

HB 362 Local Option

WHAT'S GOING ON?

WHAT YOU CAN AND CANNOT DO

HB 362 Local Option—as of Aug 17

RESOLUTIONS: 111 CITIES AND TOWNS IN 21 COUNTIES

Counties who have acted:

BEAVER

BOX ELDER

CARBON

GRAND

JUAB

MORGAN

SALT LAKE

SAN JUAN

UINTAH

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Counties who are still considering 2015:

DAVIS (Aug 18 agenda)

DUCHESNE (Aug 24 agenda)

MILLARD

RICH

SANPETE (Aug 18 agenda)

SEVIER (Aug 24 agenda)

TOOELE (Aug 18 agenda)

UTAH (Aug 18 agenda)

WEBER (Aug 18 agenda)

HB 362 Local Option—people are watching



HB 362: What COUNTY must do

FACTUAL INFORMATION FRAMEWORK

1) Voter information pamphlet (500 words of support)

Up to 5 sponsors

2) 500 word statement of support on website/newsletter from governing body

Possible 500 word counter argument

Possible 250 word county rebuttal

Possible 250 word counter rebuttal

3) Publicize and hold a public hearing between October 20-30

HB 362: What PUBLIC ENTITY **CANNOT DO**

CANNOT: make an expenditure from public funds to influence a ballot proposition (Class B misd)

- General rule
- Key exceptions to “expenditure” and to “influence” (see next slide)
- Applies to ULCT, cities, towns, associations of government, and transit districts

CANNOT: spend public money or provide anything of value from tax dollars to campaign or advocate for or against the ballot proposition

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

- You can rent City Hall at market value to supporters/opponents of ballot proposition

HB 362 Local Option—what CITY CAN DO

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

- Explain your resolution

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

CAN: provide “factual information” that is consistent with the TBPA (county req’ts)—up to 500 word arguments & 250 word rebuttals—for publicizing arguments & rebuttals

- ULCT template coming asap

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

- ULCT template coming asap

CAN: hold a public meeting between October 20-30

HB 362: What Public Official CAN DO

Public official:

- Elected/appointed gov't officials with authority to make public policy
- Person with “supervisory authority over the personnel & affairs of a public entity AND approves the expenditures of funds”

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

- Personal facebook page: advocate!
- City funded facebook page: do not advocate but can provide factual information

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

- Donate (or encourage others to donate) to advocates or opponents

HB 362: What Public Employee CANNOT DO

Note: This law applies to **ANYONE** with access to a public email

CANNOT: use public email to send emails that advocate for or against the ballot proposition

- You cannot send, but you can receive emails
- If you as a public official receive an email from a constituent, respond via phone and/or refer them to the “factual information” about the ballot proposition
 - A public official can give his/her own personal opinion about the ballot proposition so long as you do not use public funds

HB 362 Local Option:
Any questions?
