

SALT LAKE CITY ORDINANCE
No. 76 of 2012

(Authorizing opinion questions to be submitted to the voters)

AN ORDINANCE ENACTING CHAPTER 2.69 OF THE *SALT LAKE CITY CODE* AUTHORIZING OPINION QUESTIONS TO BE SUBMITTED TO THE VOTERS AND ESTABLISHING RELATED PROCEDURES.

WHEREAS, Section 10-8-84 of the Utah Code (known as the “general welfare clause”), among other things, authorizes the City Council to pass all ordinances, not repugnant to law, as are necessary and proper to promote the prosperity, peace and good order, comfort, and convenience of the city and its inhabitants; and

WHEREAS, in *State v. Hutchinson*, 624 P.2d, 1116, (Utah 1980), the Utah Supreme Court held that when the state has granted general welfare power to local governments, the court will not interfere with ordinances adopted pursuant to that power unless they are arbitrary, directly prohibited by, or inconsistent with state or federal laws; and

WHEREAS, Chapter 16a of Title 36 of the Utah Code authorizes the Utah Legislature to submit statewide opinion questions to the voters; and

WHEREAS, the Utah Code contains no corresponding provision authorizing or prohibiting a local opinion question to be submitted to the voters; and

WHEREAS, it is proposed that Chapter 2.69, *Salt Lake City Code*, be enacted to allow opinion questions to be submitted to the voters of Salt Lake City; and

WHEREAS, the City Council finds (i) formal expressions of opinion by the voters of Salt Lake City on matters of concern to the community can be an important part of the democratic process whether or not they have power to effectuate such declarations by binding legislation and (ii) adoption of this ordinance reasonably furthers the health, safety, and general welfare of the citizens of Salt Lake City.

NOW, THEREFORE, be it ordained by the City Council of Salt Lake City, Utah:

SECTION 1. Chapter 2.69, *Salt Lake City Code*, shall be, and hereby is, enacted to read as follows:

Chapter 2.69
LOCAL OPINION QUESTIONS

2.69.010: PURPOSE:

The purpose of this chapter is to establish a process whereby non-binding opinion questions may be submitted to the legal voters of Salt Lake City.

2.69.020: SUBMISSION OF OPINION QUESTIONS TO THE VOTERS:

A. A non-binding opinion question may be submitted to the legal voters of Salt Lake City as provided in Subsection A.1 or A.2 of this section.

1. If an initiative proposed pursuant to Section 20A-7-501 et seq., Utah Code Annotated, as amended or its successor, is found to be legally sufficient based on the number of legal signatures obtained, but is determined by the city to be invalid because the subject matter of the initiative, if passed, would not result in a city law, the sponsors of the initiative may request that the city recorder submit the matter to the legal voters of the city as an opinion question as provided in this chapter.

2. The city council may, by resolution, request that an opinion question be submitted to the legal voters of the city as provided in this chapter. The resolution shall include the language of the opinion question as it will be submitted to the voters.

B. If a nonbinding opinion question is initiated as provided in Subsection A of this section, the city recorder shall take action necessary to submit the opinion question to the legal voters of Salt Lake City as provided in this chapter.

1. If the request is made pursuant to Subsection A.1, the opinion question submitted to the voters shall be as shown in the initiative petition circulated by the petition sponsors.

2. If the request is made pursuant to Subsection A.2, the city recorder shall conform to the requirements of the resolution adopted as provided in that subsection.

C. The mayor may establish additional requirements not in conflict with the provisions of this chapter to facilitate submission of opinion questions to the voters.

2.69.030: OPINION QUESTION NUMBER, SHORT TITLE, AND NOTICE:

Within sixty (60) days after a nonbinding opinion question is initiated as provided in Section 2.69.020 of this chapter, the city recorder shall:

- A. Give the opinion question a number;
- B. Prepare a short title that summarizes the subject matter of the opinion question;
and
- C. Cause the opinion question, its number, and short title to be shown on a ballot, as provided in Section 2.69.050 of this chapter, which shall be published:

- 1. On the city's website;
- 2. On the Utah Public Notice Website created in Section 63F-1-701, Utah Code Annotated; and
- 3. In at least two (2) Salt Lake County newspapers.

2.69.040: VOTER INFORMATION PAMPHLET:

A. The city recorder shall prepare a voter information pamphlet that meets the requirements of this section. The pamphlet shall be made available to the voters by mail, electronically, or any other method or combination of methods designed to give all voters access to the pamphlet at least twenty (20) days prior to the time when an opinion question will be submitted to the voters.

B. Within twenty (20) days after notice of an opinion question is published as provided in Section 2.69.030 of this chapter a statement, not exceeding five hundred (500) words supporting or opposing the opinion question, may be submitted to the city recorder by:

- 1. The sponsors of an opinion question initiated as provided in Section 2.69.020 of this chapter, and
- 2. A person opposed to the opinion question. If more than one person submits a statement in opposition, the city recorder shall, by drawing lots, select an opposition statement.
- 3. Any statement submitted shall identify the author thereof.

C. The city recorder shall include the statements provided pursuant to Subsection B of this section in the voter information pamphlet.

2.69.050: BALLOT FORM:

A. An opinion question ballot shall contain:

1. A number and short title;
2. The text of the opinion question; and
3.
 - a. The words "FOR" and "AGAINST," each word presented with an adjacent square in which the voter may indicate the voter's choice; or
 - b. All possible responses to the opinion question, each response presented with an adjacent square in which the voter may indicate the voter's choice.

B. Each ballot shall be identical notwithstanding whether it is presented to a voter in print or electronic form.

2.69.060: TIME AND MANNER OF VOTING:

A. Within sixty (60) days after public notice is published as provided in Section 2.69.030 of this chapter, the city council shall, by resolution, establish the time when an opinion question will be submitted to the voters and the method by which it will be accomplished. Such methods may include voting by mail, telephone, electronically, or a combination thereof.

B. The recorder shall submit the opinion question ballot to the voters as provided in the resolution of the city council.

2.69.070: CANVASS OF RETURNS:

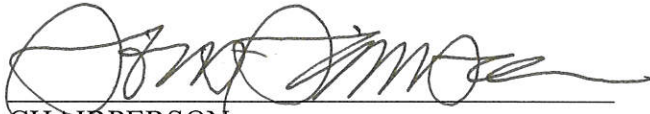
A. No later than fourteen (14) days after the close of voting on an opinion question, the city council shall meet at the usual place of meeting to canvass the returns from an opinion question. The council shall declare the results of the opinion question submitted, including the total number of votes for and against the question.

B. The city recorder shall make a certified abstract of the record of the canvassers detailing the votes cast on the opinion question.


C. The mayor may resolve any issues relating to the canvassing process that are not governed by this section.

SECTION 3. This ordinance shall become effective on the date of its first publication.

Passed by the City Council of Salt Lake City, Utah this 23 day of October, 2012.



CHAIRPERSON

ATTEST:


CITY RECORDER

Transmitted to Mayor on October 30, 2012.

Mayor's Action: X Approved. Vetoed.


MAYOR


CITY RECORDER



(SEAL)

Bill No. 76 of 2012.

Published: November 5, 2012.

Opinion Question ordinance (as adopted - clean 10-23-12).doc

APPROVED AS TO FORM	
Date:	<u>October 23, 2012</u>
By:	<u>M. Lindley</u>