

Political Activity of Salt Lake City Corporation **Employees, Officers, and Elected Officials**

With another election season under way, it is important to be familiar with the rules and restrictions regarding political activities of City employees, officers, and elected officials. This information guide sets out the applicable state and city laws and regulations. The explanations and examples given are merely for illustration and are not intended to interpret the law or cover every possible situation. Following each question and answer about political activities of City personnel is a box with the governing laws.

FREQUENTLY ASKED QUESTIONS:

A. Voluntary Political Activities; Campaign Contributions

1. Can I contribute money to a political candidate or political party or political cause?

Yes.

Utah Code § 10-3-1108:

6) Nothing in this section may be construed to:

(a) prohibit a municipal officer or employee's voluntary contribution to a party or candidate of the officer or employee's choice;

Can I be a member of a political party?

Yes.

Can I vote for any candidate I choose?

Yes.

Can I tell or discuss with other employees whom I plan to vote for?

Yes. However, during hours of employment you may not express your political views or opinions so often or in such a way that: (1) you are engaging in political campaigning or (2) you are adversely affecting the work environment.

Can I wear a political button or political tee shirt while on the job?

No, because City employees cannot engage in political campaigning during their hours of employment.

Utah Code § 10-3-1108(2)(c):

“[A] municipal officer or employee may not engage in political campaigning or solicit political contributions during hours of employment”

Utah Code § 10-3-1108(1):

“‘[H]ours of employment’ means occurring at a time when an officer or employee is acting within the course and scope of employment, but excludes a lunch break afforded to the officer or employee.”

Salt Lake City Code § 2.52.250(B):

“Nothing contained in this chapter shall be construed to restrict the right of the employee to hold membership in, and support, a political party, to vote as he or she chooses, to express his or her personal opinions on all political subjects and candidates, to maintain political neutrality, and to attend political meetings after working hours; provided, no such actions shall unreasonably disrupt the operations of the city, undermine the authority of any city employee or officer, or destroy working relationships within the city.”

Can an elected City official ask a City employee to contribute to his or her re-election campaign?

Yes. However, an elected City official cannot coerce or direct a City employee to do so, nor can the elected City official promise the City employee a promotion or other favorable personnel treatment. See Questions 12-14, 18.

2. Within Salt Lake City, can I place a campaign sign or poster in the parking strip between the sidewalk and street in front of my house?

No. The City owns the parking strip, and nobody, whether or not a City employee, can place such signs on that property.

Salt Lake City Code § 5.06.030.

“It is unlawful for any person to advertise by the use of printed signs, posters, placards or other advertising media, upon the streets and sidewalks of the city, except in accordance with title 21A, chapter 21A.46 of this code, or its successor.”

3. Can I participate in non-partisan “get out the vote” or other non-partisan activities alone or as part of a group (such as the League of Women Voters)?

Yes, because such non-partisan activities are not for political purposes.

4. What are the limits on campaign contributions and fundraising?

Anonymous contributions are prohibited.

Contributions in cash (other than a check) cannot exceed, in total, \$50 during any election cycle (that is, a four year period). This limitation does not apply to contributions by check or other non-cash means, such as contributions of goods or services.

The current maximum amount a person can contribute during an election cycle to a candidate for Mayor is \$3,560, and for a candidate for City Council is \$760.

Salt Lake City Code § 2.46.050:

“A. No person shall make contributions in coin or currency during any election cycle, as set forth in this chapter, to any candidate or such candidate's personal campaign committee, or to any political committee with respect to any election for city office, that exceed, in the aggregate, fifty dollars (\$50.00).

B. No person shall make contributions during any election cycle, as set forth in this chapter, to any candidate or his or her personal campaign committee, or to any political committee with respect to any election for city office, that, in the aggregate, exceed the following amounts:

<u>Office</u>	<u>Amount</u>
Mayor	\$3,560.00

City Council	\$760.00
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At the beginning of each election cycle, the city recorder shall adjust to the nearest ten dollars (\$10.00) the amounts in this subsection B by the percentage change in the consumer price index since the beginning of the previous election cycle and post the new amounts on the city's website. For purposes of this subsection, "consumer price index" means the consumer price index for all urban consumers, United States city average, that is published by the United States department of labor, bureau of labor statistics.

C. The acceptance of anonymous contributions is prohibited. Any anonymous contributions received by a candidate or a personal campaign committee or a political committee shall be transmitted to the city treasurer for deposit in the general fund of the city. Each contributor of a contribution shall disclose to the personal campaign committee or political committee the name and address of such contributor.

D. The limitations imposed by subsections A through C of this section shall not apply to contributions by a candidate of the candidate's own resources to the candidate's own campaign.”

Salt Lake City Code § 2.46.070:

“No person shall make a contribution in the name of another person or make a contribution with another person's funds in his or her own name, and no personal campaign committee or political committee shall knowingly accept any such contribution.”

5. Can an elected City official or a policy-making appointee speak out on political issues, urge people to vote for a particular candidate, or contribute his or her own money toward a candidate?

Yes, unless such activities violate *Utah Code* § 10-3-1108 (relating to political activity of City employees – see Questions 7, 8, 11-14, 21, 22, and 24) or City Code § 2.44.040(B) (relating to corrupt use of an employee’s City position – see Question 16).

Utah Code § 20A-11-1206 (1) *See* separate document on added sections.

“Nothing in this chapter prohibits a public official from speaking, campaigning, contributing personal money, or otherwise exercising the public official's individual First Amendment rights for political purposes.”

Utah Code § 20A-11-1202(16)(a) *See* separate document on added sections.

“‘Public official’ means an elected or appointed member of government with authority to make or determine public policy.”

Example: The Mayor, a member of the City Council, or a member of the Airport Board.

Utah Code § 20A-11-1202(11) *See* separate document on added sections.

“‘Political purposes’ means an act done with the intent or in a way to influence or intend to influence, directly or indirectly, any person to refrain from voting or to vote for or against any:

(a) candidate for public office at any caucus, political convention, primary, or election;” or . . .

B. Use of City Time and Equipment for Political Activities

6. Can I campaign for a political candidate during my City work hours?

No, except during your lunch break. A City employee, while at work (except during the lunch break), may not use his or her time to call people to encourage them to support a particular candidate, or to produce or distribute a candidate’s literature, or to ask for or collect campaign contributions for a candidate. Furthermore, the exception for the lunch break is subject to the restrictions regarding use of City-owned equipment for political activity. See Question 7 below.

This generally applies to your regular work hours, but includes any time you are doing work on behalf of the City that is within your job description.

Can I put a political sign on the desk in my City office space?

No. That would constitute political campaigning during work hours and use of City equipment for political activity.

Can I put a political bumper sticker on a City-owned vehicle, even one assigned to me?

No. That would constitute use of City equipment for political activity.

Can I put a political bumper sticker on my personal vehicle that I don't drive to work?

Yes.

Can I put a political bumper sticker on my personal vehicle that I park in a City-owned parking lot?

Yes, unless it is done in a manner that constitutes engaging in political campaigning or that unreasonably disrupts the operations of the City, undermines the authority of any City employee or officer, or destroys working relationship within the City. Whether it is political campaigning or unreasonably disruptive depends on the circumstances, such as the size or visibility of the vehicle, and the size or number of the bumper stickers.

Utah Code § 10-3-1108(2)(c):

“A municipal officer or employee may not engage in political campaigning or solicit political contributions during hours of employment.”

Utah Code § 10-3-1108(1):

“For purposes of this section, "hours of employment" means occurring at a time when an officer or employee is acting within the course and scope of employment, but excludes a lunch break afforded to the officer or employee.”

Utah Code § 10-3-1108(2)(d):

“a municipal officer or employee may not use municipal equipment while engaged in political activity.”

7. Can I use my City telephone or computer to contact people to urge them to vote for a particular candidate?

No. A City employee may not, at any time, use his or her City-owned computer, telephone, or cell phone to: (1) contact people to encourage them to support a particular candidate; (2) produce or create campaign literature; (3) schedule a candidate's activities; or (4) perform work for a candidate.

Can I use my City office space, during my lunch break or outside of my work hours, to contact people to urge them to vote for a particular candidate?

No. While the use of one’s City office space may not literally constitute use of City “equipment,” it violates the spirit of the prohibition. Nonuse of City office space for political purposes would also further the goal of avoiding the appearance of impropriety.

Utah Code § 10-3-1108(2)(d):

“a municipal officer or employee may not use municipal equipment while engaged in political activity.”

Salt Lake City Procedures: Security (Information Technology): Acceptable Use Procedure – Appendix B – Unacceptable Use of Information Resources:

“The following list is currently considered unacceptable use of corporate resources.

* * *

4. Religious or Political Lobbying – Any use for religious or political lobbying, such as using E-mail to circulate solicitations or advertisements.”

8. Can I use my City email for political purposes?

No.

Utah Code § 20A-11-1205:

(1) Except as provided in Subsection (5), a person may not send an email using the email of a public entity:

- (a) for a political purpose;
- (b) to advocate for or against a proposed initiative, initiative, proposed referendum, or referendum; or
- (c) to solicit a campaign contribution.

(2)(a) The lieutenant governor shall, after giving the person and the complainant notice and an opportunity to be heard, impose a civil fine against a person who violates Subsection (1) as follows:

- (i) up to \$250 for a first violation; and
- (ii) except as provided in Subsection (3), for each subsequent violation committed after the lieutenant governor imposes a fine against the person for a first violation, \$1,000 multiplied by the number of violations committed by the person.

(b) A person may, within 30 days after the day on which the lieutenant governor imposes a fine against the person under this Subsection (2), appeal the fine to a district court.

(3) The lieutenant governor shall consider a violation of this section as a first violation if the violation is committed more than seven years after the day on which the person last committed a violation of this section.

(4) For purposes of this section, one violation means one act of sending an email, regardless of the number of recipients of the email.

(5) A person does not violate this section if:

(a) the lieutenant governor finds that the email described in Subsection (1) was inadvertently sent by the person using the email of a public entity;

(b) the person is directly providing information solely to another person or a group of people in response to a question asked by the other person or group of people;

(c) the information the person emails is an argument or rebuttal argument prepared under Section 20A-7-401.5 or 20A-7-402, and the email includes each opposing argument and rebuttal argument that:

(i) relates to the same proposed initiative, initiative, proposed referendum, or referendum; and

(ii) complies with the requirements of Section 20A-7-401.5 or 20A-7-402; or

(d) the person is engaging in:

(i) an internal communication solely within the public entity;

(ii) a communication solely with another public entity;

(iii) a communication solely with legal counsel;

(iv) a communication solely with the sponsors of an initiative or referendum;

(v) a communication solely with a land developer for a project permitted by a local land use law that is challenged by a proposed referendum or a referendum; or

(vi) a communication solely with a person involved in a business transaction directly relating to a project described in Subsection (5)(d)(v).

(6) A violation of this section does not invalidate an otherwise valid election.

(7) An email sent in violation of Subsection (1), as determined by the records officer, constitutes a record, as defined in Section 63G-2-103, that is subject to the provisions of Title 63G, Chapter 2, Government Records Access and Management Act, notwithstanding any applicability of Subsection 63G-2-103(22)(b)(i).

9. Can the City run political campaign commercials on Channel 17?

No.

*Salt Lake City Administrative Rules: Management Services: SLC 39 [now 17]
Government Cable Television Channel:*

2.6 “SLC 39 [now 17] is not to be used for political . . . use.”

10. Can IMS include, on the City’s website, links to websites of political candidates or political parties?

The City may not include links to only some of the candidates, because that would be partisan political activity. However, the City could, as an informational service, provide links to the websites of all candidates that have websites.

Salt Lake City Administrative Rules: Management Services: World Wide Web Site:

2.3 “The City’s site shall not be used for . . . political purposes.”

C. Interaction Between Supervisors and Subordinates and Between Coworkers

11. Can the City deny employment to a job applicant because the person making the hiring decision doesn’t like the applicant’s political beliefs?

No. The City may not deny employment to a person because of that person’s political beliefs, activities, or affiliations.

Utah Code § 10-3-1108(2)(a):

“The partisan political activity, political opinion, or political affiliation of an applicant for a position with a municipality may not provide a basis for denying employment to the applicant.”

12. Can the City fire or discipline an employee because the employee supports a particular candidate or holds particular political views?

No. The City may not hire, promote, fire, discipline, or demote a person based on that person’s political beliefs, activities, or affiliations.

Utah Code § 10-3-1108(2)(b):

“An officer or employee's partisan political activity, political opinion, or political affiliation may not provide the basis for the officer or employee's employment, promotion, disciplinary action, demotion, or dismissal.”

Salt Lake City Code § 2.48.010:

“It is unlawful for any elected official, or any representative of an elected official, of the city to in any manner intimidate or coerce any officer or employee of the city to make, or refrain from making, any contribution in money or in services to any candidate for political office, city or otherwise, or to any political party.”

13. Can a City elected official, supervisor, officer, or employee:

Pressure a subordinate or a co-worker to attend a fundraising dinner for a candidate?

Pressure a subordinate or a co-worker to stay late after work to stuff political flyers into envelopes?

Assign a subordinate or a co-worker to attend a political rally in order to create the appearance that the candidate has many supporters?

No. Any of those actions would violate the law.

Utah Code § 10-3-1108(2)(e):

“A municipal officer or employee may not directly or indirectly coerce, command, or advise another municipal officer or employee to pay, lend, or contribute part of the officer or employee's salary or compensation, or anything else of value to a political party, committee, organization, agency, or person for political purposes.”

14. Can a City supervisor, officer, or employee:

Promise a subordinate a promotion or bonus if the subordinate supports a particular candidate or political party?

Threaten to make a subordinate an at-will employee unless the subordinate supports a particular candidate or political party?

No. Any of those actions would violate the law.

Utah Code § 10-3-1108(2)(f):

“A municipal officer or employee may not attempt to make another officer or employee's personnel status dependent on the officer or employee's support or lack of support of a political party, affiliation, opinion, committee, organization, agency, or person engaged in political activity.”

15. Can my boss or any of my superiors intimidate or coerce me to contribute money to a political candidate or campaign, such as by saying: “If you ever want to get promoted, you had better send a check to the election committee of _____?”

No.

Salt Lake City Code § 2.44.160:

“No public servant shall in any manner intimidate or coerce a public servant or volunteer public servant subordinate to him or her to do business with him or her or to make any financial contribution.”

16. Can I ask another City employee to give money or services to a political party?

No.

Salt Lake City Code § 2.52.250(A):

“. . . No city employee or official shall solicit orally, or by letter, or be in any other manner concerned in obtaining any assessments, contributions or services for any political party from any city employee.”

17. Can I ask another City employee to give money or services to a particular candidate?

Yes, but: (1) you cannot do so during office hours [or on City property]; (2) if you are the employee’s supervisor you may not coerce him or her to do so. See Questions 14-15.

18. Can I authorize a payroll deduction from my salary if the money is to go to another person for use in a political campaign?

No.

Salt Lake City Code § 2.48.020:

“It is unlawful for any officer or employee of the city to require or authorize the deduction from his or her wages or salary of any sum to be turned over to any other person or organization or political party to be used for political purposes.”

19. Can an elected City official or a member of their staffs lawfully intimidate or coerce me to attend a political rally, or a political fundraising event, or to put a political sign in my office or in my yard?

No.

Salt Lake City Code § 2.48.030:

“It is unlawful for any elected official, or any representative of any elected official, of the city, to in any manner intimidate or coerce an officer or employee of the city to engage, or refrain from engaging in any political activity on behalf of such official, or any other official, or on behalf of any political party.”

20. Can a City employee use or refer to his or her City title in publicly endorsing a candidate?

Not if done “corruptly.” See the definition of “corruptly” below. A City employee may not corruptly use his or her official City position to secure special privileges for another person.

Salt Lake City Code § 2.44.040(A)(2):

“A public servant or volunteer public servant may not: * * *

2. Corruptly use or attempt to use the public servant’s or volunteer public servant’s official position to: a) further substantially the public servant’s or volunteer public servant’s financial or professional interest or the financial or professional interest of others; or b) secure special privileges for the public servant or volunteer public servant or others.”

Salt Lake City Code § 2.44.020:

CORRUPTLY: Any act done with wrongful intent and for the purpose of obtaining or receiving any financial or professional benefit or detriment resulting from some act or omission of a public servant or volunteer public servant that is inconsistent with the proper performance of his or her public duties.”

Utah Code § 10-3-1304(2)(b):

“(2) Except as provided in Subsection (4) [relating to bribes], it is an offense for an elected or appointed officer or municipal employee to: * * *

- (b) use or attempt to use the officer’s or employee’s official position to:
 - (i) further substantially the officer’s or employee’s personal economic interest; or
 - (ii) secure special privileges for the officer or employee or for others.”

D. Running for Political Office; Leave of Absence

21. Can I serve in an elective or appointive office for another governmental entity, such as the state, another city, or a county?

You may hold any elective or appointive public office if it is an assigned part of your City employment.

In addition, you may hold the following offices or positions:

- (a) voting district officer or delegate;
- (b) member of the Utah State Legislature;
- (c) any other part time elective or appointive public office (other than Salt Lake City Council or office in a political party).

22. Can a City officer or employee (other than the incumbent Mayor or an incumbent City Council member) be Mayor or serve on the City Council of Salt Lake City?

A City officer or employee (other than the incumbent Mayor) may not serve as Mayor, except as an assigned part of his or her City employment.

A City officer or employee (other than an incumbent City Council member) may not serve as a member of the City Council.

Salt Lake City Code § 2.52.250(A):

“No nonelected officer and no employee of the city shall hold elective or full time appointive public office during his or her employment except as an assigned part of that employment. This section shall not apply to voting district officers and delegates, members of the Utah state legislature, or other part time elective or appointive public office; provided, however, no nonelected officer and no employee shall hold the office of city council. No city employee or official shall solicit orally, or by letter, or be in any other manner concerned in obtaining any assessments, contributions, or services for any political party from any city employee.”

23. If I decide to run for political office, what are the rules about leaves of absence and use of vacation or other leave time to campaign?

The City, in its discretion, may give you a leave of absence from your City employment between the primary and general elections. Also, you may use your vacation or personal leave time to campaign during what otherwise would be your work hours.

However, any City employee who wishes to run for City Council or for full time elective public office may request and obtain a leave of absence without pay from City employment or use available vacation benefits: (1) between the primary election and the earlier of the general election and the date the employee ceases to be a candidate for that office, and (2) during the person’s term of office if elected.

Utah Code § 10-3-1108(3):

“A municipal employee who has filed a declaration of candidacy may:

(a) be given a leave of absence for the period between the primary election and the general election; and

(b) use any vacation or other leave available to engage in campaign activities.

Salt Lake City Code § 2.52.250(C):

“Any nonelected officer and any employee who wishes to seek election to the Salt Lake City council, or to full time elective public office, may request and obtain a leave of absence without pay from city employment or use available vacation benefits: 1) between the primary election and the earlier of the general election for such office and the date the person ceases to be a candidate for that office, and 2) during the person’s term of office on the city council or full time elective public office. Such a nonelected officer or employee who does not request a leave of absence remains subject to any applicable prohibition against the use of city time or equipment for political activity.”

24. If I win election to a public office, what are the rules about leaves of absence and use of vacation or other leave time to serve in office?

You may, in the discretion of the City, take a leave of absence from your City employment without pay for the term of your service in elective office. Also, you may use your vacation time to serve in office.

Utah Code § 10-3-1108(4):

“If a municipal officer or employee is elected to a public office, the employee may:

(a) be given a leave of absence without pay for the time during which the employee receives compensation for service in the public office; and

(b) use any vacation or other leave available to serve in the public office.”

25. Can the City fire or discipline me because I run for a political office or take a leave of absence to run or serve in elective office?

No.

Utah Code § 10-3-1108(5):

“Neither the filing of a declaration of candidacy nor a leave of absence under this section may be used as the basis for an adverse employment action, including discipline and termination, against the employee.”

E. Political Activities of the City

26. Can the City lawfully spend tax revenue for television commercials urging people to vote for a particular candidate?

No.

Utah Code § 20A-11-1203(1):

“Unless specifically required by law, and except as provided in Section 20A-11-1206, a public entity may not: (a) make an expenditure from public funds for political purposes, to influence a ballot proposition, or to influence a proposed initiative or proposed referendum, or (b) publish on the public entity’s website an argument for or against a ballot proposition, a proposed initiative, or a proposed referendum.”

Example: The City is a “public entity.”

Utah Code § 20A-11-1203(3), (4):

(3) This section does not prohibit the reasonable expenditure of public funds to gather information for, and respond directly to, an individual who makes an inquiry regarding a ballot proposition, a proposed initiative, or a proposed referendum.

(4) This section does not prohibit:

(a) a public entity from conducting research, or collecting and compiling information or arguments in relation to, a ballot proposition, a proposed initiative, or a proposed referendum;

(b) an elected or appointed official of the public entity described in Subsection (4)(a) from using the research, information, or arguments described in Subsection (4)(a) for the purpose of advocating for or against a ballot proposition, proposed initiative, or proposed referendum via a website, or another medium, not owned or controlled by the public entity;

(c) a public entity from posting on the public entity's website a link to another website, with a brief description, that is not owned or controlled by a public entity, or from publishing in any medium owned, controlled, or paid for by a public entity a website address, with a brief description, where an individual may view research, information, and arguments for or against a ballot proposition, proposed initiative, or proposed referendum if the public entity:

(i) before posting the link or publishing the address, provides at least seven days written notice to the sponsors of the ballot proposition, proposed initiative, or proposed referendum:

(A) of the public entity's intent to post the link or publish the address;

(B) a description of each medium in which the public entity intends to post the link or publish the address; and

(C) the dates of the publication or posting; and

(ii) posts, immediately adjacent to the link or address, and brief description described in Subsection (4)(c)(i), a link to, or an address for, a website, with a brief description, containing the sponsors' research, information, and arguments for or against the ballot

proposition, proposed initiative, or proposed referendum, if the sponsors provide a link or address within seven days after the day on which the sponsors receive the notice described in Subsection (4)(c)(i); or

(d) a public entity from posting on the public entity's website, or any medium, a complete copy of a proposition information pamphlet described in Section 20A-7-401.5 or a voter information pamphlet.

Utah Code § 20A-11-1202(2)

“‘Ballot proposition’ means constitutional amendments, initiatives, referenda, judicial retention questions, opinion questions, bond approvals, or other questions submitted to the voters for their approval or rejection.”

Utah Code § 20A-11-1202(5) See separate document on sections added.

“‘Expenditure’ means:

(a) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of value;

Example: The City donates cash or property, lends money, buys a political tee shirt, or requires a City employee to use his or her time (which has value) in campaign efforts.

(b) an express, legally enforceable contract, promise, or agreement to make any purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of value;

Example: The City promises a candidate that it will do any of the things in the previous example.

(c) a transfer of funds between a public entity and a candidate's personal campaign committee;

Example: The City deposits money into the bank account of a candidate’s personal campaign committee.

(d) a transfer of funds between a public entity and a political issues committee;
or

Example: The City deposits money into the bank account of a political issues committee (for example, a group that tries to influence people about a ballot proposition, such as a proposed bond issue).

(e) goods or services provided to or for the benefit of a candidate, a candidate's personal campaign committee, or a political issues committee for political purposes at less than fair market value.”

Example: The City sells used computers at less than fair market value to a personal campaign committee.

Utah Code § 20A11-1202(8)

“‘Influence’ means to campaign or advocate for or against a ballot proposition.

Example: The City includes a message on your paycheck stub, urging you to vote for a bond issue.

Utah Code § 20A-11-1202(11)

“‘Political purposes’ means an act done with the intent or in a way to influence or intend to influence, directly or indirectly, any person to refrain from voting or to vote for or against any

(a) candidate for public office at any caucus, political convention, primary, or election; or . . .

Example: A television or radio commercial urging voters to vote for or against a candidate; putting a candidate’s campaign sign on someone’s lawn; or attending a political rally in support of a candidate.

Utah Code §20A-11-1202(15)

“(a) "Public funds" means any money received by a public entity from appropriations, taxes, fees, interest, or other returns on investment.

Example: Property and sales taxes; license and permit fees; investment income of the City.

(b) "Public funds" does not include money donated to a public entity by a person or entity.”

Example: A private donation to the City of a large sum of money as a reward for information about a crime.

27. Can an elected City official or a policy-making appointee speak out on political issues, urge people to vote for a particular candidate, or contribute his or her own money toward a candidate?

Yes, unless such activities violate *Utah Code § 10-3-1108* (relating to political activity of City employees – see Questions 7, 8, 12-15, 22, 23, and 24) or *City Code § 2.44.040(B)* (relating to corrupt use of an employee’s City position – see Question 17).

Utah Code § 20A-11-1206(1)

“Nothing in this chapter prohibits a public official from speaking, campaigning, contributing personal money, or otherwise exercising the public official's individual First Amendment rights for political purposes.”

Utah Code § 20A-11-1202(11)

“‘Political purposes’ means an act done with the intent or in a way to influence or intend to influence, directly or indirectly, any person to refrain from voting or to vote for or against any:

(a) candidate for public office at any caucus, political convention, primary, or election; or”

...

Utah Code § 20A-11-1202(16)

“‘Public official’ means an elected or appointed member of government with authority to make or determine public policy.”

(b) “Public official” includes the person or group that:

- (i) has supervisory authority over the personnel and affairs of a public entity; and
- (ii) approves the expenditure of funds for the public entity.

Example: The Mayor, a member of the City Council, or a member of the Airport Board.

28. Can the City publish a flyer stating why the City needs a new library and informing people that a bond election is upcoming to vote on whether bonds to pay for the library should be issued?

Yes, if the flyer allows opponents of the bond issue to state why they oppose the bonds.

Utah Code §20A-11-1206(2), (5)

“(a) Subject to Subsection 2(b), nothing in this chapter prohibits a public entity from providing factual information about a ballot proposition to the public, so long as the information grants equal access to both the opponents and proponents of the ballot proposition.”

(b) A . . . municipality may not provide any information to the public about a proposed initiative, initiative, proposed referendum, or referendum unless the . . . municipality:

- (i) provides the information in a manner required, or expressly permitted, by law; or
- (ii) is directly providing information solely to a person or a group of people in response to a question asked by the person or group of people.

(5) Subject to Subsection (6), a . . . municipality may expend a reasonable amount of public funds to:

- (a) prepare and publish a written argument or written rebuttal argument in accordance with Section 20A-7-401.5, 20A-7-402, or 59-1-1604; or
- (b) prepare an argument for, and present an argument at, a public meeting under Section 20A-7-405 or 59-1-1605.

(6) A . . . municipality may not:

- (a) publish an argument or rebuttal argument prepared under Section 20A-7-401.5 or 20A-7-402, unless, at the same time and in the same manner, the . . . municipality publishes each opposing argument and rebuttal argument that:
 - (i) relates to the same proposed initiative, initiative, proposed referendum, or referendum; and
 - (ii) complies with the requirements of Section 20A-7-401.5 or 20A-7-402;
- (b) publish an argument or rebuttal argument for or against a proposed initiative, initiative, proposed referendum, or referendum that was not prepared and submitted in accordance with Section 20A-7-401.5 or 20A-7-402; or
- (c) present an argument or rebuttal argument for or against a proposed initiative, initiative, proposed referendum, or referendum at a public meeting, unless the . . . municipality provides equal opportunity for persons to present opposing arguments and rebuttal arguments at the public meeting.

The City is a “public entity” and a “municipality.”

Utah Code § 20A-11-1202(2)

“‘Ballot proposition’ means constitutional amendments, initiatives, referenda, judicial retention questions, opinion questions, bond approvals, or other questions submitted to the voters for their approval or rejection.”

29. Can the City pay for a radio commercial simply encouraging people to vote at an election, without encouraging them to vote for particular candidates?

Yes.

Utah Code § 20A-11-1206(3)

“Nothing in this chapter prohibits a public entity from the neutral encouragement of voters to vote.”

The City is a “public entity.”

30. Can an elected City official express support for or opposition to a ballot proposition?

Yes, but not in a way that violates *Utah Code § 10-3-1108* (relating to political activity of City employees – see Questions 7-9, 11-14, 21, 22, and 24) or *City Code § 2.44.040(B)* (relating to corrupt use of an employee’s City position – see Question 16).

A “ballot proposition” is a question submitted to the voters for their approval or rejection. It would include, for example, a vote to issue bonds for a new library, or to add fluoride to the water supply.

Utah Code § 20A-11-1206(4)

“Nothing in this chapter prohibits an elected official from campaigning or advocating for or against a ballot proposition.”

Utah Code § 20A-11-1202(2)

"Ballot proposition" means constitutional amendments, initiatives, referenda, judicial retention questions, opinion questions, bond approvals, or other questions submitted to the voters for their approval or rejection.”

F. Actions of Candidates

31. Can a candidate lawfully promise a City office or position to someone if the candidate wins the election?

No.

Utah Code § 20A-1-608

(1) In order to aid or promote his nomination or election, a person may not directly or indirectly appoint or promise to appoint any person or secure or promise to secure, or aid in securing the appointment, nomination, or election of any person to any public or private position or employment, or to any position of honor, trust, or emolument.

(2) Nothing contained in this section prevents:

(a) a candidate from stating publicly his preference for, or support of, any other candidate for any office to be voted for at the same primary or election; or

(b) a candidate for any office in which the person elected will be charged with the duty of participating in the election or nomination of any person as a candidate for any office from publicly stating or pledging his preference for, or support of, any person for that office or nomination.

Utah Code § 20A-1-601

1) A person may not, directly, indirectly, or through any other person:

* * *

(b) give, offer, or promise any office, place, or employment, or to promise or procure, or endeavor to procure, any office, place, or employment, to or for any voter, or to or for any other person, in order to:

(i) induce a voter to vote or refrain from voting at any election;

(ii) induce any voter to vote or refrain from voting at an election for any particular person or measure; or

(iii) obtain the political support or aid of any person;

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