

HB 362 Local Option: County Requirements ¹



A county must follow these steps if the county submits the ballot proposition to voters in 2015:

AS SOON AS THE COUNTY ACTS: The county clerk must prepare an election notice of the election either 100 days prior to the election OR as soon as possible before the local election to use in conjunction with a federal write-in absentee ballot²

- The notice must include the ballot propositions and other offices as well as instructions for how to use the federal write-in absentee ballot
- The county clerk must post the notice on the county website & provide it upon request³
- Once the ballot is certified, then the county clerk must update & publish the notice

AUG 30 (LAST DATE FOR 2015 ACTION): The county governing body must submit the certified ballot title of the ballot proposition to the county clerk 65 days prior to the election⁴

AUG 30: The county clerk must receive petitions from supporters and opponents to prepare arguments for and against the ballot proposition for the local voter information pamphlet⁵

- If more than one person files a request to prepare arguments for or against the ballot proposition in the local voter information pamphlet, then the governing body must make the final designation⁶ and give priority to members of the governing body. The voter information pamphlet arguments may not exceed 500 words in length and not list more than five names as sponsors.⁷

SEP 4: Per the TBPA, the county clerk must provide the ballot proposition title, number, and text, the county legislative vote, and other factual information to the lieutenant governor for the Statewide Electronic Voter Information Website⁸

- The county governing body must provide a 500 word argument in favor of the ballot proposition to the county clerk per the TBPA to later publish on the county website, state website, and county newsletter (if applicable) by Sep 4
- The county clerk must receive the 500 word opposing argument by Sep 4 as well
- If multiple opposing arguments arrive, then the county clerk designates one as “official”

SEP 14: The authors of the 500 word arguments for the voter information pamphlet must submit their arguments to the county clerk⁹

SEP 24: The county governing body may provide a 250 word rebuttal per the TBPA to the opposing argument

- The opponents may provide a 250 word rebuttal to the county rebuttal by Sep 24 too

OCT 4-NOV 3: The county per the TBPA must post the argument, opposing argument, and rebuttals on the county website, state website, & the county newsletter (if applicable) until Election Day

OCT 20-30: The county governing body per the TBPA must publicize and hold one public meeting after 6 pm during this time frame and present both supporting and opposing arguments

¹ Transparency of Ballot Propositions Act, Utah Code Ann. § 20A-1-1602; voter information pamphlet, § 20A-7-402

² Utah Code Ann. § 20A-16-502(1),(2)

³ Utah Code Ann. § 20A-16-502(5)

⁴ Utah Code Ann. § 20A-6-106

⁵ Utah Code Ann. § 20A-7-402(1),(2)(a)(i)

⁶ Utah Code Ann. § 20A-7-402(2)(a)(ii)

⁷ Utah Code Ann. § 20A-7-402(2)(a)(v)

⁸ Utah Code Ann. § 20A-7-801(4)(iii)

⁹ Utah Code Ann. § 20A-7-801(2)(a)(vi)



Public Entities: What can and can't be done¹⁰

* Consult with your city attorney and see the *Public entity and public official involvement memo* available on ULCT website for more details

CAN: provide a “brief statement” about the public entity’s position & reason for the position¹¹

CAN: provide “factual information” as long as the public entity grants “equal access” to opponents of the ballot proposition¹²

CAN: provide “factual information” that is consistent with the TBPA—up to 500 word arguments & 250 word rebuttals—for publicizing arguments & rebuttals¹³

CAN: neutrally encourage voters to vote regardless of whether the city/town provides a “brief statement” or “factual information”¹⁴

CANNOT: make an expenditure from public funds to influence a ballot proposition¹⁵

CANNOT: spend public money or provide anything of value to campaign or advocate for or against the ballot proposition¹⁶

CANNOT: Provide services at less than fair market value for a political issues committee¹⁷

Public Officials & Public Employees: What can and can't be done

CAN: advocate for or against the ballot proposition by speaking independently of the public entity, using your personal email account, and without using public funds¹⁸

CAN: advocate for or against the ballot proposition by providing campaign contributions from personal resources¹⁹

CANNOT: use your public email account to send emails that advocate for or against the ballot proposition²⁰

CANNOT: approve expenditures from public funds to influence the ballot proposition²¹

¹⁰ Transparency of Ballot Propositions Act, Utah Code Ann. § 20A-1-1602; Political Activities of Public Entities Act, § 20A-11-1201

¹¹ Utah Code Ann. § 20A-11-1202(6)(a),(b)

¹² Utah Code Ann. § 20A-11-1206(2),(3)

¹³ Utah Code Ann. § 59-1-1604

¹⁴ Utah Code Ann. § 20A-11-1206(3)

¹⁵ Utah Code Ann. § 20A-11-1203(1)

¹⁶ *Id.*; Utah Code Ann. § 20A-11-1202(4)(a)

¹⁷ Utah Code Ann. § 20A-11-1202(4)(e)

¹⁸ Utah Code Ann. § 20A-11-1206(1)

¹⁹ *Id.*

²⁰ Utah Code Ann. § 20A-11-1205(1)

²¹ Utah Code Ann. § 20A-11-1203(1)