

# HB 362 Local Option

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WHAT'S GOING ON?

WHAT YOU CAN AND CANNOT DO

# HB 362 Local Option—as of Aug 17

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## 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

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# HB 362: What COUNTY must do

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## 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**

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**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

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**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

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## 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

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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?

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