anderegg proposes the following substitute bill:

NOTIFICATION REQUIREMENTS FOR BALLOT PROPOSALS

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jacob L. Anderegg

House Sponsor: A. Cory Maloy

LONG TITLE

General Description:

This bill addresses notification requirements related to a ballot proposition.

Highlighted Provisions:

This bill:

- addresses notification requirements for the submission of arguments for or against a ballot proposition.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

20A-7-402, as last amended by Laws of Utah 2016, Chapter 53

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

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

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

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



26 **20A-7-402. Local voter information pamphlet -- Contents -- Limitations --**
27 **Preparation -- Statement on front cover.**

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

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

32 (3) (a) Within the time requirements described in Subsection (3)(c)(i), a municipality
33 that is subject to a ballot proposition shall provide a notice that complies with the requirements
34 of Subsection (3)(c)(ii) to the municipality's residents by:

35 (i) if the municipality regularly mails a newsletter, utility bill, or other material to the
36 municipality's residents, including the notice with a newsletter, utility bill, or other material;

37 (ii) posting the notice, until after the deadline described in Subsection (3)(d) has
38 passed, on:

39 (A) the Utah Public Notice Website created in Section [63F-1-701](#); and

40 (B) the home page of the municipality's website, if the municipality has a website; and

41 (iii) sending the notice electronically to each individual in the municipality for whom
42 the municipality has an email address.

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

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

46 (ii) until after the deadline described in Subsection (3)(d) has passed, post a notice that
47 complies with the requirements of Subsection (3)(c)(ii) on:

48 (A) the Utah Public Notice Website created in Section [63F-1-701](#); and

49 (B) the home page of the county's website.

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

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

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

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

57 (ii) ensure that the notice contains:

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

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

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

61 ~~(b)~~ (d) To prepare an argument for or against a ballot proposition, an eligible voter
62 shall file a request with the election officer at least 65 days before the election at which the
63 ballot proposition is to be voted on.

64 ~~(c)~~ (e) If more than one eligible voter requests the opportunity to prepare an argument
65 for or against a ballot proposition, the election officer shall make the final designation
66 according to the following criteria:

67 (i) sponsors have priority in preparing an argument regarding a ballot proposition; and

68 (ii) members of the local legislative body have priority over others.

69 ~~(d)~~ (f) (i) Except as provided in Subsection ~~(2)(e)~~ (3)(g), a sponsor of a ballot
70 proposition may prepare an argument in favor of the ballot proposition.

71 (ii) Except as provided in Subsection ~~(2)(e)~~ (3)(g), and subject to Subsection ~~(2)(e)~~
72 (3)(e), an eligible voter opposed to the ballot proposition who submits a request under
73 Subsection ~~(2)(b)~~ (3)(d) may prepare an argument against the ballot proposition.

74 ~~(e)~~ (g) (i) For a referendum, subject to Subsection ~~(2)(e)~~ (3)(e), an eligible voter
75 who is in favor of a law that is referred to the voters and who submits a request under
76 Subsection ~~(2)(b)~~ (3)(d) may prepare an argument for adoption of the law.

77 (ii) The sponsors of a referendum may prepare an argument against the adoption of a
78 law that is referred to the voters.

79 ~~(f)~~ (h) An eligible voter who submits an argument under this section shall:

80 (i) ensure that the argument does not exceed 500 words in length;

81 (ii) ensure that the argument does not list more than five names as sponsors;

82 (iii) submit the argument to the election officer no later than 60 days before the
83 election day on which the ballot proposition will be submitted to the voters; and

84 (iv) include with the argument the eligible voter's name, residential address, postal
85 address, email address if available, and phone number.

86 ~~(g)~~ (i) An election officer shall refuse to accept and publish an argument that is
87 submitted after the deadline described in Subsection ~~(2)(f)~~ (3)(h)(iii).

88 ~~[(3)]~~ (4) (a) An election officer who timely receives the arguments in favor of and
89 against a ballot proposition shall, within one business day after the day on which the election
90 office receives both arguments, send, via mail or email:

91 (i) a copy of the argument in favor of the ballot proposition to the eligible voter who
92 submitted the argument against the ballot proposition; and

93 (ii) a copy of the argument against the ballot proposition to the eligible voter who
94 submitted the argument in favor of the ballot proposition.

95 (b) The eligible voter who submitted a timely argument in favor of the ballot
96 proposition:

97 (i) may submit to the election officer a rebuttal argument of the argument against the
98 ballot proposition;

99 (ii) shall ensure that the rebuttal argument does not exceed 250 words in length; and

100 (iii) shall submit the rebuttal argument no later than 45 days before the election day on
101 which the ballot proposition will be submitted to the voters.

102 (c) The eligible voter who submitted a timely argument against the ballot proposition:

103 (i) may submit to the election officer a rebuttal argument of the argument in favor of
104 the ballot proposition;

105 (ii) shall ensure that the rebuttal argument does not exceed 250 words in length; and

106 (iii) shall submit the rebuttal argument no later than 45 days before the election day on
107 which the ballot proposition will be submitted to the voters.

108 (d) An election officer shall refuse to accept and publish a rebuttal argument that is
109 submitted after the deadline described in Subsection ~~[(3)]~~ (4)(b)(iii) or ~~[(3)]~~ (4)(c)(iii).

110 ~~[(4)]~~ (5) (a) Except as provided in Subsection ~~[(4)]~~ (5)(b):

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

113 (ii) a person other than the eligible voter described in Subsection ~~[(4)]~~ (5)(a)(i) may not
114 modify an argument or rebuttal argument.

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

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

118 (ii) reduce the number of words to come into compliance with the requirements of this

119 section.

120 (c) An election officer shall refuse to accept and publish an argument or rebuttal
121 argument if the eligible voter who submits the argument or rebuttal argument fails to negotiate,
122 in good faith, to modify the argument or rebuttal argument in accordance with Subsection [~~(4)~~]
123 (5)(b).

124 [~~(5)~~] (6) An election officer may designate another eligible voter to take the place of an
125 eligible voter described in this section if the original eligible voter is, due to injury, illness,
126 death, or another circumstance, unable to continue to fulfill the duties of an eligible voter
127 described in this section.

128 [~~(6)~~] (7) The local voter information pamphlet shall include a copy of the initial fiscal
129 impact estimate prepared for each initiative under Section [20A-7-502.5](#).

130 [~~(7)~~] (8) (a) In preparing the local voter information pamphlet, the election officer
131 shall:

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

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

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

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

138 (iv) distribute either the pamphlets or the notice described in Subsection [~~(7)~~] (8)(c)
139 either by mail or carrier not less than 15 days before, but not more than 45 days before, the
140 election at which the ballot propositions are to be voted upon.

141 (b) (i) If the proposed measure exceeds 500 words in length, the election officer may
142 summarize the measure in 500 words or less.

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

145 (c) (i) The election officer may distribute a notice printed on a postage prepaid,
146 preaddressed return form that a person may use to request delivery of a voter information
147 pamphlet by mail.

148 (ii) The notice described in Subsection [~~(7)~~] (8)(c)(i) shall include:

149 (A) the address of the Statewide Electronic Voter Information Website authorized by

150 Section [20A-7-801](#); and

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

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

154 **20A-7-704. Initiative measures -- Arguments for and against -- Voters' requests**
155 **for argument -- Ballot arguments.**

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

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

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

164 (B) If two or more legislators wish to submit an argument against the measure, the
165 presiding officers of the Senate and House of Representatives shall jointly designate one of
166 [~~them~~] the legislators to submit the argument to the lieutenant governor.

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

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

170 (ii) is delivered by July 10.

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

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

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

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

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

181 ~~[(ii)–H]~~ (iii) if two or more voters request permission to submit arguments on the same
 182 side of a measure, the lieutenant governor shall designate one of the voters to write the
 183 argument.

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

185 (i) the ballot title for the measure;

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

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

188 ~~[(b)]~~ (c) Any argument prepared under this ~~[subsection]~~ Subsection (2) shall be
 189 submitted to the lieutenant governor by July 20.

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

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

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

196 (4) (a) Except as provided in Subsection (4)(c), the authors may not amend or change
 197 the arguments after they are submitted to the lieutenant governor.

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

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

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

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

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

206 **20A-7-705. Measures to be submitted to voters and referendum measures --**

207 **Preparation of argument of adoption.**

208 (1) (a) Whenever the Legislature submits any measure to the voters or whenever an act
 209 of the Legislature is referred to the voters by referendum petition, the presiding officer of the
 210 house of origin of the measure shall appoint the sponsor of the measure or act and one member
 211 of either house who voted with the majority to pass the act or submit the measure to draft an

212 argument for the adoption of the measure.

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

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

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

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

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

227 (3) (a) The legislators appointed by the presiding officer of the Senate or House of
228 Representatives to submit arguments shall submit them to the lieutenant governor not later than
229 the day that falls 150 days before the date of the election.

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

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

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

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

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

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

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

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

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

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

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

252 (i) the ballot title for the measure;

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

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

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

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

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

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

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

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

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

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

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

- 274 (i) they jointly agree that changes to the argument must be made to correct spelling or
275 grammatical errors; and
276 (ii) the argument has not yet been submitted for typesetting.