

ELECTION 1976

OFFICIAL UTAH VOTER INFORMATION PAMPHLET



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OFFICE OF LEGISLATIVE RESEARCH

FROM THE OFFICE OF LT. GOVERNOR/SECRETARY OF STATE
CLYDE L. MILLER

STUDY THE ENCLOSED INFORMATION CAREFULLY,
BE AN INFORMED VOTER



STATE OF UTAH
OFFICE OF
LT. GOVERNOR/SECRETARY OF STATE
203 STATE CAPITOL
SALT LAKE CITY, UTAH 84114

CLYDE L. MILLER
Lt. Governor/Secretary of State
HARVARD R. HINTON
Deputy

Dear Utah Citizens:

This Utah Voters Information Pamphlet has been prepared to give you a clear and concise explanation of all the measures that will appear on the ballot at the general election on November 2, 1976. This pamphlet and the information herein has been prepared according to Utah statutes and is presented for your information.

The pamphlet contains each ballot measure with an impartial analysis. Arguments for and against the measures are included along with rebuttals to the arguments. Included also are instructions for ballot marking so you may do so correctly.

I believe you will find this Voter Information Pamphlet to be a very useful aid in understanding the measures to be placed before you on the ballot. I urge you to study the information carefully then vote as you desire. I would further urge you to be sure and vote - it is both your privilege and your duty as a Citizen of America. Your vote does count.

Sincerely,

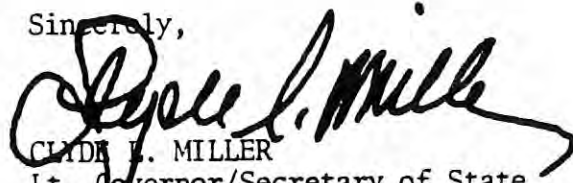

CLYDE L. MILLER
Lt. Governor/Secretary of State
State of Utah

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PROPOSITION NO. 1

ELECTIONS AND SUFFRAGE ARTICLE REVISION

Shall Article IV of the State Constitution be amended: to decrease the minimum voting age to 18 years in all elections in conformity with the United States Constitution; to reduce residency requirements for voting to 30 days next preceding any election or such other period as provided by law; to remove property qualifications for voting found in this Article; and to replace the term "electors" by the term "voters."

FOR ☐

AGAINST ☐

FINAL VOTES AS CAST BY THE LEGISLATURE

Senate:

For — 24
Against — 1
Absent — 4

House of Representative:

For — 52
Against — 22
Absent — 1

IMPARTIAL ANALYSIS BY THE UTAH LEGISLATIVE RESEARCH DIRECTOR

The principal effect of the proposed amendment would be to amend obsolete sections of the Elections and Right of Suffrage Article (Article IV) of the Constitution of Utah to bring them into conformity with current federal constitutional requirements regarding voting age minimums, property qualifications for voting, and residency requirements for voting.

As it now reads, Article IV: (a) requires that a voter be 21 years of age; (b) requires that the voter reside in the state six months and in the county 60 days, except for election of the president and vice-president where the voter need only reside in the state for 30 days prior to the election; and (c) permits a property qualification for voting in elections levying a special tax or creating indebtedness. The first of the above requirements was superceded by the adoption of the 26th Amendment to the U.S. Constitution, and the remaining two provisions were declared unconstitutional by federal courts.

The proposed amendment would bring this Article IV into agreement with the U.S. Constitution and case law interpreting it by: (1) lowering the minimum voting age to 18 years; (2) reducing the residency requirement for voting to 30 days residence in the state preceding the election or "four such other period as required by law;" and (3) eliminating the property requirements for voting in elections levying a special tax or creating indebtedness as allowed by this Article. In addition this proposed amendment would modernize various sections of Article IV and bring them into agreement with previously accepted revisions of other Articles of the Constitution of Utah by changing the term "electors" to "voters." There is no essential difference in the meaning of these two words.

The proposed amendment will not have any significant fiscal impact on state or local government.

J. Leon Sorenson
Legislative Research
Director
State Capitol Building
Salt Lake City, Utah

(No arguments in favor or against the measure were submitted within the time requirements established by law.)

COMPLETE TEXT
ELECTION AND SUFFRAGE ARTICLE REVISION
(Passed March 12, 1975)
By the Legislature

A joint resolution proposing to Amend Article IV of the Constitution of the State of Utah; Relating to elections and right of suffrage; Amending Section 2 to decrease the minimum voting age to 18 years in all elections and reducing the durational residents requirements for voting; Amending Sections 3, 4, 5, and 6 to Replace Electors by Voters; and Amending Section 7 to remove the reference to property qualifications to vote.

Be it resolved by the Legislature of the State of Utah, two-thirds of all members elected to each of the two houses voting in favor thereof:

Section 1. It is proposed that Article IV of the Constitution of the State of Utah be amended to read:

Sec. 1. The rights of citizens of the State of Utah to vote and hold office shall not be denied or abridged on account of sex. Both male and female citizens of this State shall enjoy equally all civil, political and religious rights and privileges.

Sec. 2. Every citizen of the United States, 18 years of age or over, who makes proper proof of residence in this state for 30 days next preceding any election, or for such other period as required by law, shall be entitled to vote in the election.

~~(Sec. 2. Every citizen of the United States twenty-one years of age or over, who has been a legal resident of this state for six months and of the county for sixty days next preceding any election, shall be entitled to vote in the election, except that in a presidential election year persons who make proper proof of residence in this state for thirty days immediately preceding the last voter registration day may register and vote for a president and vice president of the United States only.)~~

Sec. 3. In all cases except those of treason, felony or breach of the peace, ~~(electors)~~ voters shall be privileged from arrest on the days of election, during their attendance at elections, and going to and returning therefrom.

Sec. 4. No ~~(elector)~~ voter shall be obliged to perform militia duty on the day of election except in time of war or public danger.

Sec. 5. No person shall be deemed a qualified ~~(elector)~~ voter of this State unless such person be a citizen of the United States.

Sec. 6. No ~~(idiot, insane)~~ mentally incompetent person or person convicted of treason, or crime against the elective franchise, unless restored to civil rights, shall be permitted to vote at any election, or be eligible to hold office in this State.

Sec. 7. No property qualification shall be required for any person to vote or hold office.

~~(Sec. 7. Except in elections levying a special tax or creating indebtedness, no property qualification shall be required for any person to vote or hold office.)~~

Sec. 8. All elections shall be by secret ballot. Nothing in this section shall be construed to prevent the use of any machine or mechanical contrivance for the purpose of receiving and registering the votes cast at any election: Provided, That secrecy in voting be preserved.

Sec. 9. All general elections, except for municipal and school officers, shall be held on the Tuesday next following the first Monday in November of the year in which the election is held. Special elections may be held as provided by law. The terms of all officers elected at any general election, shall commence on the first Monday in January next following the date of their election. Municipal and School officers shall be elected at such time as may be provided by law.

Sec. 10. All officers made elective or appointive by this Constitution or by the laws made in pursuance thereof, before entering upon the duties of their respective offices, shall take and subscribe the following oath or affirmation: "I do solemnly swear (or affirm) that I will support, obey and defend the Constitution of the United States and the Constitution of this State, and that I will discharge the duties of my office with fidelity."

Sec. 2. The Secretary of State is directed to submit this proposed amendment to the electors of the State of Utah on November 2, 1976 in the manner provided by law.

Sec. 3. If adopted by the electors of this state, this amendment shall take effect on January 1, 1977.

Initiative Proposal A

FREEDOM FROM COMPULSORY FLUORIDATION AND MEDICATION ACT

Should a law be adopted, the purpose of which shall be:

1. To prohibit the State Board of Health from adding fluorides and other medications to any public water supply, and
2. To prohibit fluoridation or other medication of any public water supply except when authorized to do so pursuant to an initiative petition approved by a vote of the majority of the users of said water supply.

FOR ☐

AGAINST ☐

IMPARTIAL ANALYSIS BY THE LEGISLATIVE RESEARCH DIRECTOR

The proposal would amend a section of the Utah statutes which regulates the authority of the State Board of Health (Section 26-15-5, Utah Code Annotated 1953). It would prohibit the State Board of Health from requiring the addition of fluoride or other medications to public water supplies. It also provides that the addition of fluoride or other medications to public water supplies will be permitted only with the approval of a majority of voters in a duly constituted election in the area affected. The proposal further requires that elections concerning fluoridation may be held only upon the filing of initiative petitions requesting such action in accordance with state law governing initiative petitions.

The proposal would not have a direct fiscal impact upon present state expenditures.

J. Leon Sorenson
Legislative Research Director

ARGUMENTS IN FAVOR OF INITIATIVE PROPOSAL A

FREEDOM FROM COMPULSORY FLUORIDATION

1. WILL FLUORIDE INCREASE YOUR WATER BILL?

A Salt Lake City Water Commissioner has admitted that our water bills will increase a minimum of 20%. He also estimates additional initial equipment costs of \$15,000,000 for Utah. Estimates like this are usually proven to be low.

2. IS FLUORIDE A POISON? IS IT CUMULATIVE? IS IT HARMFUL?

Yes, fluoride is a highly toxic cumulative poison, in any size dose.

3. ARE PUBLIC OFFICIALS RESPONSIVE TO THE PEOPLES WISHES?

Fluoridation has been voted down more than a dozen times by the people of Utah. This proves that some public officials are not responsive to the peoples wishes.

4. HAS FLUORIDE BEEN PROVEN SAFE?

Small quantities of Sodium Fluoride injected by the body are never eliminated and are extremely harmful to the kidney, spleen, liver, etc. Even the American Medical Association has stated that they are not prepared to state that no harm will be done to any person by water fluoridation.

5. SHOULD THE PEOPLE OF UTAH HAVE THE RIGHT TO CHOOSE WHETHER THE WATER SUPPLY IS FLUORIDATED OR NOT?

Absolutely yes, all power and authority in government should reside in the people.

6. SHOULD THE WATER BE USED AS A MEDIUM FOR MEDICATION? DO THE PEOPLE OF UTAH HAVE A RIGHT TO PURE WATER?

Water should be purified not medicated. Medication should be handled by a doctor-patient relationship. If medication were given in water, there would be no doctor to handle allergies, side effects, or give correct dosages. The people of Utah do have a right to have pure water.

**VOTE FOR FREEDOM OF CHOICE,
VOTE AGAINST COMPULSORY FLUORIDATION**

H. Austin Belnap, Chairman
The People of Utah Recalling
Enforced Flouridation

REBUTTAL TO ARGUMENTS FOR INITIATIVE PROPOSAL A

1. Fluoridation equipment is a one time expense. Maintenance and supplies are very inexpensive. Reduction in dental cost of up to \$100 per year per family far outweighs cost of fluoridation.

2. Fluoride is toxic at high doses as are many other useful things. Salt, water and vitamins are toxic at high doses. At the recommended dose, fluoride is not a medication or a poison, but is an essential nutrient.

3. Many issues have been voted down in the past. New knowledge and new information require changes of opinion when scientific evidence justify them.

4. The AMA statement is based on a dose level far higher than that recommended for water. At the level recommended, virtually every major scientific body has agreed it is safe.

5. Surprisingly, this is the only public health measure subjected to the referendum procedure. Scientific and studious people are in favor. Only doubts and fears that are untrue cause unfavorable action.

6. Fluoride is a normal nutrient recommended by nutritionists. It is not a medication at all. It is already present in all water to some extent. What is recommended is an adjustment to an effective level to prevent tooth decay.

Lyman J. Olsen, M.D., M.P.H.
Director of State Health
Department

ARGUMENTS AGAINST INITIATIVE PROPOSAL A

REASONS FOR FLUORIDATION OF PUBLIC WATER SUPPLIES IN UTAH

There are presently over 100 million people in the United States served by public water supplies which have been adjusted to a fluoride level of one part per million. There are about nine million served by water which contains optimum levels or more fluoride. These people are distinguished by only one thing. They have a marked reduction in dental decay. Up to 60% of decay can be eliminated by adjustment of fluoride level.

Over thirty years' experience with artificial fluoridation and a lifetime of experience with naturally fluoridated water show no adverse effect at the level of one part per million. At higher levels, some staining (Fluorosis) may develop.

The American Water Works Association endorses fluoridation and states that it can be introduced into the water safely and effectively.

Virtually every organization concerned with health matters and several organizations whose major concern is cost of health care endorse this method of reducing decay.

Courts in several states have ruled that dental caries (decay) is a public health problem of pandemic importance which is a preventable disease. They have further ruled that a safe method of prevention is available and that this is an issue to be addressed by the health boards and authorities. The responsibility to prevent disease is not limited to communicable disease but includes all preventable diseases.

The National Research Council has determined by several studies that fluoride at the levels indicated is a necessary nutrient for human health and development and is necessary for normal reproduction.

Further, the Food and Drug Administration, nutritionists, and the courts have ruled that fluoride at the recommended levels is a nutrient, not a medication.

Fluoride has a positive effect on the strength of enamel in teeth and strength of bones in elderly people.

The cost effectiveness is about 30 to one. That is for every dollar spent, thirty dollars can be saved in dental care. Utahns spend up to \$60 million per year for dental care. Comparison of dental costs between fluoridated and non-fluoridated areas shows a reduction of up to 50% of costs.

No one will deny that good nutrition, good dental practices and other methods of fluoride application reduce caries. None of these will do the whole job. Certainly health education, good dental hygiene and good nutrition should continue as should research into other means of preventing disease.

Numerous arguments have been raised against fluoridation; however, careful evaluation by disinterested groups and scientists have discredited these arguments.

Fluoridation of public water supplies is a well defined and safe method of reducing dental disease. It is a preventive program designed to reduce a major public health problem which affects virtually all children and many adults.

A lifetime of experience shows no change in disease patterns or death rates in fluoridated areas over non-fluoridated area, except the marked reduction in dental disease.

In a state with a high birth rate, large families and low tax base, it makes economic and health sense to do all possible to reduce disease.

Lyman J. Olsen, M.D., M.P.H.
Director of Health

REBUTTAL TO ARGUMENTS AGAINST INITIATIVE PROPOSAL A

1. No proof that fluoride really does reduce cavities. Competent authorities do not agree among themselves.

2. Everyone, even government surveys admit water becomes unsafe at 1.4 parts million. How does it become safe at 1.39 parts million? Also tests have shown it cannot be accurately controlled.

3. Reports admit some staining may occur at levels higher than 1.0 parts million. Some competent scientists say there is evidence of other damage and also we have no proof it is not occurring even at lower levels.

4. Use of the water systems for medication, destroys doctor-patient relationships and dosage become uncontrollable.

5. How can a court make a decision that a known toxic cumulative poison becomes a nutrient at lower levels. The chemical makeup of a substance does not change by reducing the amount.

Above all, lets have freedom of choice, not forced fluoridation.

H. Austin Belnap
Chairman
The People of Utah
Recalling Enforced Fluoridation

COMPLETE TEXT

FREEDOM FROM COMPULSORY FLUORIDATION AND MEDICATION ACT

WHEREAS, the people of Ogden, Utah defeated fluoridation at the polls;

WHEREAS, the people of Kearns, Utah defeated fluoridation in a referendum by a 2 to 1 margin;

WHEREAS, the people of Salt Lake City, Utah decisively defeated fluoridation twice at the polls;

WHEREAS, the people of Price, Utah defeated fluoridation two times at the polls;

WHEREAS, the people of Springville, Utah defeated fluoridation at the polls by an 8 to 1 margin;

WHEREAS, the people of Sunset, Utah defeated fluoridation in a referendum;

WHEREAS, the people of American Fork, Utah defeated fluoridation by a 5 to 1 margin at the polls;

WHEREAS, the people of Clearfield, Utah in an opinion only ballot defeated fluoridation;

WHEREAS, the people of Heber City, Utah defeated fluoridation by a 3 to 1 margin;

WHEREAS, the people of Moab, Utah defeated fluoridation by 2 to 1 at the polls;

WHEREAS, the members of the Utah Senate defeated a proposal to fluoridate public water supplies throughout the State of Utah by a 3 to 1 margin;

WHEREAS, the right to determine what shall be done to one's own body is fundamental;

WHEREAS, water is necessary for life;

WHEREAS, many people are dependent on public supplies for water;

WHEREAS, the Association of American Physicians and Surgeons, Inc. on the 12th day of April, 1958 condemned the addition of any substance to public water supplies for the purpose of affecting the bodies or bodily or mental functions of the consumers;

WHEREAS, Dr. Robert C. Olney, M.D. says that many, many serious diseases are caused by the cumulative effects of fluoride;

WHEREAS, Dr. George L. Waldbott, M.D., F.A.C.P., F.A.C.A., F.A.A.A., and internationally renowned allergist, says, "As a physician, I am opposed to fluoridation because I am afraid of the hazards, as a scientist I am impressed by the contradictory evidence, and as a citizen, I am shocked at the method of promoting it."

WHEREAS, Dr. Phillip Zanfagna declared, "I have looked into every facet of this experiment. The truth is that it is not scientific, not effective, a waste of public funds and a menace to health";

AND WHEREAS, the Utah State Board of Health announced its intention to compel municipalities to fluoridate their water supplies;

NOW THEREFORE, the people of Utah do submit by Initiative Petition an act entitled the Freedom from Compulsory Fluoridation and Medication Act to amend Sec. 26-15-5 (5) (a) of the Utah Code Annotated 1953 to read as follows:

Section 1

(5) To establish minimum sanitary standards for: (a) The collection, treatment and distribution of drinking water including sanitary supervision, regulation and control at the construction, extension, operation, and maintenance of public water supply collection, treatment and distribution systems and approval of plans covering the construction and extension of such systems, provided, however, that the State Board of Health is expressly prohibited from compelling the additions of fluorides or other medications to any public water supplies including any state, county, or municipal water supplies.

Section 2

The following section is added to Chapter 15 of Title 26, Utah Code Annotated 1953:

Notwithstanding any other provision of law, public water supplies whether state, county, municipal or district, shall not have fluorine or any of its derivative or compounds or any other medications added thereto without the approval of a majority of voters in a duly constituted election in the area affected thereby; and that no such election shall be held unless there has been filed an initiative petition requesting such action in accordance with state law governing initiative petitions.

INITIATIVE PROPOSAL B

THE UTAH RECALL AND ADVISORY RECALL ACT

Should a law be adopted, the purpose of which shall be:

1. To authorize the recall of any public officer whether elected or appointed, for any reason whatsoever, including political reasons, by the registered voters of the electoral district from which said officer is elected or appointed, and

2. To authorize a special election to replace any officer as a result of a recall petition signed by registered voters of at least 10% for state officers, 12% for county officers, and 15% for local officers.

FOR ☐

AGAINST ☐

IMPARTIAL ANALYSIS BY THE LEGISLATIVE RESEARCH DIRECTOR

Recall is a procedure by which voters may, through petition and special election, remove a public officer from office before the completion of his or her term of office. The proposal for recall would allow Utah voters to initiate by petition the recall of both state and local elective and appointive officers and to apply this procedure in certain limited ways to members of the U.S. Congress and to U.S. District Court Judges.

At present Utah law permits the removal of state legislators by vote of their own legislative houses, the removal of all other public officers by impeachment or court trial, and the removal of members of the state judiciary by impeachment or by two-thirds vote of the legislature. Current laws permit the removal of appointive officials only by administrative superiors or through merit system procedures.

If adopted, the initiative proposal for recall would:

1. Allow any state or local officer, either elected or appointed, to be subject to a recall election.

Recall of a public officer could be sought for any reason causing voter dissatisfaction. A recall petition must include a statement of the reasons for which the recall is being initiated.

2. Establish the number of petition signatures necessary to initiate a recall election.

Signature requirements are based on a percentage of the total vote for all candidates for the office in question at the last election. Signatures equaling 10% of the total vote cast for the office are required for state officers, 12% for county officers, and 15% for municipal officers. The proposal does not specify the numbers of signatures required to initiate recall of school district officers, officers in special purpose districts, and certain judicial and municipal officers. The actual number of signatures which would be required to initiate recall varies greatly depending on the particular office and level of government involved. For example, based on the votes cast in the 1972 general election, an average of 47,047 signatures would be required to initiate a recall election for a state elected executive officer, while a Daggett County commissioner could be subject to recall by an average of 28 petition signatures. Recall of a member of the Utah House of Representatives, based on 1974 election results, could be initiated with an average of 526 signatures.

Petition signature requirements for appointed officials are based on a percentage of the registered voters in the electoral district from which the official was appointed at the time of

the last general election. Signatures would have to be equal in number to 10% of the registered voters for state appointed officers, 12% for county officers, and 15% for municipal officers. The proposed act does not specify the number of signatures required to initiate recall of appointed officials in school or special purpose districts.

3. Provide for the replacement of a recalled officer. An election to fill the position of a recalled elective public officer would be held simultaneously with the recall election. The officer whose recall is being sought could be a candidate in the election to fill the vacancy.

4. Permit Utah members of Congress and United States District Court Judges in Utah to be named in recall elections.

Recall elections for members of the U.S. Congress and U.S. District Court Judges could be initiated in the same manner as for state officers. Candidates for Congress could submit statements prior to election indicating their pledge to resign if recalled. A candidate's pledge, refusal to pledge, or lack of pledge would be indicated on the ballot at the time of his election. In the recall procedure for U.S. District Court Judges, voters could petition for an election to request the resignation of a district judge. The voters could also elect a candidate for a judge's replacement or to fill a vacant judgeship for recommendation to the President of the United States.

Because the positions of U.S. Senator and Congressman are established by the U.S. Constitution and the position of U.S. District Court Judge is established by federal law, state recall provisions pertaining to these officers would not be binding.

5. Restrict the filing of more than one recall petition against the same officer.

Following an unsuccessful recall election further recall petitions against the same officer could not be filed for two years unless petitioners pay the cost of the previous recall election.

6. Assign responsibility for the cost of recall elections.

The expenses of a state recall election would be paid by the state, while those of a county or municipality would be paid by the county or municipality, respectively. The cost of a recall election would depend upon the jurisdiction of the officer whose recall is being sought. The cost of a statewide recall election has been estimated to be approximately \$217,000. A county recall election could cost as little as \$1,500 or as much as \$82,000.

The proposal states that nothing in the State Constitution prohibits recall enactment. It is the opinion of the Legislative General Counsel and other legal authorities that statutory enactment of recall provisions such as these is unconstitutional without the benefit of an amendment to the Utah Constitution providing for recall.

J. Leon Sorenson
Legislative Research Director

ARGUMENTS IN FAVOR OF INITIATIVE PROPOSAL B

Argument in Favor of the People's Recall

"All political power is inherent in the people," states the Utah State Constitution, yet, the possibility of a Recall Law in the State of Utah has generated an emotional response from the majority of the politicians and their friends in the media. The response has been one of misstatements and half-truths opposing Recall. Some politicians have even stated that if they have to be subject to removal from office by the people that elect them, via a recall law, they will not run for office again.

What is this "Recall" That Seems to Generate Fear in the Hearts of Many politicians?

Recall is a procedure by which an official can be removed from office before the end of the term for which he was elected or appointed. This can be done by an initiative petition of the voters. It is based on the fact that "all political power is inherent in the people," and all public officials are agents of the people and, therefore, subject to their control.

How Effective are Recall Laws in Other Western States?

When recall laws were adopted in our neighboring states the politicians expressed the fear that recall would be abused by minorities or special interest groups, and they stated "it would cause great chaos and instability in government." Their fears have simply not been realized, but to the contrary, recall has been effective in the removal of many incompetent, unfaithful, and arbitrary public officials.

What Public Officials Could be Recalled from Office?

If the voters adopted the Recall Law in November, any elected or appointed state officer, any elected or appointed county officer, any elected or appointed municipal officer could be removed from office by a majority of the voters in a special recall election.

What Will the Procedure be To Recall a Public Servant?

A petition, stating in two hundred words or less the grounds for recall would be circulated in the jurisdiction of the official sought to be recalled for the signatures of the registered voters. State officers would require 10% of those voting in the most recent general election, county officers 12% and municipal 15% of those voting for the office.

Upon qualification of the petition, a special election would be called. The majority vote would then determine if the public official would remain in office or be removed.

What Will the Recall Law
Do for me as a Citizen?

In the past decade, government has grown larger and less responsive to the voice of the individual. Each of us has at one time or other experienced the frustration of arbitrary governmental interference in our personal lives from various levels of government. We have also felt the frustration of electing a person to office to represent us, only to later find we were misled by empty campaign promises.

Recall, then, is simply a step to restore the political power back to the people by making our public servants more responsive to "we" the people.

Lloyd Selleneit
172 West 1400 North
Bountiful, Utah

REBUTTAL TO ARGUMENTS IN FAVOR OF INITIATIVE PROPOSAL B

This issue is too important to worry about charges of "half-truths," etc. We face a proposal to alter the Constitutional safeguards of representative government established by our national and state "Founding Fathers."

You must make a wise decision, but without benefit of hearings, evidence presentation, and debate. In such circumstances, the burden of solid proof rests with those proposing changes in established and fundamental principles related to tenure of public office.

At the least they must show that (1) present Constitutional provisions are inadequate and (2) such inadequacies are overcome by this initiative.

Have these questions been answered?

1. Inasmuch as any public officer can already be removed for wrongdoing, is change needed?

2. Inasmuch as the Constitution determines office, is this initiative constitutional?

3. Inasmuch as Federal officials are included, can Utah usurp the National Constitution?

4. Can we be sure some groups won't use recall as a threat to officials opposing special interests? (In 1975, Seattle public employees used recall against a mayor courageous enough to refuse high salary demands. Taxpayers' cost was \$170,000 and two months of the mayor's time to successfully defend his office.)

5. Shouldn't sufficient grounds of wrongdoing and reasonable evidence of guilt be required? Shouldn't the accusers have some liability for false charges which could permanently damage the reputation of public servants with courage to make decisions unpopular with certain groups?

Was sufficient evidence presented to alter a proven Constitutional procedure?

In the absence of solid proof -- if there are any doubts -- the wise and prudent will vote
no.

Lee W. Farnsworth
District 37
House of Representatives
3147 Apache Lane
Provo, Utah 84601

ARGUMENTS AGAINST INITIATIVE PROPOSAL B

IS RECALL NEEDED?

MISCONCEPTION: Without recall, citizens have no recourse against wrongdoing by public officers.

Fact: Under the Constitution, elected statewide officers and judges accused of wrongdoing are subject to impeachment.

Fact: Under the Constitution, local elected officers accused of wrongdoing are subject to removal by district court trial. Any taxpayer may file charges.

Fact: Under the Constitution, legislators are subject to removal for good cause.

Conclusion: With these Constitutional means for removing errant public servants, recall is unnecessary.

MISCONCEPTION: Without recall, public officials are "distant and unresponsive."

Fact: Utah is blessed with a nomination and election process involving every voter -- mass meetings, county and state nominating convention, primary and general elections.

Fact: Every candidate welcomes citizen participation in identifying issues and in campaigning.

Fact: Every elected official seeks and welcomes expressions of concern from citizens.

Conclusion: Through these positive actions, honest and wise public servants can be elected and then supported. The result is strong, united, responsive government. Recall is negative and unnecessary.

MISCONCEPTION: Recall will improve the quality of government.

Fact: Special interests (labor, business, public employees, education, political extremists) already have strong influence through lobbying. Such well-organized groups could expand their influence through threats of political recrimination through recall. This has occurred in other states. Recall was established only seventy years ago by "progressives" for this very purpose. Only thirteen states have adopted state recall.

Fact: Our founding fathers chose a republican (representative) form of government with fixed terms and removal only for cause to ensure representation free from pressure and threats of political removal. Frequent elections are sufficient to cause elected officials to act in the whole public's interest.

Conclusion: Public officials with positive, cooperative citizen involvement will be more efficient, creative, and responsive than those under threat of recall by organized special interests.

WHAT OF THIS RECALL MEASURE?

Unconstitutional

Fact: This is a statute. Terms of office and causes for removal are constitutional provisions. A statute cannot override the Constitution.

Is Unfair

Fact: Grounds for removal may be for any reasons causing dissatisfaction, notwithstanding good faith attempts to perform duties, and may be for political rather than legal reasons.

Fact: Recall is over single issues; normal elections are over many issues.

Fact: An accused official has only 200 words on the ballot to defend his integrity in office.

Fact: A legislator can be subject to recall action after serving only five days.

Fact: Dissatisfaction of 10% of the voters can force an expensive election (up to \$250,000).

Influence on the U.S. Constitution

Fact: Congressmen and Federal judges are included, violating the spirit, if not the letter of the U.S. Constitution.

Is Too Sweeping and Poorly Written

Fact: No existing recall law includes appointed officials. This could cause administrative chaos and fear to act.

Fact: Doesn't clarify which appointed officials are included.

Fact: Allows a person to be recalled and reelected simultaneously.

Conclusion: An unfair law, poorly written and of dubious Constitutional legality should be defeated. Preserve our traditional constitutional order of representative government.
VOTE NO.

Lee W. Farnsworth
District 37
House of Representatives
3147 Apache Lane
Provo, Utah 84601

REBUTTAL TO ARGUMENTS AGAINST INITIATIVE PROPOSAL B

Does the Average Citizen Have Recourse
Against the Public Officers who are Guilty of
Wrong Doings or are not Responsive
to their Needs?

Statewide elected officers and judges are subject to impeachment by the House and Senate for crimes or malfeasance in office. Other officers are subject to judicial removal for crimes or malfeasance. Recall would be in addition to impeachment and judicial removal. A public official could be directly removed by a majority of the voters if they felt the public officer was not serving their best interest.

Are Public Officials Responsive
to the People?

They certainly seem to be at election time, but what about the years other than when they are campaigning? Only you, the citizen, can answer these questions. How responsible is the growing army of appointed officials?

Is it Constitutional?

There are legal opinions both ways. The question I raise is, if "All political power is inherent in the people, --- and they have the right to alter or reform their government as the public welfare may require." (Utah State Constitution Act. 1 Sec. 1), and if the people have legislative power by initiative petition and the ballot box, and if the majority of the voters vote "yes" for the recall in November, would not the majority vote make recall constitutional? the law?

RESTORE CONTROL OF THE POLITICIANS TO THE PEOPLE

VOTE YES FOR RECALL

Lloyd Selleneit
172 West 1400 North
Bountiful, Utah

COMPLETE TEXT
THE UTAH RECALL AND ADVISORY RECALL ACT

Whereas, the legislature has failed to enact proposed recall legislation:

Whereas, the Utah State Constitution, Article 1, Section 2 states, "All political power is inherent in the people...., and they have the right to alter or reform their government as the public welfare may **require** (emphasis added):

Whereas, nothing in the State Constitution prohibits recall enactment:

Whereas, the Utah State Constitution Article 1, Section 25 specifically states, "This enumeration of **rights** shall not be construed to impair or deny others retained by the people";

Whereas, the Utah State Constitution, Article VI, Section 1 and UCA 20-11-1 provided that the people of this State may, by initiative and ballot, be vested with legislative power, and

Whereas, public events in this country and state have demonstrated a need to make public officials directly answerable to the people.

Therefore, we the people of Utah, being legal voters, enact the following:

RECALL AND ADVISORY RECALL

ARTICLE I, PETITION AND ELECTION PROCEDURES

Section 1. This act shall be known and cited as the Utah Recall and Advisory Recall Act.

Section 2. Every public officer holding a public office, either by election or appointment, is subject to **recall** from such office by the registered voters of the electoral district from which candidates are **elected or** appointed to that office. Such electoral district may include the whole state. Any reason causing the voters dissatisfaction with that public official shall be sufficient ground for recall, notwithstanding his **good faith** attempts to perform the duties of his office. A number of registered voters equaling in number at **least ten percent (10%)** for elected state officers, **twelve percent (12%)** for elected county officers, and **fifteen percent (15%)** for elected town and city officers of the entire vote cast at the last preceding election for all candidates for the office which the incumbent sought to be removed occupies may by recall petition, demand his **recall**. A number of registered voters equaling in number at **least ten percent (10%)** for appointed state officers, **twelve percent (12%)** for appointed county officers, and **fifteen percent (15%)** for appointed town and city officers of the registered voters at the last general election held in the electoral district from which said officer was appointed may, by petition demand his recall.

Section 3. This procedure for removal is cumulative and additional to, rather than a replacement for, **other** methods for removal of public officers.

Section 4. A recall petition shall not be circulated against any officer until he has held office for **six months**, except that a petition for recall may be filed against a member of the legislature any time after **five days (5)** from the beginning of the first session after his election:

After one recall petition and election, no further recall petition shall be filed against the same officer **within a** period of two years during his term of office, unless the petitioners signing the petition first pay into the public treasury from which such recall election expenses were paid all expenses of the preceding recall election.

Section 5. A recall petition shall contain a general statement of not more than two hundred words stating the grounds for the recall. The general statement setting forth the grounds for recall may be for any reasons causing the voters dissatisfaction with that public official, notwithstanding his good faith attempts to perform the duties of his office and is solely for the information of the voters and may be for political rather than legal

reasons. The petition shall be filed with the office of secretary of state if for a state officer, with the county clerk if a county officer, with the town clerk or city recorder if a municipal officer. If the boundaries of the electoral district from which an officer is being recalled cross county lines, the petition shall be filed with the office of secretary of state. An action to recall is commenced upon filing if it contains the proper number of qualified registered voter signatures.

Section 6. No petition for recall may name more than one officer to be recalled.

Section 7. The form of the recall shall be substantially as follows:

RECALL PETITION

To the Honorable _____, Secretary of State for the State of Utah (or county clerk, or city recorder of _____ County, Utah). We, the undersigned citizens and voters of the State of Utah (or of _____ county, town or city, State of Utah) respectfully demand that _____, holding the office of _____, be recalled for the following reasons, to wit: (setting out the reasons for recall in not more than 200 words): that a special election therefore be called; that we, each for himself, say, I have personally signed this petition; I am a registered voter of the State of Utah; my residence and post office address are correctly written after my name.

The signatures on each petition shall be placed on sheets of paper known as "circulation sheets," substantially fourteen inches long and eight and one-half inches wide. Such circulation sheets shall be ruled with a horizontal line one and one-half inches from the top thereof. The space above such line shall remain blank and shall be for the purpose of binding. The circulation sheet shall be vertically divided into two columns. The first column shall be three and one-half inches in width, measured from the left edge of sheet, and shall be for the purpose of containing the signatures. The second column shall encompass the remainder of the width of the sheet and shall be the space on which shall be placed the post office address of the signers, together with the street number, if the residence of a signer can be so designated, and the address of such signer shall be opposite his name on the same line.

At the top of each sheet, under the one and one-half inch margin, shall be printed the word "warning" under which shall be printed in eight-point type, single leaded, the following:

"It is a felony for any one to sign any petition for recall with any name other than his own, or to knowingly sign any petition more than once for the same measure, or to sign such petition when such person knows that he is not a registered voter."

Each sheet shall contain, under said printing, twenty-five (25) horizontally ruled lines, three-eighths of an inch apart. Upon the back of each circulation sheet containing signature or signatures of the registered voter shall be a verification by the person circulating the sheet, as follows:

"I _____, being first duly sworn, say, that every person who signed this sheet of the foregoing petition signed in my presence and that I am informed and believe that each stated his correct name, address and residence, that each is a registered voter of the State of Utah and County of _____ (or of _____ county, town or city, State of Utah.)

(Signature) _____

(Post Office Address) _____

Subscribed and sworn to before me this _____ day of _____

19____

Notary Public _____

Residing at _____

(Notary Seal)

Section 8. The petition, for purpose of circulation, may be divided into sections, each section to contain not more than fifty circulation sheets. No section, however, shall be circulated for signatures, unless it has attached to the front sheet thereof a certified petition copy. The sponsors shall set out in their application for petition copies the number of sections into which each petition is to be divided for circulation, and the number of circulation sheets which it is desired that each section shall contain, but there need be no uniformity as to the number of circulation sheets contained in the sections.

Section 9. The forms prescribed in this act are not mandatory, and if substantially follow, the petition shall be sufficient, notwithstanding clerical and merely technical errors.

Section 10. Every person who is a registered voter of this state may sign a petition for recall. Any person signing any name other than his own to any petition, or knowingly signing his name more than once for the recall, or who is not at the time of signing the same a registered voter, or any officer or person knowingly and willfully violating any provision of this section, shall be punished by a fine not exceeding \$500, or by imprisonment in the State Prison not exceeding two years, or by both such fine and imprisonment.

Section 11. In addition to the verification, the county clerk of any county in which such a petition is signed shall compare the signatures of the registered voters within such county with registration signatures on file in such clerk's office, and, if satisfied the signatures are genuine, certify that fact to the secretary of state, if the petition is to recall a state officer, to the county clerk if the petition is to recall a county officer, or to the city recorder or town clerk, if the petition is to recall a municipal officer as follows:

State of Utah)
) ss.
County of _____)

To the Honorable _____, Secretary of State of the State Utah (or city recorder or town clerk
_____ in the County of _____):

I, _____, Clerk in and for _____ County, do hereby certify that I compared the signatures on _____ sheets (specifying the number of sheets) of the petition for recall attached hereto, with the signatures of the registered voters as they appear upon the registration forms, books and records of my office, and from such information as I have been able to obtain I believe the signatures, numbering _____, are genuine. As to the remainder of the signatures thereon, I believe they are not genuine, except that the following names (_____) do not appear on the registration forms, books and records in my office.

(Signed) _____
Clerk of the District Court
By _____ (Deputy)
(Seal of Office)

Every such certificate shall be prima facie evidence of the facts stated therein and of the qualifications of the registered voters whose signatures are certified, and the secretary of state, or county clerk, city recorder or town clerk shall consider and count only such signatures as are certified, that the secretary of state, or city recorder or town clerk shall consider and count any remaining signatures of the registered voters which prove to be genuine.

The county clerk shall not retain any petition or any part of it for more than fifteen (15) days. At the expiration of such period the county clerk shall deliver the same to the person from whom it was received with such clerk's certification.

Section 12. If the secretary of state, county clerk, or city recorder or town clerk refuses to accept and file any petition for recall with the proper number of signatures of registered voters, any registered voter may within ten (10) days after such refusal apply to the District court for a writ of mandamus, or State Supreme Court for state officers. If it is determined that such petition is sufficient, the secretary of state, county clerk, or city recorder or town clerk, as the case may be, shall be ordered to file the petition with a certified copy of the writ attached thereto, as of the date when it was originally offered for filing. On a showing that any filed petition is not sufficient, the court may enjoin the secretary of state, county clerk, or city recorder or town clerk and all other officers from certifying or printing on the official ballot the ballot title and numbers of such measure.

All such suits shall be advanced on the court docket and heard and decided by the court as expeditiously as possible. Any aggrieved party may file an appeal within ten (10) days after any adverse order or decision as provided by rule 73, Utah Rules of Civil Procedure.

Section 13. If the officer named in the petition for recall submits in writing such officer's resignation, it shall be accepted and become effective the day it is offered. The vacancy created by such resignation shall be filled as provided by law. If the officer named in the petition for recall fails to resign within five (5) days after the petition is filed a special election shall be proclaimed by the governor in accordance with Section 20-1-4, or in the case of a state officer or legislative member, or by the county clerk in case of a county officer or by city recorder or town clerk in the case of a municipal officer to determine whether the officer shall be recalled.

Section 14. Upon filing the petition, the officer with whom it is filed shall immediately give written notice to the person against whom it is filed. The notice shall state that a recall petition has been filed, shall set forth the grounds thereof, and shall notify the person to whom it is addressed that he has the right to prepare and have printed on the ballot a statement containing not more than two hundred (200) words defending his official conduct. If the person fails to deliver the defensive statement to the officer giving notice within ten (10) days thereafter, his statement shall not be printed on the ballot, and shall be considered waived.

Section 15. The ballot at such recall election shall be entitled "Recall Ballot," and it shall contain in no more than two hundred (200) words the reason for demanding the recall of such officer and in no more than two hundred (200) words the officer's justification for such officer's action while in office. Following such arguments shall be printed the following instruction to the voter. "To vote on the recall, mark a cross (x) in the square at the right of yes or no," and immediately thereunder the question "Shall _____ (naming the officer) be recalled." And immediately to the right of such question shall be printed the words "yes" and "no" not less than three-sixteenths (3/16) of an inch in height, and at the right of each word a square shall be printed on the ballot in which the voter may indicate such voter's preference.

Section 16. The officer named in the petition for recall shall continue in office until the results of the special election are officially declared.

Section 17. Special elections for recall shall be conducted and the results canvassed and certified in all respects as general elections, except as otherwise provided; but in no case shall be held within ninety (90) days next preceding a general election.

Section 18. In all cases where special recall elections are to be held, the board of canvassers shall meet at 12:00 o'clock noon on the third day after the election to canvass the votes, and the county clerk shall immediately after the completion of the canvass, in the case of an election for the recall of a county officer, proclaim the result. If the election is for the recall of a state officer, the county clerk of each county shall within four (4) days after such election transmit an abstract of the votes cast at such election to the secretary of state.

Section 19. Within ten (10) days after a special election to recall a state officer, the state board of canvassers shall meet and canvass the votes, and if the returns have not been received from the several counties, they may adjourn to such day as they deem necessary, not exceeding five (5) days, for the purpose of receiving returns.

Section 20. Notice of a recall election shall be in the following form:

NOTICE OF RECALL ELECTION

Notice is hereby given pursuant to law that a recall election will be held on the _____ day of _____, 19____ for the purpose of voting upon the recall of _____
Dated at _____, this _____ day of _____, 19____.

Section 21. Unless he otherwise requests in writing, the name of the officer against whom a recall petition is filed shall be placed as a candidate on the official ballot without nomination. Other candidates for the office may be nominated to be voted upon at the election, but the name of no candidate whose nomination paper is signed by less than five (5) percent of the registered voters of the electoral district from which the officer sought to be recalled was elected shall be placed upon the official recall ballot.

The nomination papers shall be substantially in the following form:

NOMINATION PAPER - RECALL ELECTION

We, the undersigned registered voters of the _____ (city, town or county) of _____, State of Utah, hereby nominate _____, who resides at _____, in the county of _____, to be a candidate for the office of _____ in the recall election to be held on the _____ day of _____, 19____, and we further declare that we have not signed and will not sign any nomination paper for any other person for such office.

The circulation sheets of the nomination paper, with verification by the person circulating the sheet, shall be substantially the same as the circulation sheets for recall as in Article I, Section 5 of this act. The nomination signatures shall further be verified and treated in the same manner as recall petitions in Article I, Section 9 of this act.

Section 22. The powers and duties conferred or imposed by law upon boards of election, registration officers, canvassing boards and other public officials who conduct general elections, are conferred and imposed upon similar officers conducting recall elections under the provisions of this article together with the penalties prescribed for the breach thereof.

Section 23. The candidate receiving the largest number of votes shall be declared elected for the remainder of the term. Unless the incumbent receives the largest number of votes he shall be deemed removed from office upon qualification of his successor. If the incumbent's successor does not qualify within five (5) days after the results of the election have been declared, the office shall be vacant, and may be filled as provided by law.

Section 24. (a) The expenses of a state recall election shall be paid from the funds of the state, of a county election, from the funds of the county, of a city or town election, from the funds of the city or town.

(b) The county clerk of the several counties and the secretary of state shall approve all claims for the payment of expenses incurred in the conducting a recall election for state officers. When the claims are so approved the secretary of state shall draw his warrants therefore on the state treasurer who shall pay the warrant from the general fund as authorized by law.

ARTICLE 2. MEMBERS OF CONGRESS

Section 1. (a) Prior to a primary or any other election, a candidate for the office of United States Senator, or Representative in Congress may file with the Secretary of State a statement addressed to the people as follows:

"If elected to the office of (here name the office) I shall deem myself responsible to the people and under obligation to them to resign immediately if not re-elected on a recall vote," or: "If elected to the office (here name the office) I shall not deem myself under obligation to the people to resign if not re-elected by a recall vote."

(b) The secretary of state shall give the statement to the public press when made. If the first statement is filed, he shall place upon the ballot, under the name of the candidate by whom it is filed, the words: "Pledged to Recall." If the second statement is filed, he shall place upon the ballot under the name of the candidate by whom it is filed: "refuses pledge of recall." If neither statement is filed, he shall place upon the ballot, under the name of each candidate failing to file either statement, the words: "Silent as to recall."

Section 2. (a) A United States Senator or Representative in Congress who has pledged himself to the people as under obligation to them to resign immediately if not re-elected upon a recall vote shall be subject to the laws of the state relating to recall of public officers, and may be recalled and his successor elected in like manner as a state officer.

(b) The laws of the state relating to recall of state officers and recall elections are made applicable to recall of a Senator or Representative.

ARTICLE 3, UNITED STATE DISTRICT JUDGE

Section 1. Petition for election to request resignation of district judges. When there is filed with the Secretary of State a petition signed by fifteen (15) percent of the registered voters of the judicial district as determined by the total number of votes cast for Governor at the preceding election in the district, requesting the resignation of a United States judge for the district of Utah, the Secretary of State shall submit to the electors at the next ensuing general election, the question whether the electors request the resignation of the judge. The petition shall contain a statement of not more than two hundred (200) words setting forth the reasons for the request. The judge against whom the petition is filed shall be immediately notified by the Secretary of State of the filing, and there shall be printed upon the ballot the statement in petition, and, at the request of the judge, a statement by him of not more than two hundred (200) words.

Section 2. Form of Ballot:

At the election there shall be printed upon the ballot the question "Shall (name of person) be requested to resign from the office of United States district judge. Yes: _____ No: _____." The registered voters shall vote by marking a cross (X) in the space after the word "Yes" or "No." Immediately below and separate from the question shall be printed the words: "For United States district judge. (Recommended to the President for appointment)", and there shall then follow the names of candidates for the office as have been filed with the Secretary of State not less than forty (40) days prior to the election by petition of five (5) percent of the electors.

Section 3. (a) The Secretary of State shall canvass the vote immediately and within ten (10) days thereafter transmit the results to the official named in the petition, and if the resignation is favored, to the President and Senate of the United States.

(b) If a majority of the registered voters voting thereon have requested the resignation of the judge, and a vacancy occurs, the majority candidate for the office shall be deemed endorsed by the electors and recommended to the President and Senate of the United States for appointment and confirmation to fill the vacancy.

Section 4. (a) When a vacancy occurs in the office of a United States district judge for the district of Utah, the registered voters may, by advisory vote, endorse and recommend to the President and the Senate of the United States an appointee to fill the vacancy.

(b) There shall be printed upon the ballot at the next primary, special or general election held throughout the state after the vacancy, the words: "For United States district judge (recommendation to the President and Senate for appointment)", and below, the names of persons filed with the Secretary of State by petition of not less than five (5) percent of the electors not less than forty (40) days before the election. If congress will convene before the election at which the vote can be taken, the governor shall, on petition of fifteen (15) percent of the electors, call a special election for such purpose to be held not less than thirty (30) nor more than sixty (60) days after filing the petition.

(c) Prior to the election a candidate for the office of United States district judge for the district of Utah may file with the Secretary of State, a statement that he deems himself committed to resign, as provided in Article 2 of this act as it pertains to a Member of Congress, and the statement shall likewise be published on the ballot.

ARTICLE 4. SEVERABILITY PROVISION

Section 1. If any one or more articles, provisions, sections, subsections, sentence, clause, phrase or word of this act or the application thereof to any person or circumstance is found to be unconstitutional, the same is hereby declared to be severable and the balance of this part shall remain effective notwithstanding such unconstitutionality. The people hereby declare that they would have passed this part, and each article, provision, section, subsection, sentence, clause, phrase or word thereof, irrespective of the fact that any one or more article, provision, section, subsection, sentence, clause, phrase, or word be declared unconstitutional.

INITIATIVE PROPOSAL C

BUDGETARY PROCEDURES ACT CEILING

Should a law be adopted, the purpose of which shall be:

1. To impose a five-year annual budget ceiling of \$915,300,000 beginning with the fiscal year 1977-78 with a corresponding requirement that the receipt of federal revenues be completely phased out by the fiscal year 1982-83, and
2. To provide that any budget surpluses be applied to the retirement of state indebtedness and thereafter a tax reduction schedule be adopted.

FOR ☐

AGAINST ☐

IMPARTIAL ANALYSIS BY THE LEGISLATIVE RESEARCH DIRECTOR

The proposed act would: (1) establish a state budget ceiling of \$915,300,000 for a five year period beginning with the fiscal year 1977-78; (2) limit federal revenues spent by the state to 30% of total appropriations; (3) reduce by not less than 20% per year federal revenues spent by the state; (4) prohibit the state from spending any federal revenues by the fiscal year 1982-83; (5) require all budget surpluses in the state budget to be used to retire state bonds and indebtedness; (6) require that total state appropriations be balanced against and not exceed estimated revenues; (7) require that tax reduction schedules be established after phase-out of federal grants-in-aid, federal revenue sharing and state indebtedness; and (8) prohibit amendment of the act without the consent of the majority of the voters in Utah at a general election.

The budgetary ceiling of \$915,300,000 set by the proposed act is approximately equal to the total amount appropriated by the Utah Legislature for the current fiscal year, 1976-77. Of the amount appropriated for fiscal 1976-77, 27.6% or \$252,900,000, is from federal sources. State appropriations for 1976-77 are broken down in the following table by major function. The table also shows the percentage each category represents of the total appropriated and the percentage of federal funds included in each category.

UTAH STATE APPROPRIATIONS
BY MAJOR CATEGORY, 1976-77

	<u>Amount</u> <u>Appropriated</u>	<u>Percent of</u> <u>Total Budget</u>	<u>Percent Federally</u> <u>Funded</u>
Public Education	\$282,008,000	30.8	10.7
Higher Education (excluding most federal grants, development funds and auxiliary services)	163,340,000	17.9	2.7
Social Services	172,387,000	18.8	50.7
Transportation and Public Safety	183,703,000	20.1	53.4
General Government (Including the Legislature, Executive and Judicial Departments, General Government Operations, Department of Development Services and Business and Regulatory Agencies)	80,078,000	8.7	37.7
Natural Resources	24,350,000	2.7	10.4
State Bonding Commission-- 1977 payment on state indebtedness	9,469,000	1.0	0
Total	<u>\$915,335,000</u>	<u>100.0</u>	<u>27.6</u>

Not included in current appropriations nor in the above table are over \$100,000,000 in higher education funds. These non-appropriated funds include restricted and development funds, federal funds, and auxiliary enterprise funds (such as student housing). It is not clear from the wording of the proposed act if these non-appropriated funds would be included in the budget ceiling. If the act is strictly interpreted to apply to all state expenditures and the non-appropriated higher education funds are included under the ceiling, then total state funding would be reduced by over \$100,000,000 in the act's first year.

If the proposed budget ceiling is enacted, increased costs due to inflation, projected increased public school and higher education enrollments, and projected population increases will be absorbed either through a reduction in services or an increase in local taxes, or both.

The requirement to hold federal funds to 30% of the state's expenditures would not alter the current pattern of federal funding in state appropriations. This does not include the federal revenues contained in the non-appropriated higher education funds. Approximately \$49 million in federal revenues would be affected if these higher education funds come under the act's jurisdiction. The requirement that federal funding be reduced by 20% per year will phase out approximately \$50 million of appropriated funds during the fiscal year 1977-78 and a similar amount each year until the entire \$252,900,000 of current federal funding is phased out, no later than 1982-83. New growth in unrestricted state revenue not due to tax increases for 1976-77 is estimated at \$51,637,000. If economic and population growth continues and a similar revenue growth is experienced in successive years, the revenue growth will approximately equal the expected amount of federal funds withdrawal, not including unappropriated higher education funds. If revenue growth is greater, surpluses would be used to retire state indebtedness. If revenue growth is less, the reduction would have to be absorbed either by reductions in service levels or by increased taxes, or both.

The requirement contained in the initiative proposal that the state budget must be balanced exists in present law and is required by the Utah Constitution. The Constitution also allows for bonded indebtedness equal to 1½% of the value of the property in the state. This allows for a debt at the present time of slightly under \$150 million. Current state debt is \$90 million in bonds rated AAA. The bonds are issued in two series. Total debt outstanding in the first series is \$20 million at interest rates between 2.875% and 3.0% and payments are due periodically through January 1, 1980. Total debt outstanding in the second series is \$70 million at interest rates between 5.25% and 5.70%, and payments are due periodically between 1980 and 1988. The proposed act would require that budget surpluses be used to retire this state debt in addition to phasing out federal funding. After the federal phase-out is complete and state debt is retired, a tax reduction schedule is required.

It is the opinion of the Legislative General Counsel that the requirement that further amendments to the act be approved by a majority of the voters of the state is probably unconstitutional.

The provisions of the proposed act do not apply to expenditures earmarked for the Employment Security Act, which establishes unemployment compensation and job service programs.

J. Leon Sorenson
Legislative Research Director

ARGUMENTS IN FAVOR OF INITIATIVE PROPOSAL C

UTAH TAXPAYERS: ARE YOU TIRED OF EXCESSIVE STATE FUNDING AND EVER INCREASING TAXES? A **YES VOTE** FOR THE **"BUDGET PROCELURES ACT CEILING"** WILL DO THE FOLLOWING FOR YOU:

1. Lower taxes.
2. Give the taxpayers more control of their government spending and taxations.
3. Provide economical state government.
4. Protect property rights against increasing taxation and government interference.
5. Eliminate federal bureaucratic control.
6. Return the control of government to the cities, counties, and the people.
7. Control excessive governmental pay increases.
8. Aid in controlling inflation.
9. Provide more jobs.
10. Eliminate state indebtedness.

Taxpayer Control

For the past thirty years the people of Utah have been promised tax cuts. Instead they have seen their sales taxes increase from a fraction of a penny to five cents on the dollar. The taxpayer has also seen increasing percentages of his income taken away by the tax collector. The state income tax revenues have increased by more than 337% since 1968. Thus Utahns realize that every year they are paying consistently increasing percentages of their income in taxes. This law, yours and mine, the people's law, is the first in the history of this state giving the people more control over the spending and taxing that they must bear. The time has come for the people to have a voice in controlling their taxes. This law gives them that opportunity.

Local Control

This law also provides for the orderly phaseout of federal funding and interference in state and local affairs. Today the Federal government through federal funding and guidelines exercise undue control over the laws enacted at the state and local levels of government. Utah's unwanted helmet law is a good example of federal interference in state legislation.

Inflation

In recent years state government has benefited by inflation, and since it does, there is no incentive to STOP INFLATION. One of the purposes of this law is to remove from government this advantage. If the State were to share the same deprivation the taxpayers do during inflation, they would have the desire and motivation necessary to stop inflation. The state could exert tremendous pressure on Washington to stop inflation if they so desired.

Excessive Salary Increase

The Governor's Budget Supplement provides ample evidence of salary increases that are shocking. A typical example is a salary that was \$31,000 in 1973, became \$39,000 in 1975, and increased to \$43,000 for 1976. In three years many salaries in the State have been increased by nearly \$12,000. Inflationary?

Summary

Every housewife knows she must balance her expenses against her income to feed and clothe her family. She knows she cannot grant herself an increase in funds just because she wants to spend more. However, government operates differently. Whenever the government wants more money — bleed the taxpayers. Government views the taxpayer as a money tree.

Do you want to control government waste?

Then VOTE YES

Edward D. Brown
Representative, 6th Dist.
853 Emeril Avenue
Salt Lake City, Utah 84116
for the People's Coalition

REBUTTAL TO ARGUMENTS IN FAVOR OF INITIATIVE PROPOSAL C

The proponent's ten points are without basis in fact:

1. Citizens would still pay federal taxes and local taxes would increase to maintain school, highway and other programs.

2. State expenditures, when adjusted for inflation, have grown only 2.2% annually since 1969. State expenditures were 14% of total personal income in 1969-70, and 13% in 1974-75. Income tax revenues have increased nearly one-third less than stated by the proponent. The Legislature has eliminated the statewide property tax, reduced income taxes and removed the sales tax on drugs.

3. Economy implies the best for the least. The act would permit only the least.

4. Local taxes on property would increase to meet needs the State could no longer fulfill.

5. The act would only prevent Utah from having a voice in federal decisions affecting the State.

6. The proposal would return more cost than control to local units, which are often too small to meet the needs of their citizens.

7. The pay increase cited is not typical. The average State salary is only \$11,000.

8. Inflation would not respond to actions of the State. The act would depress the economy of Utah, thus making national inflation more burdensome.

9. Industry would not locate in Utah because services would decline and taxes would increase. Therefore, jobs would not be created.

10. Utah's debt is under constitutional limits at interest rates far below the rate of inflation. What business would pay off a 4% mortgage before it is due?

Senator Karl N. Snow Jr.
1847 North Oak Lane
Provo, Utah 84601

ARGUMENTS AGAINST INITIATIVE PROPOSAL C

Every citizen should examine carefully the implications and serious consequences of the proposed Budgetary Procedures Act Ceiling. This initiative proposal is ill-conceived, poorly drafted, lacking in definition, absurd in content, and will in no way accomplish the stated goals of its originators.

"If the implications weren't so serious, the whole thing could be laughed off as a huge practical joke. That the good voters of Utah must actually vote on the crude initiative entitled 'Budgetary Procedures Act Ceiling' is appalling, and just slightly embarrassing." (Salt Lake Tribune Editorial, August 1, 1976)

Those who signed the petition were told that the act would cut government spending and reduce taxes. In truth, if enacted, this measure would create chaos, shift the burden of taxation to local governments and school districts, and increase local property taxes. Potential signers were told further that state government spending was out of control, having increased drastically in recent years.

However, when state expenditures are adjusted for inflation and population, any increase is negligible. Comparing per capita expenditures, we find FY 1970 per capita expenditures were \$407, while FY 1975 per capita expenditures were only \$400. Further pointing to legislative control of state spending, the voter is reminded that the Legislature has eliminated entirely the statewide mill levy and in two recent legislative sessions reduced other state taxes.

There is no justification for bypassing the people's representatives and enacting, by popular vote, a budget control law. Even if the record of the past justified such action, the proposed measure is not the solution. Time will permit an examination of only a few of the detailed provisions of this proposed act:

(1) A budget ceiling of \$915,300,000 is established for the next five years. This is a clear no-growth policy; public education, higher education, highway construction, health programs, etc., will be frozen. The Legislature is denied any opportunity (for five years) from making any change, dealing with growth or any emergency.

If Utah's school population grows, and grow it will, the State Legislature could do nothing. Local school district will respond, of course, by increasing the already overburdened property tax. Road construction and programs protecting the public health will likewise become the responsibility of local government and increasing local taxation. And here the voter is reminded that the proposed act does not limit taxation, only state spending.

(2) Federal funds will, under the act, be limited to 30% of the total budget; and otherwise phased out completely by 1983. What federal funds? Those in the state budget only? Those received by state universities? The proposed act does not say. How will we finance interstate road construction? Will Utahns be paying federal taxes and receiving no benefits or will the federal government merely set up shop in Utah to do those things we ought to do for ourselves.

At issue here is "representative government." Are the people willing to elect representatives to hammer out problems in legislative chambers or will the Legislature be rendered impotent for the next five years?

Senator Karl N. Snow, Jr.
1847 North Oak Lane
Provo, Utah 84601

REBUTTAL TO ARGUMENTS AGAINST INITIATIVE PROPOSAL C

Yes, the issue is "representative government!" Are the elected Representatives willing to listen to the people they represent? Or will they represent the gluttonous demands of the bureaucratic government? Through the Initiative process the message of the people is reaching their Representatives. Jobs, property rights, people control of government versus bureaucratic regulations, increasing taxes, inflation, and excessive governmental salaries are all subjects of vital concern to Utahns.

Since 1974 the budget has increased \$234,943,500 in a two year period. During the same period inflation increased 15.8%, population 2.4%, while the budget increased 34.5%. Thus the budget nearly doubled that of population and inflation combined.

An examination of Utah laws reveals that the State benefits from inflation. The progressive tax laws impose an automatic tax increase through built-in tax escalators that are triggered by inflation. The tax escalators and inflation are increasing Utahns taxes every year. Even when the Legislature cuts taxes the state takes increasing percentages of the taxpayers money.

School budgets cost the Utah taxpayers several hundred million dollars annually. With such a large expenditure from the State it is appalling to see the imposition of such controversial and mandatory Federal regulations such as Title IX upon our schools. Federal funding constitutes only about 5% of the total Utah expenditures on education. Is Federal domination of our schools worth it, at any percentage?

Do Utahns deserve a tax cut, a state free of federal controls, or more taxes and bureaucracies?

VOTE YES for the BUDGETARY PROCEDURES ACT CEILING!

Representative Edward D. Brown
853 Emeril Ave.
Salt Lake City, Utah
Representative District #6

**COMPLETE TEXT
BUDGETARY PROCEDURES ACT CEILING**

WHEREAS, the Utah State budget for fiscal year 1974-75 was \$680,356,500;
WHEREAS, the Utah State budget for fiscal year 1975-76 was \$840,256,800;
WHEREAS, the Utah State budget for fiscal year 1976-77 is \$915,300,000;
WHEREAS, this amounts to an increase of \$234,943,500 in a two-year period or a 34 percent increase;
WHEREAS, this amounts to \$762.00 per person or \$3,048 per family of four;
WHEREAS, inflation is a very serious problem in our State and Nation;
WHEREAS, the next state fiscal year budget will approach or exceed \$1,000,000,000 (one billion dollars);
WHEREAS, the taxpayers of Utah cannot afford this continued expansion in State spending;
WHEREAS, the Utah State Constitution, Article 1 Section 2 states "All political power is inherent in the people..., and they have the right to alter or reform their government as the public welfare may require...";
WHEREAS, the Utah State Constitution, Article VI, Section 1, and UCA 20-11-1 provides that the people of this State may, by initiative and ballot, be vested with legislative power;
NOW THEREFORE, the people do submit by Initiative Petition, a Budgetary Procedures Act Ceiling to amend Section 63-38-2, Utah Code Annotated 1953, as amended by Chapter 207, Laws of Utah 1969; relating to budgetary procedures, providing a budget ceiling, and declaring that excessive government is not in the best interests of the people, that the desire of the people is to reduce taxes, inflation, indebtedness, and federal control of State Government.

NOW THEREFORE, be it enacted by the People of the State of Utah, being legal voters; Section 1. Section 63-38-2, Utah Code Annotated, 1953, as amended by Chapter 207, Laws of Utah 1969; is amended to read:

(1) The Governor shall, within three days after the convening of the Legislature in regular session, submit a budget for the ensuing fiscal year. The budget message shall include a projection of estimated revenues and expenditures for the next fiscal year thereafter. He shall submit the budget by delivering it to the presiding officer of each House of the Legislature, together with a schedule for all the proposed appropriations of the budget, clearly itemized and classified.

(2) At least thirty days prior to the Governor's submission of any such budget, he shall deliver to the State's Legislative Analyst on a confidential basis, a draft copy of his proposed budget recommendations.

(3) The budget shall contain a complete plan of proposed expenditures and estimated revenues for the ensuing year. It shall be accompanied by a statement showing the revenues and expenditures for the fiscal year next preceding; the current assets, liabilities and reserves, surplus or deficit and the debts and funds of the State an estimate of the States financial condition as of the beginning and the end of the period covered by the budget; and any explanation the Governor may desire to make as to the important features of the budget and any suggestions as to methods for the reduction of expenditures or increase of the State's revenue. The budget shall embrace an itemized estimate of the appropriations for the State Legislature as certified to the Governor by the President of the Senate and the Speaker of the House; for the Executive Department; for the Judicial Department; for payment and discharge of the principal and interest of the indebtedness of the State of Utah; for the salaries payable by the State under the Constitution or under Law; for such other purposes as are set forth in the Constitution or under Law; and for all other appropriations. Deficit or anticipated deficits shall be included in the budget.

(4) For the purpose of preparing the budget the Governor shall require from the proper state officials, including all heads of executive and administrative departments and state institutions, bureaus, boards, commissions, and agencies expending or supervising the expenditures of the State moneys and all institutions applying for State moneys and appropriations, such itemized estimates of revenues and expenditures and other information in such form and at such times as he may direct. The estimate for the Legislative Department as certified by the presiding officers of both Houses shall be included in the budget without revision by the Governor. The Governor may require the attendance at such meetings of representatives or individuals applying for State appropriations. The Governor may at his discretion revise all estimates, except those relating to the Legislative Department, and those providing for the payment of Principal and Interest to the State debt and for the salaries and expenditures specified by the Constitution or under the laws of the State.

(5) The total appropriations requested for expenditures authorized by the budget must not exceed the estimated revenues from taxes, fees, and all other sources for the next ensuing fiscal year. For the purposes of this Act, expenditures authorized by the budget means all State expenditures, except expenditures earmarked for the Employment Security Act. If any item of the budget as enacted shall be held invalid upon any ground, such invalidity shall not affect the budget itself or any other item in it. The total Federal revenues from whatever source expended by the State of Utah shall not exceed 30.0 percent of the total budget appropriations, nor shall any Federal funds for any program authorized for expenditure through the State clearinghouse in the State budget year 1976-77, be transferred or otherwise used for any similar program by any political subdivision of the State of Utah, and the total amount of said Federal revenues shall be reduced annually by no less than 20 percent per annum, to be phased out completely no later than budget year 1982-83.

(6) WHEREAS the people of the State of Utah have determined and do declare that excessive expansion of government is not in the best interests of the people, and that the desire of the people is to reduce taxes, inflation and Federal control of the State Government, and to phase out all State indebtedness;

THEREFORE, hereby is established a five-year budget ceiling of \$915,300,000 beginning fiscal year 1977-78, above which neither the Legislature nor the Governor shall cause to exceed.

(7) All surplus in the budget shall be used to retire State bonds and State indebtedness and phase out Federal grants-in-aid and revenue sharing programs. Upon completion of such phaseout programs, tax relief shall be established through a tax reduction schedule.

(8) This law having been enacted by the people, no changes or additions shall be made to this law without the consent of the majority of the voters of the State of Utah at a regularly scheduled general election.

(9) All provisions of this Act shall supersede and take precedence over any previous law or regulation to the contrary. If any one or more articles, provisions, section, subsection, sentence, clause, phrase, or word of this Act or the application thereof to any person or circumstance is found to be unconstitutional or invalid, the same is hereby declared to be severable, and the balance of this part shall remain effective notwithstanding such unconstitutionality or invalidity. The people hereby declare that they would have passed all remaining parts not declared unconstitutional, and each article, provision, section, subsection, sentence, clause, phrase or word thereof, irrespective of this fact that any one or more article, provision, section, subsection, sentence, clause, phrase or word be declared unconstitutional or invalid.

IMPORTANT

Because of the large number of Presidential and Vice-Presidential candidates on the Utah ballot in 1976, the ballot may be confusing. Presidential and Vice-Presidential candidates running on political party tickets are listed in separate columns under their respective party labels. However, independent candidates for these offices are all listed in one column.

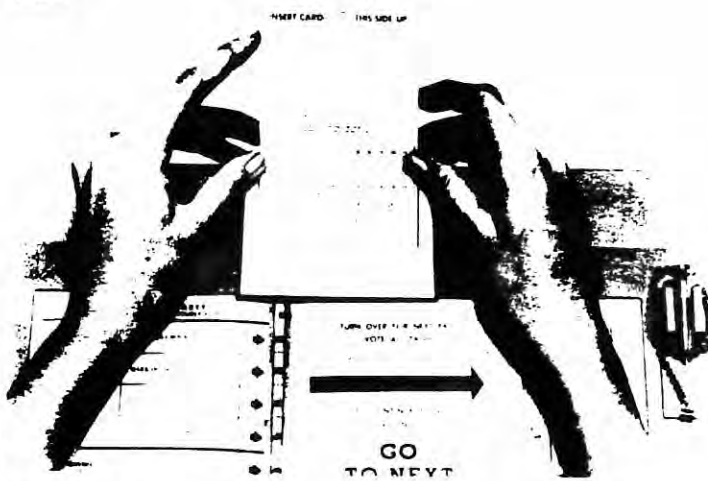
Voters should remember that they may **VOTE FOR ONLY ONE** set of Presidential and Vice-Presidential candidates. If you vote for candidates for these offices under a party label, **DO NOT** vote for candidates listed in the independent column. If you vote for one of the sets of candidates in the independent column, **DO NOT** vote for these offices under a party label.

Any ballot on which a voter has marked more names than there are persons to be elected to an office will not be counted for that office.

HOW TO OBTAIN BALLOT FOR VOTING

Speak your name and address to the election judges who will present ballot or ballots to you, if your name is on the official register, provided that in the meantime your right to vote is not challenged.

STEP 1

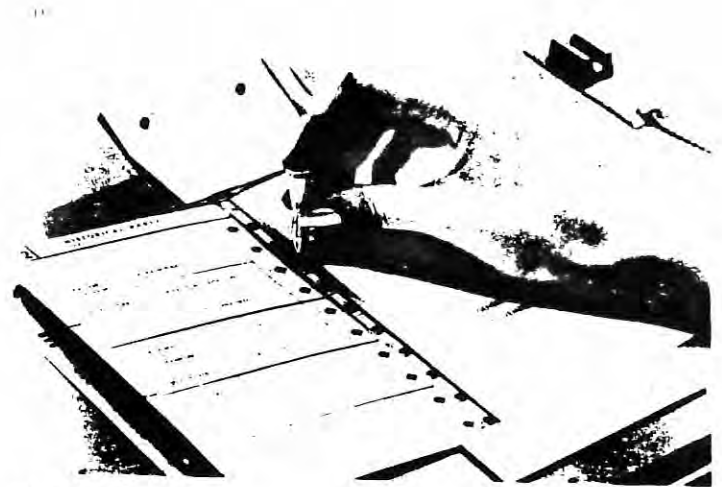


STEP 1

Using both hands, slide the ballot card all the way into the Vote Recorder.

HOW TO VOTE BALLOT

On receiving your ballot from the election judge, immediately retire alone to one of the voting booths and vote your ballot as follows:



STEP 3

To vote, hold the punch straight up and push down through the card for each of your choices. Vote all pages as instructed. Use the punch provided. Do not use pen or pencil.

STEP 2



STEP 2

Be sure the two holes at the top of the card fit over the **two red pins** on the Vote Recorder.



STEP 4

After voting, slide the card out of the Vote Recorder and place it under the flap in the write-in envelope. If you make a mistake, ask for another ballot.

Davis and Cache Counties

Instructions to Voters FOR PREPARING BALLOTS

WRITE-IN VOTING

(Write-in Voting not permitted in Utah Primary Elections)

A write-in vote is cast by writing the office title and the candidate's full name in the space provided for on the write-in ballot envelope. Do not punch a hole in the punch card ballot for the position you have written-in.

Any voter who does not understand the English language is entitled to have two interpreters each from a different political party to assist him.

Any voter who is blind or has defective vision so that he cannot read his ballot or mark it correctly, may select any qualified elector to assist him.

DO NOT vote a spoiled or defaced ballot.

VOTING QUESTIONS

In case of a question submitted to the vote of the people, punch a hole for the answer you desire to give.

IDENTIFICATION MARKS or the spoiling or defacing of a ballot will render it invalid.

DEPOSITING BALLOT

After you have voted the ballot place it under the flap of the write-in ballot envelope and return it to the election judge. Speak your name and the judge will remove the stub. The voter then deposits the write-in ballot envelope containing the ballot card in the ballot box.

HOW TO OBTAIN A NEW BALLOT

If you spoil or deface your ballot, return the spoiled ballot to the judge who will cancel it and issue you a new ballot.

HOW TO OBTAIN ASSISTANCE IN MARKING BALLOT

Any voter who declares under oath to the election judges that he cannot read or write the English language, or that he is physically unable to prepare his ballot without assistance, or that he is physically unable to enter the polling place, being at the entrance thereto, shall upon his request receive the assistance of any two election judges who are of different political parties.

HOW TO OBTAIN BALLOT FOR VOTING

Speak your name and address to the election judges who will present ballot or ballots to you, if your name is on the official register, provided that in the meantime your right to vote is not challenged.

HOW TO PREPARE BALLOT FOR DEPOSIT IN THE BALLOT BOX

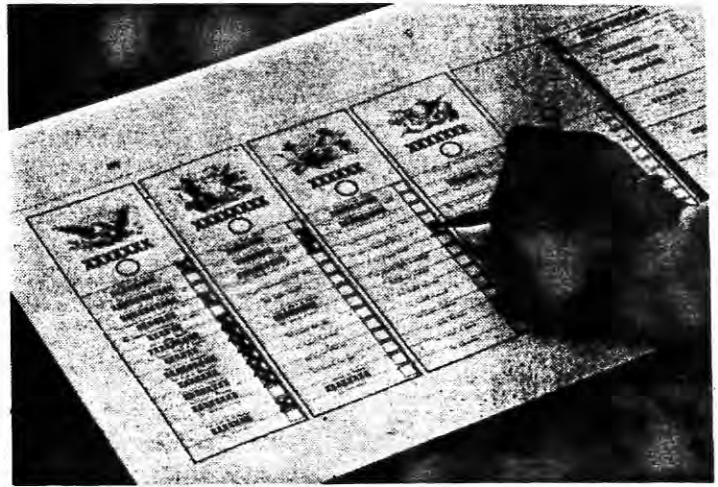
On receiving your ballot from the election judge, immediately retire alone to one of the voting booths and prepare your ballot by marking a cross (X) as explained below.

Fold your ballot in the same manner as when you received it, and hand it (speaking your name) to the judge, who will remove the stub and return the ballot to you. Deposit the ballot in the ballot box yourself, in full view of the judges.

VOTING PARTY BALLOT CANDIDATES

If you desire to vote for all the candidates on any ticket you may mark in the circle above that ticket, or in the squares opposite the names of all candidates on the ticket, or may make both such markings.

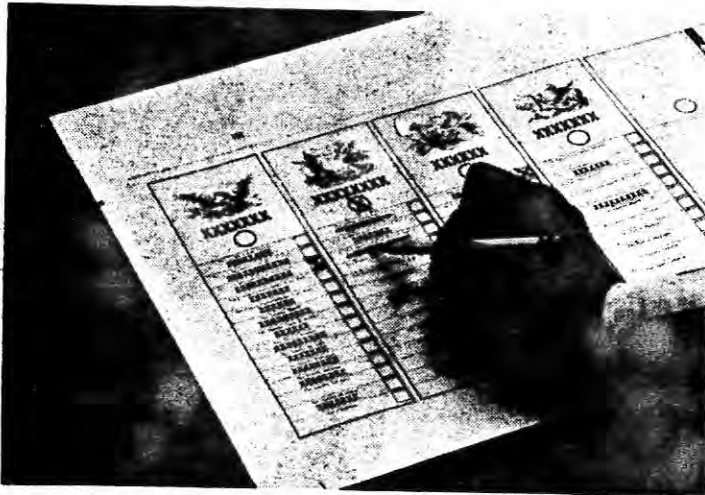
To vote for candidates on two or more tickets you may mark in the squares opposite the names of the candidates for whom you wish to vote without marking in any circle; or you may indicate your choice by marking in the circle above one ticket and marking in the squares opposite the names of the candidates of your choice upon other tickets.



All Counties Except Davis and Cache

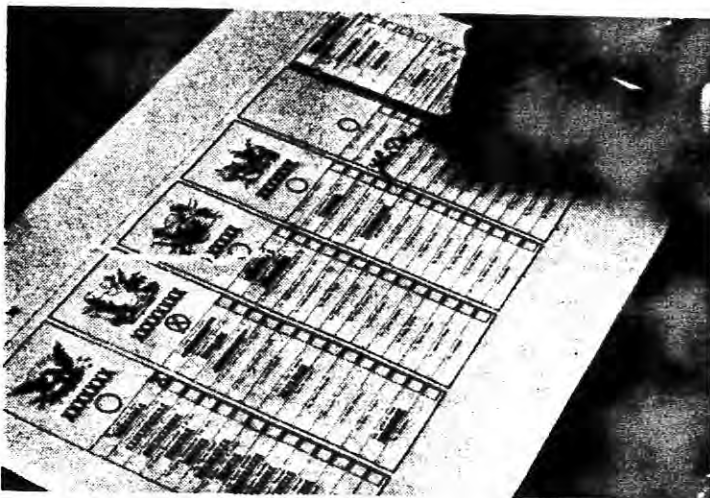
Instructions to Voters FOR PREPARING BALLOTS

If a cross is marked in a circle above a ticket, the voter MAY or may not draw a line or lines through the name or names of any candidate on that ticket for whom he does not wish to vote. However, in municipal elections and any other election when an office is listed that requires more than one person to be elected the voter SHALL draw a line through the names of the persons of that ticket for whom he does not wish to vote.



WRITE-IN VOTING

You may also insert in writing in the proper place in the blank ticket the name of any person for whom you desire to vote, and you shall be deemed to have voted for that person whether you make or fail to make a cross mark opposite such name.



VOTING NON-PARTISAN CANDIDATES

Judicial, state school, local school, etc. are non-partisan contests and are located in the extreme right column on the ballot. Just above the voting squares are instructions as to how many persons can be voted for that particular office.

VOTING QUESTIONS

In case of a question submitted to the vote of the people, mark a cross against the answer you desire to give.

Fold your ballot in the same manner as when you received it, and hand it (speaking your name) to the judge, who will remove the stub and return the ballot to you. Deposit the ballot in the ballot box yourself, in full view of the judges.

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“ARE YOU REGISTERED TO VOTE?”

If you will be 18 or over and will have been a resident of the State of Utah for 30 days preceding the election in November, you may register to vote and you are urged to do so by one of the following methods:

1. You may register with the registration agent of your election district between 8:00 a.m. and 9:00 p.m. on October 9th, 12th, and 26th.
2. You may register at the County Clerks office of your County during regular working hours, up to ten days preceding the November election day.
3. You may register by mail at any time prior to 15 days before the November election day by mailing in the Utah Election Registration form. You will then be notified by the County Clerk of your registration.

BE SURE TO REGISTER

BE SURE TO VOTE



STATE OF UTAH
OFFICE OF
LT. GOVERNOR/SECRETARY OF STATE
203 STATE CAPITOL
SALT LAKE CITY, UTAH 84114

CLYDE L. MILLER
Lt. Governor/Secretary of State
HARVARD R. HINTON
Deputy

I, Clyde L, Miller, Secretary of State/Lieutenant Governor of the State of Utah, do hereby certify that the foregoing measures will be submitted to the voters of the State of Utah at the election to be held throughout the State on November 2, 1976, and the foregoing pamphlet is complete and correct according to law.

Witness my hand and the
Great Seal of the State of
Utah, at Salt Lake City,
Utah this 8th day of
September 1976.


Secretary of State/
Lieutenant Governor