

**NOTIFICATION REQUIREMENTS FOR BALLOT
PROPOSALS**

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jacob L. Anderegg

House Sponsor: _____

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:

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



Preparation -- Statement on front cover.

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

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

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

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

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

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

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

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

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

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

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

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

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

(ii) ensure that the notice contains:

(A) the ballot title for the ballot proposition;

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

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

~~(b)~~ (d) To prepare an argument for or against a ballot proposition, an eligible voter

shall file a request with the election officer at least 65 days before the election at which the ballot proposition is to be voted on.

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

- (i) sponsors have priority in preparing an argument regarding a ballot proposition; and
- (ii) members of the local legislative body have priority over others.

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

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

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

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

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

- (i) ensure that the argument does not exceed 500 words in length;
- (ii) ensure that the argument does not list more than five names as sponsors;
- (iii) submit the argument to the election officer no later than 60 days before the election day on which the ballot proposition will be submitted to the voters; and
- (iv) include with the argument the eligible voter's name, residential address, postal address, email address if available, and phone number.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

121 ~~[(5)]~~ (6) An election officer may designate another eligible voter to take the place of an
122 eligible voter described in this section if the original eligible voter is, due to injury, illness,
123 death, or another circumstance, unable to continue to fulfill the duties of an eligible voter
124 described in this section.

125 ~~[(6)]~~ (7) The local voter information pamphlet shall include a copy of the initial fiscal
126 impact estimate prepared for each initiative under Section 20A-7-502.5.

127 ~~[(7)]~~ (8) (a) In preparing the local voter information pamphlet, the election officer
128 shall:

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

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

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

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

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

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

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

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

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

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

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

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

151 **20A-7-704. Initiative measures -- Arguments for and against -- Voters' requests**

for argument -- Ballot arguments.

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

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

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

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

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

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

(ii) is delivered by July 10.

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

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

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

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

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

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

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

(i) the ballot title for the measure;

- (ii) instructions on how to submit a request under Subsection (2)(a)(ii); and
(iii) the deadline described in Subsection (2)(c).

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

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

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

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

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

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

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

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

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

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

**20A-7-705. Measures to be submitted to voters and referendum measures --
Preparation of argument of adoption.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) the ballot title for the measure;

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

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

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

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

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

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

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

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

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

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

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

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

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

Legislative Review Note
Office of Legislative Research and General Counsel