HB 362 Local Option

WHAT’S GOING ON?
WHAT YOU CAN AND CANNOT DO
HB 362 Local Option—as of Aug 27

RESOLUTIONS: 111 CITIES AND TOWNS IN 21 COUNTIES

Counties who have acted:

<table>
<thead>
<tr>
<th>Beaver</th>
<th>Box Elder</th>
<th>Carbon</th>
<th>Davis</th>
<th>Duchesne</th>
<th>Grand</th>
</tr>
</thead>
<tbody>
<tr>
<td>Juab</td>
<td>Morgan</td>
<td>Salt Lake</td>
<td>San Juan</td>
<td>Sanpete</td>
<td>Sevier</td>
</tr>
<tr>
<td>Tooele</td>
<td>Uintah</td>
<td>Utah</td>
<td>Weber</td>
<td></td>
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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?