UTAH'S OFFICIAL VOTER INFORMATION PAMPHLET

2018 General Election

Tuesday, November 6th

NOTE:
This electronic version of the voter information pamphlet contains general voting information for all Utah voters. To view voting information that is specific to you, visit VOTE.UTAH.GOV, enter your address, and click on "Sample Ballot, Profiles, Issues."

For audio & braille versions of the voter information pamphlet, please visit blindlibrary.utah.gov.

State of Utah

Office of the Lieutenant Governor

Spencer J. Cox

Lieutenant Governor

Dear Utah Voter,

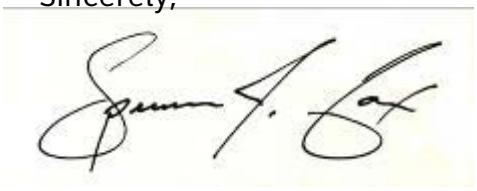
My office is pleased to present the 2018 Voter Information Pamphlet. Please take the time to read through the material to learn more about the upcoming General Election on November 6, 2018. Inside you will find information about candidates, ballot questions, judges, and how to vote.

In addition to this pamphlet, you can visit VOTE.UTAH.GOV to find even more information about the election. At VOTE.UTAH.GOV you can view your sample ballot, find your polling location, and view biographies for the candidates in your area.

If you need assistance of any kind, please call us at 1-800-995-VOTE, email elections@utah.gov, or stop by our office in the State Capitol building.

Thank you for doing your part to move our democracy forward.

Sincerely,



Spencer J. Cox

Lieutenant Governor

WHAT'S IN THIS PAMPHLET?

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CANDIDATES

The following pages list the candidates who are running for office in your area. Candidates for U.S. Senate and U.S. House of Representatives were given the opportunity to submit a 100 word statement and a photograph. The Lieutenant Governor's Office has not edited these statements.

All candidates in this pamphlet appear in the order they will appear on your ballot. Candidates appear in random order. The current random list is:
F X C Y O A B U S L M V Q E W Z R H G K P N J D I T.

Looking for more info on legislative, school board, county, and other local candidates?

VISIT **VOTE.UTAH.GOV**

View your sample ballot

Read biographies for candidates in your area

Find your polling location

U.S. SENATE

Visit VOTE.UTAH.GOV for more information on these candidates

Tim Aalders
Constitution Party

Remember "If you like your health care plan, you'll be able to keep your health care plan"? Obama and the Democrats lied to us about that. Remember the constant promises by Republicans to overturn Obamacare once they had control of the House, Senate, and the White House? The Republicans lied to us too.
Utah needs an authentic alternative.
Tim Aalders is the only conservative Republican running in Utah for the US Senate this November, and he is running under the banner of the Constitution Party.
Vote for a Utah resident. Vote for the only conservative Republican. Vote for Tim Aalders.

Contact Information:
P.O. Box 1388
American Fork, Utah 84003
435-922-0115
info@timaalders.com
www.TimAalders.com

Craig R. Bowden
Libertarian Party

Who is Craig Bowden? I'm a father, husband, & small business owner. I served nearly eight years as infantry in the Marine Corps, giving the best perspective of the needs in Foreign Policy. I served three years in the IRS within the Business Division, showing me what is in the way of small business from the government. I'm not someone who's just going to say, "cut taxes" or "cut spending." I have the practical knowledge of what to do. I kindly ask for your vote and support. There's only one candidate working to break barriers and build the future

Contact Information:
2888 N 400 E
North Ogden, UT 84414
385-288-0674
admin@bowden4senate.com
www.bowden4senate.com

Reed C. McCandless
Independent American Party

Reed Clair McCandless, born in Dillon, Montana and raised in Montana and Idaho, eventually moved to Utah.

There is a fierceness amongst farmers, and because he was raised on the family farm, he believes in Liberty and protection of the rights of United States Citizens. Reed upholds family values that protect this way of life.

He refuses to believe that the corruption in the government can't be ferreted out and the purity of our Constitution restored.

A former Republican, until 2014, whereupon he discovered the truth about 911. He asks that you search for yourself. World Trade Center building 7.

Contact Information:
8116 N Ridge Loop W N4
Eagle Mountain UT 84005
801-503-6576
Reedforussenateutah@gmail.com
www.mccandlessforussenate.com

U.S. SENATE

Visit VOTE.UTAH.GOV for more information on these candidates

Jenny Wilson
Democratic Party

Jenny Wilson is a 5th generation Utahn and community leader serving her second, six-year term as a Salt Lake County Council Member.

Working across party lines, Jenny has notched results on issues facing Utah families, all while keeping the County budget balanced.

Jenny will work to heal the partisan divide in Congress and will prioritize healthcare, compassionate immigration reform, and infrastructure improvements.

Jenny's Senate office door will be open to Utahns, not lobbyists. She will work tirelessly to deliver for Utahns. Jenny promises to hold an in-person town hall in each of Utah's counties during her first year in office.

Contact Information:
P.O. Box 526305
Salt Lake City, UT 84152
801-906-0057
info@wilsonforsenate.com
wilsonforsenate.com

Mitt Romney
Republican Party

Mitt Romney is uniquely positioned to serve Utah. His experience, relationships, and national credibility will allow him to accomplish more for Utahns.

He led the 2002 Winter Olympic Games in Salt Lake City, launched a successful business career, served as Governor of Massachusetts, and was the 2012 Republican Presidential nominee.

Mitt is a deficit hawk; he will work to reduce the national debt and balance the budget every year.

He believes in and promotes family values.

He supports reducing federal control and empowering states.

Mitt will serve with honor, integrity, and in a manner that will make all Utahns proud.

Contact Information:
PO Box 7000
Orem, UT 84059
385-233-5272
info@RomneyforUtah.com
RomneyforUtah.com

U.S. CONGRESSIONAL DISTRICT 1

Visit VOTE.UTAH.GOV for more information on these candidates

Lee Castillo
Democratic Party

Utah is a diverse state without diverse representation. I am uniquely qualified to change that and represent ALL of the constituents in Utah HD-1. My work experience as a Social Worker for the Division of Child and Family Services and a Clinical Social Worker at the Utah State Hospital has allowed me to serve a myriad of clients from diverse economic, social, and ethnic backgrounds. It's my job to listen, evaluate situations, and develop treatment plans. I have volunteered countless hours over the past 15 years serving homeless youth and other vulnerable Utah populations. I now want to serve you.

Contact Information:
Sheila Raboy
P.O. Box 2088
Layton, UT 84041
801-810-5071
info@utahisforeverybody.com
utahisforeverybody.com

Rob Bishop
Republican Party

Rob Bishop spent 28 years as a high school teacher in Utah and served for 16 years in the State Legislature before voters chose him to represent them in Congress. Rob fights tirelessly for Utah's values and conservative principles. As a senior member on the Armed Services Committee, he is well positioned to support Hill Air Force Base and its employees. As Chairman of the Natural Resources Committee, Rob continues to push for states to have more access and influence on their land. Rob is a pro-life conservative who supports the 2nd Amendment, and fights for our Constitutional liberties.

Contact Information:
P.O. Box 1776
Brigham City, UT 84302
435-840-0591
votebishop@gmail.com
votebishop.com

Eric Eliason
United Utah Party

As a father of four, I approach this campaign firmly invested in the future of our state and nation. I am running with the moderate United Utah Party because partisanship is choking our country; policy progress has completely stalled. I want to address challenges in a non-partisan and more innovative, collaborative fashion. My policy priorities include reducing health care costs and increasing accessibility, preserving Utah's public lands, instituting campaign finance reform and term limits, seeking congressional immigration compromise, maintaining Hill Air Force Base, and supporting Utah's economy through sustainable wage and job growth for the benefit of all citizens.

Contact Information:
255 S 300 W STE B
Logan, UT 84321
435-554-8572
info@eliasonforcongress.com
eliasonforcongress.com

Adam Davis
Green Party

My one campaign promise is simple. It's solidarity. Solidarity with the working class people of our nation that have seen decades of steady decline in their ability to just make ends meet. Solidarity with the families who have been devastated by policies such as the "War on Drugs". Solidarity with immigrant families being torn from one another at our border. Solidarity across lines of race, religion, and political affiliation. It's time we started standing up for each other, and that's why I'm running for Congress.

Contact Information:
1150 W 825 N Unit C-4
Layton, UT 84041
801-690-0096
davisforutah@gmail.com
www.davisforutah.com

U.S. CONGRESSIONAL DISTRICT 2

Visit VOTE.UTAH.GOV for more information on these candidates

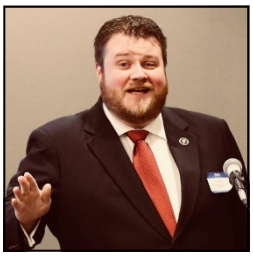
Chris Stewart
Republican Party

As a member of the House Intelligence Committee and former B-1 pilot, one of the questions I'm often asked is, "How dangerous is this time?" The answer in short – very dangerous. Our many adversaries want to destroy the freedom that is the foundation of our country.

But I want you to know that I believe in our future. We have made tremendous progress and I believe our nation can come together and overcome any challenge that we face.

Thank you for the honor it is to serve you as your congressman. Now, once again, I am asking for your vote.

Contact Information:
P.O. Box 540370
North Salt Lake, UT 84054
801.390.3803
info@stewartforutah.com
www.stewartforutah.com



Jeffrey Whipple
Libertarian Party

I believe that the fundamental task of government is to safeguard individual rights to life, liberty, property and the pursuit of happiness. I believe that the leaders of our republic are spending us into oblivion and that we must balance our budget, even if it means making hard choices. I believe that crimes without victims shouldn't be considered crimes at all, and our justice system needs significant reform. In short, I believe in liberty, and responsibility. If you believe as I do, I'd be honored to have your vote to represent you in Congress. Learn more at www.whippleforcongress.org.

Contact Information:
whippleforutah@gmail.com
www.whippleforcongress.org

Shireen Ghorbani
Democratic Party

I want to ensure that every Utahn has the freedom to live the American Dream. I know that many Utahns are getting by, but too few are getting ahead.

In 2016, I lost my mom to pancreatic cancer. I saw up close what healthcare like Medicare means to the freedom and dignity of families.

I want you to have affordable doctor trips and prescription drugs. I want all our families to have strong educations and the opportunity of entrepreneurship. We can repair our aging infrastructure as we build the foundation for the innovative economy of the future.

Contact Information:
358 South 700 East, Suite B134
Salt Lake City, UT 84102
801-382-7293
shireen@shireen2018.com
www.ShireenforCongress.com

U.S. CONGRESSIONAL DISTRICT 3

Visit VOTE.UTAH.GOV for more information on these candidates

John Curtis
Republican Party

It's been an honor to serve as Utah's newest congressman. In just 8 months, I've introduced six bills that are critical to the 3rd district. Two of these have already passed a House vote with sweeping bipartisan support.

Additionally, I've secured key committee assignments on The Small business, Natural Resource and Foreign Affairs Committees.

In an effort to make sure each voter feels represented. I've held over 70 town halls in all corners of the district.

As I promised I'm working to take Utah values to Washington and to get things done.

Contact Information:
PO Box 296
Provo, UT 84603-0296
info@johncurtis.org
johncurtis.org

James Courage Singer
Democratic Party

James Courage Singer knows that in these precarious times we need to rely on our values: empathy, social responsibility, trust, freedom, broad prosperity, fairness, cooperation, and service.

He will work to:

Protect our landscapes and public lands.
Secure clean air and water.
Protect our freedoms from immoral leaders with authoritarian tendencies.
Fight for fair and equitable wages.
Secure healthcare for all.
Invest in our teachers and schools.
Provide tuition-free college education.
Keep immigrant families together and integrate them into society.
Work together to protect our civil rights.

"I promise to stand for what's right and show courage against adversity."

Contact Information:
4524 Stonewood Drive
West Valley City, UT 84119
385-202-3525
campaign@jamessinger.org
www.jamessinger.org

Timothy L. Zeidner
United Utah Party

I love my job and don't want to leave it, so I'm a reluctant candidate, the citizen representative – to be a voice for people just like you and me. I am seeking to represent you in order to restore the most basic elements of our society into our governance again: civility, compromise and dialogue. I am committed to strengthening our public schools by better supporting teachers and standards, to humane immigration policy with workable ideas for security, reforming government through counting all votes and establishing term limits, and for a balanced and accountable budget – making government work for us again.

Contact Information:
8894 N Pine Hollow Dr.
Cedar Hills, UT 84062
801-707-2214
zeidner4congress@gmail.com
zeidnerforcongress.com

Gregory C. Duerden
Independent American Party

Voters who want more integrity, more representation, and more principled leadership from their elected officials should vote for Greg Duerden on Nov. 6th on the Independent American Party ticket for Congress in Utah's Third District. He is a veteran, father, grandfather, and great-grandfather; has watched the Utah political scene for over 40 years as a newspaperman and broadcaster and he remembers! He has constitutional solutions unlike our current congressional delegation, and the dysfunctional R and D war currently going on in Congress. As an Independent American he can bring up solid non-partisan solutions both sides can see and agree upon.

Contact Information:
801-970-1076
gcduerden@gmail.com
www.gregorycduerden.us

U.S. CONGRESSIONAL DISTRICT 4

Visit VOTE.UTAH.GOV for more information on these candidates

Mia B. Love
Republican Party

I am the daughter Haitian immigrants seeking the American dream. From a young age, they instilled within me an overwhelming desire to serve.

While in Saratoga Springs, I served as city councilwoman and mayor. I now serve in Congress as Utah's voice in the House of Representatives. While there, I have fought for the sanctity of life, localized education, and tax reform. In addition, I secured the release of political hostages, Joshua and Thamy Holt, from Venezuela.

I have and always will advocate for the needs of our state, leaving power in the hands of the people.

Contact Information:
5251 Green Street, Suite 250
Murray, UT, 84123
(801)856-0267
mia@love4utah.com
love4utah.com

Ben McAdams
Democratic Party

Ben McAdams is mayor of Salt Lake County. He is known for reaching across the aisle to find solutions to issues that matter to Utah families. McAdams is frustrated with a Congress beholden to special interests, where members are too busy fighting to get anything done. He will work to get special interest money out of politics and never vote to raise his own pay. He believes Washington needs new ideas and new blood and he'll work with both parties to protect Medicare and Social Security, cut waste, hold down healthcare costs and get the country's fiscal house in order.

Contact Information:
PO Box 522167
Salt Lake City, 84152
(801) 906-8325
andrew@benmcadamsforcongress.com
benmcadamsforcongress.com

UTAH LEGISLATURE CANDIDATES

Visit VOTE.UTAH.GOV for more information about these candidates

State Senate District 2

Salt Lake County

Chase Winder
Republican Party

433 I Street
Salt Lake City, UT 84103
801-243-9028
chasewinder53@gmail.com

Derek Lloyd Kitchen
Democratic Party

850 S 400 W Apt 300
Salt Lake City, UT 84101
801-674-6141
derek.kitchen@gmail.com

State Senate District 3

Salt Lake County

Jeremy D. Egan
Republican Party

3970 S. Howick St. Apt B123
Millcreek, UT 84107
801-725-7965
eager4egan@gmail.com
egan4utah.com

Gene Davis
Democratic Party

865 Parkway Ave
Salt Lake City, UT 84106
801-484-9428
wgdavis@msn.com

State Senate District 4

Salt Lake County

Alan Monsen
Republican Party

P.O. Box 17913
Salt Lake City, UT 84117
801-558-2567
ab.monsen@gmail.com

Jani Iwamoto
Democratic Party

4760 South Highland Dr #427
Salt Lake City, UT 84117
801-580-8414
iwamoto.jani@gmail.com
votejani.com

State Senate District 5

Salt Lake County

Kimdyl Allen
Republican Party

5665 Le Chateau Way
Kearns, UT 84118
801-598-2450
kcallen001@aol.com

Karen Mayne
Democratic Party

5044 Bannock Circle
West Valley City, UT 84120
801-699-2999
karenmayne@gmail.com
www.karenmayne.com

State Senate District 8

(two-year term)

Salt Lake County

Brian Zehnder
Republican Party

6108 Oak Canyon Drive
Holladay, UT 84121
801-330-0380
brian@votebrianz.com
www.votebrianz.com

Kathleen Riebe
Democratic Party

9040 S. Greenhills Dr
Cottonwood Heights, UT 84093
801-599-5753
mskriebe@gmail.com
kathleenriebe.com

John Jackson.
United Utah Party

8908 S 60 E
Sandy, UT 84070
801-996-3348
johnjackson08@comcast.net

UTAH LEGISLATURE CANDIDATES

Visit VOTE.UTAH.GOV for more information about these candidates

State Senate District 9

Salt Lake County

Alexander Castagno
United Utah Party

10286 S Vilas Dr.
Sandy, UT 84092
385-549-4257
votecastagno@gmail.com
votecastagno.com

Kirk A. Cullimore Jr.
Republican Party

8359 Snow Basin Dr.
Sandy, UT 84093
801-413-3298
kcullimorejr@gmail.com

State Senate District 11

Salt Lake & Utah Counties

Christian Burridge
Democratic Party

1192 Draper Parkway #681
Draper, UT 84020
801-450-9103
christian.burridge@gmail.com
www.christianburridge.com

Dan McCay
Republican Party

3364 Kollman Way
Riverton, UT 84065
801-810-4110
vote@danmccay.com
danmccay.com

State Senate District 12

Salt Lake & Tooele Counties

Clare Collard
Democratic Party

8429 West 3370 South
Magna, UT 84044
801-250-3994
electclarecollard@gmail.com
www.electclarecollard.com

Abrian B. Velarde
Green Party

P.O. Box 566
Magna, UT 84044
385-249-4321
abrian4senate@gmail.com
abrianvelarde.nationalbuilder.com

Daniel W. Thatcher
Republican Party

6352 City Vistas Way
West Valley City, UT 84128
801-759-4746
danielwthatcher@gmail.com
www.votethatcher.com

State Senate District 15

Utah County

Tommy Williams
Independent American Party

PO Box 912
Orem, UT 84059
801-687-3995
TwRules@ymail.com

Lee D Houghton
United Utah Party

1477 N 1930 W
Provo, UT 84604
801-636-0955
lhoughton@yesco.com

Keith Grover
Republican Party

1374 West 1940 North
Provo, UT 84604
801-319-0170
kgrover2014@gmail.com
keithgrover.com

State Senate District 17

Box Elder, Cache, & Tooele Counties

Scott Sandall
Republican Party

635 N. Hillcrest Circle
Tremonton, UT 84337
435-279-7551
sandallscott@gmail.com
Votesandall.com

Michael A Keil
Democratic Party

75 Voyager Circle
Stansbury Park, UT 84074
435-840-4712
mike.keil@comcast.net

UTAH LEGISLATURE CANDIDATES

Visit VOTE.UTAH.GOV for more information about these candidates

State Senate District 18

Davis, Morgan, & Weber Counties

Jason Yu
Democratic Party

3309 Adams Ave
Ogden, UT 84403
385-515-0871
jason4senate18@gmail.com

Kevin L. Bryan
Libertarian Party

780 Boughton St.
Ogden, UT 84403
801-726-2915
info_servo@yahoo.com

Ann Millner
Republican Party

4275 Spring Rd
Ogden, UT 84403
801-900-3897
ann@annmillner.com
annmillner.com

State Senate District 21

Davis County

Jerry W. Stevenson
Republican Party

466 South 1700 West
Layton, UT 84041
801-678-3147
jerry@jjnursery.com

Jake Penrod
Democratic Party

2875 North Hill Field Road
Unit #60
Layton, UT 84041
385-209-7727
Jacob.Penrod@Outlook.com

State Senate District 22

Davis County

Stuart Adams
Republican Party

3271 East 1875 North
Layton, UT 84040
801-593-1776
sadams1776@gmail.com
jstuartadams.com

State Senate District 26

Daggett, Duchesne, Summit, Uintah, & Wasatch Counties

Cathy Callow-Heusser
United Utah Party

6575 Snow View Dr.
Park City, UT 84098
435-994-4229
cathy4congress@gmail.com
cathy4congress.com

Ronald Winterton
Republican Party

P.O. Box 523
Roosevelt, UT 84066
435-823-2727
wintertonron@gmail.com
www.ronaldwinterton.com

Eileen Gallagher
Democratic Party

1317 Ptarmigan Loop
Park City, UT 84098
801-634-8915
gallagherforutahstatesenate@gmail.com

State Senate District 28

Beaver, Iron, & Washington Counties

Mark Chambers
Democratic Party

PO Box 29
Springdale, UT 84767
435-773-0039
mark@undertheeaves.com

Evan J Vickers
Republican Party

2166 North Cobble Creek Drive
Cedar City, UT 84721
435-586-4399
bullochdrug@infowest.com
evanvickers.com

UTAH LEGISLATURE CANDIDATES

Visit VOTE.UTAH.GOV for more information about these candidates

State House District 1

Box Elder & Cache Counties

Joel Ferry
Republican Party

780 N 1100 W
Brigham City, UT 84302
801-726-4032
joelmferry@gmail.com
joelferry.com

Joshua Hardy
Democratic Party

P.O. Box 211
Corinne, UT 84307
385-264-5192
jgh191@yahoo.com

Sherry Phipps
Constitution Party

667 S 200 W
Brigham City, UT 84302
435-237-9822
phipps4utahhouse@gmail.com

State House District 2

Utah County

Tyler Allred
Democratic Party

1779 E Canary Way
Eagle Mountain, UT 84005
385-216-4435
thenamelesshero@gmail.com

Jefferson R. Moss
Republican Party

1668 N. Aspen Circle
Saratoga Springs, UT 84045
801-916-7386
jeffersonrmoss@gmail.com
www.jefferson4utah.com

State House District 3

Cache County

Marilyn Mecham
Democratic Party

166 S 380 E
Smithfield, UT 84335
435-563-1969
marilyn@hot-shot.com

Val K. Potter
Republican Party

2185 North 1400 East
North Logan, UT 84341
435-757-9834
val.potter@comcast.net

State House District 4

Cache County

Josh Brundage
Democratic Party

1475 E 1140 N
Logan, UT 84341
435-932-1006
joshbrundage4utah@gmail.com

Dan N. Johnson
Republican Party

526 West 600 South
Logan, UT 84321
435-770-7051
dnjohnsonhouse47@gmail.com

State House District 5

Cache County

Karina Andelin Brown
Democratic Party

5331 Sleepy Hollow Lane
Nibley, UT 84321
435-881-2798
karina@karinaforutah.com
www.karinaforutah.com

Casey Snider
Republican Party

P.O. Box 450
Paradise, UT 84328
435-770-4081
csnider5@gmail.com
www.caseysnider.com

UTAH LEGISLATURE CANDIDATES

Visit VOTE.UTAH.GOV for more information about these candidates

State House District 6

Utah County

Cory Maloy
Republican Party

283 E 500 N
Lehi, UT 84043
801-477-0019
cory@corymaloy.com
carymaloy.com

State House District 7

Weber County

David Owen
Democratic Party

753 E 3800 N
North Ogden, UT 84414
801-644-7027
davidowenutah7@gmail.com
facebook.com/davidowenutah7

Kyle R. Andersen
Republican Party

1257 E. 2250 N.
North Ogden, UT 84414
801-686-7428
kylerandersen@comcast.net

State House District 8

Weber County

Deana Froerer
Democratic Party

P.O. Box 94
Huntsville, UT 84317
801-388-7162
deana@froerer4house.com
froerer4house.com

Steve Waldrip
Republican Party

1911 N. 5700 E.
Eden, UT 84310
801-389-9329
electstevewaldrip@gmail.com
electstevewaldrip.com

State House District 9

Weber County

Calvin R. Musselman
Republican Party

4137 S. 4100 W.
West Haven, UT 84401
801-941-6188
calmusselman@gmail.com

Kathie J. Darby
Democratic Party

4069 S 3600 W
West Haven, UT 84401
801-726-0736
kjdarby@hotmail.com
kathiedarby.org

State House District 10

Weber County

Lorraine P. Brown
Republican Party

4994 Skyline Pkwy
Ogden, UT 84403
801-643-3832
lorrainepbrown@gmail.com
www.votelorrainebrown.com

LaWanna 'Lou' Shurtliff
Democratic Party

5085 Aztec Dr
Ogden, UT 84403
801-479-0289
lmshurtliff@comcast.net

UTAH LEGISLATURE CANDIDATES

Visit VOTE.UTAH.GOV for more information about these candidates

State House District 11

Davis & Weber Counties

Jason M. Allen
Democratic Party

149 E. 5200 S.
Washington Terrace, UT 84405
801-540-0334
jason.mark.allen@gmail.com

Kelly B. Miles
Republican Party

6288 S. 1575 E.
Ogden, UT 84405
801-458-8270
kellymilesforutah@gmail.com
kellymiles.org

State House District 12

Davis & Weber Counties

Mike Schultz
Republican Party

4904 W 5850 S
Hooper, UT 84315
801-564-7618
mikeschultzcch@gmail.com

Rick Edwin Jones
Democratic Party

4825 W. 4000 S.
West Haven, UT 84401
801-731-0391
rickejones@gmail.com

State House District 13

Davis County

Tab Lyn Uno
Democratic Party

46 S. 1050 W.
Clearfield, UT 84015
801-458-6743
tablynuno@msn.com

Paul Ray
Republican Party

P.O. Box 977
Clearfield, UT 84089
801-725-2719
Paul@PaulRay.org
www.PaulRay.org

State House District 14

Davis County

Karianne Lisonbee
Republican Party

4334 W. 1700 S
Syracuse, UT 84075
801-589-2934
kari.lisonbee@gmail.com
karianne.org

Shanell Day
Democratic Party

1053 W. 1060 N.
Layton, UT 84041
385-424-5939
shanelldayut@gmail.com

State House District 15

Davis County

Rich Miller
Democratic Party

1698 W. 200 N.
Kaysville, UT 84037
801-876-0001
electrichmiller@gmail.com
richmiller.us

Brad Wilson
Republican Party

1135 Foxtrotter Court
Kaysville, UT 84037
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UTAH LEGISLATURE CANDIDATES

Visit VOTE.UTAH.GOV for more information about these candidates

State House District 16

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Cheryl Nunn
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State House District 17

Davis County

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State House District 18

Davis County

Adam Alba
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State House District 19

Davis County

Joe Speciale
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State House District 20

Davis County

Melissa Garff Ballard
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UTAH LEGISLATURE CANDIDATES

Visit VOTE.UTAH.GOV for more information about these candidates

State House District 21

Tooele County

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Debbie K. Vigil
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State House District 22

Salt Lake County

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State House District 23

Salt Lake County

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State House District 24

Salt Lake County

Scott Rosenbush
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UTAH LEGISLATURE CANDIDATES

Visit VOTE.UTAH.GOV for more information about these candidates

State House District 25

Salt Lake County

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State House District 26

Salt Lake County

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State House District 27

Utah County

Curt Crosby
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Elisabeth Luntz
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State House District 28

Salt Lake & Summit Counties

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UTAH LEGISLATURE CANDIDATES

Visit VOTE.UTAH.GOV for more information about these candidates

State House District 29

Box Elder & Weber Counties

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State House District 30

Salt Lake County

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State House District 31

Salt Lake County

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State House District 32

Salt Lake County

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State House District 33

Salt Lake County

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UTAH LEGISLATURE CANDIDATES

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State House District 34

Salt Lake County

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State House District 35

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State House District 36

Salt Lake County

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State House District 37

Salt Lake County

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State House District 38

Salt Lake County

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UTAH LEGISLATURE CANDIDATES

Visit VOTE.UTAH.GOV for more information about these candidates

State House District 39

Salt Lake County

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State House District 40

Salt Lake County

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State House District 41

Salt Lake County

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State House District 43

Salt Lake County

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UTAH LEGISLATURE CANDIDATES

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State House District 44

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State House District 45

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State House District 46

Salt Lake County

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State House District 47

Salt Lake County

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State House District 48

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UTAH LEGISLATURE CANDIDATES

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State House District 49

Salt Lake County

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State House District 50

Salt Lake County

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State House District 51

Salt Lake County

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State House District 52

Salt Lake County

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State House District 53

Daggett, Duchesne, Morgan, Rich & Summit Counties

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UTAH LEGISLATURE CANDIDATES

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State House District 54

Summit & Wasatch Counties

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State House District 55

Duchesne & Uintah Counties

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State House District 56

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State House District 57

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State House District 58

Juab & Sanpete Counties

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UTAH LEGISLATURE CANDIDATES

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State House District 59

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State House District 60

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State House District 61

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State House District 62

Washington County

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State House District 63

Utah County

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UTAH LEGISLATURE CANDIDATES

Visit VOTE.UTAH.GOV for more information about these candidates

State House District 64

Utah County

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State House District 65

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State House District 66

Utah County

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State House District 67

Utah County

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Legislature candidates continued on next page.

UTAH LEGISLATURE CANDIDATES

Visit VOTE.UTAH.GOV for more information about these candidates

State House District 68

Beaver, Juab, Millard, Tooele & Utah Counties

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State House District 69

Carbon, Duchesne, Emery & Grand Counties

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State House District 70

Emery, Grand, Sanpete, & Sevier Counties

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State House District 71

Iron & Washington Counties

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UTAH LEGISLATURE CANDIDATES

Visit VOTE.UTAH.GOV for more information about these candidates

State House District 72

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State House District 73

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STATE SCHOOL BOARD CANDIDATES

Visit VOTE.UTAH.GOV for more information about these candidates

State School Board 14 (Non-Partisan)

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2 STATEWIDE BALLOT QUESTIONS

What exactly are ballot questions?

Utah law allows for people to vote on issues, including constitutional amendments and initiatives. Initiatives that qualify for the ballot become numbered propositions.

Constitutional amendments propose changes to the Utah Constitution. Any change to the constitution requires approval by voters of Utah.

A nonbinding opinion question is a question submitted to the voters by the legislature.

Ballot initiatives are changes to the law, which are *initiated* by citizens as a petition.

How do questions end up on the ballot?

Constitutional amendments begin as bills in the Utah State Legislature. If two-thirds of all members elected to both the House and Senate vote in favor of the bill, it is placed on the ballot for Utah voters to decide. If more than half of Utah voters vote in favor of an amendment, the Utah Constitution is amended.

The legislature passed a resolution to place a nonbinding opinion question on the ballot.

Ballot initiatives involve several steps, some of which are:

1. Sponsors file an application with the Lieutenant Governor then hold public hearings throughout the state.
2. The sponsors gather petition signatures of registered voters in Utah. They must gather at least 113,143 valid signatures from voters across the state. They must gather certain percentages of signatures in each State Senate district.
3. County clerks verify the petition signatures and the Lieutenant Governor's Office certifies an initiative petition if it meets the signature threshold. The Lieutenant Governor's Office numbers it as a proposition.

Who wrote the information about the questions?

The Governor's Office of Management and Budget prepares a fiscal impact estimate prior to signature gathering. Legislative Research and General Counsel writes an impartial analysis about the proposed law, which also includes fiscal analysis.

Initiative sponsors and legislators have an opportunity to write arguments in favor and against ballot questions. They may also write rebuttals to these arguments.

What's on my ballot?

Constitutional Amendment A (page 32)
Shall the Utah Constitution be amended to modify the period of time that a person in the military needs to serve out of state under an order to federal active duty in order to qualify for a property tax exemption for the military person's residence, allowing the military person to qualify if the period of service is at least 200 days in a continuous 365-day period?

STATEWIDE BALLOT QUESTIONS

Constitutional Amendment B (page 35)
Shall the Utah Constitution be amended to authorize the creation of a property tax exemption for real property, such as land or buildings, that the state or a local government entity leases from a private owner?

Constitutional Amendment C (page 39)
Shall the Utah Constitution be amended to:

- authorize the Legislature to convene into a limited session if two-thirds of the Utah Senate and House members agree that convening is necessary because of a fiscal crisis, war, natural disaster, or emergency in the affairs of the state;
- require the Governor to reduce state expenditures or convene the Legislature into session if state expenses will exceed revenue for a fiscal year; and
- require a session of the Legislature, other than the 45-day annual general session, to be held at the state capitol, unless it is not feasible due to a specified condition?

Nonbinding Opinion Question #1 (page 44)
To provide additional funding for public education and local roads, should the state increase the state motor and special fuel tax rates by an equivalent of 10 cents per gallon?

Proposition Number 2 (page 45)
Shall a law be enacted to:

- establish a state-controlled process that allows persons with certain illnesses to acquire and use medical cannabis and, in certain limited circumstances, to grow up to six cannabis plants for personal medical use;
- authorize the establishment of facilities that grow, process, test, or sell medical cannabis and require those facilities to be licensed by the state; and
- establish state controls on those licensed facilities, including:
    - electronic systems that track cannabis inventory and purchases; and
    - requirements and limitations on the packaging and advertising of cannabis and on the types of products allowed?

Proposition Number 3 (page 66)
Shall a law be enacted to:

- expand the state Medicaid health coverage program to include coverage, based on income, for previously ineligible low-income adults;
- maintain the following as they existed on January 1, 2017:
    - eligibility standards, benefits, and patient costs for Medicaid and the Children's Health Insurance Program (CHIP); and
    - the payment rate for healthcare providers under Medicaid and CHIP; and
- use the tax increase described below to pay for Medicaid and CHIP?

Proposition Number 4 (page 74)
Shall a law be enacted to:

- create a seven-member commission to recommend redistricting plans to the Legislature that divide the state into Congressional, legislative, and state school board districts;
- provide for appointments to that commission: one by the Governor, three by legislative majority party leaders, and three by legislative minority party leaders;
- provide qualifications for commission members, including limitations on their political activity;
- require the Legislature to enact or reject a commission-recommended plan; and
- establish requirements for redistricting plans and authorize lawsuits to block implementation of a redistricting plan enacted by the Legislature that fails to conform to those requirements?

Tips for Reading Ballot Questions

- If a word is <u>underlined</u>, that means the proposed change is adding the word to Utah State Code or the Constitution.
- If a word has a ~~line~~ through it or is within [brackets], that means the word is currently in Utah State Code or the Constitution and the proposed change is deleting it.
- If a word is neither underlined or lined through, that means the word will remain unchanged in Utah State Code or the Constitution.

CONSTITUTIONAL AMENDMENT

Shall the Utah Constitution be amended to modify the period of time that a person in the military needs to serve out of state under an order to federal active duty in order to qualify for a property tax exemption for the military person's residence, allowing the military person to qualify if the period of service is at least 200 days in a continuous 365-day period?

A

Ballot Title

☐ FOR

☐ AGAINST

Legislative Votes

Utah Senate

26 Yes 0 No 3 Not Present

Utah House of Representatives

72 Yes 0 No 3 Not Present

Bill Title & Session

2017 Legislative General Session
House Joint Resolution (H.J.R.) 7
Proposal to Amend Utah Constitution -- Active Military Property Tax Exemption

IMPARTIAL ANALYSIS

Constitutional Amendment A modifies a provision of the Utah Constitution that currently authorizes the creation of a property tax exemption for the residence of a person serving out of state in the military under an order to federal active duty.

Current Provisions of the Utah Constitution

Under the current Utah Constitution, all tangible property in the state is subject to being taxed, except for property that the Constitution specifically allows to be exempt from taxation. One of the exemptions allowed under the Utah Constitution is for the residence of a person who serves out of state in the military under an order to federal active duty, if the residence is owned by the person or the person's spouse, or both. The property tax exemption is available only if the military person's period of out of state service under the order is at least 200 days in a calendar year or 200 consecutive days. A military person would fail to qualify for the property tax exemption if, for example, the person served 199 days at the end of one calendar year and then had a break in service before serving another 199 days at the beginning of the following calendar year.

Effect of Amendment A

Constitutional Amendment A changes the period of time that a military person must serve out of state under an order to federal active duty in order to qualify for the property tax exemption for the military person's residence. Under the Amendment, a military person may qualify for the property tax exemption if the period of service is at least 200 days in a continuous 365-day period. The 200 days of service do not need to fall within the same calendar year but must fall within a continuous 365-day period, even if the 365-day period spans two calendar years. Additionally, the 200 days of service do not need to be consecutive but can include one or more breaks in service. Using the same example given above, if a military person serves 199 days at the end of one calendar year and another 199 days at the beginning of the following calendar year with a break in service between the two 199-day periods, the military person would qualify for the exemption under Amendment A. The person would have served at least 200 days in a continuous 365-day period, even though the 200 days were not all in the same calendar year or consecutive.

Implementing Legislation

If Amendment A is approved by voters, a bill passed during the 2017 General Session of the Legislature will also take effect and become law. That bill is H.B. 258, Veterans Tax Amendments. H.B. 258 implements the changes to the Utah Constitution made by Amendment A and allows a military person to qualify for a property tax exemption for the person's residence if the person has served out of state under an order to federal active duty for 200 days in any continuous 365-day period, even if those 200 days are not consecutive.

Effective Date

If approved by voters, Constitutional Amendment A takes effect January 1, 2019.

CONSTITUTIONAL AMENDMENT A

Fiscal Impact

Any fiscal impact from Amendment A and its implementing legislation will result from property tax exemptions claimed by military persons who qualify for a property tax exemption only because of the changes made by Amendment A. Some military persons may qualify for a property tax exemption even without the changes made by Amendment A, and the impact of those exemptions is not considered for purposes of the fiscal impact of Amendment A. A military person with a residence valued at $250,000 with a 1.35% property tax rate will save $1,856 for each year the person qualifies for a property tax exemption under Amendment A. A local government taxing entity may experience a temporary decrease in property tax revenue because of a property tax exemption claimed by a military person residing within that local government taxing entity. To offset any decrease in a local government taxing entity's revenue, other property taxpayers within the local government taxing entity may experience a temporary property tax increase. The combined total amount of a revenue decrease for any single local government taxing entity and the resulting property tax increase for taxpayers within that entity will depend on the number of military persons claiming the exemption, the value of their property, and the property tax rates of those local government taxing entities.

ARGUMENT IN FAVOR

Voting for Amendment A will increase the fairness of an existing property tax exemption for active duty military members.

The Utah Constitution already allows a property tax exemption for an active duty service member's home if the member is deployed on active duty service outside the state for 200 consecutive calendar days or for 200 days in a calendar year. However, some members of the military serve on active duty on non-consecutive days that do not align to a calendar year.

Amendment A will increase fairness to all active duty members by amending the constitution to allow a military member to receive a one-year property tax exemption for the member's home each time the member serves on active duty outside the state for at least 200 days within any 365-day period.
- Representative Val L. Peterson and Senator Curtis S. Bramble

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No rebuttal was submitted to the argument in favor of Constitutional Amendment A.
No argument was submitted against Constitutional Amendment A.

FULL TEXT OF CONSTITUTIONAL AMENDMENT A

PROPOSAL TO AMEND UTAH CONSTITUTION -- ACTIVE MILITARY PROPERTY TAX EXEMPTION
2017 General Session
Utah Constitution Sections Affected:
AMENDS:
ARTICLE XIII, SECTION 3
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 to amend Utah Constitution, Article XIII, Section 3, to read:
Article XIII, Section 3. [Property tax exemptions.]
(1) The following are exempt from property tax:
(a) property owned by the State;
(b) property owned by a public library;
(c) property owned by a school district;
(d) property owned by a political subdivision of the State, other than a school district, and located within the political subdivision;
(e) property owned by a political subdivision of the State, other than a school district, and located outside the political subdivision unless the Legislature by statute authorizes the property tax on that property;
(f) property owned by a nonprofit entity used exclusively for religious, charitable, or educational purposes;
(g) places of burial not held or used for private or corporate benefit;
(h) farm equipment and farm machinery as defined by statute;

(i) water rights, reservoirs, pumping plants, ditches, canals, pipes, flumes, power plants, and transmission lines to the extent owned and used by an individual or corporation to irrigate land that is:
(i) within the State; and
(ii) owned by the individual or corporation, or by an individual member of the corporation; and
(j) (i) if owned by a nonprofit entity and used within the State to irrigate land, provide domestic water, as defined by statute, or provide water to a public water supplier:
(A) water rights; and
(B) reservoirs, pumping plants, ditches, canals, pipes, flumes, and, as defined by statute, other water infrastructure;
(ii) land occupied by a reservoir, ditch, canal, or pipe that is exempt under Subsection
(1)(j)(i)(B) if the land is owned by the nonprofit entity that owns the reservoir, ditch, canal, or pipe; and
(iii) land immediately adjacent to a reservoir, ditch, canal, or pipe that is exempt under Subsection (1)(j)(i)(B) if the land is:
(A) owned by the nonprofit entity that owns the adjacent reservoir, ditch, canal, or pipe; and
(B) reasonably necessary for the maintenance or for otherwise supporting the operation of the reservoir, ditch, canal, or pipe.
(2) (a) The Legislature may by statute exempt the following from property tax:
(i) tangible personal property constituting inventory present in the State on January 1 and held for sale in the ordinary course of business;
(ii) tangible personal property present in the State on January 1 and held for sale or processing and shipped to a final destination outside the State within 12 months;
(iii) subject to Subsection (2)(b), property to the extent used to generate and deliver electrical power for pumping water to irrigate lands in the State;
(iv) up to 45% of the fair market value of residential property, as defined by statute;
(v) household furnishings, furniture, and equipment used exclusively by the owner of that property in maintaining the owner's home; and
(vi) tangible personal property that, if subject to property tax, would generate an inconsequential amount of revenue.
(b) The exemption under Subsection (2)(a)(iii) shall accrue to the benefit of the users
of pumped water as provided by statute.
(3) The following may be exempted from property tax as provided by statute:
(a) property owned by a disabled person who, during military training or a military
conflict, was disabled in the line of duty in the military service of the United States or the State;
(b) property owned by the unmarried surviving spouse or the minor orphan of a person who:
(i) is described in Subsection (3)(a); or
(ii) during military training or a military conflict, was killed in action or died in the line of duty in the military service of the United States or the State; and
(c) real property owned by a person in the military or the person's spouse, or both, and used as the person's primary residence, if the person serves under an order to federal active duty out of state for at least 200 days in a [~~calendar year or 200 consecutive days~~] continuous 365-day period.
(4) The Legislature may by statute provide for the remission or abatement of the taxes of the poor.
Section 2. **Submittal to voters.**
The lieutenant governor is directed to submit this proposed amendment to the voters of the state at the next regular general election in the manner provided by law.
Section 3. **Contingent effective date.**
If the amendment proposed by this joint resolution is approved by a majority of those voting on it at the next regular general election, the amendment shall take effect on January 1, 2019.

CONSTITUTIONAL AMENDMENT B

Shall the Utah Constitution be amended to authorize the creation of a property tax exemption for real property, such as land or buildings, that the state or a local government entity leases from a private owner?

Ballot Title

☐ FOR

☐ AGAINST

Legislative Votes

Utah Senate

21 Yes 7 No 1 Not Present

Utah House of Representatives

55 Yes 14 No 6 Not Present

Bill Title & Session

2018 Legislative General Session
Senate Joint Resolution (S.J.R.) 2
Proposal to Amend Utah Constitution - Property Tax Exemptions

IMPARTIAL ANALYSIS

Constitutional Amendment B modifies the Utah Constitution to allow for a property tax exemption for real property that the state or a local government entity leases from a private owner.

Current Provisions of the Utah Constitution

Under the current Utah Constitution, all tangible property in the state is subject to being taxed, except for property the Constitution specifically allows to be exempt from taxation. Tangible property subject to taxation includes real property, such as land or buildings, and tangible personal property, such as machinery, office furniture, or equipment. Property tax exemptions under the Utah Constitution include an exemption for property owned by the state or by local governments, including counties, cities, towns, and school districts.

State and local governments do not necessarily own all the property they use. Sometimes they lease property from a private owner. Because that leased property is owned by a private owner, it is subject to property tax. The private owner may pass the cost of the property tax on to the state or local government that leases the property. In those cases, the state or local government ends up paying property tax on property that would not be taxed if the state or local government owned the property.

Effect of Amendment B

Constitutional Amendment B authorizes the creation of a property tax exemption for real property that the state or a local government entity leases from a private owner. The term "local government entity" is to be defined by statute. The Amendment does not allow for the exemption of tangible personal property that the state or a local government entity leases from a private owner.

Amendment B may result in a cost saving to the state or local government entities that lease real property from a private owner. Because of the exemption, the private owner of the real property would not be required to pay property tax on that real property, allowing the saving to be passed on to the state or local government entity.

Implementing Legislation

If Amendment B is approved by voters, a bill passed during the 2018 General Session of the Legislature will also take effect and become law. That bill is S.B. 76, Commercial Property Tax Exemptions. S.B. 76 provides a process for obtaining a property tax exemption for real property owned by a private owner but leased to the state or a local government entity. S.B. 76 defines "local government entity" as a county, city, town, school district, charter school, or other political subdivision of the state. That definition includes the same local government entities currently entitled to a property tax exemption for real property that they own.

Effective Date

If approved by voters, Constitutional Amendment B takes effect January 1, 2019.

Fiscal Impact

The legislative fiscal analyst estimates that the amount of property tax paid on real property that state government leases statewide from private owners is currently $1.8 million each year. That amount is paid to local government taxing entities, which are the entities that impose property tax. The amount of annual property tax paid on real property that local government entities lease from private owners is unknown. As a local government taxing entity's property tax revenue decreases because of exemptions claimed under Amendment B and its implementing

legislation, other property taxpayers within the local government taxing entity may experience a property tax increase to generate enough property tax revenue to offset the decrease. The amount of any decrease in a local government taxing entity's property tax revenue and the amount of any corresponding property tax increase to other taxpayers will depend on the amount and value of the leased real property and the property tax rate on that property.

ARGUMENT IN FAVOR

Constitutional Amendment B: A more simple, efficient and transparent tax policy

It does not make sense to use taxes to pay taxes. This is why the Utah Constitution exempts government entities from paying property taxes on property that it owns. Amendment B simply provides real property *leased* by the state or a local government entity to also be exempt from property taxes.

- **Simplicity**: Currently, property is tax assessed on leased property, even when that property is leased by a governmental entity. In these instances, the state is essentially paying itself a property tax. This is like paying yourself to wash your own car. Whether the state owns or leases the real property it doesn't make sense to use taxpayer dollars to pay more taxes. Amendment B simplifies this process and makes the tax policy consistent whether the state owns or leases property.
- **Efficiency:** When the state allocates taxpayers dollars to a state agency or a government entity to provide services, it should avoid waste and inefficiencies. If these entities are forced to use a portion of their allocated tax dollars to pay property tax, they spend less on the services they are supposed to provide. By eliminating the property tax on property leased by these entities, more tax dollars will go toward their intended purposes and less tax dollars will go to waste.
- **Transparency**: Property taxes paid by a governmental entity on leased property is redistributed to other taxing entities that did not vote to impose the tax. For example, for a school district that leases property could lose part of their education funds to other governmental entities. Amendment B will increase transparency and accountability by ensuring that property tax stays with the entity that imposes it.
- **Fiscal Impact**: This change will not INCREASE or DECREASE revenues at all. The fiscal impact of Amendment B is revenue neutral.

Whether the state owns or leases property it does not make sense to use tax dollars to pay property taxes. Join us in voting FOR Amendment B for a more simple, efficient and transparent tax policy.

Senator Dan Hemmert
Representative Adam Robertson

REBUTTAL TO ARGUMENT IN FAVOR

Property owners who lease land to state or local government entities already receive the benefit of a reliable tenant leasing the land at fair market value. Amendment B seeks to provide an additional benefit to these property owners by giving them a tax exemption, to boot.

The proponents of this amendment argue that it is "revenue neutral." While technically accurate, that characterization is misleading. Passing this constitutional amendment would result in a tax cut for every property owner who leases land to the state. **This will result in a tax increase for every other taxpayer in the state.**

The choice is simple: If you lease land to the state, Amendment B will save you money. If you are like the rest of us who do not, Amendment B will raise your taxes.

Voters wisely rejected this idea a few years ago. It's time to do so again.

Vote Against Amendment B.
- Senator Gene Davis and Representative Sandra Hollins

ARGUMENT AGAINST

Amendment B rewards a few at the expense of all others.
Amendment B is a government giveaway to certain property owners who voluntarily lease their property to the govern-

ment. This is a tax exemption that every other property owner would be expected to pay.

Each year, local governments are guaranteed the same amount of revenue they received in the previous year and adjust the property tax rate to ensure this. When we grant exemptions, the share is spread among the remaining taxpayers.

The taxes the exempted property owner would have paid are then shifted to every other taxpayer to offset the difference. In short, this measure only helps a small handful of property owners while making everyone else pay the exempted owner's share.

Property tax is a vitally important source of local government funding. School districts, cities, and counties rely on property tax to provide essential services like educating our children, constructing and maintaining streets, making sure our air and water are clean, and protecting our communities.

Why provide a special handout to those who already benefit from leasing property to the government?

The property owner who leases to the government is already receiving the benefit of a good and reliable tenant paying market value using public dollars. Passing this measure would provide that property owner with the additional benefit of a tax exemption.

Two years ago, the citizens of this state were asked to vote on a constitutional amendment nearly identical to this one. The people wisely rejected that change on Election Day. We ask that you make the same decision here.

The state constitution has worked well for 122 years without this property tax exemption. The constitution is intentionally hard to change. We should only tinker with it when it is absolutely necessary--when the reasons to do so are compelling and the need is vital. There is no compelling reason to make this change now.

Vote Against Constitutional Amendment B.
- Senator Gene Davis and Representative Sandra Hollins

REBUTTAL TO ARGUMENT AGAINST

Amendment B is not a giveaway to property owners who lease property to the government. The real property tax exemption that Amendment B provides ONLY applies when the government is leasing 100% of a tax parcel and paying the real property tax directly (i.e., the government writes the check directly to the county). Amendment B has zero effect on the property owner. With or without Amendment B, the property owner who leases the property to the government does not pay the property tax. The property tax exemption is not given to the property owner, it is given to the government tenant who is paying the property tax directly. The exemption terminates when the government's lease terminates. The only beneficiary from Amendment B is the government (and indirectly all taxpayers) because it no longer has to waste our tax dollars to pay taxes. Using taxes to pay taxes makes no sense, which is why this exemption already exists in our state constitution when the government owns property outright.

The local governments and school districts who rely on property tax as a revenue source will not see a change in funding as a result of Amendment B.

We the people should demand the elimination of government waste and inefficiencies. Amendment B ensures that our government is less wasteful and inefficient by stopping the use of taxes to pay taxes. Vote for amendment B!
Senator Hemmert & Representative Robertson

FULL TEXT OF CONSTITUTIONAL AMENDMENT B

PROPOSAL TO AMEND UTAH CONSTITUTION -- PROPERTY TAX EXEMPTIONS
2018 General Session
Utah Constitution Sections Affected:
AMENDS:
ARTICLE XIII, SECTION 3
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 to amend Utah Constitution, Article XIII, Section 3, to read:
Article XIII, Section 3. [Property tax exemptions.]

CONSTITUTIONAL AMENDMENT B

(1) The following are exempt from property tax:
(a) property owned by the State;
(b) property owned by a public library;
(c) property owned by a school district;
(d) property owned by a political subdivision of the State, other than a school district, and located within the political subdivision;
(e) property owned by a political subdivision of the State, other than a school district, and located outside the political subdivision unless the Legislature by statute authorizes the property tax on that property;
(f) property owned by a nonprofit entity used exclusively for religious, charitable, or educational purposes;
(g) places of burial not held or used for private or corporate benefit;
(h) farm equipment and farm machinery as defined by statute;
(i) water rights, reservoirs, pumping plants, ditches, canals, pipes, flumes, power plants, and transmission lines to the extent owned and used by an individual or corporation to irrigate land that is:
(i) within the State; and
(ii) owned by the individual or corporation, or by an individual member of the corporation; and
(j) (i) if owned by a nonprofit entity and used within the State to irrigate land, provide domestic water, as defined by statute, or provide water to a public water supplier:
(A) water rights; and
(B) reservoirs, pumping plants, ditches, canals, pipes, flumes, and, as defined by statute, other water infrastructure;
(ii) land occupied by a reservoir, ditch, canal, or pipe that is exempt under Subsection
(1)(j)(i)(B) if the land is owned by the nonprofit entity that owns the reservoir, ditch, canal, or pipe; and
(iii) land immediately adjacent to a reservoir, ditch, canal, or pipe that is exempt under
Subsection (1)(j)(i)(B) if the land is:
(A) owned by the nonprofit entity that owns the adjacent reservoir, ditch, canal, or pipe; and
(B) reasonably necessary for the maintenance or for otherwise supporting the operation of the reservoir, ditch, canal, or pipe.
(2) (a) The Legislature may by statute exempt the following from property tax:
(i) tangible personal property constituting inventory present in the State on January 1 and held for sale in the ordinary course of business;
(ii) tangible personal property present in the State on January 1 and held for sale or processing and shipped to a final destination outside the State within 12 months;
(iii) subject to Subsection (2)(b), property to the extent used to generate and deliver electrical power for pumping water to irrigate lands in the State;
(iv) up to 45% of the fair market value of residential property, as defined by statute;
(v) household furnishings, furniture, and equipment used exclusively by the owner of that property in maintaining the owner's home; and
(vi) tangible personal property that, if subject to property tax, would generate an inconsequential amount of revenue.
(b) The exemption under Subsection (2)(a)(iii) shall accrue to the benefit of the users of pumped water as provided by statute.
(3) The following may be exempted from property tax as provided by statute:
(a) property owned by a disabled person who, during military training or a military conflict, was disabled in the line of duty in the military service of the United States or the State;
(b) property owned by the unmarried surviving spouse or the minor orphan of a person who:
(i) is described in Subsection (3)(a); or
(ii) during military training or a military conflict, was killed in action or died in the line of duty in the military service of the United States or the State; [~~and~~]
(c) real property owned by a person in the military or the person's spouse, or both, and used as the person's primary residence, if the person serves under an order to federal active duty out of state for at least 200 days in a calendar year or 200 consecutive days[~~.~~]; and (d) real property that the State or a local government entity, as defined by statute, leases from a private owner.
(4) The Legislature may by statute provide for the remission or abatement of the taxes of the poor.
Section 2. **Submittal to voters.**
The lieutenant governor is directed to submit this proposed amendment to the voters of the state at the next regular general election in the manner provided by law.
Section 3. **Contingent effective date.**
If the amendment proposed by this joint resolution is approved by a majority of those voting on it at the next regular general election, the amendment shall take effect on January 1, 2019.

CONSTITUTIONAL AMENDMENT C

Shall the Utah Constitution be amended to:

- authorize the Legislature to convene into a limited session if two-thirds of the Utah Senate and House members agree that convening is necessary because of a fiscal crisis, war, natural disaster, or emergency in the affairs of the state;
- require the Governor to reduce state expenditures or convene the Legislature into session if state expenses will exceed revenue for a fiscal year; and
- require a session of the Legislature, other than the 45-day annual general session, to be held at the state capitol, unless it is not feasible due to a specified condition?

Ballot Title

☐ FOR

☐ AGAINST

Legislative Votes

Utah Senate

24 Yes 4 No 1 Not Present

Utah House of Representatives

66 Yes 0 No 9 Not Present

Bill Title & Session

2018 Legislative General Session
House Joint Resolution (H.J.R.) 18
Proposal to Amend Utah Constitution -- Special Sessions of the Legislature

IMPARTIAL ANALYSIS

Constitutional Amendment C makes three main changes to the Utah Constitution. The Amendment: (1) allows the president of the Utah Senate and the speaker of the Utah House of Representatives to convene the Legislature into session under certain limited circumstances; (2) requires the Governor to take certain action if the state's expenditures will exceed revenue for a fiscal year; and (3) requires a session of the Legislature convened by the Governor or the Legislature to be held at the state capitol in Salt Lake City unless it is not feasible due to certain circumstances.

1. Legislative Sessions

Current Provisions of the Utah Constitution

The current Utah Constitution provides two ways for the Legislature to meet together -- or convene -- in a session to conduct the legislative business of considering and passing laws. First, the Utah Constitution requires the Legislature to meet each year in a 45-day general session. The Constitution does not place any limits on the business that the Legislature may consider during an annual general session.

Second, the Constitution authorizes the Governor to convene the Legislature into session, commonly referred to as a special session, at a time other than an annual general session for no more than 30 days. The business that the Legislature may consider during a session convened by the Governor is limited to the business specified by the Governor.

Other than the annual general session and a session convened by the Governor, the Utah Constitution does not provide for the convening of the Legislature into session.

Effect of Amendment C

Amendment C authorizes the Legislature to be convened into session at a time other than the 45-day annual general session or when the Governor convenes the Legislature into session. The Amendment authorizes the president of the Utah Senate and the speaker of the Utah House of Representatives to convene the Legislature into session if two-thirds of all Senate and House members are in favor of convening because in their opinion a persistent fiscal crisis, war, natural disaster, or emergency in the affairs of the state requires convening. The business that the Legislature may conduct during the session is limited to the business specified in a proclamation that the Senate president and House of Representatives speaker issue to convene the session.

Amendment C contains the following additional limitations on a session convened by the president and speaker:

- the session may not be convened within the 30 days following the completion of a 45-day annual general session;

- the session may not last more than 10 calendar days; and
- the total amount of money that the Legislature authorizes to be spent may not exceed 1% of the total amount authorized to be spent for the immediately preceding fiscal year.

2. Requirements if State Expenditures Exceed State Revenue

Current Provisions of the Utah Constitution

Under the current Utah Constitution, the Legislature authorizes the spending of state money for each fiscal year, which is a period beginning July 1 and ending the following June 30. The spending authorizations occur before the start of a fiscal year and are based on projections of future state revenue for that same period. The Legislature may not authorize more money to be spent during a fiscal year than the state is expected to receive during that period.

If actual revenue during any fiscal year turns out to be less than the amount of money the Legislature previously authorized to be spent, the Governor may, in the manner and in the amounts chosen by the Governor, reduce the amount that state agencies spend. Alternatively, the Governor may, but is not required to, convene the Legislature into session to adjust the amount of money to be spent to match the amount of state revenue.

Effect of Amendment C

Amendment C requires the Governor to take one of two actions if the state's expenses will exceed the state's revenue for a fiscal year. The Governor must either (1) reduce proportionately the amount of money spent, except for money spent for the state's debt, or (2) convene the Legislature into session so that the Legislature may address the revenue shortfall.

3. Location of Legislative Sessions

Current Provisions of the Utah Constitution

The current Utah Constitution requires each 45-day annual general session of the Legislature to be held at the state capitol in Salt Lake City and does not provide any exception to that requirement. The Constitution does not currently specify the location for a session convened by the Governor.

Effect of Amendment C

Amendment C requires a session of the Legislature that is convened by the Governor or a session convened by the Senate president and House speaker, as authorized under Amendment C, to be held at the state capitol in Salt Lake City. The Amendment makes an exception to that requirement if convening at the state capitol is not feasible due to epidemic, natural or human-caused disaster, enemy attack, or other public catastrophe.

Effective Date

If approved by voters, Constitutional Amendment C takes effect January 1, 2019.

Fiscal Impact

If the Legislature follows past practice and convenes into session on days when the Legislature is holding meetings anyway, Amendment C will not have a material impact on state costs. The legislative fiscal analyst estimates that the Legislature convening into session on a day other than a day when the Legislature is holding meetings anyway will increase state costs by $50,000 for each day the Legislature is convened in session.

ARGUMENT IN FAVOR

Vox populi. The "voice of the People." That phrase refers to the Legislature, the People's elected representatives. Yet currently in Utah, that voice is effectively silenced more than ten months of the year. Even if facing a critical need affecting Utah residents, the Legislature is without power to speak for the People to address and resolve that need without gubernatorial permission.

Constitutional Amendment C enables the voice of the People to speak for them any time there is a critical need – not just during the 45 days of the annual general session. Those instances will be rare, but the residents of Utah should not be deprived of their voice when there is an immediate need for action.

Constitutional Amendment C specifies the very limited circumstances under which the Legislature can be called into session outside the annual 45-day general session. First, two-thirds of all members of both the Senate and House of Representatives must agree that convening the Legislature is necessary because of a persistent fiscal crisis, war, natural disaster, or emergency in the affairs of state. Second, the session cannot be convened within 30 days of the annual

45-day general session and can last no more than 10 calendar days. Finally, only 1% of the state's annual budget could be affected during the session.

In addition to allowing the voice of the People to speak on a critical issue facing the state, Constitutional Amendment C also provides a safeguard against the state spending more than it takes in. The Amendment enables the Governor to reduce state expenditures to avoid overspending or to call the Legislature into session to deal with the shortfall.

The residents of 35 other states have the ability for their voices to be heard through their elected representatives in a session convened by their legislatures. Utah's residents also deserve to have their voice heard through their elected representatives in the Legislature in a moment of critical need. Constitutional Amendment C ensures that the People's voice will have the opportunity to be heard if and when that moment arises.

Vote FOR Constitutional Amendment C.

- Representative Brad Wilson and Senator Hemmert

REBUTTAL TO ARGUMENT IN FAVOR

In my 38 years serving in the legislature, I can think of only one time that the governor and legislative leaders disagreed about the need to call a special session. All other times we have been able to work out a compromise to either resolve the issue without legislative action or to enter a special session under a clearly stated agenda. I cannot imagine a natural disaster that is serious enough that the legislature would want to call itself into special session and the governor would not want to act as well. Historically, when we have had a mid-year budget shortfall, the governor has usually had the necessary tools to handle the issue immediately to create a stop-gap until the next legislative session.

If we have the power to call ourselves into special session, I am concerned about how expanded the agenda for the special sessions may be without more clearly defined limitations than what are set forth in this proposed amendment. Expanded days for meetings for the legislature limits who can take their time from work and families to serve as legislators. This is an unnecessary expansion of legislative powers that is not in the best interest of the State especially within the context of separation of powers set forth in our Constitution.

Senator Lyle Hillyard

ARGUMENT AGAINST

In my experience, special sessions can be nightmares. The notice is usually short and the session is only one day. These problems prevent the general public and those with concerns about unintended consequences of proposed legislative action from being able to express their concerns and help improve the legislation. This public input is what makes the legislative process work.

Currently, a special session can only be called by the governor, who must set the agenda. The legislature is free to approve, amend or reject the presented issue. This process has worked well over the last 100+ years as established in our state Constitution. The mischief can occur when others try to add additional items to the agenda that may at first appear simple, but public debate and input may reveal unintended consequences that we need to consider.

This proposed change would allow the legislature to bypass the governor by the legislature calling a special session, even over the governor's objection, and then pass bills with a 2/3 majority leaving him no power to veto.

Finally, I am concerned about the constant pressure to move us from a part-time to a full-time legislature. Adding the power for the legislature to call a special session puts added pressure on legislators to continue meeting. We do enough damage in the regular 45-day session.

Senator Lyle Hillyard

REBUTTAL TO ARGUMENT AGAINST

Special legislative sessions *can* be challenging. But what would be even more challenging is to have a critical need of the state go unmet because the Legislature was powerless to act. Constitutional Amendment C enables the Legislature to be the voice of the People at a time of critical need. It is carefully designed to avoid the potential problems mentioned in the opposing argument.

CONSTITUTIONAL AMENDMENT C

The Amendment does not change the Governor's ability to veto a bill passed by the Legislature. The Governor maintains veto power over legislation passed at a session under this proposal the same as with any other legislation.

Adding further last-minute items to the agenda of a session under Amendment C is not possible. The Senate president and House speaker are required to issue a joint proclamation clearly defining the critical issues to be considered at the session. The Amendment forbids the Legislature from considering any other item of business.

Finally, the Amendment carefully safeguards the model of a part-time Legislature that has served Utah so well for over 100 years. The Amendment recognizes only a very narrow set of circumstances that would justify the Legislature calling itself into session. The restrictions on when, why, and for how long the Legislature may convene under this proposal are entirely supportive of the idea of a part-time Legislature.

The Amendment ensures that the Legislature has the ability to be the voice of the People at a time of critical need.

Please join me in voting FOR Constitutional Amendment C.

Representative Brad Wilson & Senator Hemmert

FULL TEXT OF CONSTITUTIONAL AMENDMENT C

PROPOSAL TO AMEND UTAH CONSTITUTION -- SPECIAL SESSIONS OF THE LEGISLATURE

2018 General Session

Utah Constitution Sections Affected:

AMENDS:

ARTICLE VI, SECTION 2

ARTICLE VI, SECTION 16

ARTICLE VII, SECTION 7

ARTICLE XIII, SECTION 5

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 to amend Utah Constitution, Article VI, Section 2, to read:

Article VI, Section 2. [Time and location of annual general sessions -- Location of sessions convened by the Governor or Legislature -- Sessions convened by the Legislature.]

(1) Annual general sessions of the Legislature shall be held at the seat of government and shall begin on the fourth Monday in January.

(2) A session convened by the Governor under Article VII, Section 6 and a session convened by the Legislature under Subsection (3) shall be held at the seat of government, unless convening at the seat of government is not feasible due to epidemic, natural or human-caused disaster, enemy attack, or other public catastrophe.

(3) (a) The President of the Senate and Speaker of the House of Representatives shall by joint proclamation convene the Legislature into session if a poll conducted by the President and Speaker of their respective houses indicates that two-thirds of all members elected to each house are in favor of convening the Legislature into session because in their opinion a persistent fiscal crisis, war, natural disaster, or emergency in the affairs of the State necessitates convening the Legislature into session.

(b) The joint proclamation issued by the President and Speaker shall specify the business for which the Legislature is to be convened, and the Legislature may not transact any business other than that specified in the joint proclamation, except that the Legislature may provide for the expenses of the session and other matters incidental to the session.

(c) The Legislature may not be convened into session under this Subsection (3) during the 30 calendar days immediately following the adjournment sine die of an annual general session of the Legislature.

(d) In a session convened under this Subsection (3), the cumulative amount of appropriations that the Legislature makes may not exceed an amount equal to 1% of the total amount appropriated by the Legislature for the immediately preceding completed fiscal year.

(e) Nothing in this Subsection (3) affects the Governor's authority to convene the Legislature under Article VII, Section 6.

Section 2. It is proposed to amend Utah Constitution, Article VI, Section 16, to read:

Article VI, Section 16. [Duration of sessions.]

[~~(1)~~]Except in cases of impeachment[~~,~~]:

(1) no annual general session of the Legislature may exceed 45 calendar days, excluding federal holidays[~~.~~];

(2) [~~No~~] no session of the Legislature convened by the Governor under Article VII, Section 6 may exceed 30 calendar days[~~, except in cases of impeachment.~~]; and

(3) no session of the Legislature convened by the Legislature under Article VI, Section 2, Subsection (3) may exceed 10 calendar days.

CONSTITUTIONAL AMENDMENT C

Section 3. It is proposed to amend Utah Constitution, Article VII, Section 7, to read:

Article VII, Section 7. [Adjournment of Legislature by Governor.]

In case of a disagreement between the two houses of the Legislature at any special session convened by the Governor under Article VII, Section 6, with respect to the time of adjournment, the Governor shall have power to adjourn the Legislature to such time as the Governor may think proper if it is not beyond the time fixed for the convening of the next Legislature.

Section 4. It is proposed to amend Utah Constitution, Article XIII, Section 5, to read:

Article XIII, Section 5. [Use and amount of taxes and expenditures.]

(1) (a) The Legislature shall provide by statute for an annual tax sufficient, with other revenues, to defray the estimated ordinary expenses of the State for each fiscal year.

(b) If the ordinary expenses of the State will exceed revenues for a fiscal year, the Governor shall:

(i) reduce all State expenditures on a pro rata basis, except for expenditures for debt of the State; or

(ii) convene the Legislature into session under Article VII, Section 6 to address the deficiency.

(2) (a) For any fiscal year, the Legislature may not make an appropriation or authorize an expenditure if the State's expenditure exceeds the total tax provided for by statute and applicable to the particular appropriation or expenditure.

(b) Subsection (2)(a) does not apply to an appropriation or expenditure to suppress insurrection, defend the State, or assist in defending the United States in time of war.

(3) For any debt of the State, the Legislature shall provide by statute for an annual tax sufficient to pay:

(a) the annual interest; and

(b) the principal within 20 years after the final passage of the statute creating the debt.

(4) Except as provided in Article X, Section 5, Subsection (5)(a), the Legislature may not impose a tax for the purpose of a political subdivision of the State, but may by statute authorize political subdivisions of the State to assess and collect taxes for their own purposes.

(5) All revenue from taxes on intangible property or from a tax on income shall be used to support the systems of public education and higher education as defined in Article X, Section 2.

(6) Proceeds from fees, taxes, and other charges related to the operation of motor vehicles on public highways and proceeds from an excise tax on liquid motor fuel used to propel those motor vehicles shall be used for:

(a) statutory refunds and adjustments and costs of collection and administration;

(b) the construction, maintenance, and repair of State and local roads, including payment for property taken for or damaged by rights-of-way and for associated administrative costs;

(c) driver education;

(d) enforcement of state motor vehicle and traffic laws; and

(e) the payment of the principal of and interest on any obligation of the State or a city or county, issued for any of the purposes set forth in Subsection (6)(b) and to which any of the fees, taxes, or other charges described in this Subsection (6) have been pledged, including any paid to the State or a city or county, as provided by statute.

(7) Fees and taxes on tangible personal property imposed under Section 2, Subsection (6) of this article are not subject to Subsection (6) of this Section 5 and shall be distributed to the taxing districts in which the property is located in the same proportion as that in which the revenue collected from real property tax is distributed.

(8) A political subdivision of the State may share its tax and other revenues with another political subdivision of the State as provided by statute.

(9) Beginning July 1, 2016, the aggregate annual revenue from all severance taxes, as those taxes are defined by statute, except revenue that by statute is used for purposes related to any federally recognized Indian tribe, shall be deposited annually into the permanent State trust fund under Article XXII, Section 4, as follows:

(a) 25% of the first $50,000,000 of aggregate annual revenue;

(b) 50% of the next $50,000,000 of aggregate annual revenue; and

(c) 75% of the aggregate annual revenue that exceeds $100,000,000.

Section 5. **Submittal to voters.**

The lieutenant governor is directed to submit this proposed amendment to the voters of the state at the next regular general election in the manner provided by law.

Section 6. **Contingent effective date.**

If the amendment proposed by this joint resolution is approved by a majority of those voting on it at the next regular general election, the amendment shall take effect on January 1, 2019.

NONBINDING OPINION QUESTION # 1

Potential Gas Tax Increase for Public Education and Local Roads

Ballot Title

☐ FOR

☐ AGAINST

Legislative Votes

Utah Senate

24 Yes 4 No 1 Not Present

Utah House of Representatives

55 Yes 17 No 3 Not Present

Bill Title & Session

2018 Legislative General Session
House Joint Resolution (H.J.R.) 20
Joint Resolution Submitting a Question to Voters

BALLOT QUESTION

To provide additional funding for public education and local roads, should the state increase the state motor and special fuel tax rates by an equivalent of 10 cents per gallon?

FULL TEXT OF LEGISLATION

Be it resolved by the Legislature of the state of Utah:
WHEREAS, public education is frequently listed as the top concern of Utah residents;
WHEREAS, a high-quality education is exceedingly necessary to achieve personal and statewide prosperity;
WHEREAS, additional investments in education will provide greater learning opportunities for Utah students to succeed;
WHEREAS, improving Utah's workforce will stimulate greater economic development and growth;
WHEREAS, funding at the school level allows for local control, community engagement, and direct investment in the students of each school;
WHEREAS, approximately $600 million is taken from the state's General Fund to subsidize the Transportation Fund each year;
WHEREAS, additional transportation-sourced funding is needed for the Transportation Fund to better sustain itself;
WHEREAS, if the state's Transportation Fund is more self-sustaining, more resources in the General Fund will be available for use by the state public education system;
WHEREAS, increasing the motor and special fuel tax will generate substantial revenue for the Transportation Fund and reduce the subsidy from the General Fund; and
WHEREAS, Section 36-16b-202 provides a process for the Legislature to submit a nonbinding opinion question to the legal voters of Utah in a regular general election:
NOW, THEREFORE, BE IT RESOLVED that the Legislature of the state of Utah directs the lieutenant governor to submit the following nonbinding opinion question to the legal voters of Utah at the 2018 regular general election, to be held on November 6, 2018:
"To provide additional funding for public education and local roads, should the state increase the state motor and special fuel tax rates by an equivalent of 10 cents per gallon?".
BE IT FURTHER RESOLVED that a copy of this resolution be sent to the lieutenant governor, who is hereby directed, in accordance with this resolution and Title 36, Chapter 16b, Nonbinding Statewide Public Opinion Questions, to submit the language of the foregoing opinion question at the 2018 regular general election, to be held on November 6, 2018, to the legal voters of the state for their approval.
Contingent effective date.
This resolution takes effect on the day on which Title 36, Chapter 16b, Nonbinding Statewide Public Opinion Questions, becomes law.

PROPOSITION NUMBER 2

☐ FOR
☐ AGAINST

Shall a law be enacted to:

- establish a state-controlled process that allows persons with certain illnesses to acquire and use medical cannabis and, in certain limited circumstances, to grow up to six cannabis plants for personal medical use;
- authorize the establishment of facilities that grow, process, test, or sell medical cannabis and require those facilities to be licensed by the state; and
- establish state controls on those licensed facilities, including:
  - electronic systems that track cannabis inventory and purchases; and
  - requirements and limitations on the packaging and advertising of cannabis and on the types of products allowed?

IMPARTIAL ANALYSIS

Proposition Number 2 adds to current Utah law related to medical cannabis, also known as medical marijuana, in two main ways. First, it authorizes the establishment of private facilities that grow, process, test, and sell medical cannabis and requires the state to regulate those facilities. Second, the Proposition establishes a state-controlled process for people with certain conditions to receive approval to acquire, use, and, in certain limited circumstances, grow medical cannabis.

Current Law

Current Utah law requires the state, by January 1, 2019, to ensure that cannabis is grown in the state and can be processed into medicinal form and to establish a state facility to sell the cannabis that has been processed into a medicinal form.

Under current Utah law, cannabis can be grown, processed, or sold only by the state. The state may sell cannabis only to a qualified research institution or a person who is terminally ill with less than six months to live.

Under current federal law, it is illegal to distribute, possess, or use cannabis. The federal law is enforceable throughout the country, regardless of whether a state law authorizes the distribution, possession, or use of cannabis in some manner. To the extent a state law prevents the federal government from executing the federal law, the federal law controls and a court could find that the state law is invalid.

Effect of Proposition 2

Proposition 2 does not eliminate or change Utah's existing cannabis-related law but adds to it in two main ways. First, the Proposition adds a parallel path for cannabis production and distribution by authorizing the establishment of private facilities that grow, process, test, and sell medical cannabis. Second, the Proposition establishes a parallel process for people to receive approval to use medical cannabis, expanding the group of people eligible to use medical cannabis.

Licensed and regulated facilities

Proposition 2 authorizes the establishment of four types of private cannabis facilities:

- cultivation facilities, which grow cannabis to sell to other cannabis facilities;
- processing facilities, which acquire unprocessed cannabis from cultivation facilities, process it into cannabis products, and sell those products to dispensaries;
- testing facilities, which test samples of all cannabis and cannabis products to be sold by dispensaries; and
- dispensaries, which acquire cannabis and cannabis products from cultivation facilities and processing facilities to sell to people who have been approved to use medical cannabis.

Proposition 2 also requires the state to license and regulate cannabis facilities and establishes requirements for and limitations on the facilities, including requirements and limitations relating to:

- the advertising, packaging, labeling, processing, testing, and transporting of medical cannabis;
- the types of products that may be processed or sold;
- the quantities of medical cannabis that may be sold; and
- the number of facilities that may be licensed to grow or sell medical cannabis.

Proposition 2 requires each licensed cannabis facility to maintain an inventory control system that:

- tracks cannabis in real time, using a unique identifier;
- stores in real time a record of the facility's cannabis inventory;
- includes a video recording system to track cannabis handling and processing;
- maintains compatibility with the state's electronic system identifying people approved to use medical cannabis; and
- is accessible to the state during inspections, which can occur at any time.

Medical cannabis use

Proposition 2 establishes a state-controlled process to allow, beginning March 1, 2020, certain people to receive approval to use medical cannabis, expanding the group of people eligible to use medical cannabis. To receive approval to use medical cannabis under Proposition 2, a person must have one of the conditions listed as a "qualifying illness" and receive a physician's recommendation.

Proposition 2 also establishes a process for a person whose condition is not included on the list of qualifying illnesses to receive approval to use medical cannabis. To receive approval, a person must provide satisfactory evidence to a five-member board of physicians that the person has a condition that is hard to control or deal with and substantially impairs the person's quality of life, and the board must determine that medical cannabis use is in the person's best interest.

Under Proposition 2, a person approved to use medical cannabis is:

- prohibited from using medical cannabis in public, except in a medical emergency;
- prohibited from smoking cannabis;
- prohibited from using medical cannabis while operating a motor vehicle;
- required to carry proof, when possessing medical cannabis outside the person's residence, that the person is approved to use medical cannabis;
- required to carry cannabis, when outside the person's residence, only in limited quantities and with labeling that indicates its source;
- allowed to grow up to six cannabis plants for personal medical use, if, after January 1, 2021, there is no licensed dispensary selling medical cannabis within 100 miles of the person's residence; and
- allowed to designate up to two persons to help, without compensation, the person acquire or grow medical cannabis, if a physician determines that the person needs assistance.

Proposition 2 requires the state to maintain an electronic system, operational by March 1, 2020, that, among other things, allows:

- a physician to submit a recommendation for medical cannabis treatment;
- a person to apply from a physician's office for approval to use medical cannabis;
- the state to track and archive, for no more than 60 days, cannabis purchases; and
- law enforcement to determine during a traffic stop whether a person is approved to use medical cannabis.

Fiscal Impact

Proposition 2 exempts medical cannabis sales from state and local sales tax and requires the state to impose fees, including licensing and registration fees paid by cannabis facilities, to cover the ongoing costs of implementing the Proposition. In the first year, Proposition 2 may cost the state $3.6 million, an amount that includes one-time setup costs. Some of the first year's initial setup costs will have to be paid before the state begins collecting fees, requiring the state to pay $1.3 million from state tax revenue. After the first year, the annual revenue from fees is expected to cover the Proposition's estimated annual cost of $2.1 million.

ARGUMENT IN FAVOR

The Utah Medical Cannabis Act would allow sick and suffering Utahns to legally access cannabis if their doctors feel it can help them.

Passing this law would make Utah the 30th state to approve medical cannabis as a treatment for sick and ailing patients with a limited set of approved conditions. Polls in Utah have repeatedly shown over 75% of voters support this proposal.

Despite such strong support, the Legislature has not been willing to pass an effective law that stops treating patients as criminals. As a result, the Utah Patients Coalition collected nearly 200,000 signatures to give you the opportunity to decide this important issue.

The Utah Medical Cannabis Act is a cautiously crafted bill, written with Utah values in mind. It includes responsible regu-

lations to ensure only patients can obtain legal access. It also gives law enforcement significant oversight and applies numerous restrictions to minimize abuse. Recreational use of cannabis would remain strictly prohibited and will continue to be prosecuted according to the law.

Patients with the following ailments would be allowed access under a doctor's supervision:

Epilepsy
Cancer
Chronic pain
Crohn's disease
Autism
PTSD
Multiple Sclerosis
HIV/AIDS
Alzheimer's disease
ALS (Lou Gehrig's Disease)

Individuals suffering from these conditions should not be criminalized, especially when others like them are able to find symptom relief in states that provide safe, legal use of cannabis-based treatments. Creating medical refugees of sick Utahns—and forcing them to abandon their support network in our great state merely to find relief elsewhere—is inhumane. There is a better way.

If you agree, we invite you to support medical patients by voting in favor of the Utah Medical Cannabis Act. Patients shouldn't be treated as criminals.

Utah Patients Coalition
189 N Hwy 89 Suite C, 129
North Salt Lake, UT 84054

Officers:
Donald Schanz
15 S. Fairway Drive
North Salt Lake, UT 84054

Connor Boyack
733 W 1620 S
Lehi, UT 84043

REBUTTAL TO ARGUMENT IN FAVOR

Over the past five years, Utah lawmakers have passed several bills to help people who can benefit from medical marijuana. These initial steps are well thought-out, chart a responsible path to relieving suffering, and protect Utah communities from unintended consequences. Unfortunately, Proposition 2 ignores these policy changes and implements a de facto recreational marijuana policy in Utah.

Proposition 2 violates the safeguards of legitimate medicine. Instead of physicians only, the initiative allows a long list of individuals to recommend marijuana use. Instead of pharmacies, it provides for dispensaries (the initiative's term for pot shops) to sell a variety of products such as gummies and brownies. Instead of prescribed dosages managed by licensed pharmacists, the initiative allows any person to receive the equivalent of 100 joints every two weeks. This is recreational marijuana, not medical marijuana.

The co-author of California's medical marijuana law, very similar to Proposition 2, says, "We created [it] so that patients would not have to deal with black-market profiteers. But today it is all about the money. Most of the dispensaries operating in California are little more than dope dealers with storefronts." Utah can do better.

The National Academies of Sciences Engineering and Medicine concluded marijuana use during adolescence negatively impacts education performance, employment and social relationships. States legalizing medical marijuana have seen an increase in youth usage, suicide and addiction rates. The harm to our youth is predictable and measurable.

We encourage all Utahns to vote AGAINST Proposition 2.

Senator Evan Vickers
Representative Brad Daw
842 E 280 S
Orem, Utah 84097

PROPOSITION NUMBER 2

ARGUMENT AGAINST

This Initiative Goes Too Far

This initiative promotes widespread recreational use while presenting itself as only helping patients. It needlessly exposes our children and youth to a dangerous and highly addictive drug. It violates sound medical practice. It will increase traffic fatalities and criminal activity. It overrides the ability of cities and towns to make their own zoning decisions. We strongly urge you to vote "AGAINST" this initiative.

Youth Marijuana Use Will Increase
A recent national survey shows that states that legalized marijuana have the highest rate of youth marijuana use in the nation. Utah currently ranks last. Adolescent use lowers IQ, reduces motivation, causes psychosis, and is associated with increased suicide attempts and abuse of other drugs. Utah has over 650,000 school children that will be put at significant risk. This is one reason Utah PTA opposes this initiative.

Marijuana Will Be Sold by Untrained "Budtenders"
Real medicine requires a prescription filled at a pharmacy. In sharp contrast, the initiative allows virtually anyone to obtain a healthcare provider's "recommendation." People with no legitimate medical training ("budtenders") will then sell marijuana products with names such as Green Crack, AK-47, Gorilla Glue and Girl Scout Cookies. People will be able to buy the equivalent of 100 joints every two weeks. This is one reason Utah Medical Association opposes this initiative.

Traffic Fatalities and Crime Will Increase
States that have legalized marijuana have seen dramatic increases in marijuana-related traffic accidents and deaths. These states have also seen an increase in criminal marijuana activity. This is one reason the Utah law enforcement community opposes this initiative.

Cities Will Have No Control Over Marijuana Operations
Elected city and county officials will not be able to prevent large marijuana-growing warehouses, dispensaries, or other marijuana-related businesses from operating in our community. Marijuana could be sold as close as 300 feet to our homes and only 600 feet from schools, parks, and playgrounds. That's why many local community leaders oppose this initiative.

Taxpayers Will Foot the Bill
This marijuana initiative is costly to taxpayers because it allows cash-only dispensaries to sell marijuana without charging sales tax. The state of Utah will be forced to regulate this new multimillion dollar industry with no offsetting tax to pay for it. Big Marijuana gets rich and we get the bill.

Utah Is Already Helping Patients
We support medical marijuana when administered in the same manner as any other legitimate drug – through a physician and pharmacist. In addition to FDA approval of a marijuana extract for seizures, Utah has already approved science-based and medically sound treatments derived from marijuana for patients with specific needs.

Conclusion
This initiative is highly dangerous. It artfully conceals intentions that go far beyond the simplistic description given by initiative proponents. They are funded by a powerful pro-marijuana lobbying organization based in Washington, DC, that exploits the plight of the sick to further their ultimate goal of recreational marijuana.

Vote "AGAINST" this costly, unnecessary, and dangerous initiative.

Representative Brad Daw
842 E 280 S
Orem, UT 84097

Senator Evan Vickers

REBUTTAL TO ARGUMENT AGAINST

The Utah Medical Cannabis Act (Prop 2) will be among the most conservative medical cannabis programs in the country, according to Americans for Safe Access. In fact, it would be the only program that bans both smoking and home cultivation. The arguments against Prop 2 are shrouded in fear and hyperbole.

Opponents claim the initiative "promotes widespread recreational use." This is false. Absolutely no recreational use is

allowed. Instead, a patient with an approved condition must be given access by a medical provider who also has legal authority to prescribe opioids.

The vast majority of Utahns support Prop 2, including many law enforcement officers, doctors, and lawmakers. With diverse backgrounds and views, we all agree on this point: **patients should not be treated as criminals**.

Scientists throughout the world, especially in Israel, have clinically researched the benefits of cannabis for decades. Utahns can benefit from this vast library of knowledge. While more research is always better, the opposition fails to embrace the profound amount of scientific research validating medical cannabis.

Think of your loved ones who suffer from cancer, MS, chronic pain, epilepsy, and more. What would you want for them? Forcing families to choose between fleeing the state or breaking the law and risking losing their job or children is neither reasonable nor compassionate.

We urge you to set aside the opposition's fearmongering and let Utah join thirty other states with patient access to medical cannabis, under a doctor's supervision.

Support medical patients. Vote FOR Prop 2.

Utah Patients Coalition Officers: Donald Schanz & Connor Boyack

FULL TEXT OF PROPOSITION NUMBER 2

Be It Enacted by the People of the State of Utah:

Section 1. Section **4-41b-101** is enacted to read:

CHAPTER 41b. CANNABIS PRODUCTION ESTABLISHMENTS

Part 1. General Provisions

4-41b-101. Title.

(1) This chapter is known as "Cannabis Production Establishments."

Section 2. **Section 4-41b-102** is enacted to read:

4-41b-102. Definitions.

As used in this chapter:

(1) "Cannabis" means the same as that term is defined in Section 58-37-3.6b.

(2) "Cannabis cultivation facility" means a person that:

(a) possesses cannabis;

(b) grows or intends to grow cannabis; and

(c) sells or intends to sell cannabis to cannabis production establishments or to cannabis dispensaries.

(3) "Cannabis cultivation facility agent" means an individual who is an owner, officer, director, board member, employee, or volunteer of a cannabis cultivation facility.

(4) "Cannabis dispensary" means the same as that term is defined in Section 26-60b-102.

(5) "Cannabis dispensary agent" means the same as that term is defined in Section 26-60b-102.

(6) "Cannabis processing facility" means a person that:

(a) acquires or intends to acquire cannabis from a cannabis production establishment;

(b) possesses cannabis with the intent to manufacture a cannabis product;

(c) manufactures or intends to manufacture a cannabis product from unprocessed cannabis; and

(d) sells or intends to sell a cannabis product to a cannabis dispensary.

(7) "Cannabis processing facility agent" means an individual who is an owner, officer, director, board member, employee, or volunteer of a cannabis processing facility.

(8) "Cannabis product" means the same as that term is defined in Section 58-37-3.6b.

(9) "Cannabis production establishment" means a cannabis cultivation facility, a cannabis processing facility, or an independent cannabis testing laboratory.

(10) "Cannabis production establishment agent" means a cannabis cultivation facility agent, a cannabis processing facility agent, or an independent cannabis testing laboratory agent.

(11) "Cannabis production establishment agent registration card" means a registration card, issued by the department, that authorizes an individual to act as a cannabis production establishment agent and designates the type of cannabis production establishment for which an individual is authorized to act as an agent.

(12) "Community location" means a public or private school, a church, a public library, a public playground, or a public park.

(13) "Independent cannabis testing laboratory" means a person that:

(a) conducts a chemical or other analysis of cannabis or a cannabis product; or

(b) acquires, possesses, and transports cannabis or a cannabis product with the intent to conduct a chemical or other analysis of the cannabis or cannabis product.

(14) "Independent cannabis testing laboratory agent" means an individual who is an owner, officer, director, board member, employee, or volunteer of an independent cannabis testing laboratory.

(15) "Inventory control system" means the system described in Section 4-41b-103.

(16) "Medical cannabis card" means the same as that term is defined in Section 26-60b-102.

(17) "Medical Cannabis Restricted Account" means the account created in Section 26-60b-109.

(18) "Physician" means the same as that term is defined in Section 26-60b-107.

(19) "State electronic verification system" means the system described in Section 26-60b-103.

Section 3. Section **4-41b-103** is enacted to read:

4-41b-103. Inventory control system.

(1) A cannabis production establishment and a cannabis dispensary shall maintain an inventory control system that meets the requirements of this section.

(2) An inventory control system shall track cannabis using a unique identifier, in real time, from the point that a cannabis plant is eight inches tall, and has a root ball, until the cannabis is disposed of or sold, in the form of unprocessed cannabis or a cannabis product, to an individual with a medical cannabis card.

(3) An inventory control system shall store in real time a record of the amount of cannabis and cannabis products in the cannabis production establishment's or cannabis dispensary's possession.

(4) An inventory control system shall include a video recording system that:

(a) tracks all handling and processing of cannabis or a cannabis product in the cannabis production establishment or cannabis dispensary;

(b) is tamper proof; and

(c) is capable of storing a video record for 45 days.

(5) An inventory control system installed in a cannabis production establishment or cannabis dispensary shall maintain compatibility with the state electronic verification system.

(6) A cannabis production establishment or cannabis dispensary shall allow the department or the Department of Health access to the cannabis production establishment's or cannabis dispensary's inventory control system during an inspection.

(7) The department may establish compatibility standards for an inventory control system by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

Section 4. Section **4-41b-104** is enacted to read:

4-41b-104. Preemption.

This chapter preempts any ordinance or rule enacted by a political subdivision of the state regarding a cannabis production establishment.

Section 5. Section **4-41b-201** is enacted to read:

Part 2. Cannabis Production Establishment

4-41b-201. Cannabis production establishment -- License.

(1) A person may not operate a cannabis production establishment without a license issued by the department under this chapter.

(2) Subject to Subsections (6) and (7) and to Section 4-41b-204, the department shall, within 90 days after receiving a complete application, issue a license to operate a cannabis production establishment to a person who submits to the department:

(a) a proposed name and address where the person will operate the cannabis production establishment that is not within 600 feet of a community location or within 300 feet of an area zoned exclusively for residential use, as measured from the nearest entrance to the cannabis production establishment by following the shortest route of ordinary pedestrian travel to the property boundary of the community location or residential area;

(b) the name and address of any individual who has a financial or voting interest of two percent or greater in the proposed cannabis production establishment or who has the power to direct or cause the management or control of a proposed medical cannabis production establishment;

(c) an operating plan that complies with Section 4-41b-203 and that includes operating procedures to comply with the requirements of this chapter and with any laws adopted by the municipality or county that are consistent with Section 4-41b-405;

(d) financial statements demonstrating that the person possesses a minimum of $500,000 in liquid assets available for each cannabis cultivation facility for which the person applies or a minimum of $100,000 in liquid assets available for each cannabis processing facility or independent cannabis testing laboratory for which the person applies;

(e) if the municipality or county where the proposed cannabis production establishment would be located has enacted zoning restrictions, a sworn statement certifying that the proposed cannabis production establishment is in compliance with the restrictions;

(f) if the municipality or county where the proposed cannabis production establishment would be located requires a local permit or license, a copy of the application for the local permit or license; and

(g) an application fee established by the department in accordance with Section 63J-1-504, that is necessary to cover the department's cost to implement this chapter.

(3) If the department determines that a cannabis production establishment is eligible for a license under this section, the department shall charge the cannabis establishment an initial license fee in an amount determined by the department in accordance with Section 63J-1-504.

(4) Except as provided in Subsection (5), the department shall require a separate license for each type of cannabis production establishment and each location of a cannabis production establishment.

(5) The department may issue a cannabis cultivation facility license and a cannabis processing facility license to a person to operate at the same physical location or at separate physical locations.

(6) The department may not issue a license to operate an independent cannabis testing laboratory to a person:

(a) that holds a license or has an ownership interest in a cannabis dispensary, a cannabis processing facility, or a cannabis cultivation facility in the state;

(b) that has an owner, officer, director, or employee whose immediate family member holds a license or has an ownership interest in a cannabis dispensary, a cannabis processing facility, or a cannabis cultivation facility; or

(c) who proposes to operate the independent cannabis testing laboratory at the same physical location as a cannabis dispensary, a cannabis processing facility, or a cannabis cultivation facility.

(7) The department may not issue a license to operate a cannabis production establishment to an applicant if any individual who has a financial or voting interest of two percent or greater in the applicant or who has the power to direct or cause the management or control of the applicant:

(a) has been convicted of an offense that is a felony under either state or federal law; or

(b) is less than 21 years of age.

(8) The department may revoke a license under this part if the cannabis production establishment is not operating within one year of the issuance of the initial license.

(9) The department shall deposit the proceeds of a fee imposed by this section in the Medical Cannabis Restricted Account.

(10) The department shall begin accepting applications under this part no later than January 1, 2020.

Section 6. Section **4-41b-202** is enacted to read:

4-41b-202. Renewal.

(1) The department shall renew a person's license issued under Section 4-41b-201 every two years, if, at the time of renewal:

(a) the person meets the requirements of Section 4-41b-201; and

(b) the person pays the department a license renewal fee in an amount determined by the department in accordance with Section 63J-1-504.

Section 7. Section **4-41b-203** is enacted to read:

4-41b-203. Operating plan.

(1) A person applying for a cannabis production facility license shall submit to the department a proposed operation plan that complies with this sec-

tion and that includes:

(a) a description of the physical characteristics of the proposed facility, including a floor plan and an architectural elevation;

(b) a description of the credentials and experience of:

(i) each officer, director, or owner of the proposed cannabis production establishment; and

(ii) any highly skilled or experienced prospective employee;

(c) the cannabis production establishment's employee training standards;

(d) a security plan;

(e) a description of the cannabis production establishment's inventory control system, including a plan to make the inventory control system compatible with the state electronic verification system;

(f) for a cannabis cultivation facility, the information described in Subsection (2);

(g) for a cannabis processing facility, the information described in Subsection (3); and

(h) for an independent cannabis testing laboratory, the information described in Subsection (4).

(2) A cannabis cultivation facility's operating plan shall include the cannabis cultivation facility's intended cannabis cultivation practices, including the cannabis cultivation facility's intended pesticide use, fertilizer use, square footage under cultivation, and anticipated cannabis yield.

(3) A cannabis processing facility's operating plan shall include the cannabis processing facility's intended cannabis processing practices, including the cannabis processing facility's intended offered variety of cannabis product, cannabinoid extraction method, cannabinoid extraction equipment, processing equipment, processing techniques, and sanitation and food safety procedures.

(4) An independent cannabis testing laboratory's operating plan shall include the independent cannabis testing laboratory's intended cannabis and cannabis product testing capability and cannabis and cannabis product testing equipment.

Section 8. **Section 4-41b-204** is enacted to read:

4-41b-204. Number of licenses -- Cannabis cultivation facilities.

(1) Except as otherwise provided in Subsection (2), the department may issue not more than 15 licenses to operate cannabis cultivation facilities.

(2) After January 1, 2022, the department may issue additional licenses to operate cannabis cultivation facilities if the department determines, after an analysis of the current and anticipated market for medical cannabis and medical cannabis products, that additional licenses are needed to provide an adequate supply, quality, or variety of medical cannabis and medical cannabis products to medical cannabis card holders in Utah.

(3) If there are more qualified applicants than there are available licenses for cannabis cultivation facilities, the department shall evaluate the applicants and award licenses to the applicants that best demonstrate:

(a) experience with establishing and successfully operating a business that involves complying with a regulatory environment, tracking inventory, and training, evaluating, and monitoring employees;

(b) an operating plan that will best ensure the safety and security of patrons and the community;

(c) positive connections to the local community; and

(d) the extent to which the applicant can reduce the cost of cannabis or cannabis products for patients.

(4) The department may conduct a face-to-face interview with an applicant for a license that the department evaluates under Subsection (3).

Section 9. Section **4-41b-301** is enacted to read:

Part 3. Cannabis Production Establishment Agents

4-41b-301. Cannabis production establishment agent -- Registration.

(1) An individual may not act as a cannabis production establishment agent unless the individual is registered by the department as a cannabis production establishment agent.

(2) A physician may not serve as a cannabis production establishment agent.

(3) An independent cannabis testing laboratory agent may not act as an agent for a cannabis dispensary, a cannabis processing facility, or a cannabis cultivation facility.

(4) The department shall, within 15 business days after receiving a complete application from a cannabis production establishment on behalf of a prospective cannabis production establishment agent, register and issue a cannabis production establishment agent registration card to an individual who:

(a) provides to the department the individual's name and address and the name and location of a licensed cannabis production establishment where the individual will act as the cannabis production establishment's agent; and

(b) pays a fee to the department, in an amount determined by the department in accordance with Section 63J-1-504, that is necessary to cover the department's cost to implement this part.

(5) The department shall designate, on an individual's cannabis production establishment agent registration card:

(a) the name of the cannabis production establishment where the individual is registered as an agent; and

(b) the type of cannabis production establishment for which the individual is authorized to act as an agent.

(6) A cannabis production establishment agent shall comply with a certification standard developed by the department or with a third party certification standard designated by the department by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(7) The certification standard described in Subsection (6) shall include training:

(a) in Utah medical cannabis law;

(b) for a cannabis cultivation facility agent, in cannabis cultivation best practices;

(c) for a cannabis processing facility agent, in cannabis processing, food safety, and sanitation best practices; and

(d) for an independent cannabis testing laboratory agent, in cannabis testing best practices.

(8) The department may revoke or refuse to issue the cannabis production establishment agent registration card of an individual who:

(a) violates the requirements of this chapter; or

(b) is convicted of an offense that is a felony under state or federal law.

Section 10. Section **4-41b-302** is enacted to read:

4-41b-302. Cannabis production establishment -- Criminal background checks.

(1) Each applicant shall submit, at the time of application, from each individual who has a financial or voting interest of two percent or greater in the applicant or who has the power to direct or cause the management or control of the applicant:

(a) a fingerprint card in a form acceptable to the department; and

(b) consent to a fingerprint background check by the Utah Bureau of Criminal Identification and the Federal Bureau of Investigation.

(2) The department shall request that the Department of Public Safety complete a Federal Bureau of Investigation criminal background check for the individual described in Subsection (1).

Section 11. Section **4-41b-303** is enacted to read:

4-41b-303. Cannabis production establishment agent registration card -- Rebuttable presumption.

(1) A cannabis production establishment agent who is registered with the department under Section 4-41b-301 shall carry the individual's cannabis

production establishment agent registration card with the individual at all times when:

(a) the individual is on the premises of a cannabis production establishment where the individual is a cannabis production establishment agent; and

(b) the individual is transporting cannabis, a cannabis product, or a medical cannabis device between two cannabis production establishments or between a cannabis production establishment and a cannabis dispensary.

(2) If an individual handling cannabis, a cannabis product, or a medical cannabis device at a cannabis production establishment, or transporting cannabis, a cannabis product, or a medical cannabis device, possesses the cannabis, cannabis product, or medical cannabis device in compliance with Subsection (1):

(a) there is a rebuttable presumption that the individual possesses the cannabis, cannabis product, or medical cannabis device legally; and

(b) a law enforcement officer does not have probable cause, based solely on the individual's possession of the cannabis, cannabis product, or medical cannabis device in compliance with Subsection (1), to believe that the individual is engaging in illegal activity.

(3) An individual who violates Subsection (1) is:

(a) guilty of an infraction; and

(b) is subject to a $100 fine.

Section 12. Section **4-41b-401** is enacted to read:

Part 4. General Cannabis Production Establishment Operating Requirements

4-41b-401. Cannabis production establishment -- General operating requirements.

(1)(a) A cannabis production establishment shall operate in accordance with the operating plan provided to the department under Section 4-41b-203.

(b) A cannabis production establishment shall notify the department before a change in the cannabis production establishment's operating plan.

(2) A cannabis production establishment shall operate:

(a) except as provided in Subsection (5), in a facility that is accessible only by an individual with a valid cannabis production establishment agent registration card issued under Section 4-41b-301; and

(b) at the physical address provided to the department under Section 4-41b-201.

(3) A cannabis production establishment may not employ any person who is younger than 21 years of age.

(4) A cannabis production establishment shall conduct a background check into the criminal history of every person who will become an agent of the cannabis production establishment and may not employ any person who has been convicted of an offense that is a felony under either state or federal law.

(5) A cannabis production establishment may authorize an individual who is not a cannabis production establishment agent to access the cannabis production establishment if the cannabis production establishment tracks and monitors the individual at all times while the individual is at the cannabis production establishment and maintains a record of the individual's access.

(6) A cannabis production establishment shall operate in a facility that has:

(a) a single, secure public entrance;

(b) a security system with a backup power source that:

(i) detects and records entry into the cannabis production establishment; and

(ii) provides notice of an unauthorized entry to law enforcement when the cannabis production establishment is closed; and

(c) a lock on any area where the cannabis production establishment stores cannabis or a cannabis product.

Section 13. Section **4-41b-402** is enacted to read:

4-41b-402. Inspections.

The department may inspect the records and facility of a cannabis production establishment at any time in order to determine if the cannabis production establishment complies with the requirements of this chapter.

Section 14. Section **4-41b-403** is enacted to read:

4-41b-403. Advertising.

(1) A cannabis production establishment may not advertise to the general public in any medium.

(2) Notwithstanding Subsection (1), a cannabis production establishment may advertise employment opportunities at the cannabis production facility.

Section 15. Section **4-41b-404** is enacted to read:

4-41b-404. Cannabis, cannabis product, or medical cannabis device transportation.

(1) Except for an individual with a valid medical cannabis card pursuant to Title 26, Chapter 60b, Medical Cannabis Act, an individual may not transport cannabis, a cannabis product, or a medical cannabis device unless the individual is:

(a) a registered cannabis production establishment agent; or

(b) a registered cannabis dispensary agent.

(2) Except for an individual with a valid medical cannabis card pursuant to Title 26, Chapter 60b, Medical Cannabis Act, an individual transporting cannabis, a cannabis product, or a medical cannabis device shall possess a transportation manifest that:

(a) includes a unique identifier that links the cannabis, cannabis product, or medical cannabis device to a relevant inventory control system;

(b) includes origin and destination information for any cannabis, cannabis product, or medical cannabis device the individual is transporting; and

(c) indicates the departure and arrival times and locations of the individual transporting the cannabis, cannabis product, or medical cannabis device.

(3) In addition to the requirements in Subsections (1) and (2), the department may establish, by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, requirements for transporting cannabis, a cannabis product, or a medical cannabis device that are related to safety for human cannabis or cannabis product consumption.

(4) An individual who transports cannabis, a cannabis product, or a medical cannabis device with a manifest that does not meet the requirements of this section is:

(a) guilty of an infraction; and

(b) subject to a $100 fine.

Section 16. Section **4-41b-405** is enacted to read:

4-41b-405. Local control.

(1) A municipality or county may not enact a zoning ordinance that prohibits a cannabis production establishment from operating in a location within the municipality's or county's jurisdiction on the sole basis that the cannabis production establishment possesses, grows, manufactures, or sells cannabis.

(2) A municipality or county may not deny or revoke a permit or license to operate a cannabis production facility on the sole basis that the applicant or cannabis production establishment violates a law of the United States.

Section 17. Section **4-41b-501** is enacted to read:

Part 5. Cannabis Cultivation Facility Operating Requirements

4-41b-501. Cannabis cultivation facility -- Operating requirements.

(1) A cannabis cultivation facility shall ensure that any cannabis growing at the cannabis cultivation facility is not visible at the cannabis cultivation facility perimeter.

(2) A cannabis cultivation facility shall use a unique identifier that is connected to the cannabis cultivation facility's inventory control system for:

(a) beginning at the time a cannabis plant is 8 inches tall and has a root ball, each cannabis plant;

(b) each unique harvest of cannabis plants;

(c) each batch of cannabis transferred to a cannabis dispensary, a cannabis processing facility, or an independent cannabis testing laboratory; and

(d) disposal of excess, contaminated, or deteriorated cannabis.

Section 18. Section **4-41b-502** is enacted to read:

4-41b-502. Cannabis -- Labeling and packaging.

(1) Cannabis shall have a label that:

(a) has a unique batch identification number that is connected to the inventory control system; and

(b) does not display images, words, or phrases that are intended to appeal to children.

(2) A cannabis cultivation facility shall package cannabis in a container that:

(a) is tamper evident;

(b) is not appealing to children or similar to a candy container;

(c) is opaque; and

(d) complies with child-resistant effectiveness standards established by the United States Consumer Product Safety Commission.

Section 19. Section **4-41b-601** is enacted to read:

Part 6. Cannabis Processing Facility Operating Requirements

4-41b-601. Cannabis processing facility -- Operating requirements -- General.

(1) A cannabis processing facility shall ensure that a cannabis product sold by the cannabis processing facility complies with the requirements of this part.

(2) If a cannabis processing facility extracts cannabinoids from cannabis using a hydrocarbon process, the cannabis processing facility shall extract the cannabinoids under a blast hood and shall use a system to reclaim solvents.

Section 20. Section **4-41b-602** is enacted to read:

4-41b-602. Cannabis product -- Labeling and packaging.

(1) A cannabis product shall have a label that:

(a) clearly and unambiguously states that the cannabis product contains cannabis;

(b) clearly displays the amount of tetrahydrocannabinol and cannabidiol in the cannabis product;

(c) has a unique identification number that:

(i) is connected to the inventory control system; and

(ii) identifies the unique cannabis product manufacturing process by which the cannabis product was manufactured;

(d) identifies the cannabinoid extraction process that the cannabis processing facility used to create the cannabis product;

(e) does not display images, words, or phrases that are intended to appeal to children; and

(f) discloses ingredients and possible allergens.

(2) A cannabis processing facility shall package a cannabis product in a container that:

(a) is tamper evident;

(b) is not appealing to children or similar to a candy container;

(c) is opaque; and

(d) complies with child-resistant effectiveness standards established by the United States Consumer Product Safety Commission.

Section 21. Section **4-41b-603** is enacted to read:

4-41b-603. Cannabis product -- Product quality.

(1) A cannabis processing facility may not produce a cannabis product in a physical form that:

(a) is intended to appeal to children; or

(b) is designed to mimic or be mistaken for an existing candy product.

(2) A cannabis processing facility may not manufacture a cannabis product by applying a cannabis agent only to the surface of a pre-manufactured food product that is not produced by the cannabis processing facility.

(3) A cannabis product may vary in the cannabis product's labeled cannabis profile by up to 15% of the indicated amount of a given cannabinoid, by weight.

(4) The department shall adopt, by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, human safety standards for manufacture of cannabis products that are consistent, to the extent possible, with rules for similar products that do not contain cannabis.

Section 22. **Section 4-41b-701** is enacted to read:

Part 7. Independent Cannabis Testing Laboratories

4-41b-701. Cannabis and cannabis product testing.

(1) No cannabis or cannabis product may be offered for sale at a cannabis dispensary unless a representative sample of the cannabis or cannabis product has been tested by an independent cannabis testing laboratory to determine:

(a) the amount of tetrahydrocannabinol and cannabidiol in the cannabis or cannabis product;

(b) that the presence of contaminants, including mold, fungus, pesticides, microbial contaminants, or foreign material, does not exceed an amount that is safe for human consumption; and

(c) for a cannabis product that is manufactured using a process that involves extraction using hydrocarbons, that the cannabis product does not contain an unhealthy level of a residual solvent.

(2) The department may determine, by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the amount of a substance described in Subsection (1) that is safe for human consumption.

Section 23. Section **4-41b-702** is enacted to read:

4-41b-702. Reporting -- Inspections -- Seizure by the department.

(1) If an independent cannabis testing laboratory determines that the results of a lab test indicate that a cannabis or cannabis product batch may be unsafe for human consumption, the independent cannabis testing laboratory shall:

(a) report the results and the cannabis or cannabis product batch to:

(i) the department; and

(ii) the cannabis production establishment that prepared the cannabis or cannabis product batch;

(b) retain possession of the cannabis or cannabis product batch for one week in order to investigate the cause of the defective batch and to make a

determination; and

(c) allow the cannabis production establishment that prepared the cannabis or cannabis product batch to appeal the determination described in Subsection (1)(b).

(2) If, under Subsection (1)(b), the department determines, following an appeal, that a cannabis or cannabis product prepared by a cannabis production establishment is unsafe for human consumption, the department may seize, embargo, or destroy the cannabis or cannabis product batch.

Section 24. Section **4-41b-801** is enacted to read:

Part 8. Enforcement

4-41b-801. Enforcement -- Fine -- Citation.

(1) The department may, for a violation of this chapter by a person that is a cannabis production establishment or a cannabis production establishment agent:

(a) revoke the person's license or cannabis production establishment agent registration card;

(b) refuse to renew the person's license or cannabis production establishment agent registration card; or

(c) assess the person an administrative penalty.

(2) The department shall deposit an administrative penalty imposed under this section in the general fund.

(3)(a) The department may take an action described in Subsection (3)(b) if the department concludes, upon inspection or investigation, that, for a person that is a cannabis production establishment or a cannabis production establishment agent:

(i) the person has violated the provisions of this chapter, a rule made under this chapter, or an order issued under this chapter; or

(ii) the person produced cannabis or a cannabis product batch that contains a substance that poses a threat to human health.

(b) If the department makes the determination about a person described in Subsection (3)(a), the department shall:

(i) issue the person a written citation;

(ii) attempt to negotiate a stipulated settlement;

(iii) seize, embargo, or destroy the cannabis or cannabis product batch; and

(iv) direct the person to appear before an adjudicative proceeding conducted under Title 63G, Chapter 4, Administrative Procedures Act.

(4) The department may, for a person subject to an uncontested citation, a stipulated settlement, or a finding of a violation in an adjudicative proceeding under this section:

(a) assess the person a fine, established in accordance with Section 63J-1-504, of up to $5,000 per violation, in accordance with a fine schedule established by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; or

(b) order the person to cease and desist from the action that creates a violation.

(5) The department may not revoke a cannabis production establishment's license without first direct the cannabis production establishment to appear before an adjudicative proceeding conducted under Title 63G, Chapter 4, Administrative Procedures Act.

(6) If within 20 calendar days after the day on which a department serves a citation for a violation of this chapter, the person that is the subject of the citation fails to request a hearing to contest the citation, the citation becomes the department's final order.

(7) The department may, for a person who fails to comply with a citation under this section:

(a) refuse to issue or renew the person's license or cannabis production establishment agent registration card; or

(b) suspend, revoke, or place on probation the person's license or cannabis production establishment registration card.

(8) If the department makes a final determination under this section that an individual violated a provision of this chapter, the individual is guilty of an infraction.

Section 25. Section **4-41b-802** is enacted to read:

4-41b-802. Report.

(1) The department shall report annually to the Health and Human Services Interim Committee on the number of applications and renewal applications received, the number of each type of cannabis production facility licensed in each county, the amount of cannabis grown by licensees, the amount of cannabis manufactured into cannabis products by licensees, the number of licenses revoked, and the expenses incurred and revenues generated from the medical cannabis program.

(2) The department may not include personally identifying information in the report.

Section 26. Section **10-9a-104** is amended to read:

10-9a-104. Stricter requirements.

(1) Except as provided in Subsection (2), a municipality may enact an ordinance imposing stricter requirements or higher standards than are required by this chapter.

(2) A municipality may not impose stricter requirements or higher standards than are required by:

(a) Section 4-41b-405;

[~~(a)~~] (b) Section 10-9a-305; [~~and~~]

[~~(b)~~] (c) Section 10-9a-514[.]; and

(d) Section 26-60b-506.

Section 27. Section **17-27a-104** is amended to read:

17-27a-104. Stricter requirements.

(1) Except as provided in Subsection (2), a county may enact an ordinance imposing stricter requirements or higher standards than are required by this chapter.

(2) A county may not impose stricter requirements or higher standards than are required by:

(a) Section 4-41b-405;

[~~(a)~~] (b) Section 17-27a-305; [~~and~~]

[~~(b)~~] (c) Section 17-27a-513[.]; and

(d) Section 26-60b-506.

Section 28. **Section 26-61-202** is amended to read:

26-61-202. Cannabinoid Product Board -- Duties.

(1) The board shall review any available research related to the human use of cannabis, a cannabinoid product, or an expanded cannabinoid product that:

(a) was conducted under a study approved by an IRB; or

(b) was conducted or approved by the federal government.

(2) Based on the research described in Subsection (1), the board shall evaluate the safety and efficacy of cannabis, cannabinoid products, and expanded cannabinoid products, including:

(a) medical conditions that respond to cannabis, cannabinoid products, and expanded cannabinoid products;

(b) [~~cannabinoid~~] dosage amounts and medical dosage forms; and

(c) interaction of cannabis, cannabinoid products, and expanded cannabinoid products with other treatments.
(3) Based on the board's evaluation under Subsection (2), the board shall develop guidelines for [~~a physician recommending~~] treatment with cannabis, a cannabinoid product, and an expanded cannabinoid product that include[~~s~~] a list of medical conditions, if any, that the board determines are appropriate for treatment with cannabis, a cannabinoid product, or an expanded cannabinoid product.
(4) The board shall submit the guidelines described in Subsection (3) to:
(a) the director of the Division of Occupational and Professional Licensing; and
(b) the Health and Human Services Interim Committee.
(5) The board shall report the board's findings before November 1 of each year to the Health and Human Services Interim Committee.
(6) Guidelines developed pursuant to this section may not limit the availability of cannabis, cannabinoid products, or expanded cannabinoid products permitted pursuant to Title 4, Chapter 41b, Cannabis Production Establishment or Title 26, Chapter 60b, Medical Cannabis Act.
Section 29. Section **26-60b-101** is enacted to read:

CHAPTER 61b. MEDICAL CANNABIS ACT
Part 1. General Provisions

26-60b-101. Title.
This chapter is known as "Medical Cannabis Act."
Section 30. Section **26-60b-102** is enacted to read:
26-60b-102. Definitions.
As used in this chapter:
(1) "Cannabis" means the same as that term is defined in Section 58-37-3.6b.
(2) "Cannabis cultivation facility" means the same as that term is defined in Section 4-41b-102.
(3) "Cannabis dispensary" means a person that:
(a) acquires or intends to acquire cannabis or a cannabis product from a cannabis production establishment and acquires or intends to acquire a medical cannabis device;
(b) possesses cannabis, a cannabis product, or a medical cannabis device; and
(c) sells or intends to sell cannabis, a cannabis product, or a medical cannabis device.
(4) "Cannabis dispensary agent" means an owner, officer, director, board member, employee, or volunteer of a cannabis dispensary.
(5) "Cannabis dispensary agent registration card" means a registration card issued by the department that authorizes an individual to act as a cannabis dispensary agent.
(6) "Cannabis processing facility" means the same as that term is defined in Section 4-41b-102.
(7) "Cannabis product" means the same as that term is defined in Section 58-37-3.6b.
(8) "Cannabis production establishment agent" means the same as that term is defined in Section 4-41b-102.
(9) "Cannabis production establishment agent registration card" means the same as that term is defined in Section 4-41b-102.
(10) "Community location" means a public or private school, a church, a public library, a public playground, or a public park.
(11) "Designated caregiver" means an individual:
(a) whom a patient with a medical cannabis card designates as the patient's caregiver; and
(b) registers with the department under Section 26-60b-202.
(12) "Independent cannabis testing laboratory" means the same as that term is defined in Section 4-41b-102.
(13) "Inventory control system" means the system described in Section 4-41b-103.
(14) "Medical cannabis card" means an official card issued by the department to an individual with a qualifying illness, or the individual's designated caregiver under this chapter, that is connected to the electronic verification system.
(15) "Medical cannabis device" means the same as that term is defined in Section 58-37-3.6b.
(16) "Medical Cannabis Restricted Account" means the account created in Section 26-60b-109.
(17) "Physician" means an individual who is qualified to recommend cannabis under Section 26-60b-107.
(18) "Qualifying illness" means a condition described in Section 26-60b-105.
(19) "State electronic verification system" means the system described in Section 26-60b-103.
Section 31. Section **26-60b-103** is enacted to read:
26-60b-103. Electronic verification system.
(1) The Department of Agriculture and Food, the Department of Health, the Department of Public Safety, and the Department of Technology Services shall:
(a) enter into a memorandum of understanding in order to determine the function and operation of an electronic verification system;
(b) coordinate with the Division of Purchasing, under Title 63G, Chapter 6a, Utah Procurement Code, to develop a request for proposals for a third-party provider to develop and maintain an electronic verification system in coordination with the Department of Technology Services; and
(c) select a third-party provider described in Subsection (1)(b).
(2) The electronic verification system described in Subsection (1) shall:
(a) allow an individual, with the individual's physician in the physician's office, to apply for a medical cannabis card;
(b) allow a physician to electronically recommend, during a visit with a patient, treatment with cannabis or a cannabis product;
(c) connect with an inventory control system used by a cannabis dispensary to track, in real time, and to archive for no more than 60 days, purchase history of cannabis or a cannabis product by a medical cannabis card holder, including the time and date of the purchase, the quantity and type of cannabis or cannabis product purchased, and any cannabis production establishment and cannabis dispensary associated with the cannabis or cannabis product;
(d) provide access to the Department of Health and the Department of Agriculture and Food to the extent necessary to carry out the Department of Health's and the Department of Agriculture and Food's functions and responsibilities under this chapter and under Title 4, Chapter 41b, Cannabis Production Establishment;
(e) provide access to state or local law enforcement during a traffic stop for the purpose of determining if the individual subject to the traffic stop is complying with state medical cannabis law, or after obtaining a warrant;
(f) create a record each time a person accesses the database that identifies the person who accessed the database and the individual whose records are accessed; and
(g) (9) be operational no later than March 1, 2020.
(3) The Department of Health may release de-identified data collected by the system for the purpose of conducting medical research and for providing the report required by Section 26-60b-602.
Section 32. Section **26-60b-104** is enacted to read:
26-60b-104. Preemption.

This chapter preempts any ordinance or rule enacted by a political subdivision of the state regarding a cannabis dispensary or a medical cannabis card.

Section 33. Section **26-60b-105** is enacted to read:

26-60b-105. Qualifying illness.

(1) For the purposes of this chapter, the following conditions are considered a qualifying illness:

(a) HIV, acquired immune deficiency syndrome or an autoimmune disorder;

(b) Alzheimer's disease;

(c) amyotrophic lateral sclerosis;

(d) cancer, cachexia, or a condition manifest by physical wasting, nausea, or malnutrition associated with chronic disease;

(e) Crohn's disease, ulcerative colitis, or a similar gastrointestinal disorder;

(f) epilepsy or a similar condition that causes debilitating seizures;

(g) multiple sclerosis or a similar condition that causes persistent and debilitating muscle spasms;

(h) post-traumatic stress disorder;

(i) autism;

(j) a rare condition or disease that affects less than 200,000 persons in the United States, as defined in Section 526 of the Federal Food, Drug, and Cosmetic Act; and

(k) chronic or debilitating pain in an individual, if:

(i) a physician determines that the individual is at risk of becoming chemically dependent on, or overdosing on, opiate-based pain medication; or

(ii) a physician determines that the individual is allergic to opiates or is otherwise medically unable to use opiates.

(2) In addition to the conditions described in Subsection (1), a condition approved under Section 26-60b-106, in an individual, on a case-by-case basis, is considered a qualifying illness for the purposes of this chapter.

Section 34. **Section 26-60b-106** is enacted to read:

26-60b-106. Compassionate Use Board.

(1) The department shall establish a Compassionate Use Board consisting of:

(a) five physicians who are knowledgeable about the medicinal use of cannabis and certified by the appropriate board in one of the following specialties: neurology, pain medicine and pain management, medical oncology, psychiatry, infectious disease, internal medicine, pediatrics, and gastroenterology; and

(b) the director of the Department of Health or the director's designee as a non-voting member.

(2) (a) Two of the members of the board first appointed shall serve for a term of three years and two of the members of the board first appointed shall serve for a term of four years.

(b) After the first members' terms expire, members of the board shall serve for a term of four years and shall be eligible for reappointment.

(c) Any member of the board may serve until a successor is appointed.

(d) The director of the Department of Health or the director's designee shall serve as the chair of the board.

(3) A quorum of the Compassionate Use Board shall consist of three members.

(4) A member of the board may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with Section 63A-3-106, Section 63A-3-107, and rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

(5) The Compassionate Use Board shall:

(a) review and recommend to the department approval for an individual who is not otherwise qualified to receive a medical cannabis card to obtain a medical cannabis card for compassionate use if:

(i) the individual offers, in the board's discretion, satisfactory evidence that the individual suffers from a condition that substantially impairs the individual's quality of life and is intractable; and

(ii) the board determines it is in the best interest of the patient to allow the compassionate use of medical cannabis;

(b) meet to receive or review compassionate use petitions quarterly, unless no petitions are pending, or as often as necessary if there are more petitions than the board can receive or review during the board's regular schedule;

(c) complete a review of each petition and recommend approval or denial of the applicant for qualification for a medical cannabis card within 90 days of receipt; and

(d) report, before November 1 of each year, to the Health and Human Services Interim Committee, the number of compassionate use approvals the board issued during the past year and the types of conditions for which the board approved compassionate use.

(6) The department shall review any compassionate use approved by the board under this section to determine if the board properly exercised the board's discretion under this section.

(7) If the department determines the board properly approved an individual for compassionate use under this section, the department shall issue a medical cannabis card.

(8) Any individually identifiable health information contained in a petition received under this section shall be a protected record in accordance with Title 63G, Chapter 2, Government Records Access and Management Act.

(9) The Compassionate Use Board may recommend to the Health and Human Services Interim Committee:

(a) a condition to designate as a qualifying illness under Section 26-60b-105; or

(b) a condition to remove as a qualifying illness under Section 26-60b-105.

Section 35. Section **26-60b-107** is enacted to read:

26-60b-107. Physician qualification.

(1) For the purposes of this chapter, a physician means an individual, other than a veterinarian, who is licensed to prescribe a controlled substance under Title 58, Chapter 37, Utah Controlled Substances Act and who possesses the authority, in accordance with the individual's scope of practice, to prescribe Schedule II controlled substances.

(2) A physician may recommend cannabis if the physician recommends cannabis to no more than 20% of the physician's patients at any given time.

(3) A physician may recommend cannabis to greater than 20% of the physician's patients if the physician is certified, by the appropriate American medical board, in one of the following specialties: anesthesiology, gastroenterology, neurology, oncology, pain and palliative care, physiatry, or psychiatry.

(4) A physician may recommend cannabis to an individual under this chapter only in the course of a physician-patient relationship after the physician has completed a full assessment of the patient's condition and medical history.

(5)(a) Except as provided in Subsection (5)(b), a physician eligible to recommend cannabis or a cannabis product under this section may not advertise that the physician recommends cannabis or a cannabis product.

(b) A physician may advertise via a website that displays only:

(i) a green cross;
(ii) the location and hours of operation of the physician's office;
(iii) a qualifying illness that the physician treats; and
(iv) a scientific study regarding cannabis use.

Section 36. Section **26-60b-108** is enacted to read:

26-60b-108. Standard of care -- Medical practitioners not liable -- No private right of action.

A physician who recommends treatment with cannabis or a cannabis product to an individual in accordance with this chapter may not, based on the recommendation, be subject to civil liability, criminal liability, or licensure sanctions under Title 58, Chapter 67, Utah Medical Practice Act or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act.

Section 37. Section **26-60b-109** is enacted to read:

26-60b-109. Medical Cannabis Restricted Account -- Creation.

(1) There is created in the General Fund a restricted account known as the "Medical Cannabis Restricted Account."

(2) The account created in this section is funded from:

(a) money deposited into the account by the Department of Agriculture and Food under Title 4, Chapter 41b, Cannabis Production Establishments;
(b) money deposited into the account by the department under this chapter;
(c) appropriations made to the account by the Legislature; and
(d) the interest described in Subsection (3).

(3) Interest earned on the account is deposited in the account.

(4) Money in the account may only be used to fund the state medical cannabis program, including Title 26, Chapter 60b, Medical Cannabis Act and Title 4, Chapter 41b, Cannabis Production Establishments.

Section 38. Section **26-60b-110** is enacted to read:

26-60b-110. Nondiscrimination for use of cannabis, a cannabis product, or a medical cannabis device.

(1) For purposes of medical care, including organ and tissue transplants, the use of cannabis by a patient who holds a medical cannabis card in accordance with this chapter is considered the equivalent of the authorized use of any other medication used at the discretion of a physician and does not constitute the use of an illicit substance or otherwise disqualify an individual from needed medical care.

(2) No landlord may refuse to lease to and may not otherwise penalize a person solely for the person's status as a medical cannabis card holder, unless failing to do so would cause the landlord to lose a monetary or licensing-related benefit under federal law.

Section 39. Section **26-60b-201** is enacted to read:

Part 2. Medical Cannabis Card Registration

26-60b-201. Medical cannabis card -- Application -- Fees -- Database.

(1) The Department of Health shall, no later than March 1, 2020, and within 15 days after an individual submits an application in compliance with this section, issue a medical cannabis card to an individual who complies with this section.

(2) An individual is eligible for a medical cannabis card if:

(a) the individual is at least 18 years old, the individual is a Utah resident, and treatment with medical cannabis has been recommended by the individual's physician under Subsection (4); or
(b) the individual is the parent or legal guardian of a minor, the individual is at least 18 years old, the individual is a Utah resident, and treatment with medical cannabis has been recommended by the minor's physician under Subsection (4).

(3) An individual who is eligible for a medical cannabis card under Subsection (2) shall submit an application for a medical cannabis card to the department via an electronic application connected to the electronic verification system, with the recommending physician while in the recommending physician's office, and that includes the individual's name, gender, age, and address.

(4) A physician who recommends treatment with medical cannabis to an individual or minor shall:

(a) state in the physician's recommendation that the individual suffers from a qualifying illness, including the type of qualifying illness, and that the individual may benefit from treatment with cannabis or a cannabis product; and
(b) before recommending cannabis or a cannabis product, look up the individual in the controlled substance database created in Section 58-37f-201.

(5) A medical cannabis card issued by the department under this section is valid for the lesser of an amount of time determined by the physician or six months.

(6) An individual who has been issued a medical cannabis card under this section may:

(a) carry a valid medical cannabis card with the patient's name;
(b) purchase, possess, and transport, in accordance with this chapter, cannabis, a cannabis product, or a medical cannabis device;
(c) use or assist with the use of medical cannabis or medical cannabis products to treat the qualifying illness or symptoms associated with the qualifying illness of the person for whom medical cannabis has been recommended; and
(d) after January 1, 2021, if a licensed cannabis dispensary is not operating within 100 miles of the medical cannabis card holder's primary residence, grow up to six cannabis plants for personal medical use within an enclosed and locked space and not within view from a public place and that is not within 600 feet of a community location or within 300 feet of an area zoned exclusively for residential use, as measured from the nearest entrance to the space and following the shortest route or ordinary pedestrian travel to the property boundary of the community location or residential area.

(7) The department may establish procedures, by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to implement the medical cannabis card application and issuance provisions of this section.

(8)(a) A person may submit, to the department, a request to conduct a medical research study using medical cannabis cardholder data contained in the electronic verification system.

(b) The department shall review a request submitted under Subsection (8)(a) to determine if the medical research study is valid.
(c) If the department determines that the medical research study is valid under Subsection (8)(b), the department shall notify a relevant medical cannabis cardholder asking for the medical cannabis cardholder's participation in the study.
(d) The department may release, for the purposes of a study, information about a medical cannabis cardholder who consents to participation under Subsection (8)(c).
(e) The department may establish standards for a medical research study's validity, by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

Section 40. Section **26-60b-202** is enacted to read:

26-60b-202. Medical cannabis card --- Designated caregiver -- Registration -- Renewal -- Revocation.

(1) An individual may designate up to two individuals to serve as designated caregivers for the individual if:

(a) the individual has a valid medical cannabis card under Section 26-60b-201; and

(b) a physician determines that, due to physical difficulty or undue hardship, the individual needs assistance to obtain cannabis or a cannabis product from a cannabis dispensary.

(2) An individual registered as a designated caregiver under this section may:

(a) carry a valid medical cannabis card with the designating patient's name and the designated caregiver's name;

(b) purchase, possess, and transport, in accordance with this chapter, cannabis, a cannabis product, or a medical cannabis device on behalf of the designating patient;

(c) accept reimbursement from the designating patient for direct costs incurred by the designated caregiver for assisting with the designating patient's medicinal use of cannabis; and

(d) after January 1, 2021, if a licensed cannabis dispensary is not operating within 100 miles of the designating patient's primary residence, assist the designating patient with growing up to six cannabis plants for personal medicinal use within an enclosed and locked space and not within view from a public place and that is not within 600 feet of a community location or within 300 feet of an area zoned exclusively for residential use, as measured from the nearest entrance to the space and following the shortest route or ordinary pedestrian travel to the property boundary of the community location or residential area.

(3) The department shall, within 30 days after an individual submits an application in compliance with this section, issue a medical cannabis card to an individual designated as a caregiver under Subsection (1) and who complies with this section.

(4) An individual is eligible for a medical cannabis card as a designated caregiver if the individual:

(a) is at least 18 years old;

(b) is a Utah resident;

(c) pays, to the department, a fee established by the department in accordance with Section 63J-1-504, plus the cost of a criminal background check required by Section 26-60b-203; and

(d) has not been convicted of an offense that is a felony under either state or federal law, unless any sentence imposed was completed seven or more years earlier.

(5) An individual who is eligible for a medical cannabis card as a designated caregiver shall submit an application for a medical cannabis card to the department via an electronic application connected to the electronic verification system and shall include the individual's name, gender, age, and address and the name of the patient that designated the individual under Subsection (1).

(6) A medical cannabis card issued by the department under this section is valid for the lesser of an amount of time determined by the physician, by the patient, or 6 months.

(7) A medical cannabis card is renewable for a designated caregiver if, at the time of renewal:

(a) the individual with a medical cannabis card described in Subsection (1) renews the caregiver's designation; and

(b) the designated caregiver meets the requirements of Subsection (4).

(8) A designated caregiver may not charge an individual a fee to act as the individual's designated caregiver or for services provided.

(9) The Department of Health may revoke a designated caregiver's medical cannabis card if the individual:

(a) violates this chapter; or

(b) is convicted of an offense that is a felony under either state or federal law.

Section 41. Section **26-60b-203** is enacted to read:

26-60b-203. Designated caregiver -- Criminal background check.

(1) An individual registered as a designated caregiver under Section 26-60b-202 shall submit to a criminal background check in accordance with Subsection (2).

(2) Each designated caregiver shall:

(a) submit, to the department, a fingerprint card in a form acceptable to the department and the Department of Public Safety; and

(b) consent to a fingerprint background check by:

(i) the Utah Bureau of Criminal Identification; and

(ii) the Federal Bureau of Investigation.

(3) The Department of Public Safety shall complete a Federal Bureau of Investigation Criminal Background Check for each designated caregiver under Subsection (2) and report the results of the background check to the department.

Section 42. Section **26-60b-204** is enacted to read:

26-60b-204. Medical cannabis card -- Patient and designated caregiver requirements -- Rebuttable presumption.

(1) An individual who has a medical cannabis card and who possesses cannabis or a cannabis product outside of the individual's residence shall:

(a) carry, with the individual at all times, the individual's medical cannabis card;

(b) carry, with the cannabis or cannabis product, a label that identifies that the cannabis or cannabis product was originally sold from a licensed cannabis dispensary and includes an identification number that links the cannabis or cannabis product to the inventory control system; and

(c) possess not more than four ounces of unprocessed cannabis or an amount of cannabis product that contains 20 or fewer grams of tetrahydrocannabinol or cannabidiol.

(2)(a) Except as described in Subsection (2)(b), an individual who has a medical cannabis card may not use cannabis or a cannabis product in public view.

(b) An individual may use cannabis or a cannabis product in public view in the event of a medical emergency.

(3) If an individual possesses cannabis or a cannabis product in compliance with Subsection (1), or a medical cannabis device that corresponds with the cannabis or cannabis product:

(a) there is a rebuttable presumption that the individual possesses the cannabis, cannabis product, or medical cannabis device legally; and

(b) a law enforcement officer does not have probable cause, based solely on the individual's possession of the cannabis, cannabis product, or medical cannabis device, to believe that the individual is engaging in illegal activity.

(4)(a) If a law enforcement officer stops an individual who possesses cannabis, a cannabis product, or a medical cannabis device, and the individual represents to the law enforcement officer that the individual holds a valid medical cannabis card, but the individual does not have the medical cannabis card in the individual's possession at the time of the stop by the law enforcement officer, the law enforcement officer shall attempt to access the electronic verification system to determine whether the individual holds a valid medical cannabis card.

(b) If the law enforcement officer is able to verify that the individual described in Subsection (4)(a) holds a valid medical cannabis card, the law enforcement officer:

(i) may not arrest or take the individual into custody for the sole reason that the individual is in possession of cannabis, a cannabis product, or a medical cannabis device; and

(ii) may not seize the cannabis, cannabis product, or medical cannabis device.

(5) An individual who possesses cannabis, a cannabis product, or a medical cannabis device in violation of Subsection (1)(a) or Subsection 1(b) is guilty of an infraction and subject to a $100 fine.

Section 43. Section **26-60b-301** is enacted to read:

Part 3. Cannabis Dispensary License

26-60b-301. Cannabis dispensary -- License -- Eligibility.

(1) A person may not operate as a cannabis dispensary without a license issued by the department issued under this part.

(2) Subject to Subsections (5) and to Section 26-60b-304, the department shall, within 90 business days after receiving a complete application, issue a license to operate a cannabis dispensary to a person who submits to the department:

(a) a proposed name and address where the person will operate the cannabis dispensary that is not within 600 feet of a community location or within 300 feet of an area zoned exclusively for residential use, as measured from the nearest entrance to the cannabis production establishment by following the shortest route of ordinary pedestrian travel to the property boundary of the community location or residential area;

(b) the name and address of any individual who has a financial or voting interest of two percent or greater in the proposed cannabis dispensary or who has the power to direct or cause the management or control of a proposed cannabis production establishment;

(c) financial statements demonstrating that the person possesses a minimum of $250,000 in liquid assets available for each application submitted to the department;

(d) an operating plan that complies with Section 26-60b-303 and that includes operating procedures to comply with the operating requirements for a cannabis dispensary described in this chapter and with any laws adopted by the municipality or county that are consistent with Section 26-60b-506;

(e) if the municipality or county where the proposed cannabis production establishment would be located has enacted zoning restrictions, a sworn statement certifying that the proposed cannabis dispensary is in compliance with the restrictions;

(f) if the municipality or county where the proposed cannabis dispensary would be located requires a local permit or license, a copy of the application for the local permit or license; and

(g) an application fee established by the department in accordance with Section 63J-1-504 that is necessary to cover the department's cost to implement this part;

(4) If the department determines that a cannabis dispensary is eligible for a license under this section, the department shall charge the cannabis dispensary an initial license fee in an amount determined by the department in accordance with Section 63J-1-504.

(5) The department may not issue a license to operate a cannabis dispensary to an applicant if any individual who has a financial or voter interest of two percent or greater in the cannabis dispensary applicant or who has power to direct or cause the management or control of the applicant:

(a) has been convicted of an offense that is a felony under either state or federal law; or

(b) is less than 21 years of age.

(6) The department may revoke a license under this part if the cannabis dispensary is not operating within one year of the issuance of the initial license.

(7) The department shall deposit the proceeds of a fee imposed by this section in the Medical Cannabis Restricted Account.

(8) The department shall begin accepting applications under this part no later than March 1, 2020.

Section 44. Section **26-60b-302** is enacted to read:

26-60b-302. Renewal.

(1) Except as provided in Subsection (3), the department shall renew a person's license under this part every two years if, at the time of renewal:

(a) the person meets the requirements of Section 26-60b-301; and

(b) the person pays the department a license renewal fee in an amount determined by the department in accordance with Section 63J-1-504.

(2)(a) If a licensed cannabis dispensary abandons the cannabis dispensary's license, the department shall publish notice of an available license in a newspaper of general circulation for the geographic area in which the cannabis dispensary license is available or on the Utah Public Notice Website established in Section 63F-1-701.

(b) The department may establish criteria, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, for what actions by a cannabis dispensary constitute abandonment of a cannabis dispensary license.

Section 45. Section **26-60b-303** is enacted to read:

26-60b-303. Operating plan.

(1) A person applying for a cannabis dispensary license shall submit to the department a proposed operation plan for the cannabis dispensary that complies with this section and that includes:

(a) a description of the physical characteristics of the proposed facility, including a floor plan and an architectural elevation;

(b) a description of the credentials and experience of:

(i) each officer, director, or owner of the proposed cannabis dispensary; and

(ii) any highly skilled or experienced prospective employee;

(c) the cannabis dispensary's employee training standards;

(d) a security plan; and

(e) a description of the cannabis dispensary's inventory control system, including a plan to make the inventory control system compatible with the electronic verification system.

Section 46. **Section 26-60b-304** is enacted to read:

26-60b-304. Maximum number of licenses.

(1) The department may not issue more than the greater of, in each county in the state:

(a) one cannabis dispensary license; or

(b) an amount of cannabis dispensary licenses equal to the number of residents in the county divided by 150,000, rounded up to the nearest greater whole number.

(2) If there are more qualified applicants than there are available licenses for cannabis dispensaries, the department shall evaluate the applicants and award the license to the applicant that best demonstrates:

(a) experience with establishing and successfully operating a business that involves complying with a regulatory environment, tracking inventory, and training, evaluating, and monitoring employees;

(b) an operating plan that will best ensure the safety and security of patrons and the community;

(c) positive connections to the local community;

(d) the suitability of the proposed location and its accessibility for qualifying patients; and

(e) the extent to which the applicant can reduce the cost of cannabis or cannabis products for patients.

(3) The department may conduct a face-to-face interview with an applicant for a license that the department evaluates under Subsection (2).

Section 47. Section **26-60b-401** is enacted to read:

Part 4. Cannabis Dispensary Agents

26-60b-401. Cannabis dispensary agent -- Registration.

(1) An individual may not serve as a cannabis dispensary agent of a cannabis dispensary unless the individual is registered by the department as a cannabis dispensary agent.
(2) A physician may not act as a cannabis dispensary agent.
(3) The department shall, within 15 days after receiving a complete application from a cannabis dispensary on behalf of a prospective cannabis dispensary agent, register and issue a cannabis dispensary agent registration card to an individual who:
(a) provides to the department the individual's name and address and the name and location of the licensed cannabis dispensary where the individual seeks to act as the cannabis dispensary agent; and
(b) pays a fee to the department, in an amount determined by the department in accordance with Section 63J-1-504, that is necessary to cover the department's cost to implement this part.
(4) The department shall designate, on an individual's cannabis dispensary agent registration card, the name of the cannabis dispensary where the individual is registered as an agent.
(5) A cannabis dispensary agent shall comply with a certification standard developed by the department, or a third party certification standard designated by the department, by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
(6) The certification standard described in Subsection (5) shall include training in:
(a) Utah medical cannabis law; and
(b) cannabis dispensary best practices.
(7) The department may revoke or refuse to issue the cannabis dispensary agent registration card of an individual who:
(a) violates the requirements of this chapter; or
(b) is convicted of an offense that is a felony under state or federal law.

Section 48. Section **26-60b-402** is enacted to read:

26-60b-402. Cannabis dispensary agents -- Criminal background checks.

(1) Each applicant shall submit, at the time of application, from each individual who has a financial or voting interest of two percent or greater in the applicant or who has the power to direct or cause the management or control of the applicant:
(a) a fingerprint card in a form acceptable to the department; and
(b) consent to a fingerprint background check by the Utah Bureau of Criminal Identification and the Federal Bureau of Investigation.
(2) The department shall request that the Department of Public Safety complete a Federal Bureau of Investigation criminal background check for each individual described in Subsection (1).

Section 49. Section **26-60b-403** is enacted to read:

26-60b-403. Cannabis dispensary agent registration card -- Rebuttable presumption.

(1) A cannabis dispensary agent who is registered with the department under section 426-60b-401 shall carry the individual's cannabis dispensary agent registration card with the individual at all times when:
(a) the individual is on the premises of a cannabis dispensary; and
(b) the individual is transporting cannabis, a cannabis product, or a medical cannabis device between two cannabis production establishments or between a cannabis production establishment and a cannabis dispensary.
(2) If an individual handling cannabis, a cannabis product, or a medical cannabis device at a cannabis dispensary, or transporting cannabis, a cannabis product, or a medical cannabis device, possesses the cannabis, cannabis product, or medical cannabis device in compliance with Subsection (1):
(a) there is a rebuttable presumption that the individual possesses the cannabis, cannabis product, or medical cannabis device legally; and
(b) a law enforcement officer does not have probable cause, based solely on the individual's possession of the cannabis, cannabis product, or medical cannabis device in compliance with Subsection (1), to believe that the individual is engaging in illegal activity.
(3) An individual who violates Subsection (1) is:
(a) guilty of an infraction; and
(b) is subject to a $100 fine.

Section 50. Section **26-60b-501** is enacted to read:

Part 5. Cannabis Dispensary Operation

26-60b-501. Operating requirements -- General.

(1) (a) A cannabis dispensary shall operate in accordance with the operating plan provided to the department under Section 26-60b-303.
(b) A cannabis dispensary shall notify the department before a change in the cannabis dispensary's operating plan.
(2) A cannabis dispensary shall operate:
(a) except as provided in Subsection (5), in a facility that is accessible only by an individual with a valid cannabis dispensary agent registration card or a medical cannabis card; and
(b) at the physical address provided to the department under Section 26-60b-301.
(3) A cannabis dispensary may not employ any person who is younger than 21 years of age.
(4) A cannabis dispensary shall conduct a background check into the criminal history of every person who will become an agent of the cannabis dispensary and may not employ any person who has been convicted of an offense that is a felony under either state or federal law.
(5) A cannabis dispensary may authorize an individual who is not a cannabis dispensary agent to access the cannabis dispensary if the cannabis dispensary tracks and monitors the individual at all times while the individual is at the cannabis dispensary and maintains a record of the individual's access.
(6) A cannabis dispensary shall operate in a facility that has:
(a) a single, secure public entrance;
(b) a security system with a backup power source that:
(i) detects and records entry into the cannabis dispensary; and
(ii) provides notice of an unauthorized entry to law enforcement when the cannabis dispensary is closed; and
(c) a lock on any area where the cannabis dispensary stores cannabis or a cannabis product.
(7) A cannabis dispensary shall post, clearly and conspicuously in the cannabis dispensary, the limit on the purchase of cannabis described in Subsection 26-60b-502(3).
(8) A cannabis dispensary may not allow any individual to consume cannabis on the property or premises of the cannabis dispensary.
(9) A cannabis dispensary may not sell cannabis or a cannabis product without first indicating on the cannabis or cannabis product label the name of the cannabis dispensary.

Section 51. Section **26-60b-502** is enacted to read:

26-60b-502. Dispensing -- Amount a cannabis dispensary may dispense -- Reporting -- Form of cannabis or cannabis product.

(1) A cannabis dispensary may only sell, subject to this chapter:
(a) cannabis;

(b) a cannabis product;
(c) a medical cannabis device; or
(d) educational materials related to the medical use of cannabis.
(2) A cannabis dispensary may only sell the items listed in Subsection (1) to an individual with a medical cannabis card issued by the department.
(3) A cannabis dispensary may not dispense on behalf of any one individual with a medical cannabis card, in any one 14-day period:
(a) an amount of unprocessed cannabis that exceeds two ounces by weight; or
(b) an amount of cannabis products that contains, in total, greater than 10 grams of tetrahydrocannabinol or cannabidiol.
(4) An individual with a medical cannabis card may not purchase more cannabis or cannabis products than the amounts designated in Subsection (3) in any one 14-day period.
(5) A cannabis dispensary shall:
(a) access the electronic verification system before dispensing cannabis or a cannabis product to an individual with a medical cannabis card in order to determine if the individual has met the maximum amount of cannabis or cannabis products described in Subsection (3); and
(b) submit a record to the electronic verification system each time the cannabis dispensary dispenses cannabis or a cannabis product to an individual with a medical cannabis card.
(6)(a) Except as provided in Subsection (6)(b), a cannabis dispensary may not sell medical cannabis in the form of a cigarette or a medical cannabis device that is intentionally designed or constructed to resemble a cigarette.
(b) A cannabis dispensary may sell a medical cannabis device that warms cannabis material into a vapor without the use of a flame and that delivers cannabis to an individual's respiratory system.
(7) A cannabis dispensary may give to an individual with a medical cannabis card, at no cost, a product that the cannabis dispensary is allowed to sell under Subsection (1).
Section 52. Section **26-60b-503** is enacted to read:
26-60b-503. Inspections.
The department may inspect the records and facility of a cannabis dispensary at any time in order to determine if the cannabis dispensary complies with the licensing requirements of this part.
Section 53. **Section 26-60b-504** is enacted to read:
26-60b-504. Advertising.
(1) Except as provided in Subsections (2) and (3), a cannabis dispensary may not advertise in any medium.
(2) A cannabis dispensary may use signage on the outside of the cannabis dispensary that includes only:
(a) the cannabis dispensary's name and hours of operation; and
(b) a green cross.
(3) A cannabis dispensary may maintain a website that includes information about:
(a) the location and hours of operation of the cannabis dispensary;
(b) the products and services available at the cannabis dispensary;
(c) personnel affiliated with the cannabis dispensary;
(d) best practices that the cannabis dispensary upholds; and
(e) educational materials related to the medical use of cannabis.
Section 54. Section **26-60b-505** is enacted to read:
26-60b-505. Cannabis, cannabis product, or medical cannabis device transportation.
(1) Except for an individual with a valid medical cannabis card, an individual may not transport cannabis, a cannabis product, or a medical cannabis device unless the individual is:
(a) a registered cannabis production establishment agent; or
(b) a registered cannabis dispensary agent.
(2) Except for an individual with a valid medical cannabis card, an individual transporting cannabis, a cannabis product, or a medical cannabis device shall possess a transportation manifest that:
(a) includes a unique identifier that links the cannabis, cannabis product, or medical cannabis device to a relevant inventory control system;
(b) includes origin and destination information for any cannabis, cannabis product, or medical cannabis device the individual is transporting; and
(c) indicates the departure and arrival times and locations of the individual transporting the cannabis, cannabis product, or medical cannabis device.
(3) In addition to the requirements in Subsections (1) and (2), the department may establish, by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, requirements for transporting cannabis, a cannabis product, or a medical cannabis device that are related to safety for human cannabis or cannabis product consumption.
(4) An individual who transports cannabis, a cannabis product, or a medical cannabis device with a manifest that does not meet the requirements of Subsection (2) is:
(a) guilty of an infraction; and
(b) subject to a $100 fine.
Section 55. Section **26-60b-506** is enacted to read:
26-60b-506. Local control.
(1) A municipality or county may not enact a zoning ordinance that prohibits a cannabis dispensary from operating in a location within the municipality's or county's jurisdiction on the sole basis that the cannabis dispensary is a cannabis dispensary.
(2) A municipality or county may not deny or revoke a permit or license to operate a cannabis dispensary on the sole basis that the applicant or cannabis dispensary violates a law of the United States.
(3) A municipality or county may enact ordinances not in conflict with this chapter governing the time, place, and manner of cannabis dispensary operations in the municipality or county.
Section 56. Section **26-60b-601** is enacted to read:

Part 6. Enforcement

26-60b-601. Enforcement -- Fine -- Citation.
(1) The department may, for a violation of this chapter by a person who is a cannabis dispensary or cannabis dispensary agent:
(a) revoke the person's license or cannabis dispensary agent registration card;
(b) refuse to renew the person's license or cannabis dispensary agent registration card; or
(c) assess the person an administrative penalty.
(2) The department shall deposit an administrative penalty imposed under this section in the general fund.
(3) The department may, for a person subject to an uncontested citation, a stipulated settlement, or a finding of a violation in an adjudicative pro-

ceeding under this section:

(a) assess the person a fine, established in accordance with Section 63J-1-504, of up to $5,000 per violation, in accordance with a fine schedule established by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; or

(b) order the person to cease and desist from the action that creates a violation.

(4) The department may not revoke a cannabis dispensary's license without first directing the cannabis dispensary to appear before an adjudicative proceeding conducted under Title 63G, Chapter 4, Administrative Procedures Act.

(5) If, within 20 calendar days after the day on which the department issues a citation for a violation of this chapter, the person that is the subject of the citation fails to request a hearing to contest the citation, the citation becomes the department's final order.

(6) The department may, for a person who fails to comply with a citation under this section:

(a) refuse to issue or renew the person's license or cannabis dispensary agent registration card; or

(b) suspend, revoke, or place on probation the person's license or cannabis dispensary agent registration card.

(7) If the department makes a final determination under this section that an individual violated a provision of this chapter, the individual is guilty of an infraction.

Section 57. **26-60b-602** is enacted to read:

26-60b-602. Report.

(1) The department shall report annually to the Health and Human Services Interim Committee on the number of applications and renewal applications filed for medical cannabis cards, the number of qualifying patients and designated caregivers, the nature of the debilitating medical conditions of the qualifying patients, the age and county of residence of cardholders, the number of medical cannabis cards revoked, the number of practitioners providing recommendations for qualifying patients, the number of license applications and renewal license applications received, the number of licenses issued in each county, the number of licenses revoked, and the expenses incurred and revenues generated from the medical cannabis program.

(2) The department may not include personally identifying information in the report.

Section 58. **Section 30-3-10** is amended to read:

30-3-10. Custody of children in case of separation or divorce -- Custody consideration.

(1) If a husband and wife having minor children are separated, or their marriage is declared void or dissolved, the court shall make an order for the future care and custody of the minor children as it considers appropriate.

(a) In determining any form of custody, including a change in custody, the court shall consider the best interests of the child without preference for either the mother or father solely because of the biological sex of the parent and, among other factors the court finds relevant, the following:

(i) the past conduct and demonstrated moral standards of each of the parties;

(ii) which parent is most likely to act in the best interest of the child, including allowing the child frequent and continuing contact with the noncustodial parent;

(iii) the extent of bonding between the parent and child, meaning the depth, quality, and nature of the relationship between a parent and child;

(iv) whether the parent has intentionally exposed the child to pornography or material harmful to a minor, as defined in Section 76-10-1201; and

(v) those factors outlined in Section 30-3-10.2.

(b) There shall be a rebuttable presumption that joint legal custody, as defined in Section 30-3-10.1, is in the best interest of the child, except in cases where there is:

(i) domestic violence in the home or in the presence of the child;

(ii) special physical or mental needs of a parent or child, making joint legal custody unreasonable;

(iii) physical distance between the residences of the parents, making joint decision making impractical in certain circumstances; or

(iv) any other factor the court considers relevant including those listed in this section and Section 30-3-10.2.

(c) The person who desires joint legal custody shall file a proposed parenting plan in accordance with Sections 30-3-10.8 and 30-3-10.9. A presumption for joint legal custody may be rebutted by a showing by a preponderance of the evidence that it is not in the best interest of the child.

(d) The children may not be required by either party to testify unless the trier of fact determines that extenuating circumstances exist that would necessitate the testimony of the children be heard and there is no other reasonable method to present their testimony.

(e) The court may inquire of the children and take into consideration the children's desires regarding future custody or parent-time schedules, but the expressed desires are not controlling and the court may determine the children's custody or parent-time otherwise. The desires of a child 14 years of age or older shall be given added weight, but is not the single controlling factor.

(f) If interviews with the children are conducted by the court pursuant to Subsection (1)(e), they shall be conducted by the judge in camera. The prior consent of the parties may be obtained but is not necessary if the court finds that an interview with the children is the only method to ascertain the child's desires regarding custody.

(2) In awarding custody, the court shall consider, among other factors the court finds relevant, which parent is most likely to act in the best interests of the child, including allowing the child frequent and continuing contact with the noncustodial parent as the court finds appropriate.

(3) If the court finds that one parent does not desire custody of the child, the court shall take that evidence into consideration in determining whether to award custody to the other parent.

(4) (a) Except as provided in Subsection (4)(b), a court may not discriminate against a parent due to a disability, as defined in Section 57-21-2, in awarding custody or determining whether a substantial change has occurred for the purpose of modifying an award of custody.

(b) If a court takes a parent's disability into account in awarding custody or determining whether a substantial change has occurred for the purpose of modifying an award of custody, the parent with a disability may rebut any evidence, presumption, or inference arising from the disability by showing that:

(i) the disability does not significantly or substantially inhibit the parent's ability to provide for the physical and emotional needs of the child at issue; or

(ii) the parent with a disability has sufficient human, monetary, or other resources available to supplement the parent's ability to provide for the physical and emotional needs of the child at issue.

(c) Nothing in this section may be construed to apply to adoption proceedings under Title 78B, Chapter 6, Part 1, Utah Adoption Act.

(5) This section establishes neither a preference nor a presumption for or against joint physical custody or sole physical custody, but allows the court and the family the widest discretion to choose a parenting plan that is in the best interest of the child.

(6) In considering the past conduct and demonstrated moral standards of each of the parties as described under Subsection (1)(a)(i), a court may not discriminate against a parent because of the parent's possession or consumption of cannabis, a cannabis product, or a medical cannabis device, in accordance with Title 26, Chapter 60b, Medical Cannabis Act, or because of the parent's status as a cannabis production establishment agent in accordance with Title 4, Chapter 41b, a cannabis dispensary agent in accordance with Title 26, Chapter 60b, or a medical cannabis card holder in accordance with Title 26, Chapter 60b.

Section 59. Section **53-1-106.5** is enacted to read:

53-1-106.5. Medical Cannabis Act -- Department duties.

In addition to the duties described in Section 53-1-106, the department shall provide standards for training peace officers and law enforcement agencies in the use of the electronic verification system and collaborate with the Department of Health and the Department of Agriculture and Food to provide standards for training peace officers and law enforcement agencies in medical cannabis law.

Section 60. Section **58-37-3.6b** is enacted to read:

58-37-3.6b. Exemption for possession or use of cannabis to treat a qualifying illness.

(1) As used in this section:

(a) "Cannabis" means marijuana.

(b) "Cannabis dispensary" means the same as that term is defined in Section 26-60b-102.

(c) "Cannabis product" means a product that:

(i) is intended for human ingestion; and

(ii) contains cannabis or tetrahydrocannabinol.

(d) "Designated caregiver" means the same as that term is defined in Section 26-60b-102.

(e) "Drug paraphernalia" means the same as that term is defined in Section 58-37a-3.

(f) "Marijuana" means the same as that term is defined in Section 58-37-2.

(g) "Medical cannabis card" means the same as that term is defined in Section 26-60b-102.

(h) (i) "Medical cannabis device" means a device that an individual uses to ingest cannabis or a cannabis product.

(ii) "Medical cannabis device" does not include a device that facilitates cannabis combustion at a temperature of greater than 750 degrees Fahrenheit.

(i) "Qualifying illness" means the same as that term is defined in Section 26-60b-102.

(j) "Tetrahydrocannabinol" means a substance derived from cannabis that meets the description in Subsection 58-37-4(2)(a)(iii)(AA).

(2) Notwithstanding any other provision of law, except as otherwise provided in this section:

(a) an individual who possesses, produces, manufactures, dispenses, distributes, sells, or offers to sell cannabis or a cannabis product or who possesses with intent to produce, manufacture, dispense, distribute, sell, or offer to sell cannabis or a cannabis product is not subject to the penalties described in this title for the conduct to the extent that the individual's conduct complies with:

(i) Title 4, Chapter 41b, Cannabis Production Establishment; and

(ii) Title 26, Chapter 60b, Medical Cannabis Act;

(b) an individual who possesses, manufactures, distributes, sells, or offers to sell a medical cannabis device or who possesses with intent to manufacture, distribute, sell, or offer to sell a medical cannabis device is authorized and is not subject to the penalties described in this title for the possession, manufacture, distribution, sale, or offer for sale of drug paraphernalia to the extent that the individual's conduct complies with:

(i) Title 4, Chapter 41b, Cannabis Production Establishment; and

(ii) Title 26, Chapter 60b, Medical Cannabis Act.

(3) For purposes of state law, except as otherwise provided in this section, activities related to cannabis shall be considered lawful and any cannabis consumed shall be considered legally ingested, as long as the conduct is in accordance with:

(a) Title 4, Chapter 41b, Cannabis Production Establishment; and

(b) Title 26, Chapter 60b, Medical Cannabis Act.

(4) It is not lawful for a medical cannabis card holder to smoke cannabis or to use a device to facilitate the smoking of cannabis. An individual convicted of violating this section is guilty of an infraction. For purposes of this section, smoking does not include a means of administration that involves cannabis combustion at a temperature that is not greater than 750 degrees Fahrenheit and that does not involve using a flame.

(5) An individual is not exempt from the penalties described in this title for ingesting cannabis or a cannabis product while operating a motor vehicle.

(6) An individual who is assessed a penalty or convicted of an infraction under Title 4, Chapter 41b, Cannabis Production Establishment, or Title 26, Chapter 60b, Medical Cannabis Act, is not subject to the penalties described in this chapter for:

(a) the possession, manufacture, sale, or offer for sale of cannabis or a cannabis product; or

(b) the possession, manufacture, sale, or offer for sale of drug paraphernalia.

Section 61. Section **58-37-3.6c** is enacted to read:

58-37-3.7. Affirmative defense.

(1) Before July 1, 2020, it is an affirmative defense to criminal charges against an individual for the use, possession, or manufacture of marijuana, tetrahydrocannabinol, or marijuana drug paraphernalia under this chapter that the individual would be eligible for a medical cannabis card, and that the individuals conduct would have been lawful, after July 1, 2020.

(2) It is an affirmative defense to criminal charges against an individual for the use or possession of marijuana, tetrahydrocannabinol, or marijuana drug paraphernalia under this chapter if:

(a) the individual is a not a resident of Utah or has been a resident of Utah for less than 45 days and was issued a currently valid medical cannabis identification card or its equivalent under the laws of another state, district, territory, commonwealth, or insular possession of the United States; and

(b) the individual has been diagnosed with a qualifying illness as described in Section 26-60b-105.

(3) A court shall, for charges that the court dismisses under Subsection (1) or Subsection (2), dismiss the charges without prejudice.

Section 62. Section **58-37-3.6d** is enacted to read:

58-37-3.8. Enforcement.

(1) No law enforcement officer employed by an agency that receives state or local government funds shall expend any state or local resources, including the officer's time, to effect any arrest or seizure of cannabis, or conduct any investigation, on the sole basis of activity the officer believes to constitute a violation of federal law if the officer has reason to believe that such activity is in compliance with the state medical cannabis laws, nor shall any such officer expend any state or local resources, including the officer's time, to provide any information or logistical support related to such activity to any federal law enforcement authority or prosecuting entity.

(2) No agency or political subdivision of Utah may rely on a violation of federal law as the sole basis for taking an adverse action against a person providing professional services to a cannabis dispensary or a cannabis production establishment if the person has not violated the state medical cannabis laws.

Section 63. Section **59-12-104.7** is enacted to read:

59-12-104.7. Exemption from sales tax for medical cannabis.

(1) As used in this section:

(a) "Cannabis" means the same as that term is defined in Section 58-37-3.6b.

(b) "Cannabis dispensary" means the same as that term is defined in Section 26-60b-102.

(c) "Cannabis product" means the same as that term is defined in Section 58-37-3.6b.

(d) "Medical cannabis device" means the same as that term is defined in Section 58-37-3.6b.

(2) In addition to the exemptions described in Section 59-12-104, the sale, by a licensed cannabis dispensary, of cannabis, a cannabis product, or a medical cannabis device, is not subject to the taxes imposed by this chapter.

Section 64. Section **62A-4a-202.1** is amended to read:

62A-4a-202.1. Entering home of a child -- Taking a child into protective custody -- Caseworker accompanied by peace officer -- Preventive services -- Shelter facility or emergency placement.

(1) A peace officer or child welfare worker may not:

(a) enter the home of a child who is not under the jurisdiction of the court, remove a child from the child's home or school, or take a child into protective custody unless authorized under Subsection 78A-6-106(2); or

(b) remove a child from the child's home or take a child into custody under this section solely on the basis of:

(i) educational neglect, truancy, or failure to comply with a court order to attend school[.]; or

(ii) the possession or use of cannabis, a cannabis product, or a medical cannabis device in the home, if the use and possession of the cannabis, cannabis product, or medical cannabis device is in compliance with Title 26, Chapter 60b, Medical Cannabis Act.

(2) A child welfare worker within the division may take action under Subsection (10) accompanied by a peace officer, or without a peace officer when a peace officer is not reasonably available.

(3) (a) If possible, consistent with the child's safety and welfare, before taking a child into protective custody, the child welfare worker shall also determine whether there are services available that, if provided to a parent or guardian of the child, would eliminate the need to remove the child from the custody of the child's parent or guardian.

(b) If the services described in Subsection (3)(a) are reasonably available, they shall be utilized.

(c) In determining whether the services described in Subsection (3)(a) are reasonably available, and in making reasonable efforts to provide those services, the child's health, safety, and welfare shall be the child welfare worker's paramount concern.

(4) (a) A child removed or taken into custody under this section may not be placed or kept in a secure detention facility pending court proceedings unless the child is detainable based on guidelines promulgated by the Division of Juvenile Justice Services.

(b) A child removed from the custody of the child's parent or guardian but who does not require physical restriction shall be given temporary care in:

(i) a shelter facility; or

(ii) an emergency placement in accordance with Section 62A-4a-209.

(c) When making a placement under Subsection (4)(b), the Division of Child and Family Services shall give priority to a placement with a noncustodial parent, relative, or friend, in accordance with Section 62A-4a-209.

(a) If the child is not placed with a noncustodial parent, a relative, or a designated friend, the caseworker assigned to the child shall file a report with the caseworker's supervisor explaining why a different placement was in the child's best interest.

(5) When a child is removed from the child's home or school or taken into protective custody, the caseworker shall give a parent of the child a pamphlet or flier explaining:

(a) the parent's rights under this part, including the right to be present and participate in any court proceeding relating to the child's case;

(b) that it may be in the parent's best interest to contact an attorney and that, if the parent cannot afford an attorney, the court will appoint one;

(c) the name and contact information of a division employee the parent may contact with questions;

(d) resources that are available to the parent, including:

(i) mental health resources;

(ii) substance abuse resources; and

(iii) parenting classes; and

(e) any other information considered relevant by the division.

(6) The pamphlet or flier described in Subsection (5) shall be:

(a) evaluated periodically for its effectiveness at conveying necessary information and revised accordingly;

(b) written in simple, easy-to-understand language; and

(c) available in English and other languages as the division determines to be appropriate and necessary.

Section 65. **Section 63I-1-226** is amended to read:

63I-1-226. Repeal dates, Title 26.

(1) Title 26, Chapter 9f, Utah Digital Health Service Commission Act, is repealed July 1, 2025.

(2) Section 26-10-11 is repealed July 1, 2020.

(3) Section 26-21-23, Licensing of non-Medicaid nursing facility beds, is repealed July 1, 2018.

(4) Title 26, Chapter 33a, Utah Health Data Authority Act, is repealed July 1, 2024.

(5) Title 26, Chapter 36a, Hospital Provider Assessment Act, is repealed July 1, 2016.

(6) Section 26-38-2.5 is repealed July 1, 2017.

(7) Section 26-38-2.6 is repealed July 1, 2017.

(8) Title 26, Chapter 56, Hemp Extract Registration Act, is repealed [~~July 1, 2016~~] January 1, 2019.

Section 66. **Section 63I-1-258** is amended to read:

63I-1-258. Repeal dates, Title 58.

(1) Title 58, Chapter 13, Health Care Providers Immunity from Liability Act, is repealed July 1, 2026.

(2) Title 58, Chapter 15, Health Facility Administrator Act, is repealed July 1, 2025.

(3) Title 58, Chapter 20a, Environmental Health Scientist Act, is repealed July 1, 2018.

(4) Section 58-37-4.3 is repealed [~~July 1, 2016~~] January 1, 2020.

(5) Title 58, Chapter 40, Recreational Therapy Practice Act, is repealed July 1, 2023.

(6) Title 58, Chapter 41, Speech-Language Pathology and Audiology Licensing Act, is repealed July 1, 2019.

(7) Title 58, Chapter 42a, Occupational Therapy Practice Act, is repealed July 1, 2025.

(8) Title 58, Chapter 46a, Hearing Instrument Specialist Licensing Act, is repealed July 1, 2023.

(9) Title 58, Chapter 47b, Massage Therapy Practice Act, is repealed July 1, 2024.

(10) Title 58, Chapter 61, Part 7, Behavior Analyst Licensing Act, is repealed July 1, 2026.

(11) Title 58, Chapter 72, Acupuncture Licensing Act, is repealed July 1, 2017.

Section 67. **Section 78A-6-508** is amended to read:

78A-6-508. Evidence of grounds for termination.

(1) In determining whether a parent or parents have abandoned a child, it is prima facie evidence of abandonment that the parent or parents:

(a) although having legal custody of the child, have surrendered physical custody of the child, and for a period of six months following the surrender have not manifested to the child or to the person having the physical custody of the child a firm intention to resume physical custody or to make arrangements for the care of the child;
(b) have failed to communicate with the child by mail, telephone, or otherwise for six months;
(c) failed to have shown the normal interest of a natural parent, without just cause; or
(d) have abandoned an infant, as described in Subsection 78A-6-316(1).

(2) In determining whether a parent or parents are unfit or have neglected a child the court shall consider, but is not limited to, the following circumstances, conduct, or conditions:
(a) emotional illness, mental illness, or mental deficiency of the parent that renders the parent unable to care for the immediate and continuing physical or emotional needs of the child for extended periods of time;
(b) conduct toward a child of a physically, emotionally, or sexually cruel or abusive nature;
(c) habitual or excessive use of intoxicating liquors, controlled substances, or dangerous drugs that render the parent unable to care for the child;
(d) repeated or continuous failure to provide the child with adequate food, clothing, shelter, education, or other care necessary for the child's physical, mental, and emotional health and development by a parent or parents who are capable of providing that care;
(e) whether the parent is incarcerated as a result of conviction of a felony, and the sentence is of such length that the child will be deprived of a normal home for more than one year;
(f) a history of violent behavior; or
(g) whether the parent has intentionally exposed the child to pornography or material harmful to a minor, as defined in Section 76-10-1201.

(3) Notwithstanding Subsection (2)(c), the court may not discriminate against a parent because of the parent's possession or consumption of cannabis, a cannabis product, or a medical cannabis device, in accordance with Title 26, Chapter 60b, Medical Cannabis Act.

[~~(3)~~] (4) A parent who, legitimately practicing the parent's religious beliefs, does not provide specified medical treatment for a child is not, for that reason alone, a negligent or unfit parent.

[~~(4)~~] (5) (a) Notwithstanding Subsection (2), a parent may not be considered neglectful or unfit because of a health care decision made for a child by the child's parent unless the state or other party to the proceeding shows, by clear and convincing evidence, that the health care decision is not reasonable and informed.

(b) Nothing in Subsection [~~(4)~~] (5)(a) may prohibit a parent from exercising the right to obtain a second health care opinion.

[~~(5)~~] (6) If a child has been placed in the custody of the division and the parent or parents fail to comply substantially with the terms and conditions of a plan within six months after the date on which the child was placed or the plan was commenced, whichever occurs later, that failure to comply is evidence of failure of parental adjustment.

[~~(6)~~] (7) The following circumstances constitute prima facie evidence of unfitness:
(a) sexual abuse, sexual exploitation, injury, or death of a sibling of the child, or of any child, due to known or substantiated abuse or neglect by the parent or parents;
(b) conviction of a crime, if the facts surrounding the crime are of such a nature as to indicate the unfitness of the parent to provide adequate care to the extent necessary for the child's physical, mental, or emotional health and development;
(c) a single incident of life-threatening or gravely disabling injury to or disfigurement of the child;
(d) the parent has committed, aided, abetted, attempted, conspired, or solicited to commit murder or manslaughter of a child or child abuse homicide; or
(e) the parent intentionally, knowingly, or recklessly causes the death of another parent of the child, without legal justification.

Section 68. **Override clause.**

This bill overrides, replaces, takes precedent over, and otherwise governs in place of any conflicting or contradictory legislation passed during a general session of the Utah Legislature before enactment of this law.

FISCAL IMPACT ESTIMATE

The Governor's Office of Management and Budget estimates the law proposed by this initiative would result in total fiscal expenses of $2,900,000 ($1,800,000 ongoing and $1,100,000 one-time).

Fee collections would cover about $1,400,000 of ongoing costs. General state revenues would be required for remaining ongoing costs ($400,000) and all one-time costs ($1,100,000).

Under the proposed sales tax exemption, the state and local governments may initially forego $1,600,000 in sales tax revenue. Foregone revenue could increase over time if consumption and taxable sales increase in the later years following implementation.

Consumer and firm behavior different than assumed would alter these estimates.

PROPOSITION NUMBER 3

☐ FOR
☐ AGAINST

Shall a law be enacted to:

- expand the state Medicaid health coverage program to include coverage, based on income, for previously ineligible low-income adults;
- maintain the following as they existed on January 1, 2017:
    - eligibility standards, benefits, and patient costs for Medicaid and the Children's Health Insurance Program (CHIP); and
    - the payment rate for healthcare providers under Medicaid and CHIP; and
- use the tax increase described below to pay for Medicaid and CHIP?

IMPARTIAL ANALYSIS

Proposition Number 3 makes three main changes to state law relating to Medicaid and the Children's Health Insurance Program (CHIP). First, it expands the state Medicaid program to include coverage, based on income, for previously ineligible low-income adults. Second, it preserves the existing scope of the state's Medicaid and CHIP programs. Third, it increases the state sales tax rate from 4.70% to 4.85% and directs the resulting revenue toward paying for the changes to Medicaid and CHIP made by the Proposition.

Background

Medicaid is a government-sponsored health insurance program for eligible low-income adults, children, pregnant women, elderly adults, and people with disabilities. Medicaid was established by the federal government but is administered by the states through state-run programs. Each state's program must meet certain minimum federal requirements but can vary widely. The programs are funded in part by the federal government and in part by the state government.

Historically, an adult qualified for Medicaid coverage only if the adult had a low income and belonged to a designated eligibility category—pregnant, parent, aged, blind, or disabled. That changed with the federal government's passage of the Patient Protection and Affordable Care Act. The Affordable Care Act gave states the option of expanding Medicaid eligibility in their state by allowing adults under 65 years of age with incomes below 138% of the federal poverty level to qualify for coverage based solely on their income, without belonging to a designated eligibility category. Individuals in this group are called "newly eligible." To date, Utah has not expanded its Medicaid program to cover all newly eligible individuals.

Similar to Medicaid, CHIP is a government-sponsored health insurance program that was established by the federal government, is administered by the states, and is funded in part by the federal government and in part by the state government. CHIP builds on Medicaid by providing health coverage to low-income children whose families earn too much money to qualify for Medicaid.

Effect of Proposition Number 3

Expanding Medicaid

Beginning April 1, 2019, Proposition 3 expands eligibility for Medicaid to include all newly eligible individuals under the Affordable Care Act—adults under 65 years of age with incomes below 138% of the federal poverty level who are not currently eligible for Medicaid.

Preserving the Scope of Medicaid and CHIP

Proposition 3 preserves certain aspects of the state's Medicaid and CHIP programs as they existed on January 1, 2017 to set a baseline for the scope of coverage and benefits available under each program going forward. By establishing the baselines, the Proposition prohibits future changes to the programs that would reduce the coverage or available benefits, but it allows changes that would expand them. More specifically, the Proposition provides that:

- the standards, methodologies, and procedures for determining eligibility for Medicaid and CHIP cannot be made more restrictive than they were on January 1, 2017;
    - there cannot be any limits on Medicaid enrollment beyond those in place on January 1, 2017;

- the categories of care or services and the types of benefits provided under Medicaid and CHIP cannot be made more restrictive than they were on January 1, 2017;
- any premium, beneficiary enrollment fee, or cost sharing requirements, including co-payments, co-insurance, deductibles, or out-of-pocket maximums, cannot be increased from what they were on January 1, 2017; and
- Medicaid's and CHIP's payments to healthcare providers, like hospitals and physicians, cannot be made at a rate less than the rate paid on January 1, 2017, adjusting annually for inflation.

Funding Medicaid Expansion

Under the Affordable Care Act as it currently exists, the federal government will pay approximately 90% of the cost of the newly eligible individuals who gain Medicaid coverage under Proposition 3, and the state government must pay the remainder. Beginning April 1, 2019, Proposition 3 increases the state sales tax rate from 4.70% to 4.85% and directs the resulting revenue toward paying the state's portion. The increase does not apply to groceries. The Proposition requires the revenue from the 0.15% increase to be used primarily for expanding Medicaid eligibility to the newly eligible, but it provides that any remaining revenue can be used to fund Medicaid or CHIP more generally.

Fiscal Impact

The following fiscal impact statement is based on figures provided by the legislative fiscal analyst.

Proposition 3 may result in approximately 150,000 newly eligible individuals enrolling in the state Medicaid program in fiscal year 2020, and approximately 5,000 additional newly eligible individuals enrolling each year thereafter. Additionally, approximately 20,000 children who are currently eligible for Medicaid but not enrolled may enroll once their parents become eligible.

The increase to the state sales tax rate contained in Proposition 3 will generate additional tax revenue for the state to direct toward the cost of expanding Medicaid coverage to the newly eligible. The chart below summarizes the anticipated cost associated with expanding Medicaid eligibility under Proposition 3 and the state revenue Proposition 3 is expected to generate. The figures in the chart assume the enrollment growth described above and no changes to federal law.

	Total Cost of Medicaid Expansion Under Prop 3 (Federal and State Portions)	Utah's Portion of Total Cost of Medicaid Expansion Under Prop 3	Revenue from Increase to the State Sales Tax Rate
Fiscal Year 2020	$758 million	$53 million	$84 million
Fiscal Year 2021	$846 million	$78 million	$88 million

The actual cost of Medicaid expansion under Proposition 3 and the amount of additional revenue the state collects from the increase to the state sale tax rate will vary based on numerous factors, including population growth, business investment, consumer behavior, economic conditions, and policy changes.

ARGUMENT IN FAVOR

Proposition 3 provides access to healthcare for more than 150,000 Utahns and brings nearly $800 million in federal funding back to our state every year from Washington D.C. – money that is already set aside for Utah. It's money 33 other states already get, but we've been losing out on for years. Proposition 3 creates nearly 14,000 new jobs and generates $1.7 billion in new economic activity for our state.

Medicaid expansion is a good deal for Utah and helps provide life-saving healthcare to Utahns who earn less than $17,000 a year, including parents and people with chronic illnesses who are often forced to choose between putting food on the table and getting treatments for diseases like cancer or diabetes.

Proposition 3 was also crafted to ensure that hard-working Utahns who earn a promotion or take on more hours to get ahead won't have their healthcare taken away. With this initiative, Medicaid covers working Utahns as they pull themselves out of poverty, and it rewards hard work—instead of punishing it by cutting off somebody's healthcare.

The Governor's Office of Management and Budget concluded that this program would be fiscally sound. It enables Utah taxpayers to expand healthcare access while promoting individual responsibility and smart use of public monies. Proposition 3 is accompanied with a sales tax increase on non-food items equivalent to about one cent on the cost of a movie ticket. This investment enables Utah to bring home nine times that amount in federal dollars every year.

AARP supports this measure because "Proposition 3 allows us to be fiscally responsible and significantly improve the lives of our families and neighbors most in need." This measure lets Utahns take control of our healthcare system,

expand access to quality, affordable healthcare, and return Utah's federal tax dollars to our state. Vote "YES" on Proposition 3.

Alan Ormsby
AARP Utah State Director
1320 E. Milne Ln., Midvale, UT 84047

Representative Ray Ward
Utah State House of Representatives
954 E. Millbrook Way, Bountiful, UT 84010

Bishop Scott Hayashi
Episcopal Diocese of Utah
2649 E. Chalet Circle, Cottonwood Heights, UT 84043

REBUTTAL TO ARGUMENT IN FAVOR

The Utah Legislature already expanded Medicaid to close the coverage gap created by Obamacare. Those who currently have access to health insurance through that law will be able to keep it, while those who make too little to qualify will have access to Medicaid. This solution will be paid for with no sales tax increase and no additional state spending.

To say that those who earn a promotion or work to get ahead will have their healthcare taken away as a result of earning more money is simply not true. Medicaid always ends when the recipient makes a dollar above what is allowed. Proposition #3 does nothing to change that fact, nor would the federal government permit it.

The Governor's Office of Management and Budget (GOMB) also responded to claims made by the proponents of Proposition #3 by stating: "The Argument FOR Proposition #3 blatantly mischaracterizes GOMB's fiscal impact statement and willfully ignores express communication about the limited scope and use of the fiscal impact estimates. GOMB has not concluded that this initiative program is fiscally sound. To the contrary, GOMB explicitly warned in its fiscal estimate that Proposition #3 could be fiscally unsound in future years."

Proposition #3 is not fiscally responsible. It exposes Utah to great risk and uncertainty by taking away state flexibility to innovate and address the underlying problems at the heart of poverty.

Voters should not be swayed by false claims and misguided analysis, and should vote NO on Proposition #3.

Representative Robert Spendlove

ARGUMENT AGAINST

This Initiative is Bad Policy

Expanding Medicaid eligibility as originally envisioned by the Affordable Care Act (Obamacare), as this initiative does, is bad policy.

Medicaid was designed to help the most needy obtain healthcare, but this initiative incentivizes more spending on able-bodied adults than on the vulnerable. Similar expansions in other states have led to reductions in services for the disabled as state budgets have been squeezed by increases in funding for the expansion population. Many have also experienced budget shortfalls that could ultimately require even greater tax increases, or spending cuts to things like education, other programs for the needy, roads and public safety.

This initiative contains a tax increase on Utah families of $90 million annually, amounting to nearly $1 billion over 10 years. Before we raise taxes and spend more on working age, able-bodied adults, we should first clear out the waiting list of 2,900 disabled Utahns who currently don't have access to home and community-based care.

With this full Obamacare expansion, the state loses the ability to change or modify the program, as the federal government has complete control and will force compliance. We would have no ability to limit enrollment or implement cost controls to protect Utah taxpayers, who would be forced to pay an ever-growing bill.

Social, health and human services already represent the largest portion of our state budget. This initiative would leave taxpayers with a program on autopilot, a zombie program that would be financially devastating to our state. If federal

officials do not approve all portions of the initiative, Utah will be forced to pay for it in its entirety, which is estimated to cost over $700 million per year. The state would have no choice but to cut other essential services even further.

Utahns expect and deserve a responsible and compassionate solution to care for the most vulnerable among us. Greater access to healthcare for those in need has already been achieved through careful study and consideration. The state, through legislation, has extended Medicaid to the poor and needy in a responsible way that will help people move from poverty to self-reliance, with no new state money. It also allows us to make adjustments to coverage to keep the program from growing to an unsustainable level.

Those who suggest that opposing this initiative indicates a lack of compassion are simply wrong. Even those who support a broader social safety net should be wary of this deeply flawed, one-size-fits-all model.

We already have a responsible, compassionate Utah solution to care for our most vulnerable. This initiative goes too far.

Please join us as we respectfully vote "no thank you" to the federal government's offer to create yet another new entitlement program by voting against Proposition 3.

Representatives:	Greene	McCay	Roberts	Wilde	Grover
Barlow	Hughes	McKell	Robertson	Wilson	Hemmert
Chew	Ivory	Jeff Moss	Schultz	Senators:	Henderson
Christofferson	Kennedy	Noel	Seegmiller	Adams	Stephenson
Coleman	Knotwell	Jeremy Peterson	Spendlove	Anderegg	
Daw	Lisonbee	Pulsipher	Thurston	Christensen	
Gibson	Maloy	Ray	Westwood	Fillmore	

Representative Robert Spendlove
350 North State Street
Salt Lake City, UT 84114

REBUTTAL TO ARGUMENT AGAINST

Proposition 3 protects hard-working families and returns taxpayer money to Utah, where it belongs.

Medicaid expansion will return taxpayer dollars back to our state every year to benefit Utahns and grow our economy. Proposition 3 will bring home nine federal dollars for every state dollar spent. If someone offered you nine dollars if you gave them one, that's a deal most of us would take every single time.

Thirty-three states have already expanded Medicaid, resulting in substantial job benefits and economic growth compared to non-expansion states. Independent economists say that Proposition 3 will grow our economy by $1.7 billion, creating nearly 14,000 jobs and providing workers and small business owners with nearly $785 million in new income in the next three years. Not one of those 33 states have reversed its decision. Instead, states have determined that expansion has boosted their economies, improved health outcomes and increased healthcare access.

Proposition 3's conservative approach protects taxpayer money and ensures that funds go directly where needed. The 10 percent state match needed to trigger federal funding for Medicaid expansion would come from a sales tax increase on non-food items, equivalent to about one cent on a movie ticket. Those funds will provide healthcare access to 150,000 Utahns, including parents and those with chronic illnesses.

Proposition 3 is a commonsense decision to return tax dollars to our state, grow our economy, protect small businesses, and provide life-saving healthcare to individuals earning less than $17,000 annually.

Alan Ormsby
AARP Utah State Director

Representative Ray Ward
Utah State House of Representatives

FULL TEXT OF PROPOSITION NUMBER 3

Be it enacted by the people of the State of Utah:

Section 1. Title.
This act shall be known as the "Utah Decides Healthcare Act of 2018."

PROPOSITION NUMBER 3

Section 2. Section **26-18-3.9** is enacted to read:

26-18-3.9. Protecting and expanding the Medicaid program and Utah Children's Health Insurance Program.

(1) Findings and purpose.

(a) Findings. The People of the State of Utah find that:

(i) Adequate medical care is crucial to the health and welfare of the residents of Utah;

(ii) It is essential that all Utahns have access to medical care, including preventive care, emergency services, and hospital care;

(iii) Utah's Medicaid program and CHIP provide care to Utahns who are unable to afford private health insurance and are not eligible for other health insurance. Medicaid and CHIP are vital parts of the Utah health care system and it is essential that they continue to provide health care for the most vulnerable citizens of our state;

(iv) However, over 250,000 Utahns remain uninsured and do not have adequate access to health care. Over 100,000 of the uninsured would be covered by Medicaid if the State of Utah were to expand eligibility to all individuals who are in the federal optional Medicaid expansion population, as defined as of January 1, 2017;

(v) When people don't have access to care they are far more likely to develop chronic conditions, like diabetes or asthma, that often require expensive treatment for a patient's entire life, resulting in unnecessary suffering and driving up the cost of healthcare;

(vi) When medical providers provide care for which patients are not insured, the cost of that care is passed on to others, thus increasing the cost of medical care for all Utah residents;

(vii) It is critical to the survival of the Medicaid program that it remain adequately funded so that it can provide needed medical services to those who otherwise would not have access to care, and can compensate the providers who serve participants. The compensation to providers must be adequate to encourage providers to continue to treat patients on Medicaid; and

(viii) From moral, health and fiscal perspectives, protecting and expanding the Medicaid program in Utah is essential to maintaining the quality of life in our state.

(b) Purpose. The purpose of this measure is to preserve and strengthen medical care in the State of Utah by the following:

(i) Protecting Medicaid and CHIP so that they can continue to provide medical care to those who are currently eligible, and

(ii) Expanding Medicaid eligibility to adults who are in the federal optional Medicaid expansion population, as defined as of January 1, 2017.

(2) Eligibility. As set forth in Subsections (2)(a) through (2)(d), eligibility criteria for the Medicaid program shall be maintained as they existed on January 1, 2017 and also expanded to cover additional low-income individuals.

(a) The standards, methodologies, and procedures for determining eligibility for the Medicaid program and CHIP shall be no more restrictive than the eligibility standards, methodologies, and procedures, respectively, that were in effect on January 1, 2017.

(b) Notwithstanding Sections 26-18-18 and 63J-5-204, beginning April 1, 2019, eligibility for the Medicaid program shall be expanded to include all persons in the optional Medicaid expansion population under the Patient Protection and Affordable Care Act, Pub. L. No. 111-148 and the Health Care Education Reconciliation Act of 2010, Pub. L. No. 111-152, and related federal regulations and guidance, as those statutory and regulatory provisions and guidance existed on January 1, 2017.

(c) There shall be no caps on enrollment beyond those in place as of January 1, 2017.

(d) The eligibility criteria in Subsection (2)(b) shall be construed to include all individuals eligible for the health coverage improvement program under Section 26-18-411.

(3) Care and Services. For each enrollment group or category in the Medicaid program and CHIP, the categories of care or services and the types of benefits provided in each category shall be no more restrictive than the categories of care or services and the types of benefits provided on January 1, 2017. Such services and benefits shall be provided in sufficient amount, duration, and scope to achieve their purposes.

(4) Out-of-Pocket Costs. Any premium, beneficiary enrollment fee, and cost sharing requirement applicable to care and services described in this section, including but not limited to co-pay, co-insurance, deductible, or out-of-pocket maximum, shall be no greater than those in effect on January 1, 2017.

(5) Provider payments.

(a) Payments to providers under the Medicaid program and CHIP for covered care and services shall be made at a rate not less than 100% of the payment rate that applied to such care and services on January 1, 2017, and shall increase annually at a rate not less than the region's Consumer Price Index.

(b) Managed care.

(i) If the department contracts with an accountable care organization or other organization to cover care and services under the Medicaid program or CHIP, a contract with that organization shall provide that the organization shall make payments to providers for items and services that are subject to the contract and that are furnished to individuals eligible for the Medicaid program or CHIP at a rate not less than 100% of the payment rate that at least one accountable care organization that contracted with the department paid for such care and services on January 1, 2017 (regardless of the manner in which such payments are made, including in the form of capitation or partial capitation), and that the minimum payment required by this provision will increase annually at a rate not less than the region's Consumer Price Index.

(ii) Payments by the department to accountable care organizations or such other organizations shall be sufficient for the organizations to comply with the provider payment rate requirements of this section.

(c) This subsection (5) shall not apply to physician reimbursement for drugs or devices.

(6) Nothing in this section shall prevent the people acting through initiative, the Legislature by statute, or the department by promulgating rules from:

(a) Expanding eligibility by adopting less restrictive eligibility standards, methodologies, or procedures than those permitted by Subsection (2);

(b) Expanding covered care and services by adding to the list, amount, duration, or scope of covered care and services required by Subsection (3);

(c) Reducing premiums, beneficiary enrollment fees, or cost sharing requirements below the maximum levels permitted by Subsection (4); or

(d) Increasing provider payments above the minimum payments required by Subsection (5).

(7) For purposes of this section:

(a) The "Medicaid program" means the Medicaid program defined by Section 26-18-2, including any waivers.

(b) The "Utah Children's Health Insurance Program" or "CHIP" means the Utah Children's Health Insurance Program created in Chapter 40, Utah Children's Health Insurance Act.

(8) The department shall maximize federal financial participation in implementing this section, including by seeking to obtain any necessary federal approvals or waivers.

(9) This section and Section 26-18-3.1(4) shall not apply to CHIP in any year for which the State Children's Health Insurance Program, as described in Subchapter XXI, 42 U.S.C. Sec. 1397aa et seq., is not extended at the federal level.

(10) Notwithstanding Sections 17-43-201 and 17-43-301, a county does not have to provide matching funds to the state for the cost of providing Medicaid services to newly enrolled individuals who qualify for Medicaid coverage under Subsection (2)(b).

(11) Severability. If any provision of this section or its application to any person or circumstance is held invalid, the remainder of this section shall be given effect without the invalid provision or application, and to this end the provisions of this section are severable.

PROPOSITION NUMBER 3

Section 3. Section **26-18-3.1** is amended to read:

26-18-3.1. Medicaid expansion

(1) The purpose of this section is to expand the coverage of the Medicaid program to persons who are in categories traditionally not served by that program.

(2) Within appropriations from the Legislature, the department may amend the state plan for medical assistance to provide for eligibility for Medicaid:

(a) on or after July 1, 1994, for children 12 to 17 years old who live in households below the federal poverty income guideline; and

(b) on or after July 1, 1995, for persons who have incomes below the federal poverty income guideline and who are aged, blind, or have a disability.

(3) (a) Within appropriations from the Legislature, on or after July 1, 1996, the Medicaid program may provide for eligibility for persons who have incomes below the federal poverty income guideline.

(b) In order to meet the provisions of this subsection, the department may seek approval for a demonstration project under 42 U.S.C. Section 1315 from the secretary of the United States Department of Health and Human Services. This demonstration project may also provide for the voluntary participation of private firms that:

(i) are newly established or marginally profitable;

(ii) do not provide health insurance to their employees;

(iii) employ predominantly low wage workers; and

(iv) are unable to obtain adequate and affordable health care insurance in the private market.

(4) The Medicaid program shall provide for eligibility for persons as required by Section 26-18-3.9(2).

(5) Subject to the requirements of Section 26-18-3.9(2) and (3), services [~~Services~~] available for persons described in this section shall include required Medicaid services and may include one or more optional Medicaid services if those services are funded by the Legislature. Subject to the requirements of Section 26-18-3.9(2), the [~~The~~] department may also require persons described in this section to meet an asset test.

Section 4. Section **59-12-103** is amended to read:

59-12-103. **Sales and use tax base -- Rates -- Effective dates -- Use of sales and use tax revenues.**

. . .

(2) (a) Except as provided in Subsections (2)(b) through (e), a state tax and a local tax is imposed on a transaction described in Subsection (1) equal to the sum of:

(i) a state tax imposed on the transaction at a tax rate equal to the sum of:

(A) (I) through March 31, 2019, 4.70%; and

(II) beginning on April 1, 2019, 4.70% plus the rate specified in Subsection (14)(a); and

(B) (I) the tax rate the state imposes in accordance with Part 18, Additional State Sales and Use Tax Act, if the location of the transaction as determined under Sections 59-12-211 through 59-12-215 is in a county in which the state imposes the tax under Part 18, Additional State Sales and Use Tax Act; and

(II) the tax rate the state imposes in accordance with Part 20, Supplemental State Sales and Use Tax Act, if the location of the transaction as determined under Sections 59-12-211 through 59-12-215 is in a city, town, or the unincorporated area of a county in which the state imposes the tax under Part 20, Supplemental State Sales and Use Tax Act; and

(ii) a local tax equal to the sum of the tax rates a county, city, or town imposes on the transaction under this chapter other than this part.

. . .

(7)

(a) Notwithstanding Subsection (3)(a), in addition to the amounts deposited in Subsection (6), and subject to Subsection (7)(b), for a fiscal year beginning on or after July 1, 2012, the Division of Finance shall deposit into the Transportation Investment Fund of 2005 created by Section 72-2-124:

(i) a portion of the taxes listed under Subsection (3)(a) in an amount equal to 8.3% of the revenues collected from the following taxes, which represents a portion of the approximately 17% of sales and use tax revenues generated annually by the sales and use tax on vehicles and vehicle-related products:

(A) the tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate;

(B) the tax imposed by Subsection (2)(b)(i);

(C) the tax imposed by Subsection (2)(c)(i); and

(D) the tax imposed by Subsection (2)(d)(i)(A)(I); plus

(ii) an amount equal to 30% of the growth in the amount of revenues collected in the current fiscal year from the sales and use taxes described in Subsections (7)(a)(i)(A) through (D) that exceeds the amount collected from the sales and use taxes described in Subsections (7)(a)(i)(A) through (D) in the 2010-11 fiscal year.

. . .

(8)

. . .

(c)

(i) Notwithstanding Subsection (3)(a), in addition to the amounts deposited under Subsections (6) and (7), and subject to Subsection (8)(c)(ii), for a fiscal year beginning on or after July 1, 2018, the commission shall annually deposit into the Transportation Investment Fund of 2005 created by Section 72-2-124 a portion of the taxes listed under Subsection (3)(a) in an amount equal to 3.68% of the revenues collected from the following taxes:

(A) the tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate;

(B) the tax imposed by Subsection (2)(b)(i);

(C) the tax imposed by Subsection (2)(c)(i); and

(D) the tax imposed by Subsection (2)(d)(i)(A)(I).

(ii) For a fiscal year beginning on or after July 1, 2019, the commission shall annually reduce the deposit into the Transportation Investment Fund of 2005 under Subsection (8)(c)(i) by an amount that is equal to 35% of the amount of revenue generated in the current fiscal year by the portion of the tax imposed on motor and special fuel that is sold, used, or received for sale or use in this state that exceeds 29.4 cents per gallon.

. . .

(13) Notwithstanding Subsections (4) through (12) and (14), an amount required to be expended or deposited in accordance with Subsections (4) through (12) and (14) may not include an amount the Division of Finance deposits in accordance with Section 59-12-103.2.

(14) (a) The rate specified in this subsection is 0.15%.

(b) Notwithstanding Subsection (3)(a), the Division of Finance shall:
(i) on or before September 30, 2019, transfer the amount of revenue generated by a 0.15% tax rate imposed beginning on April 1, 2019, and ending on June 30, 2019, on the transactions that are subject to the sales and use tax under Subsection (2)(a)(i)(A) as dedicated credits to the Division of Health Care Financing; and
(ii) for a fiscal year beginning on or after fiscal year 2019-20, annually transfer the amount of revenue generated by a 0.15% tax rate on the transactions that are subject to the sales and use tax under Subsection (2)(a)(i)(A) as dedicated credits to the Division of Health Care Financing.
(c) The revenue described in Subsection (14)(b) that the Division of Finance transfers to the Division of Health Care Financing as dedicated credits shall be expended for the following uses:
(i) implementation of the Medicaid expansion described in Sections 26-18-3.1(4) and 26-18-3.9(2)(b);
(ii) if revenue remains after the use specified in Subsection (14)(c)(i), other measures required by Section 26-18-3.9; and
(iii) if revenue remains after the uses specified in Subsections (14)(c)(i) and (ii), other measures described in Title 26, Chapter 18, Medical Assistance Act.

Section 5. **Competing Measures and Conflicting Provisions.**
It is the intent of the People that, notwithstanding Section 20A-7-211(3)(b) or any other provision of law, the 0.15 percent increase to the state sales tax in Section 4 be enacted notwithstanding any other increase or adjustment to such rate enacted by the Legislature or by any law submitted to the people by initiative petition that is approved by the voters at the same election. It is also the intent of the People that the enactment of the Utah Decides Healthcare Act of 2018 accomplish the purposes identified in Section 2 and that this act supersede any other provision of law that conflicts with this act. This section shall not be construed to alter the power given to the Legislature under Section 20A-7-212(3)(b).

Section 6. **Coordinating the Utah Decides Healthcare Act of 2018 with the Teacher and Student Success Act.**
If this act and the Teacher and Student Success Act, an initiative sponsored by Our Schools Now, are both approved by the voters at the same election, it is the intent of the People that the Office of Legislative Research and General Counsel prepare the amendments to Section 59-12-103 in this act and the Teacher and Student Success Act for publication in the Utah Code by amending Subsections 59-12-103(2)(a), (7)(a), (8)(c), and (13) and adding Subsections 59-12-103(14) and (15) to read:

(2) (a) Except as provided in Subsections (2)(b) through (e), a state tax and a local tax is imposed on a transaction described in Subsection (1) equal to the sum of:
(i) a state tax imposed on the transaction at a tax rate equal to the sum of:
(A)(I) through March 31, 2019, 4.70%; and
(II) beginning on April 1, 2019, 5.15% plus the rate specified in Subsection (15)(a); and
(B)(I) the tax rate the state imposes in accordance with Part 18, Additional State Sales and Use Tax Act, if the location of the transaction as determined under Sections 59-12-211 through 59-12-215 is in a county in which the state imposes the tax under Part 18, Additional State Sales and Use Tax Act; and
(II) the tax rate the state imposes in accordance with Part 20, Supplemental State Sales and Use Tax Act, if the location of the transaction as determined under Sections 59-12-211 through 59-12-215 is in a city, town, or the unincorporated area of a county in which the state imposes the tax under Part 20, Supplemental State Sales and Use Tax Act; and
(ii) a local tax equal to the sum of the tax rates a county, city, or town imposes on the transaction under this chapter other than this part.
. . .
(7)
(a) Notwithstanding Subsection (3)(a), in addition to the amounts deposited in Subsection (6), and subject to Subsection (7)(b), for a fiscal year beginning on or after July 1, 2012, the Division of Finance shall deposit into the Transportation Investment Fund of 2005 created by Section 72-2-124:
(i) a portion of the taxes listed under Subsection (3)(a) in an amount equal to 8.3% of the revenues collected from the following taxes, which represents a portion of the approximately 17% of sales and use tax revenues generated annually by the sales and use tax on vehicles and vehicle-related products:
(A) the tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate;
(B) the tax imposed by Subsection (2)(b)(i);
(C) the tax imposed by Subsection (2)(c)(i); and
(D) the tax imposed by Subsection (2)(d)(i)(A)(I); plus
(ii) an amount equal to 30% of the growth in the amount of revenues collected in the current fiscal year from the sales and use taxes described in Subsections (7)(a)(i)(A) through (D) that exceeds the amount collected from the sales and use taxes described in Subsections (7)(a)(i)(A) through (D) in the 2010-11 fiscal year.
. . .
(8)
. . .
(c)
(i) Notwithstanding Subsection (3)(a), in addition to the amounts deposited under Subsections (6) and (7), and subject to Subsection (8)(c)(ii), for a fiscal year beginning on or after July 1, 2018, the commission shall annually deposit into the Transportation Investment Fund of 2005 created by Section 72-2-124 a portion of the taxes listed under Subsection (3)(a) in an amount equal to 3.68% of the revenues collected from the following taxes:
(A) the tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate;
(B) the tax imposed by Subsection (2)(b)(i);
(C) the tax imposed by Subsection (2)(c)(i); and
(D) the tax imposed by Subsection (2)(d)(i)(A)(I).
(ii) For a fiscal year beginning on or after July 1, 2019, the commission shall annually reduce the deposit into the Transportation Investment Fund of 2005 under Subsection (8)(c)(i) by an amount that is equal to 35% of the amount of revenue generated in the current fiscal year by the portion of the tax imposed on motor and special fuel that is sold, used, or received for sale or use in this state that exceeds 29.4 cents per gallon.
. . .
(13) Notwithstanding Subsections (4) through (12) and (14) and (15), an amount required to be expended or deposited in accordance with Subsections (4) through (12) and (14) and (15) may not include an amount the Division of Finance deposits in accordance with Section 59-12-103.2.
(14) Notwithstanding Subsection (3)(a), for a fiscal year beginning on or after July 1, 2019, the Division of Finance shall deposit into the Income and Sales Tax Growth Account created in Section 63J-1-316 the amount of tax collected from a .45% tax rate on the transactions described in Subsection (1) that are subject to the state sales and use tax under Section 59-12-103(2)(a)(i)(A).

(15)(a) The rate specified in this subsection is 0.15%.

(b) Notwithstanding Subsection (3)(a), the Division of Finance shall:

(i) on or before September 30, 2019, transfer the amount of revenue generated by a 0.15% tax rate imposed beginning on April 1, 2019, and ending on June 30, 2019, on the transactions that are subject to the sales and use tax under Subsection (2)(a)(i)(A) as dedicated credits to the Division of Health Care Financing; and

(ii) for a fiscal year beginning on or after fiscal year 2019-20, annually transfer the amount of revenue generated by a 0.15% tax rate on the transactions that are subject to the sales and use tax under Subsection (2)(a)(i)(A) as dedicated credits to the Division of Health Care Financing.

(c) The revenue described in Subsection (15)(b) that the Division of Finance transfers to the Division of Health Care Financing as dedicated credits shall be expended for the following uses:

(i) implementation of the Medicaid expansion described in Sections 26-18-3.1(4) and 26-18-3.9(2)(b);

(ii) if revenue remains after the use specified in Subsection (15)(c)(i), other measures required by Section 26-18-3.9; and

(iii) if revenue remains after the uses specified in Subsections (15)(c)(i) and (ii), other measures described in Title 26, Chapter 18, Medical Assistance Act.

Section 7. **Severability.**

It is the intent of the People that the provisions of this act are severable and that if any provision of this act or the application thereof to any person or circumstance is held invalid, the remainder of this act shall be given effect without the invalid provision or application.

FISCAL IMPACT ESTIMATE

The Governor's Office of Management and Budget estimates that this proposed initiative would, in fiscal year 2021 (upon full phase-in of the federal Affordable Care Act):

- Result in new state fiscal expenses of about $77,000,000 for Medicaid services
- Increase state sales taxes by about $90,000,000 by increasing the state sales tax rate by 0.15%, from 4.70% to 4.85% (a 3.2% increase from the current tax rate).

Beyond FY 2021, costs could outpace new revenue depending on actual cost and revenue trajectories. Estimates could vary with changes in federal law, federal funding, taxpayer behavior and Medicaid recipient behavior, among other factors.

In addition, the cost of posting information regarding the proposed initiative in Utah's statewide newspapers and for printing additional pages in the voter information pamphlet is estimated at $30,000 in one-time funds.

This initiative seeks to increase the current state sales tax rate by 0.15%, resulting in a 3.191% increase in the current tax rate.

PROPOSITION NUMBER 4

☐ FOR
☐ AGAINST

Shall a law be enacted to:

- create a seven-member commission to recommend redistricting plans to the Legislature that divide the state into Congressional, legislative, and state school board districts;
- provide for appointments to that commission: one by the Governor, three by legislative majority party leaders, and three by legislative minority party leaders;
- provide qualifications for commission members, including limitations on their political activity;
- require the Legislature to enact or reject a commission-recommended plan; and
- establish requirements for redistricting plans and authorize lawsuits to block implementation of a redistricting plan enacted by the Legislature that fails to conform to those requirements?

IMPARTIAL ANALYSIS

Background

The state is divided into different types of districts for electing different officers. There are districts for electing representatives to the U.S. House of Representatives, districts for electing members to the Utah Legislature, and districts for electing representatives to the State Board of Education. Under federal constitutional law requiring one person's voting power to be roughly the same as another person's, each type of district is required to have at least a roughly equal population as each other district of that type.

Every 10 years, the federal government conducts a census to count the population of each state. During the 10-year period from one census to the next, the population of the state shifts, resulting in unequal populations within the various districts. Following each census, the Legislature redefines the boundaries of those districts to ensure roughly equal populations within the districts. This redefining of district boundaries is commonly referred to as "redistricting."

Proposition 4

Proposition 4 affects redistricting in Utah in three main ways: (1) it creates a seven-member appointed commission to participate in the process of formulating redistricting plans; (2) it imposes requirements on the Legislature's redistricting process; and (3) it establishes standards with which redistricting plans must comply.

1. Redistricting Commission

Current Law

The Utah Constitution states that "the Legislature shall divide the state" into districts. Current Utah law does not provide for the involvement of a commission or any other group in the redistricting process.

Effect of Proposition 4

Proposition 4 creates the "Utah Independent Redistricting Commission," with responsibility to recommend redistricting plans to the Legislature. The redistricting commission consists of seven members. One member is appointed by each of the following:

- the governor;
- the president of the Utah Senate;
- the speaker of the Utah House of Representatives;
- the leader of the largest minority political party in the Utah Senate;
- the leader of the largest minority political party in the Utah House of Representatives;
- Utah Senate and House leadership of the political party that is the majority party in the Utah Senate; and
- Utah Senate and House leadership of the political party that is the largest minority party in the Utah Senate.

Under Proposition 4, a person may not be appointed to the commission if the person has engaged in certain political activity during the four or, in some cases, five years before appointment. The Proposition also places limitations on certain political activity of commission members during their service on the commission and for four years afterwards.

Proposition 4 establishes a process for the commission to follow in recommending redistricting plans. Among other things, the Proposition requires the commission to:

- make redistricting plans available to the public and hold public hearings; and
- assess whether redistricting plans comply with standards established by Proposition 4.

If the commission fails to submit redistricting plans to the Legislature by a specified deadline, the Utah Supreme Court chief justice is required to select plans for the commission to submit.

2. Legislature's Redistricting Process

Current Law

Under current law, the Legislature performs redistricting according to a process it defines internally, with no limitations or requirements imposed by state law. The Legislature's past redistricting process has included opportunities for the public to submit redistricting plans, a legislative redistricting committee to adopt redistricting standards and recommend plans, the posting of plans on the Legislature's website, and public hearings around the state.

Effect of Proposition 4

Proposition 4 places requirements on the process that the Legislature uses to enact redistricting plans, including limits on when and the circumstances under which the Legislature may enact a redistricting plan.

Proposition 4 requires the Legislature to enact or reject a plan that the commission submits but does not limit the Legislature from enacting its own separate plan. The commission may require a plan being considered by the Legislature to undergo a commission assessment to determine whether it complies with standards established by the Proposition. If the Legislature enacts a plan other than one submitted by the commission, the Proposition requires the Legislature to publicly issue a detailed written report explaining why.

3. Standards Applicable to Redistricting Plans

Current Law

Redistricting plans enacted by the Legislature are required to comply with certain provisions of federal law, including a requirement that districts have roughly equal populations. Utah law does not specify additional standards with which redistricting plans must comply.

Effect of Proposition 4

Proposition 4 requires commission-recommended or Legislature-enacted redistricting plans, as much as possible, to:

- minimize the division of counties, cities, and towns;
- create districts that are geographically compact and in one unbroken piece;
- preserve traditional neighborhoods and local communities;
- follow natural and geographic features; and
- maximize boundary agreement among different types of districts.

The Proposition also prohibits the commission or Legislature from favoring or disfavoring incumbent elected officials or from considering partisan political information.

The Proposition authorizes any Utah resident to file a lawsuit requesting a court to block implementation of a redistricting plan enacted by the Legislature that fails to conform to the standards and requirements established by Proposition 4.

Potential Constitutional Conflicts

Proposition 4 raises the following potential conflicts with the United States Constitution or Utah Constitution:

- restricting former commission members from engaging in certain political activity after serving on the commission may conflict with freedom of speech and association guarantees of the First Amendment to the United States Constitution and similar guarantees under Article I, Sections 1 and 15 of the Utah Constitution;
- directing the Utah Supreme Court chief justice to select redistricting plans to recommend to the Legislature may violate separation of powers principles under Article V, Section 1 of the Utah Constitution; and
- requiring redistricting plans enacted by the Legislature to comply with certain standards and imposing other restrictions on the Legislature's redistricting process may violate Article IX, Section 1 of the Utah Constitution.

Fiscal Impact

The legislative fiscal analyst estimates that implementing Proposition 4 may cost the state $1,015,500 every 10 years for commission and other redistricting-related expenses. The state may incur additional costs to defend lawsuits authorized by the Proposition.

PROPOSITION NUMBER 4

ARGUMENT IN FAVOR

VOTE "YES" ON PROPOSITION 4

Voters should choose their representatives, not vice versa.

Yet under current law, Utah politicians can choose their voters. Legislators draw their own legislative districts with minimal transparency, oversight, or checks on inherent conflicts of interest. As a result, politicians wield unbridled power to design districts to ensure their own re-election. This is called "gerrymandering."

Gerrymandering is not new. But in recent years it has gotten out of control. Sophisticated computer modeling allows incumbents to craft districts with a precision the framers of the Utah Constitution could not have foreseen. Incumbents of both parties do this, with the result that Utah is divided into districts that empower politicians, not voters.

For example, Holladay City is splintered into four State House districts, two State Senate districts and two Congressional districts. Who benefits from this? Holladay voters don't, but politicians do. Incumbents in safe districts are less responsive to voters and more responsive to special interests. In short, gerrymandering makes representative democracy less representative.

To be fair, we can't expect legislators to fix the system. It benefits them. We the People must fix it.

Proposition 4 returns power to the voters and puts people first in our political system. It does this by enacting the Utah Independent Redistricting Commission and Standards Act. The Act addresses the problem of gerrymandering in two ways.

First, it creates a seven-member Independent Redistricting Commission. The Governor and Legislative leaders appoint the Commissioners, at least two of whom must be politically unaffiliated. To promote impartiality, lobbyists, current and recently retired elected officials, political party leaders, and government appointees may not serve as Commissioners. With citizen input, the Commission draws proposed district boundaries for Utah's congressional, legislative, and State school board districts. It then submits these electoral maps to the Legislature as required by the Utah Constitution. The Legislature can enact or reject the Commission's proposed maps. If it rejects them, it must explain why to the citizens.

Second, the Act requires that, in drawing districts, the Commission and the Legislature abide by common-sense redistricting standards to the greatest extent practicable. These standards include:

- Adhering to the U.S. and Utah Constitutions and other applicable law
- Preserving equal populations among districts
- Keeping municipalities and counties together
- Creating districts that are compact and contiguous
- Respecting traditional neighborhoods and communities of interest
- Following geographic features and natural barriers

Most importantly, the Act forbids drawing districts to unduly favor or disfavor any incumbent, candidate, or political party. And it allows Utah voters to challenge a map enacted by the Legislature that violates these standards.

By placing common-sense limits on politicians' power to design their districts, Proposition 4 will ensure that our representative government serves people, not politicians. It will make the redistricting process more transparent, increase voter participation, and make the politicians we elect more responsive and accountable to the people who elect them.

In short, it will ensure that Utah voters have a government of the People, by the People, and for the People.

Uthans for Responsive Government/Better Boundaries
2630 East Stringham Avenue
Apt 310A
Salt Lake City, UT 84109

Jeff Wright (R)
Co-Chair, Better Boundaries
2743 Meadowcreek
Park City, UT 84060

Ralph Becker (D)
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Salt Lake City, UT 84102

PROPOSITION NUMBER 4

REBUTTAL TO ARGUMENT IN FAVOR

Proposition 4 sponsors' best argument seems to be that giving an unelected commission authority in the redistricting process will result in a more accountable government. If that is true, it must be done by a constitutional amendment and not by an initiative petition.
In 2011 the legislative redistricting committee held over thirty public, open, and transparent meetings throughout the state. They received and considered hundreds of public comments and even provided a dedicated website for citizens to draw, submit, and comment on maps.

Backed by Ralph Becker and other liberal Salt Lake City Democrats and funded by out of state interest groups, Proposition 4 is a cleverly disguised partisan power grab.

- It unconstitutionally gives redistricting authority to unelected bureaucrats and judges.
- It deliberately imposes vague and conflicting redistricting requirements to throw the doors wide open for lawsuits.
- 4 out of 5 of its sponsors are liberal Democrats from Salt Lake City (if you include the one who became Republican right before sponsoring).
- 70% of the nearly $1 Million behind the initiative are from OUT OF STATE special interest groups.
- Over half of the in-state donations came from inside of Salt Lake City proper.

The framers of the Utah Constitution ensured that redistricting would be anchored in the voice of the people by exclusively entrusting this authority to the legislature.

A vote for Proposition 4 is a vote to unconstitutionally silence the voice of the majority of people in Utah and allow unelected bureaucrats and judges redistricting authority

Senator Ralph Okerlund
Utah State Senate

ARGUMENT AGAINST

Proposition 4 is a cleverly disguised partisan plan to stifle the voice of the people of Utah as represented by the Legislature and unconstitutionally create an overwhelmingly Democrat congressional district around Salt Lake City.

Violates the Constitution

Inspired by the framers of our United States Constitution, the founders of Utah divided governmental power into three separate branches of government – the Executive, the Legislative, and the Judicial. The founders thought it was important to grant the legislature the *exclusive* authority over the redistricting process.

Proposition 4 blatantly violates the Utah Constitution by creating a redistricting commission and granting that commission and the Utah Supreme Court a role in the redistricting process. If we, as citizens of Utah, wish to grant this legislative authority to other branches of government, we must do it through a constitutional amendment not an initiative petition.

The Perfect Legal Storm

Over the past few redistricting cycles there have been hundreds of redistricting lawsuits in at least 40 states. In that time, not a single successful case has been brought against Utah due to our transparent, fair, and strictly constitutional redistricting process.

Proposition 4 deliberately imposes vague and conflicting redistricting requirements, it leaves multiple key terms undefined, and it grants any person or business with a Utah address the right to legally challenge redistricting plans. These provisions reveal the obvious underlying goal of this initiative is to create a perfect legal storm for lengthy lawsuits that result in the courts unconstitutionally redrawing district boundaries.

Better Boundaries for Whom?

District boundaries are redrawn by the legislature every ten years following the census to ensure that every district is represented by the same number of people. Because Utah's population is growing – the growth in each district must be averaged out. This means slower growing districts must have boundaries that expand, while the surrounding faster growing districts must have boundaries that shrink.

This is precisely what is happening in and around Salt Lake City. Due to their significantly slower population growth rates, district boundaries around Salt Lake City must expand to gain population while the surrounding districts shrink to average out. Despite being their last strong-hold in the state, it is inevitable that these current growth patterns will continue to water-down Democrat representation. Faced with this fact, proponents of Proposition 4 are desperately trying to maintain and even increase their representation by creating an overwhelmingly Democrat district insulated from the rest of the state.

Appropriately named by its Salt Lake City Democrat supporters, the "Better Boundaries Initiative," begs the question: better boundaries for whom? Themselves.

Conclusion

Make no mistake about it, the backers of this initiative are *not* seeking to create a transparent, fair, and constitutionally sound redistricting process – we already have that. They are seeking to unconstitutionally pack what is now a competitive congressional district with Democrat voters to create a single, safe, and solidly Democrat congressional district for themselves.

Do not be fooled. Vote against Proposition 4.

Senator Ralph Okerlund
Utah State Senate
248 S 500 W
Monroe, UT 84754

REBUTTAL TO ARGUMENT AGAINST

Utah voters should not be surprised that the statement against Proposition 4 comes from a politician. Politicians are the only folks that benefit from gerrymandering. The current system presents a clear conflict of interest.

The opposition statement is also misleading; let's focus on the facts.

First, Proposition 4 is a bi-partisan effort, led by members of both major parties. Over 190,000 Utahns from all across the State signed the petition, and polling shows that a majority of Utahns support it.

Second, Utahns overwhelmingly support Proposition 4 because it creates a transparent process. It favors no party or outcome. It merely creates sensible rules so that *no one* can rig the system.

Third, the State Constitution does not say our Legislature has "exclusive" authority to draw electoral maps. Proposition 4 is carefully designed to operate within the framework established by the Utah and U.S. Constitutions.

Fourth, the speculation that this Proposition will encourage litigation is misleading. Proposition 4 enacts common-sense redistricting standards. A map that respects those standards is unlikely to provoke baseless litigation, especially since the initiative also contains provisions to discourage frivolous lawsuits.

The fight against gerrymandering is about patriotism, not party. Ronald Reagan called gerrymandering an "un-American practice" contrary to "American values of fair play and decency."

That's why 18 other states have adopted some form of an independent redistricting commission. We need to end gerrymandering here in Utah once and for all. Don't be distracted by misleading statements and scare tactics.

Vote for Proposition 4.

Jeff Wright and Ralph Becker
Co-Chairs, Better Boundaries

FULL TEXT OF PROPOSITION 4

Be it Enacted by the People of the State of Utah:

Section 1. Section **20A-19-101** is enacted to read:

CHAPTER 19. UTAH INDEPENDENT REDISTRICTING COMMISSION AND STANDARDS ACT

Part 1. General Provisions

20A-19-101. Title.

This chapter is known as the "Utah Independent Redistricting Commission and Standards Act."

PROPOSITION NUMBER 4

Section 2. Section **20A-19-102** is enacted to read:

20A-19-102. Permitted Times and Circumstances for Redistricting.

Division of the state into congressional, legislative, and other districts, and modification of existing divisions, is permitted only at the following times or under the following circumstances:

(1) no later than the first annual general legislative session after the Legislature's receipt of the results of a national decennial enumeration made by the authority of the United States;

(2) no later than the first annual general legislative session after a change in the number of congressional, legislative, or other districts resulting from an event other than a national decennial enumeration made by the authority of the United States;

(3) upon the issuance of a permanent injunction by a court of competent jurisdiction under Section 20A-19-301(2) and as provided in Section 20A-19-301(8);

(4) to conform with a final decision of a court of competent jurisdiction; or

(5) to make minor adjustments or technical corrections to district boundaries.

Section 3. Section **20A-19-103** is enacted to read:

20A-19-103. Redistricting Standards and Requirements.

(1) This Section establishes redistricting standards and requirements applicable to the Legislature and to the Utah Independent Redistricting Commission.

(2) The Legislature and the Commission shall abide by the following redistricting standards to the greatest extent practicable and in the following order of priority:

(a) adhering to the Constitution of the United States and federal laws, such as the Voting Rights Act, 52 U.S.C. Secs. 10101 through 10702, including, to the extent required, achieving equal population among districts using the most recent national decennial enumeration made by the authority of the United States;

(b) minimizing the division of municipalities and counties across multiple districts, giving first priority to minimizing the division of municipalities and second priority to minimizing the division of counties;

(c) creating districts that are geographically compact;

(d) creating districts that are contiguous and that allow for the ease of transportation throughout the district;

(e) preserving traditional neighborhoods and local communities of interest;

(f) following natural and geographic features, boundaries, and barriers; and

(g) maximizing boundary agreement among different types of districts.

(3) The Legislature and the Commission may not divide districts in a manner that purposefully or unduly favors or disfavors any incumbent elected official, candidate or prospective candidate for elective office, or any political party.

(4) The Legislature and the Commission shall use judicial standards and the best available data and scientific and statistical methods, including measures of partisan symmetry, to assess whether a proposed redistricting plan abides by and conforms to the redistricting standards contained in this Section, including the restrictions contained in Subsection (3).

(5) Partisan political data and information, such as partisan election results, voting records, political party affiliation information, and residential addresses of incumbent elected officials and candidates or prospective candidates for elective office, may not be considered by the Legislature or by the Commission, except as permitted under Subsection (4).

(6) The Legislature and the Commission shall make computer software and information and data concerning proposed redistricting plans reasonably available to the public so that the public has a meaningful opportunity to review redistricting plans and to conduct the assessments described in Subsection (4).

Section 4. Section **20A-19-104** is enacted to read:

20A-19-104. Severability.

(1) The provisions of this chapter are severable.

(2) If any word, phrase, sentence, or section of this chapter or the application of any word, phrase, sentence, or section of this chapter to any person or circumstance is held invalid by a final decision of a court of competent jurisdiction, the remainder of this chapter must be given effect without the invalid word, phrase, sentence, section, or application.

Section 5. Section **20A-19-201** is enacted to read:

Part 2. Utah Independent Redistricting Commission

20A-19-201. Utah Independent Redistricting Commission – Selection of Commissioners – Qualifications – Term – Vacancy – Compensation – Commission Resources.

(1) This Act creates the Utah Independent Redistricting Commission.

(2) The Utah Independent Redistricting Commission comprises seven commissioners appointed as provided in this Section.

(3) Each of the following appointing authorities shall appoint one commissioner:

(a) the governor, whose appointee shall serve as Commission chair;

(b) the president of the Senate;

(c) the speaker of the House of Representatives;

(d) the leader of the largest minority political party in the Senate;

(e) the leader of the largest minority political party in the House of Representatives;

(f) the leadership of the majority political party in the Senate, including the president of the Senate, jointly with the leadership of the same political party in the House of Representatives and the speaker of the House of Representatives if a member of that political party; and

(g) the leadership of the largest minority political party in the Senate jointly with the leadership of the same political party in the House of Representatives and the speaker of the House of Representatives if a member of that political party.

(4) The appointing authorities described in Subsection (3) shall appoint their commissioners no later than 30 calendar days following:

(a) the receipt by the Legislature of a national decennial enumeration made by the authority of the United States; or

(b) a change in the number of congressional, legislative, or other districts resulting from an event other than a national decennial enumeration made by the authority of the United States.

(5) Commissioners appointed under Subsection (3)(f) and Subsection (3)(g), in addition to the qualifications and conditions in Subsection (6), may not have at any time during the preceding five years:

(a) been affiliated with any political party for the purposes of Section 20A-2-107;

(b) voted in any political party's regular primary election or any political party's municipal primary election; or

(c) been a delegate to a political party convention.

(6) Each commissioner:

(a) must have been at all times an active voter, as defined in Section 20A-1-102(1), during the four years preceding appointment to the Commis-

sion;

(b) must not have been at any time during the four years preceding appointment to the Commission, and may not be during their service as commissioner or for four years thereafter:

(i) a lobbyist or principal, as those terms are defined under Section 36-11-102;

(ii) a candidate for or holder of any elective office, including any local government office;

(iii) a candidate for or holder of any office of a political party, excluding the office of political party delegate, or the recipient of compensation in any amount from a political party, political party committee, personal campaign committee, or any political action committee affiliated with a political party or controlled by an elected official or candidate for elective office, including any local government office;

(iv) appointed by the governor or the Legislature to any other public office; or

(v) employed by the Congress of the United States, the Legislature, or the holder of any position that reports directly to an elected official or to any person appointed by the governor or Legislature to any other public office.

(7)(a) Each commissioner shall file with the Commission and with the governor a signed statement certifying that the commissioner:

(i) meets and will continue to meet throughout their term as commissioner the applicable qualifications contained in this Section;

(ii) will comply with the standards, procedures, and requirements applicable to redistricting contained in this chapter;

(iii) will faithfully discharge the commissioner's duties in an independent, honest, transparent, and impartial manner; and

(iv) will not engage in any effort to purposefully or unduly favor or disfavor any incumbent elected official, candidate or prospective candidate for elective office, or any political party.

(b) The Commission and the governor shall make available to the public the statements required under Subsection (7)(a).

(8)(a) A commissioner's term lasts until a successor is appointed or until that commissioner's death, resignation, or removal.

(b) A commissioner may resign at any time by providing written notice to the Commission and to the governor.

(c) A commissioner may be removed only by a majority vote of the speaker of the House of Representatives and the leader of the largest minority political party in the House of Representatives and the president of the Senate and leader of the largest minority political party in the Senate, and may be removed only for failure to meet the qualifications of this Section, incapacity, or for other good cause, such as substantial neglect of duty or gross misconduct in office.

(9)(a) The appointing authority that appointed a commissioner shall fill a vacancy caused by the death, resignation, or removal of that commissioner within 21 calendar days after the vacancy occurs.

(b) If the appointing authority at the time of the vacancy is of a different political party than that of the appointing authority when the original appointment was made, then the corresponding appointing authority of the same political party in the Senate, the House, or the leadership, as the case may be, as the appointing authority that made the original appointment must make the appointment to fill the vacancy.

(10) If an appointing authority fails to appoint a commissioner or to fill a vacancy by the deadlines provided in this Section, then the chief justice of the Supreme Court of the State of Utah shall appoint that commissioner within 14 calendar days after the failure to appoint or fill a vacancy.

(11)(a) Commissioners may not receive compensation or benefits for their service, but may receive per diem and travel expenses in accordance with:

(i) Section 63A-3-106;

(ii) Section 63A-3-107; and

(iii) rules of the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(b) A commissioner may decline to receive per diem and travel expenses.

(12)(a) The Legislature shall appropriate adequate funds for the Commission to carry out its duties, and shall make available to the Commission such personnel, facilities, equipment, and other resources as the Commission may reasonably request.

(b) The Office of Legislative Research and General Counsel shall provide the technical staff, legal assistance, computer equipment, computer software, and other equipment and resources to the Commission that the Commission reasonably requests.

(c) The Commission has procurement and contracting authority, and upon a majority vote, may procure the services of staff, legal counsel, consultants, and experts, and may acquire the computers, data, software, and other equipment and resources that are necessary to carry out its duties effectively.

Section 6. Section **20A-19-202** is enacted to read:

20A-19-202. Commission Code of Conduct – Quorum – Action by the Commission – Assessment of Proposed Redistricting Plans – Open and Public Meetings – Public Hearings – Ex Parte Communications.

(1) The Commission shall conduct its activities in an independent, honest, transparent, and impartial manner, and each commissioner and member of Commission, including staff and consultants employed or retained by the Commission, shall act in a manner that reflects creditably on the Commission.

(2) The Commission shall meet upon the request of a majority of commissioners.

(3) Attendance of a majority of commissioners at a meeting constitutes a quorum for the conduct of Commission business and the taking of official Commission actions.

(4) The Commission takes official actions by majority vote of commissioners at a meeting at which a quorum is present, except as otherwise provided in this chapter.

(5)(a) The Commission may consider any redistricting plan submitted to the Commission by any person or organization, including commissioners.

(b) The Commission shall make available to each commissioner and to the public all plans or elements of plans submitted to the Commission or to any commissioner.

(6) Upon the affirmative vote of at least three commissioners, the Commission shall conduct the assessments described in Section 20A-19-103(4) of any redistricting plan being considered by the Commission or by the Legislature, and shall promptly make the assessments available to the public.

(7)(a) The Commission shall establish and maintain a website, or other equivalent electronic platform, to disseminate information about the Commission, including records of its meetings and public hearings, proposed redistricting plans, and assessments of and reports on redistricting plans, and to allow the public to view its meetings and public hearings in both live and in archived form.

(b) The Commission's website, or other equivalent electronic platform, must allow the public to submit redistricting plans and comments on redistricting plans to the Commission for its consideration.

(8) The Commission is subject to Title 52, Chapter 4, Open and Public Meetings Act, Secs. 52-4-101 to 52-4-305, and to Title 63G, Chapter 2, Government Records Access and Management Act, Secs. 63G-2-101 to 63G-2-804.

(9)(a) The Commission shall, by majority vote, determine the number, locations, and dates of the public hearings to be held by the Commission, but the Commission shall hold no fewer than seven public hearings throughout the state in connection with each redistricting that is permitted under Section 20A-19-102(1)-(2) as follows:

(i) one in the Bear River region—Box Elder, Cache, or Rich County;

(ii) one in the Southwest region—Beaver, Garfield, Iron, Kane, or Washington County;

(iii) one in the Mountain region—Summit, Utah, or Wasatch County;

(iv) one in the Central region—Juab, Millard, Piute, Sanpete, Sevier, or Wayne County;
(v) one in the Southeast region—Carbon, Emery, Grand, or San Juan County;
(vi) one in the Uintah Basin region—Daggett, Duchesne, or Uintah County; and
(vii) one in the Wasatch Front region—Davis, Morgan, Salt Lake, Tooele, or Weber County.

(b) The Commission shall hold at least two public hearings in a first or second class county but not in the same county.

(10) Each public hearing must provide those in attendance a reasonable opportunity to submit written and oral comments to the Commission and to propose redistricting plans for the Commission's consideration.

(11) The Commission must hold the public hearings required under Subsection (9) by:

(a) the earlier of the 120th calendar day after the Legislature's receipt of the results of a national decennial enumeration made by the authority of the United States or August 31st of that year; or

(b) no later than 120 calendar days after a change in the number of congressional, legislative, or other districts that results from an event other than a national decennial enumeration made by the authority of the United States.

(12)(a) A commissioner may not engage in any private communication with any person other than other commissioners, Commission personnel, including consultants retained by the Commission, and employees of the Office of Legislative Research and General Counsel, that is material to any redistricting plan or element of a plan pending before the Commission or intended to be proposed for Commission consideration, without making the communication, or a detailed and accurate description of the communication including the names of all parties to the communication and the plan or element of the plan, available to the Commission and to the public.

(b) A commissioner shall make the disclosure required by Subsection (12)(a) before the redistricting plan or element of a plan is considered by the Commission.

Section 7. Section **20A-19-203** is enacted to read:

20A-19-203. Selection of Recommended Redistricting Plan.

(1) The Commission shall prepare and, by the affirmative vote of at least five commissioners, adopt at least one and as many as three redistricting plans that the Commission determines divide the state into congressional, legislative, or other districts in a manner that satisfies the redistricting standards and requirements contained in this chapter as the Commission's recommended redistricting plan or plans no later than 30 calendar days following completion of the public hearings required under Section 20A-19-202(9); and

(2)(a) If the Commission fails to adopt a redistricting plan by the deadline identified in Subsection (1), the Commission shall submit no fewer than two redistricting plans to the chief justice of the Supreme Court of the State of Utah.

(b) The chief justice of the Supreme Court of the State of Utah shall, as soon as practicable, select from the submitted plans at least one and as many as three redistricting plans that the chief justice determines divide the state into congressional, legislative, and other districts in a manner that satisfies the redistricting standards and requirements contained in this chapter as the Commission's recommended redistricting plan or plans.

(c) Of the plans submitted by the Commission to the chief justice of the Supreme Court of the State of Utah under Subsection (2)(a), at least one plan must be supported by the commissioner appointed under Section 20A-19-201(3)(f), and at least one plan must be supported by the commissioner appointed under Section 20A-19-201(3)(g).

Section 8. Section **20A-19-204** is enacted to read:

20A-19-204. Submission of Commission's Recommended Redistricting Plans to the Legislature – Consideration of Redistricting Plans by the Legislature – Report Required if Legislature Enacts Other Plan.

(1)(a) The Commission shall submit to the president of the Senate, the speaker of the House of Representatives, and the director of the Office of Legislative Research and General Counsel, and make available to the public, the redistricting plan or plans recommended under Section 20A-19-203 and a detailed written report setting forth each plan's adherence to the redistricting standards and requirements contained in this chapter.

(b) The Commission shall make the submissions described in Subsection (1)(a), to the extent practicable, not less than 10 calendar days before the Senate or the House of Representatives votes on any redistricting plan permitted under Section 20A-19-102(1)-(2).

(2)(a) The Legislature shall either enact without change or amendment, other than technical corrections such as those authorized under Section 36-12-12, or reject the Commission's recommended redistricting plans submitted to the Legislature under Subsection (1).

(b) The president of the Senate and the speaker of the House of Representatives may direct legislative staff to prepare a legislative review note and a legislative fiscal note on the Commission's recommended redistricting plan or plans.

(3) The Legislature may not enact any redistricting plan permitted under Section 20A-19-102(1)-(2) until adequate time has been afforded to the Commission and to the chief justice of the Supreme Court of the State of Utah to satisfy their duties under this chapter, including the consideration and assessment of redistricting plans, public hearings, and the selection of one or more recommended redistricting plans.

(4) The Legislature may not enact a redistricting plan or modification of any redistricting plan unless the plan or modification has been made available to the public by the Legislature, including by making it available on the Legislature's website, or other equivalent electronic platform, for a period of no less than 10 calendar days and in a manner and format that allows the public to assess the plan for adherence to the redistricting standards and requirements contained in this chapter and that allows the public to submit comments on the plan to the Legislature.

(5)(a) If a redistricting plan other than a plan submitted to the Legislature under Subsection (1) is enacted by the Legislature, then no later than seven calendar days after its enactment the Legislature shall issue to the public a detailed written report setting forth the reasons for rejecting the plan or plans submitted to the Legislature under Subsection (1) and a detailed explanation of why the redistricting plan enacted by the Legislature better satisfies the redistricting standards and requirements contained in this chapter.

(b) The Commission may, by majority vote, issue public statements, assessments, and reports in response to:

(i) any report by the Legislature described in Subsection (5)(a);

(ii) the Legislature's consideration or enactment of any redistricting plan, including any plan submitted to the Legislature under Subsection (1); or

(iii) the Legislature's consideration or enactment of any modification to a redistricting plan.

Section 9. Section **20A-19-301** is enacted to read:

Part 3. Private Right of Action for Utahns

20A-19-301. Right of Action and Injunctive Relief.

(1) Each person who resides or is domiciled in the state, or whose executive office or principal place of business is located in the state, may bring an action in a court of competent jurisdiction to obtain any of the relief available under Subsection (2).

(2) If a court of competent jurisdiction determines in any action brought under this Section that a redistricting plan enacted by the Legislature fails to abide by or conform to the redistricting standards, procedures, and requirements set forth in this chapter, the court shall issue a permanent injunction barring enforcement or implementation of the redistricting plan. In addition, the court may issue a temporary restraining order or preliminary injunction that temporarily stays enforcement or implementation of the redistricting plan at issue if the court determines that:

(a) the plaintiff is likely to show by a preponderance of the evidence that a permanent injunction under this Subsection should issue, and

(b) issuing a temporary restraining order or preliminary injunction is in the public interest.

(3) A plaintiff bringing an action under this Section is not required to give or post a bond, security, or collateral in connection with obtaining any relief under this Section.

(4) In any action brought under this Section, the court shall review or evaluate the redistricting plan at issue de novo.

(5) If a plaintiff bringing an action under this Section is successful in obtaining any relief under Subsection (2), the court shall order the defendant in the action to promptly pay reasonable compensation for actual, necessary services rendered by an attorney, consulting or testifying expert, or other professional, or any corporation, association, or other entity or group of other persons, employed or engaged by the plaintiff, and to promptly reimburse the attorney, consulting or testifying expert, or other professional, or any corporation, association, or other entity or group of other persons, employed or engaged by the plaintiff for actual, necessary expenses. If there is more than one defendant in the action, each of the defendants is jointly and severally liable for the compensation and expenses awarded by the court.

(6) In any action brought under this Section, the court may order a plaintiff to pay reasonable compensation for actual, necessary services rendered by an attorney, consulting or testifying expert, or other professional, or any corporation, association, or other entity or group of other persons, employed or engaged by a defendant, and to promptly reimburse the attorney, consulting or testifying expert, or other professional, or any corporation, association, or other entity or group of other persons, employed or engaged by a defendant for actual, necessary expenses, only if the court determines that:

(a) the plaintiff brought the action for an improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation;

(b) the plaintiff's claims, defenses, and other legal contentions are not warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law; or

(c) the plaintiff's allegations and other factual contentions do not have any evidentiary support, or if specifically so identified, are not likely to have evidentiary support after a reasonable opportunity for further investigation or discovery.

(7) Notwithstanding Title 63G, Chapter 7, Governmental Immunity Act of Utah, a governmental entity named as a defendant in any action brought under this Section is not immune from such action or from payment of compensation or reimbursement of expenses awarded by the court under Subsection (5).

(8) Upon the issuance of a permanent injunction under Subsection (2), the Legislature may enact a new or alternative redistricting plan that abides by and conforms to the redistricting standards, procedures, and requirements of this chapter.

Section 10. Section **63G-7-301, Governmental Immunity Act of Utah,** is amended to read:

63G-7-301. Waivers of immunity.

...

(2) Immunity from suit of each governmental entity is waived:

(a) as to any action brought to recover, obtain possession of, or quiet title to real or personal property;

(b) as to any action brought to foreclose mortgages or other liens on real or personal property, to determine any adverse claim on real or personal property, or to obtain an adjudication about any mortgage or other lien that the governmental entity may have or claim on real or personal property;

(c) as to any action based on the negligent destruction, damage, or loss of goods, merchandise, or other property while it is in the possession of any governmental entity or employee, if the property was seized for the purpose of forfeiture under any provision of state law;

(d) subject to Subsection 63G-7-302(1), as to any action brought under the authority of Utah Constitution, Article I, Section 22, for the recovery of compensation from the governmental entity when the governmental entity has taken or damaged private property for public uses without just compensation;

(e) subject to Subsection 63G-7-302(2), as to any action brought to recover attorney fees under Sections 63G-2-405 and 63G-2-802;

(f) for actual damages under Title 67, Chapter 21, Utah Protection of Public Employees Act;

(g)as to any action brought to obtain relief from a land use regulation that imposes a substantial burden on the free exercise of religion under Title 63L, Chapter 5, Utah Religious Land Use Act;

(h) except as provided in Subsection 63G-7-201(3), as to any injury caused by:

(i) a defective, unsafe, or dangerous condition of any highway, road, street, alley, crosswalk, sidewalk, culvert, tunnel, bridge, viaduct, or other structure located on them; or

(ii) any defective or dangerous condition of a public building, structure, dam, reservoir, or other public improvement; [~~and~~]

(i) subject to Subsections 63G-7-101(4) and 63G-7-201(4), as to any injury proximately caused by a negligent act or omission of an employee committed within the scope of employment[~~.~~]; and

(j) as to any action or suit brought under Section 20A-19-301 and as to any compensation or expenses awarded under Section 20A-19-301(5).

Section 11. Section **63G-2-103, Government Records Access and Management Act,** is amended to read:

63G-2-103. Definitions.

As used in this chapter:

. . .

(11)(a) "Governmental entity" means:

(i) executive department agencies of the state, the offices of the governor, lieutenant governor, state auditor, attorney general, and state treasurer, the Board of Pardons and Parole, the Board of Examiners, the National Guard, the Career Service Review Office, the State Board of Education, the State Board of Regents, and the State Archives;

(ii) the Office of the Legislative Auditor General, Office of the Legislative Fiscal Analyst, Office of Legislative Research and General Counsel, the Legislature, and legislative committees, except any political party, group, caucus, or rules or sifting committee of the Legislature;

(iii) courts, the Judicial Council, the Office of the Court Administrator, and similar administrative units in the judicial branch;

(iv) any state-funded institution of higher education or public education; or

(v) any political subdivision of the state, but, if a political subdivision has adopted an ordinance or a policy relating to information practices pursuant to Section 63G-2-701, this chapter shall apply to the political subdivision to the extent specified in Section 63G-2-701 or as specified in any other section of this chapter that specifically refers to political subdivisions.

(b) "Governmental entity" also means:

(i) every office, agency, board, bureau, committee, department, advisory board, or commission of an entity listed in Subsection (11)(a) that is funded or established by the government to carry out the public's business;

(ii) as defined in Section 11-13-103, an interlocal entity or joint or cooperative undertaking; and

(iii) as defined in Section 11-13a-102, a governmental nonprofit corporation; [~~and~~]

(iv) an association as defined in Section 53A-1-1601[~~.~~]; and

(v) the Utah Independent Redistricting Commission.

(c) "Governmental entity" does not include the Utah Educational Savings Plan created in Section 53B-8a-103.

...

Section 12. Section **52-4-103, Open and Public Meetings Act,** is amended to read:

52-4-103. Definitions.

As used in this chapter:

...

(9)(a) "Public body" means any administrative, advisory, executive, or legislative body of the state or its political subdivisions that:

(i) any administrative, advisory, executive, or legislative body of the state or its political subdivisions that:

(A) is created by the Utah Constitution, statute, rule, ordinance, or resolution;

(B) consists of two or more persons;

(C) expends, disburses, or is supported in whole or in part by tax revenue; and

(D) is vested with the authority to make decisions regarding the public's business; or

(ii) any administrative, advisory, executive, or policymaking body of an association, as defined in Section 53A-1-1601, that:

(A) consists of two or more persons;

(B) expends, disburses, or is supported in whole or in part by dues paid by a public school or whose employees participate in a benefit or program described in Title 49, Utah State Retirement and Insurance Benefit Act; and

(C) is vested with authority to make decisions regarding the participation of a public school or student in an interscholastic activity as defined in Section 53A-1-1601.

(b) "Public body" includes:

(i) as defined in Section 11-13-103, an interlocal entity or joint or cooperative undertaking; [~~and~~]

(ii) as defined in Section 11-13a-102, a governmental nonprofit corporation[.]; and

(iii) the Utah Independent Redistricting Commission.

(c) "Public body" does not include:

(i) a political party, a political group, or a political caucus;

(ii) a conference committee, a rules committee, or a sifting committee of the Legislature;

(iii) a school community council or charter trust land council as defined in Section 53A-1a-108.1; or

(iv) the Economic Development Legislative Liaison Committee created in Section 36-30-201.

FISCAL IMPACT ESTIMATE

The Governor's Office of Management and Budget estimates that the law proposed by this initiative would result in a total fiscal expense of approximately $1 million.

In addition, the cost of posting information regarding the initiative in Utah's statewide newspapers and for printing the additional pages in the voter information packet is estimated at $30,000 in one-time funds.

3

JUDGES

How does Utah choose its judges?

The Utah Constitution states: "Selection of judges shall be based solely upon consideration of fitness for office without regard to any partisan political consideration." To fulfill this mandate, Utah selects its state court judges through a process called Merit Selection.

Merit Selection involves four steps: 1) nomination, 2) appointment, 3) confirmation, and 4) retention election. A committee of lawyers and non-lawyers selected by the Governor reviews judicial applications, conducts interviews, and then nominates the five best-qualified applicants for each trial court judgeship and the seven best-qualified applicants for each appellate court judgeship. The Governor then interviews all nominees and appoints one, who must then be confirmed by a majority of the Utah State Senate.

After confirmation and the first three years of service, the new judge's name appears on the ballot for a "yes" or "no" retention vote by the public to determine whether the judge may serve another term of office. Supreme Court justices serve 10-year terms; all other judges serve six-year terms.

Why does Utah use Merit Selection? This method of selecting judges is widely considered the best way to balance the need for judges to be accountable to the public with the equally important need for the judiciary to function independently. Judges serve the public and should answer to the public. That's why Utah has retention elections – to give every citizen the right to weigh in on judges. Of equal importance, though, every judge must resolve disputes impartially and make decisions based only on the facts and the law. To do so, judges must be insulated from public pressure and politics. That's why all judicial candidates are non-partisan and why Utah does not have contested elections for judgeships.

What exactly are judicial retention elections?

If a judge seeks an additional term of office, the Utah Constitution requires that the judge run in a retention election. In that election, a simple majority of "yes" votes earns the judge another term in office.

The retention election helps keep judges independent by insulating them from partisan politics. At the same time, by allowing every voter to weigh in, the election process ensures that judges remain accountable to the public. To cast an informed vote, the public can first read about the judges either in the Voter Information Pamphlet or online at judges.utah.gov or vote.utah.gov.

How does Utah evaluate its judges?

The Judicial Performance Evaluation Commission is an independent, 13-member group of lawyers and non-lawyers. Each of the three branches of government appoints an equal number of its members.

The Commission must by law evaluate all judges twice during their terms of office. The first evaluation gives the judges the opportunity for self-improvement. The second evaluation gives the public information to use in casting their votes. As part of the second evaluation, the Commission votes on whether or not to recommend the judge for another term in office. Sometimes, the votes will not total 13. This happens when a commissioner does not vote because of personal or professional relationships with a judge that could affect an unbiased evaluation or when a commissioner is absent from

the meeting at which the vote is taken.

The evaluation includes several elements. Online surveys are sent to attorneys, court staff, and jurors. In addition, trained courtroom observers spend a minimum of two hours in each judge's courtroom and submit written reports of their observations on each judge. Each judge must also meet ethical standards as well as court standards for judicial education, timeliness, and fitness to serve. Finally, the Commission considers comments submitted to judges.utah.gov from members of the public who have first-hand experience with a judge. The Commission considers all this information, and then each commissioner casts a vote either for or against recommending the judge for another term of office.

By law, judges have the right to see the results of their evaluation before making the decision to run for another term of office in a judicial retention election. If the judge chooses to run for retention election, the report on the judge is made available to the public in the Voter Information Pamphlet and online at judges.utah.gov. If the judge chooses not to run for retention election, the evaluation is, by law, a protected record.

What criteria must a judge meet to "pass" a judicial evaluation?

If a judge meets the eight performance standards in the table below, it is presumed that the Commission will recommend that the voters retain the judge for another term of office. If the judge fails to meet the standards, it is presumed that the Commission will not recommend retention. If the Commission does not go along with a presumption or chooses to make no retention recommendation at all, it must explain in detail the reasons for its action.

	Performance Criteria	**Performance Standard**
1.	Legal Ability, including: a. demonstrates understanding of the substantive law and any relevant rules of procedure and evidence; b. attends to factual and legal issues before the court; c. adheres to precedent and clearly explains departures from precedent; d. grasps the practical impact on the parties of the judge's rulings, including the effect of delay and increased litigation expense; e. writes clear judicial opinions; and f. explains clearly the legal basis for judicial opinions.	The judge must earn an average score of 3.6 or higher on a scale of 1 to 5.
2.	Judicial Temperament & Integrity, including: a. demonstrates courtesy toward court participants; b. maintains decorum in the courtroom; c. demonstrates judicial demeanor and personal attributes that promote public trust and confidence in the judicial system; d. demonstrates preparedness for oral argument; e. avoids impropriety or the appearance of impropriety; f. displays fairness and impartiality toward all parties; and g. communicates clearly, including the ability to explain the basis for written rulings, court procedures, and decisions	The judge must earn an average score of 3.6 or higher on a scale of 1 to 5.
3.	Administrative Performance, including: a. manages workload effectively; b. shares proportionally the workload within the court or district; and c. issues opinions and orders without unnecessary delay.	The judge must earn an average score of 3.6 or higher on a scale of 1 to 5.
4.	Procedural Fairness, which focuses on the treatment judges accord people in their courts, including: a. Neutrality: • displays fairness and impartiality to all court participants; • acts as a fair and principled decision maker who applies rules consistently across court participants and cases; • explains how rules are applied and how decisions are reached; and • listens carefully and impartially;	The judge must demonstrate by a preponderance of the evidence, based on courtroom observations and relevant survey responses, that the judge's conduct in court promotes procedural fairness for court participants;

4.	b. Respect: • treats all people with dignity; • helps interested parties understand decisions and what the parties must do as a result; • demonstrates adequate preparation to hear scheduled cases; • acts in the interest of the parties, not out of demonstrated personal prejudices; • demonstrates awareness of the effect of delay on court participants; • demonstrates interest in the needs, problems, and concerns of court participants; c. Voice: • gives parties the opportunity, where appropriate, to give voice to their perspectives or situations and demonstrates that they have been heard; • behaves in a manner that demonstrates full consideration of the case as presented through witnesses, arguments, pleadings, and other documents; and • attends, where appropriate, to the participants' comprehension of the proceedings.	The judge must demonstrate by a preponderance of the evidence, based on courtroom observations and relevant survey responses, that the judge's conduct in court promotes procedural fairness for court participants;
5.	Judicial Discipline: whether the judge has been subject to any instances of public discipline by the Utah Supreme Court.	The judge must have no more than one public reprimand issued by the Utah Supreme Court during the judge's current term.
6.	Judicial Education: whether the judge has met continuing education requirements.	The Judicial Council must certify the judge has met this standard.
7.	Timeliness: whether the judge has met time requirements for ruling on cases taken under advisement.	The Judicial Council must certify the judge has met this standard.
8.	Physical and mental competence: whether the judge is fit for office.	The Judicial Council must certify the judge has met this standard.

What about justice court judges?

Justice court judges are selected through a merit selection process roughly similar to state court judges, except that the appointing authority is the municipality or county rather than the governor. Justice court judges serve six-year terms of office and stand for retention elections like state court judges.

Justice courts vary widely in terms of case loads and the numbers of attorneys appearing in the court. Based on this variation, there are three levels of evaluations to which a justice court judge may be subject.

- Full evaluation: These justice court judges preside over the courts with the highest caseloads and are thus subject to the same standards and evaluation measures as state court judges (#1-8 above). Two justice court judges received a full evaluation in 2018.
- Mid-level evaluation: These justice court judges preside over medium-sized courts where fewer attorneys appear regularly. The mid-level evaluation includes interviews with court users, including litigants and those who accompany them to court, attorneys, court staff, interpreters, bailiffs and others. These judges must also meet judicial discipline standard (#5 above) and performance standards established by the Judicial Council (#6-8 above). Six justice court judges received a mid-level evaluation in 2018.
- Basic evaluation: These justice court judges preside over the smallest courts in Utah. They must meet judicial discipline standard (#5 above) and performance standards established by the Judicial Council (#6-8 above). Three justice court judges received a basic evaluation in 2018.

UTAH SUPREME COURT

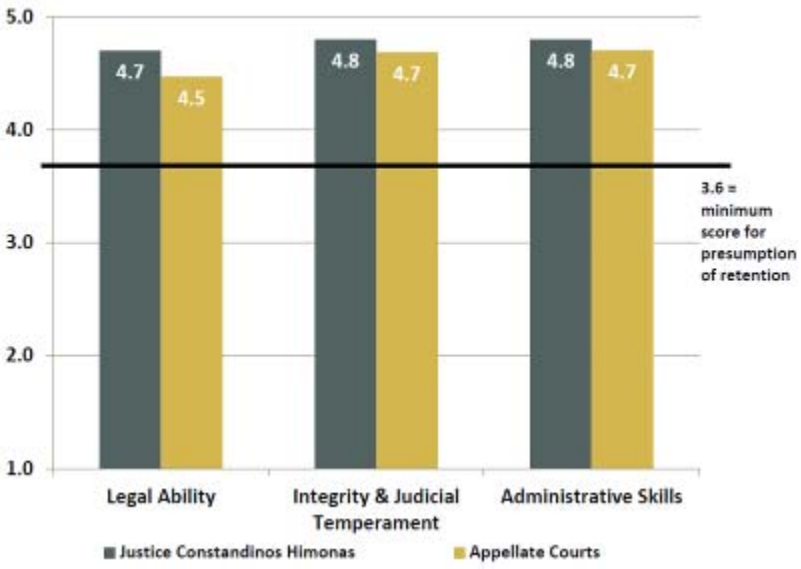
Visit JUDGES.UTAH.GOV for more information about this judge

Honorable Constandinos "Deno" Himonas

- Serving **The State of Utah**
- Commission Recommendation: **RETAIN**
- Commission Vote Count: 11-0 (for retention)
- Performance Standards: Passed 8 of 8

Justice Deno Himonas was appointed to the Utah Supreme Court in 2015. For each of the scored minimum performance standards, Justice Himonas scores consistently with the average of his peers, and 94% of survey respondents recommend him for retention. Survey respondents note his engaged manner, diligent work habits, strong case preparation, and his thoughtful and concise legal rulings. A few respondents appreciate that Justice Himonas asks good, tough, and direct questions and pays attention to arguments on all sides. When rating judicial attributes, respondents identify Judge Himonas as particularly attentive and impartial. They also characterize him as notably decisive. This judge meets discipline standards set by statute and has been certified by the Judicial Council as meeting all time standards, education requirements, and mental and physical competence standards.

Justice Deno Himonas was appointed to the Utah Supreme Court in 2015 by Governor Gary Herbert. Prior to his appointment, he served as a trial court judge for over ten years. Justice Himonas graduated with distinction from the University of Utah and received his Juris Doctorate from the University of Chicago. Upon graduation, he spent fifteen years at the Jones, Waldo law firm, where he focused on complex civil litigation. Justice Himonas has served as associate presiding judge for the Third District Court and as a member of the Judicial Conduct Commission. He currently leads two task forces, one on licensed paralegal practitioners and another on online dispute resolution. Justice Himonas has taught as an adjunct professor at the University of Utah law school and was named its 2017 Honorary Alumnus of the Year. He is a Life Fellow of the American Bar Foundation.



Note: By statute, judges' scores are compared to the average of their court level peers.

UTAH COURT OF APPEALS

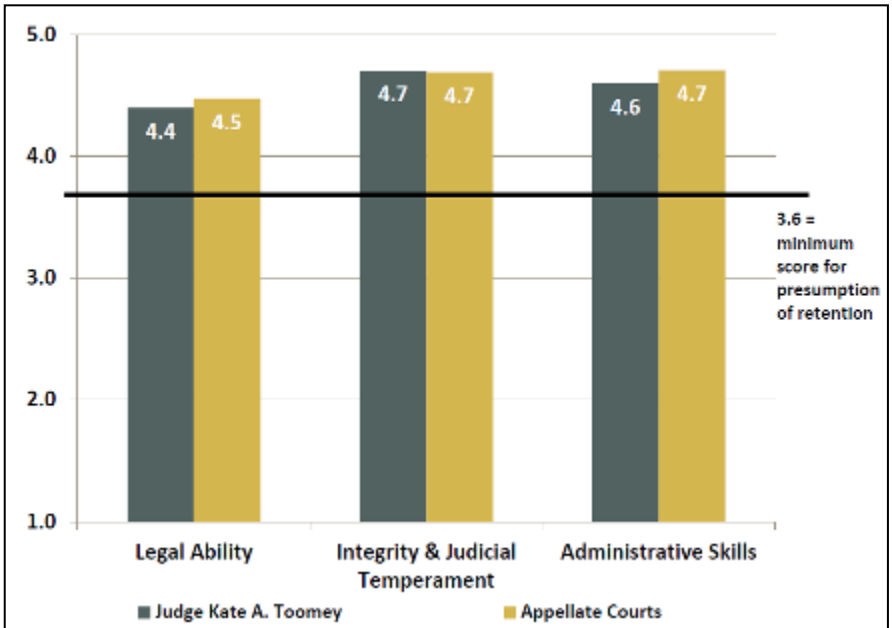
Visit JUDGES.UTAH.GOV for more information about this judge

Honorable Mary Kate A. Toomey

- Serving **The State of Utah**
- Commission Recommendation: **RETAIN**
- Commission Vote Count: 13 - 0 (for retention)
- Performance Standards: Passed 8 of 8

Appointed to the Utah Court of Appeals in 2014, Judge Kate A. Toomey's results on all scored minimum performance standards are consistent with the average of her appellate court peers. Ninety-three percent of all survey respondents recommend Judge Toomey for retention. Respondents note Judge Toomey's intelligence and consistent preparedness, commenting on the positive qualities of her written opinions. They further characterize Judge Toomey as respectful of those in the courtroom and having a measured, professional demeanor. This judge meets discipline standards set by statute and has been certified by the Judicial Council as meeting all time standards, education requirements, and mental and physical competence standards.

Judge Kate A. Toomey joined the Utah Court of Appeals in 2014. Before that, she was a Third District Court judge for nearly eight years. Judge Toomey graduated from the University of Maryland. She has worked for the Maryland Court of Special Appeals, the Maryland Public Defender's Office, the law firm of Anderson & Karrenberg, and the Office of Professional Conduct. Judge Toomey is a member of the Judicial Council and its Management Committee. She serves on the Utah Supreme Court's Paralegal Practitioner Steering Committee and its Advisory Committee for Procedural Reforms for Justice Courts. She is a Fellow of the American Bar Foundation, and a Convener of Dividing the Waters. She was a member of the Utah Supreme Court's Advisory Committee on the Rules of Civil Procedure, the Board of District Court Judges, and the Grand Jury panel of judges. She has also served on several Utah State Bar committees and sections.



Note: By statute, judges' scores are compared to the average of their court level peers.

1ST JUDICIAL DISTRICT COURT

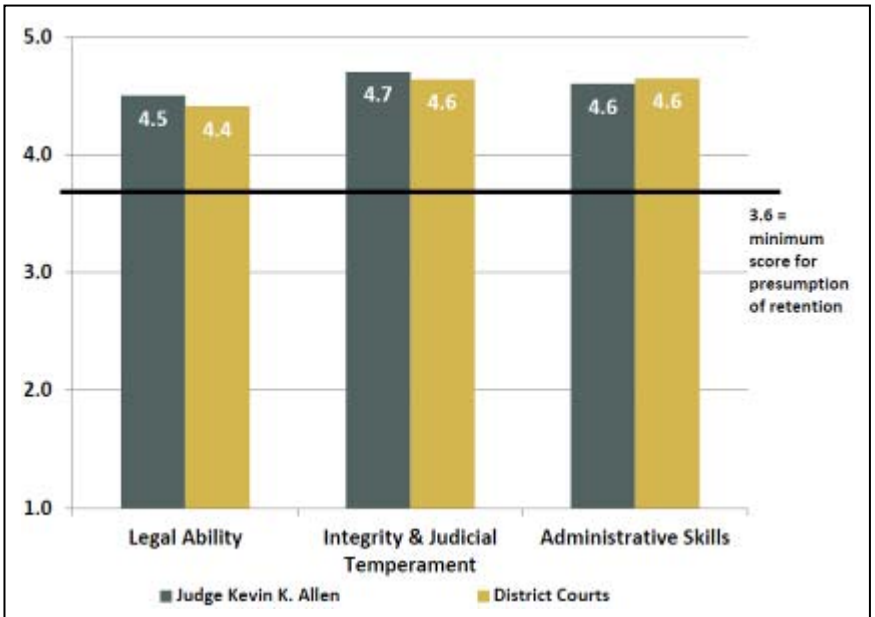
Visit JUDGES.UTAH.GOV for more information about this judge

Honorable Kevin K. Allen

- Serving **Box Elder**, **Cache** & **Rich** Counties
- Commission Recommendation: **RETAIN**
- Commission Vote Count: 12-0 (for retention)
- Performance Standards: Passed 8 of 8

Appointed in 2008, Judge Kevin K. Allen's results on all scored minimum performance standards are consistent with the average of his district court peers. Ninety-five percent of respondents recommend Judge Allen for retention. Survey respondents compliment the judge's legal abilities and active listening skills. Respondents and courtroom observers praise Judge Allen's demeanor and note his skillful interactions with the full range of courtroom participants. Some respondents describe his particular patience and empathy working with defendants in mental health court. As one respondent comments, Judge Allen "has a talent for meeting people where they are and extending them an opportunity to grow and learn." When rating judicial attributes, respondents identify Judge Allen as particularly open-minded. This judge meets discipline standards set by statute and has been certified by the Judicial Council as meeting all time standards, education requirements, and mental and physical competence standards.

Judge Kevin K. Allen was appointed to the First District Court in 2008 by Governor Jon M. Huntsman, Jr. Judge Allen grew up in Cache County, graduated from Brigham Young University, and received a law degree from the University of Oklahoma. Judge Allen was an officer in the United States Navy and served stateside and overseas. Upon leaving active duty as a Lieutenant Commander, Judge Allen returned to Logan and practiced law primarily in civil matters. Judge Allen established and presides over the Mental Health Court in Cache County and is a founding member of the National Mental Health Court Conference. Judge Allen is past chairman of the Board of District Court Judges and current presiding judge for the First District.



Note: By statute, judges' scores are compared to the average of their court level peers.

1ST JUDICIAL DISTRICT COURT

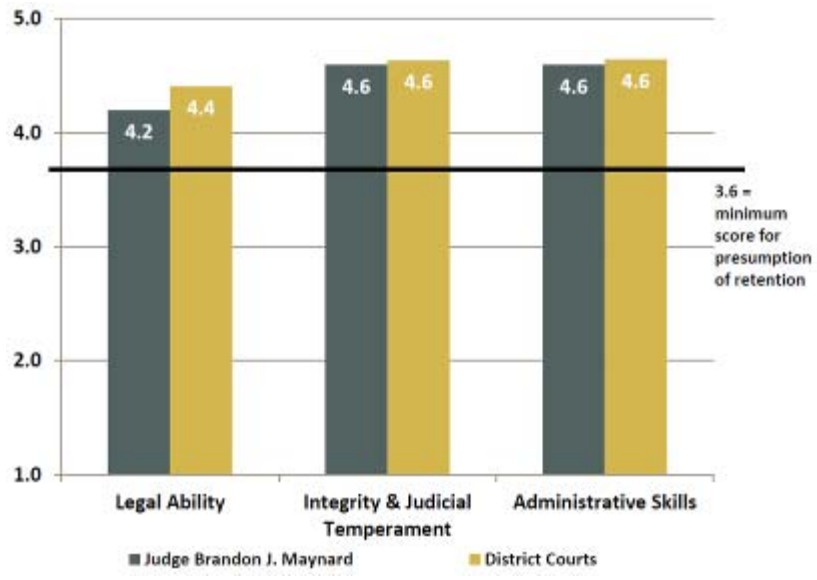
Visit JUDGES.UTAH.GOV for more information about this judge

Honorable Brandon J. Maynard

- Serving **Box Elder**, **Cache** & **Rich** Counties
- Commission Recommendation: **RETAIN**
- Commission Vote Count: 13 - 0 (for retention)
- Performance Standards: Passed 8 of 8

Appointed in 2014, Judge Brandon J. Maynard's scores are consistent with his district court peers on all scored minimum performance standards. Eighty-nine percent of survey respondents recommend Judge Maynard for retention. Many respondents compliment his fair and respectful treatment of court participants and his professional and patient demeanor. A small number of respondents and observers note that the judge could better control "disrespectful" courtroom behavior by attorneys. Most courtroom observers would expect they would be treated fairly were they to appear before Judge Maynard. This judge meets discipline standards set by statute and has been certified by the Judicial Council as meeting all time standards, education requirements, and mental and physical competence standards.

Judge Brandon J. Maynard was appointed to the First District Court in June 2014 by Governor Gary Herbert. He serves Box Elder, Cache, and Rich counties. Prior to his judicial appointment, Judge Maynard served as the chief criminal deputy county attorney in Box Elder County. Prior to this, Judge Maynard was an associate attorney at Gridley, Ward & Shaw where he handled civil and criminal defense cases. Judge Maynard received a law degree from Creighton University School of Law.



Note: By statute, judges' scores are compared to the average of their court level peers.

1ST JUDICIAL DISTRICT JUVENILE COURT

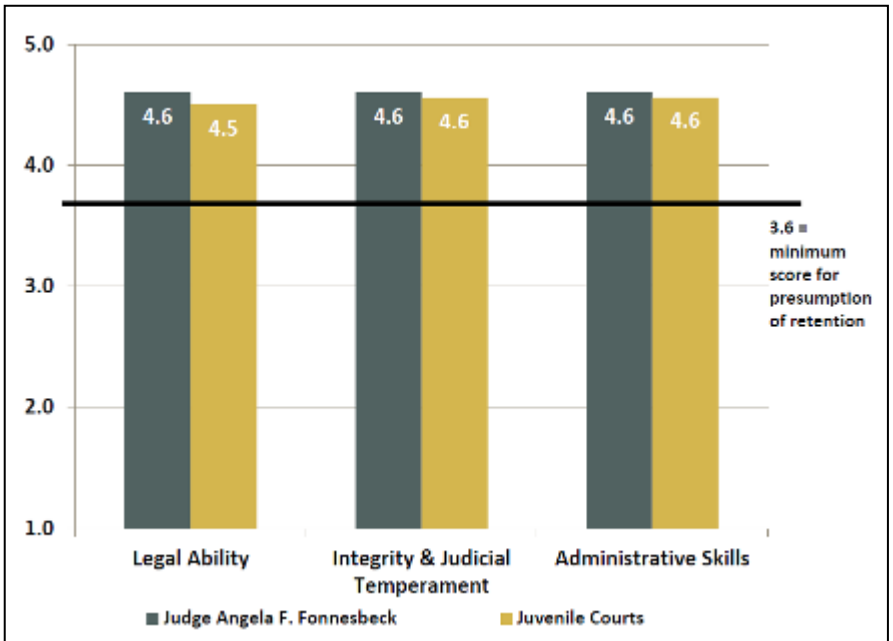
Visit JUDGES.UTAH.GOV for more information about this judge

Honorable Angela F. Fonnesbeck

- Serving **Box Elder**, **Cache** & **Rich** Counties
- Commission Recommendation: **RETAIN**
- Commission Vote Count: 12-0 (for retention)
- Performance Standards: Passed 8 of 8

Appointed in 2014, Judge Angela F. Fonnesbeck scores consistently with her juvenile court peers on all scored minimum performance standards. Ninety-seven percent of survey respondents recommend her for retention. She "clearly loves helping kids," says one survey respondent. Indeed, respondents and court observers alike remark on Judge Fonnesbeck's care and concern for families and youth. They agree she is warm and conversational with court participants, listens carefully, and provides clear explanations for her decisions. Respondent comments describe Judge Fonnesbeck as prepared, professional, and timely. When rating judicial attributes, respondents characterize Judge Fonnesbeck as notably decisive. This judge meets discipline standards set by statute and has been certified by the Judicial Council as meeting all time standards, education requirements, and mental and physical competence standards.

Judge Angela F. Fonnesbeck was appointed to the First District Juvenile Court in October 2014 by Governor Gary R. Herbert. Judge Fonnesbeck currently presides over the juvenile mental health court program and is a member of the Board of Juvenile Court Judges and the Utah Sentencing Commission. Judge Fonnesbeck also serves on the First District Pro Bono Committee and various other state court committees. Prior to her appointment, Judge Fonnesbeck was in private practice from 2009-2014 and was a shareholder at Hillyard, Anderson & Olsen, P.C. from 2002 -2009, where she focused on family and juvenile court matters, as well as mediation. Judge Fonnesbeck is a graduate of Whitman College and the law school at American University.



Note: By statute, judges' scores are compared to the average of their court level peers.

JUSTICE COURT—Basic Evaluation*

Visit JUDGES.UTAH.GOV for more information about these judges

Honorable Matthew C. Funk

- Serving **Richmond** Municipal Justice Court, Cache County
- Commission Recommendation: **RETAIN**
- Commission Vote Count: 13 - 0 (for retention)
- Performance Standards: Passed 4 of 4

Justice court judges who receive a basic evaluation are required to meet four minimum performance standards. The Utah Judicial Council has certified to the Commission that Judge Matthew C. Funk met the following standards:

1. He participated annually in no less than 30 hours of continuing legal education for each year of his current term;
2. He met the time standards established for all cases held under advisement; and
3. He was determined to be physically and mentally competent for office.

In addition, Judge Funk has not been the subject of any public reprimands issued by the Utah Supreme Court during his term of office, thus meeting the performance standard established by the Utah Legislature. Based solely on compliance with these standards, the commission recommends retention for Judge Funk.

Judge Matthew C. Funk was appointed to the Richmond Justice Court in 2009. He received a Bachelor of Science degree in Accounting from Utah State University in 1996 and a Master's degree in Accounting from Utah State University. Judge Funk serves as the treasurer for the Utah Justice Court Judges Association.

*See Judges Section Introduction for Justice Court Information

2ND JUDICIAL DISTRICT COURT

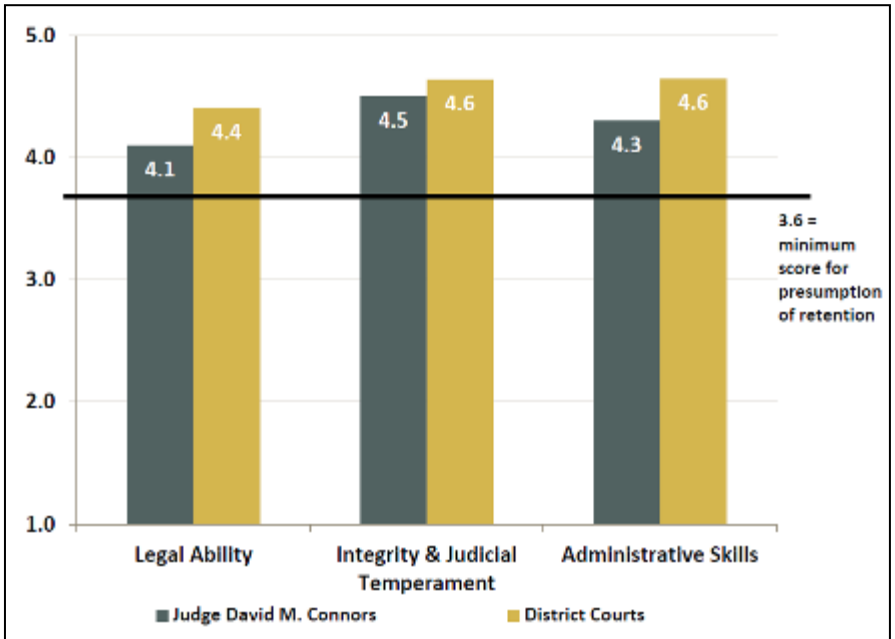
Visit JUDGES.UTAH.GOV for more information about this judge

Honorable David M. Connors

- Serving **Davis**, **Morgan** & **Weber** Counties
- Commission Recommendation: **RETAIN**
- Commission Vote Count: 11 - 1 (for retention)
- Performance Standards: Passed 8 of 8

Appointed in 2008, Judge David M. Connors scores statistically below his peers in legal ability and administrative skills. He scores consistently with his peers in integrity and judicial temperament and procedural fairness. Eighty-five percent of survey respondents recommend Judge Connors for retention. Respondents identify Judge Connors as a fair and thoughtful judge who provides opportunities for all to be heard. However, some respondents express concern with Judge Connors's lack of adherence to the law and legal precedent in his rulings. When rating attributes, respondents say Judge Connors is particularly indecisive, less capable, and less knowledgeable than his peers. All court observers report confidence that if appearing before Judge Connors, they would expect to be treated fairly. This judge meets discipline standards set by statute and has been certified by the Judicial Council as meeting all time standards, education requirements, and mental and physical competence standards.

Judge David M. Connors was appointed by Governor Jon M. Huntsman, Jr. and took office in 2008. He received his undergraduate degree from Yale University and his law degree from BYU Law School, where he was a member of the Law Review and graduated magna cum laude. Prior to his appointment, Judge Connors was a litigation partner in private practice. Judge Connors has served as a board member of the Wasatch Front Regional Council, Davis County Council of Governments, the Davis Education Foundation, the Economic Development Corporation of Utah and several charitable organizations. He previously served as Mayor of Farmington City. Currently, Judge Connors serves on the board of directors of the National Conference of State Trial Judges and is Presiding Judge in Utah's Second District Court.



Note: By statute, judges' scores are compared to the average of their court level peers.

2ND JUDICIAL DISTRICT COURT

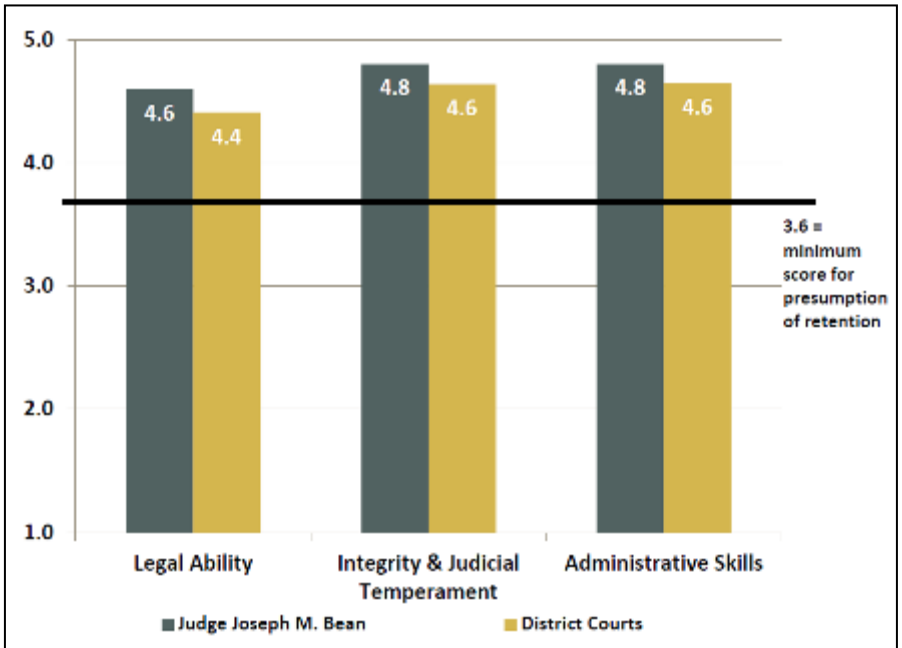
Visit JUDGES.UTAH.GOV for more information about this judge

Honorable Joseph M. Bean

- Serving **Davis**, **Morgan** & **Weber** Counties
- Commission Recommendation: **RETAIN**
- Commission Vote Count: 12-0 (for retention)
- Performance Standards: Passed 8 of 8

Appointed in 2014, Judge Joseph M. Bean's scores are statistically above his district court peers on procedural fairness and consistent with his peers on all other scored minimum performance standards. Ninety-eight percent of survey respondents recommend Judge Bean for retention. Survey respondents and courtroom observers laud Judge Bean's preparedness and impartiality. They report he consistently treats participants with respect and gives all parties ample time to make their positions clear. Observers of his drug court are impressed that Judge Bean skillfully engages participants to help them recognize problem behaviors and actively participate in their solution. He is firm about positive and negative consequences, while also offering heartfelt encouragement with comments such as, "You can do it!" When rating judicial attributes, respondents characterize Judge Bean as notably patient, decisive, and prepared. This judge meets discipline standards set by statute and has been certified by the Judicial Council as meeting all time standards, education requirements, and mental and physical competence standards.

Judge Joseph M. Bean was appointed to the Second District Court in March 2014 by Governor Gary R. Herbert. He serves Davis, Morgan, and Weber counties. Prior to his appointment, Judge Bean served as a Justice Court judge for Syracuse City for twenty years while also serving as managing partner for Bean & Micken, P.C., in Layton, Utah. In addition to his regular duties, Judge Bean serves as the Drug Court judge for Weber County. Judge Bean received a B.S. in Political Science from the University of Utah in 1986 and a Juris Doctor from the University of Utah College of Law in 1989.



Note: By statute, judges' scores are compared to the average of their court level peers.

2ND JUDICIAL DISTRICT COURT

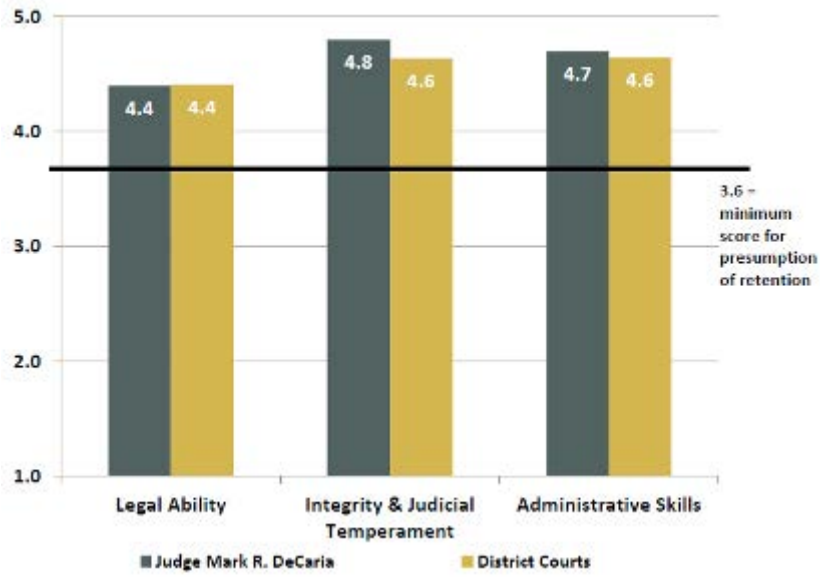
Visit JUDGES.UTAH.GOV for more information about this judge

Honorable Mark R. DeCaria

- Serving **Davis**, **Morgan** & **Weber** Counties
- Commission Recommendation: **RETAIN**
- Commission Vote Count: 13 - 0 (for retention)
- Performance Standards: Passed 8 of 8

Appointed in 2009, Judge Mark R. DeCaria's scores are consistent with his district court peers on all scored minimum performance standards. Ninety-five percent of all survey respondents recommend him for retention. Survey respondents and courtroom observers agree that Judge DeCaria's professional and considerate demeanor is a particular strength of the judge. They laud his even-handedness in listening to all sides and caring manner as he tends to the needs of courtroom participants. Courtroom observers are also strongly positive about Judge DeCaria. A minority of survey respondents note that the judge is somewhat less skilled with complex civil matters, which they say may result in vague or inconsistent rulings or cause the judge to be slow to rule. This judge meets discipline standards set by statute and has been certified by the Judicial Council as meeting all time standards, education requirements, and mental and physical competence standards.

Judge Mark R. DeCaria was appointed to the Second District Court in March 2009 by Governor Jon M. Huntsman, Jr. He serves Davis, Morgan, and Weber counties. Judge DeCaria graduated from the University of Utah and completed a juris doctorate degree at Hamline University School of Law in Minnesota. Judge DeCaria served as Weber County Attorney for 15 years, worked as Deputy County Attorney, Ogden City prosecutor, and in private practice prior to these positions. He is a founding member of the Weber Morgan Domestic Violence Coalition and a member of the committee that created the Weber County Drug Court.



Note: By statute, judges' scores are compared to the average of their court level peers.

2ND JUDICIAL DISTRICT COURT

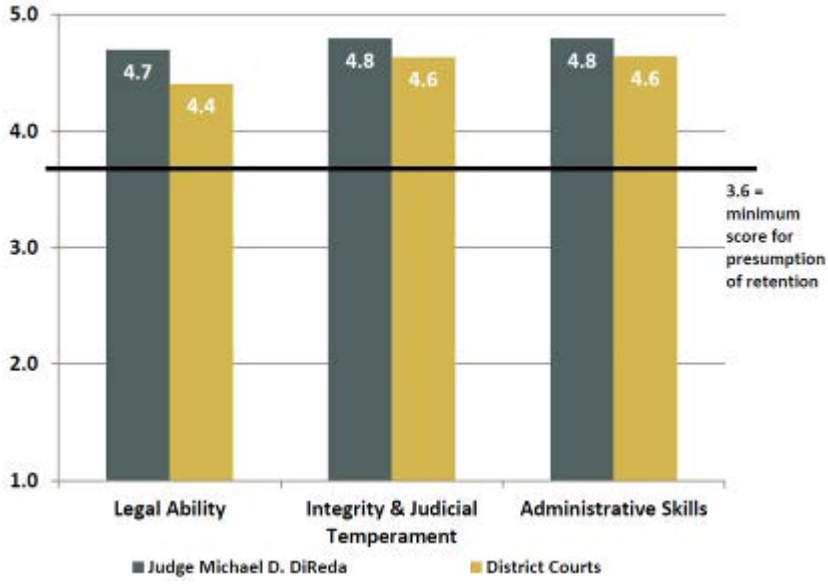
Visit JUDGES.UTAH.GOV for more information about this judge

Honorable Michael D. DiReda

- Serving **Davis**, **Morgan** & **Weber** Counties
- Commission Recommendation: **RETAIN**
- Commission Vote Count: 12-0 (for retention)
- Performance Standards: Passed 8 of 8

Appointed in 2008, Judge Michael D. DiReda scores statistically above the average of his district court peers on all scored minimum performance standards, and 95% of survey respondents recommend Judge DiReda for retention. Respondents and courtroom observers broadly agree that Judge DiReda is a consistently well-prepared judge who is an attentive and impartial listener. He communicates well with participants and takes the time to explain legal proceedings and decisions in easy-to-understand language. He excels at giving all parties ample opportunity to be fully heard and demonstrates genuine concern for them, with an observer noting that Judge DiReda does not "give up on people." When rating attributes that describe Judge DiReda, respondents identify several as particularly descriptive: open-minded, capable, ethical, impartial, and knowledgeable. They also characterize him as notably respectful, decisive, and patient. This judge meets discipline standards set by statute and has been certified by the Judicial Council as meeting all time standards, education requirements, and mental and physical competence standards.

Judge Michael D. DiReda was appointed to the Second District Court by Governor Jon M. Huntsman, Jr., in December 2008. He received a Bachelor of Arts degree in Psychology in 1990 and a Juris Doctor degree in 1993 from Pepperdine University. From 1995 -2008, Judge DiReda worked as a Deputy Davis County Attorney, where he served as the litigation section chief over the criminal and juvenile divisions. He was a Special Assistant United States Attorney and prosecutor for the cities of Centerville and Clinton. Currently, Judge DiReda is an Adjunct Professor of Law at the University of Utah. He is a member of the National Association of Drug Court Professionals and serves as the Associate Presiding Judge in the Second District.



Note: By statute, judges' scores are compared to the average of their court level peers.

2ND JUDICIAL DISTRICT JUVENILE COURT

Visit JUDGES.UTAH.GOV for more information about this judge

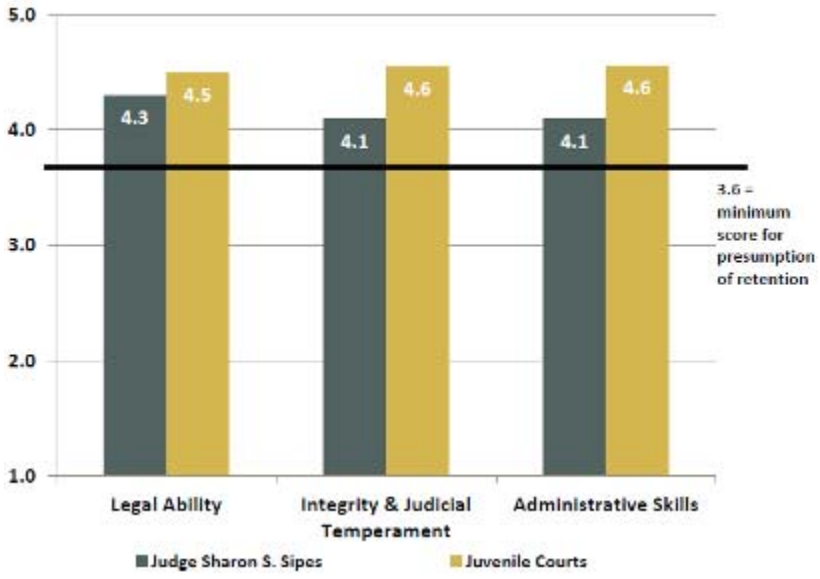
Honorable Sharon S. Sipes

- Serving **Davis**, **Morgan** & **Weber** Counties
- Commission Recommendation: **RETAIN**
- Commission Vote Count: 7-5 (for retention)
- Performance Standards: Passed 8 of 8

Appointed in 2013, Judge Sharon S. Sipes passes all the statutory minimum standards established for retention, leading a majority of the Commission to recommend that she be retained. However, the evaluation indicates concerns with Judge Sipes's performance.

Judge Sipes scores statistically well below her peers in integrity and judicial temperament and in procedural fairness. She scores statistically below her peers in administrative skills and consistent with her peers in legal ability. Sixty-seven percent of survey respondents recommend her for retention. Judge Sipes receives mixed reviews from survey respondents. Many express worries about "unprofessional" and concerning behaviors by the judge. Others see the judge as "intelligent," "knowledgeable," and "passionate about her job" for youth and families. Respondents identify Judge Sipes as particularly disrespectful and impatient, less open-minded and less impartial than her peers. All court observers report confidence that they would be treated fairly if they were to appear in Judge Sipes's court. This judge meets discipline standards set by statute and has been certified by the Judicial Council as meeting all time standards, education requirements, and mental and physical competence standards.

Judge Sharon S. Sipes was appointed in October 2013 to the Second District Juvenile Court by Governor Gary R. Herbert. Judge Sipes obtained a law degree from the University of Utah College of Law in 1994. She was an attorney with the Davis County and Weber County Public Defender's offices prior to her appointment to the bench. Judge Sipes was a founding director with the Parental Defense Alliance, a non-profit organization providing continuing education opportunities for attorneys representing parents. Judge Sipes has served on the Juvenile Court Improvement Committee and Board of Juvenile Judges and has been board certified as a Child Welfare Law Specialist.



Note: By statute, judges' scores are compared to the average of their court level peers.

JUSTICE COURT—Mid-Level Evaluation*

Visit JUDGES.UTAH.GOV for more information about this judge

Honorable Brian E. Brower

- Serving **Clearfield** Municipal Justice Court, Davis County
- Commission Recommendation: **RETAIN**
- Commission Vote Count: 12-0 (for retention)
- Performance Standards: Passed 4 of 4

Judge Brian E. Brower receives positive reviews from nearly all respondents. Respondents find the judge to be compassionate toward the needs of courtroom participants. They say Judge Brower's calm, cordial manner inspires trust from those in the courtroom, and he reinforces such trust by clearly explaining information and ensuring understanding. Respondents also note that Judge Brower administers the law even-handedly. JPEC conducts interviews with court participants about the performance of mid-level evaluation judges and completed 48 interviews about the performance of Judge Brower. This judge meets discipline standards set by statute and has been certified by the Judicial Council as meeting all time standards, education requirements, and mental and physical competence standards.

Judge Brian E. Brower was appointed to the Clearfield City Justice Court in August 2015 and to the Sunset City and Morgan County Justice Courts in December 2016. Judge Brower earned a Bachelor's degree in English Literature with a minor in Criminal Justice from Weber State University. He then graduated from the S.J. Quinney College of Law at the University of Utah. Upon graduation and passing the bar, Judge Brower worked as a Deputy County Attorney for Weber County. He later served as both the Murray City Prosecutor as well as the Layton City Prosecutor before being appointed as Clearfield's City Attorney in 2007. He served as City Attorney for eight years before his appointment to the bench.

*See Judges Section Introduction for Justice Court Information

JUSTICE COURT—Mid-Level Evaluation*

Visit JUDGES.UTAH.GOV for more information about this judge

Honorable Catherine J. Hoskins

- Serving **Syracuse** & **Clinton** Municipal Justice Courts, Davis County
- Commission Recommendation: **RETAIN**
- Commission Vote Count: 12-0 (for retention)
- Performance Standards: Passed 4 of 4

Judge Catherine J. Hoskins receives positive reviews from nearly all respondents. Respondents find the judge to be humane and compassionate toward the needs of courtroom participants. They say Judge Hoskins displays fairness by striving to put courtroom participants in a position to succeed. Yet, the judge also holds those in court accountable to fulfill their obligations. According to respondents, Judge Hoskins builds trust through her listening skills and by treating courtroom participants in an amiable manner. JPEC conducts interviews with court participants about the performance of mid-level evaluation judges and completed 44 interviews about the performance of Judge Hoskins. This judge meets discipline standards set by statute and has been certified by the Judicial Council as meeting all time standards, education requirements, and mental and physical competence standards.

Judge Catherine J. Hoskins was appointed to the Syracuse Justice Court in September 2014. Judge Hoskins received an Associate's degree from Brigham Young Idaho in 1996, a Bachelor of Arts degree in History from the University of Utah in 1999, and a Juris Doctorate from the University of Oregon School of Law. Judge Hoskins currently works for Hoskins Legal Solutions. Judge Hoskins has served as Davis County Bar President and as member of the Second District Nominating Committee. Currently, she is co-chair of the Second District Pro Bono Committee, a member of the Rex E. Lee Inns of the Court, a member of the Divorce Procedures Subcommittee, and a member of the Justice Court's Justice Court Trust and Confidence Committee.

*See Judges Section Introduction for Justice Court Information

3RD JUDICIAL DISTRICT COURT

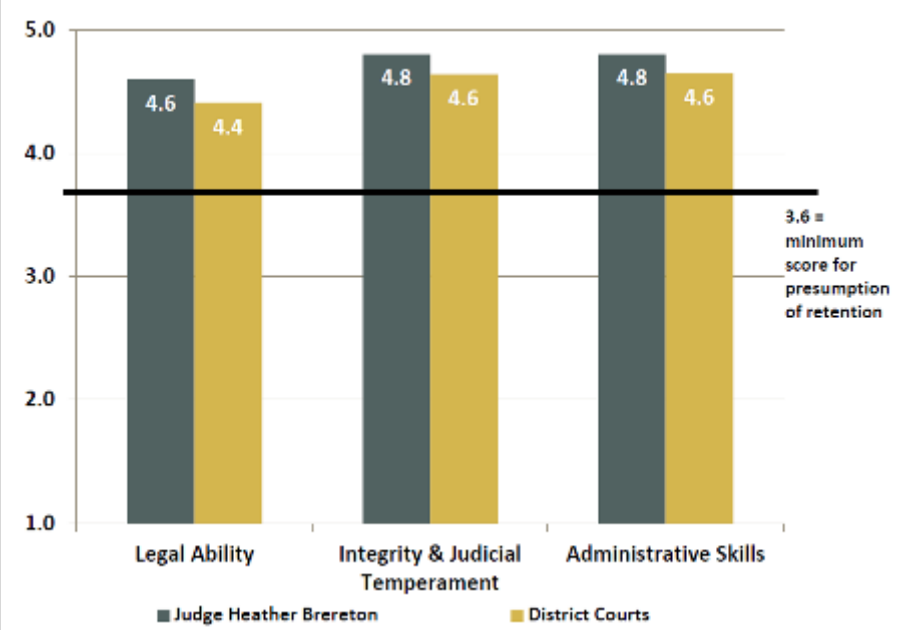
Visit JUDGES.UTAH.GOV for more information about this judge

Honorable Heather Brereton

- Serving **Salt Lake**, **Summit** & **Tooele** Counties
- Commission Recommendation: **RETAIN**
- Commission Vote Count: 12-0 (for retention)
- Performance Standards: Passed 8 of 8

Appointed in 2015, Judge Heather Brereton scores statistically above the average of her district court peers on integrity and judicial temperament, administrative skills and procedural fairness. Her scores on legal ability are consistent with peer averages. Ninety-seven percent of survey respondents recommend Judge Brereton for retention. Respondents and courtroom observers strongly agree that Judge Brereton effectively manages a busy court calendar, while also giving all participants ample time to explain their points of view. They praise Judge Brereton's clearly explained rulings, diligent work habits, and excellent judicial temperament. When rating judicial attributes, respondents identify Judge Brereton as particularly open-minded. They also characterize her as notably respectful, patient, decisive, and prepared. Courtroom observers agree that if appearing before the judge, they expect Judge Brereton would treat them fairly. This judge meets discipline standards set by statute and has been certified by the Judicial Council as meeting all time standards, education requirements, and mental and physical competence standards.

Judge Heather Brereton was appointed to the Third District Court in August 2015 by Governor Gary Herbert. Judge Brereton received a Bachelor of Arts degree from the University of Utah in 1995 and a law degree from the University of Utah College of Law in 1998. After law school, Judge Brereton served as a judicial law clerk at the trial court level in the Fourth District Court and at the Utah Court of Appeals. Prior to her judicial appointment, Judge Brereton was a trial attorney, a capital qualified attorney, and the misdemeanor division chief for Salt Lake Legal Defender's Association. Judge Brereton is located in the West Jordan Courthouse and also presides in Salt Lake over one of two Mental Health Courts in the Third District.



Note: By statute, judges' scores are compared to the average of their court level peers.

3RD JUDICIAL DISTRICT COURT

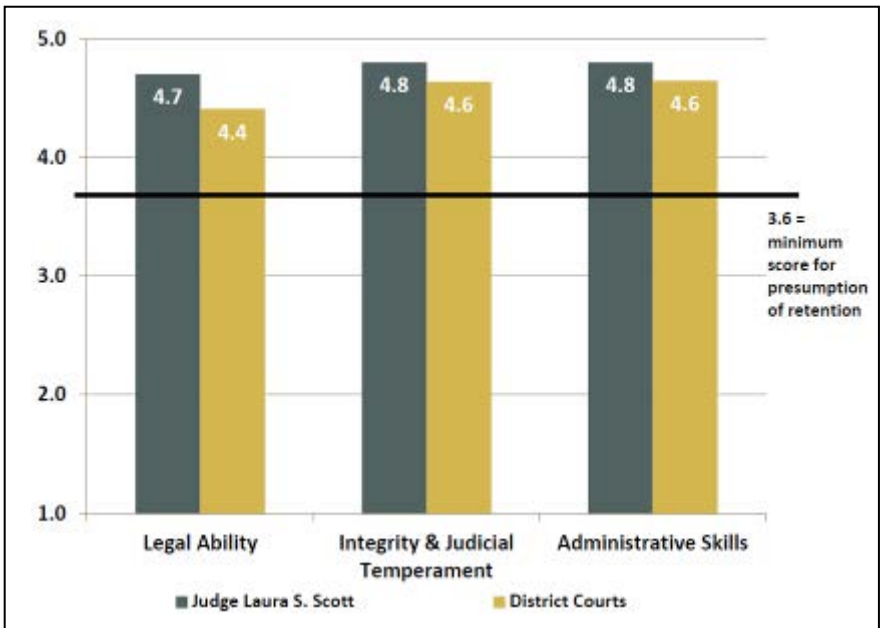
Visit JUDGES.UTAH.GOV for more information about this judge

Honorable Laura S. Scott

- Serving **Salt Lake**, **Summit** & **Tooele** Counties
- Commission Recommendation: **RETAIN**
- Commission Vote Count: 12-0 (for retention)
- Performance Standards: Passed 8 of 8

Appointed in 2014, Judge Laura S. Scott scores statistically above the average of her district court peers on all scored minimum performance standards. Ninety-seven percent of survey respondents recommend Judge Scott for retention. Respondents and courtroom observers praise the judge's thorough case preparation and her unambiguous explanations of her concise and well-reasoned rulings. A number of respondents appreciate Judge Scott's excellent temperament and courtroom demeanor, adding that she is diligent, always respectful, and listens attentively. Indeed, an observer notes that "nothing gets past her." The evaluation suggests Judge Scott expertly balances strong courtroom management with procedural fairness, ensuring that participants are given meaningful opportunities to receive their 'day in court.' When rating judicial attributes, respondents identify Judge Scott as particularly attentive and capable. They also characterize her as notably respectful, patient, and decisive. This judge meets discipline standards set by statute and has been certified by the Judicial Council as meeting all time standards, education requirements, and mental and physical competence standards.

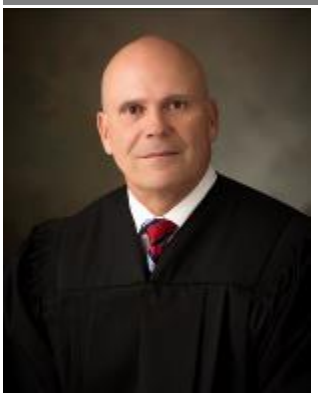
Judge Laura S. Scott was appointed by Governor Gary Herbert in 2014. She handles a civil calendar and felony drug court. Judge Scott serves on numerous committees, including the Board of District Court Judges, Rules of Civil Procedure Advisory Committee, and Ethics Advisory Committee. She teaches pre-trial practice at the S.J. Quinney College of Law. Judge Scott earned a bachelor's degree from the University of Utah and graduated cum laude from the Sandra Day O'Connor College of Law at Arizona State University in 1993. She served as Assistant General Counsel for the University of Utah until 1997 and then joined Parsons Behle & Latimer, where she maintained a civil litigation practice and served on the board of directors. In 2014, Judge Scott received the Utah State Bar's Professionalism Award.



Note: By statute, judges' scores are compared to the average of their court level peers.

3RD JUDICIAL DISTRICT COURT

Visit JUDGES.UTAH.GOV for more information about this judge

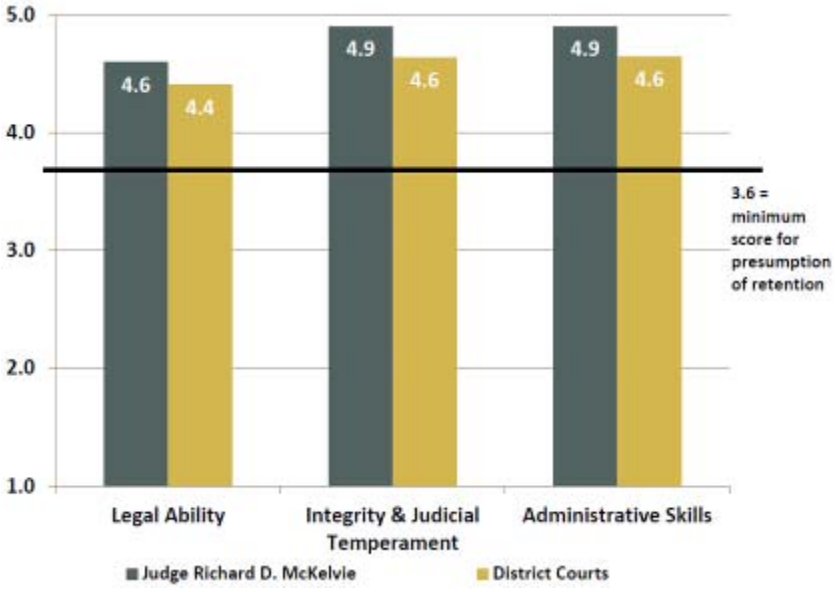


Honorable Richard D. McKelvie

- Serving **Salt Lake**, **Summit** & **Tooele** Counties
- Commission Recommendation: **RETAIN**
- Commission Vote Count: 12-0 (for retention)
- Performance Standards: Passed 8 of 8

Appointed in 2014, Judge Richard D. McKelvie scores statistically well above his district court peers on integrity and judicial temperament, administrative skills, and procedural fairness, and above his peers on legal ability. Ninety-seven percent of survey respondents recommend Judge McKelvie for retention. Respondents and courtroom observers describe Judge McKelvie as being unusually talented at balancing efficient courtroom calendar management with the patient, careful attention necessary to ensure each litigant is thoroughly heard and has their 'day in court.' They also agree that Judge McKelvie has an excellent temperament and remarkable ability to demonstrate equal respect for all participants. In the words of one respondent, "Win or lose, it is a pleasure to appear before [Judge McKelvie]." When rating attributes that describe Judge McKelvie, respondents identify several as particularly descriptive: open-minded, capable, and ethical. They also characterize him as notably respectful, decisive, and prepared. This judge meets discipline standards set by statute and has been certified by the Judicial Council as meeting all time standards, education requirements, and mental and physical competence standards.

Judge Richard D. McKelvie was appointed to the Third District Court in 2014 by Governor Gary Herbert. He serves Salt Lake, Summit and Tooele counties. Judge McKelvie graduated from Weber State College and from the University of Utah College of Law. Judge McKelvie became a Deputy Salt Lake County Attorney in 1981. In 1988, he became an Assistant Attorney General for the State of Utah and Assistant Director of that office's Statewide Prosecution and Illegal Narcotics Enforcement. He became an Assistant United States Attorney in 1990. Judge McKelvie is director of the Trial Advocacy Program at the S.J. Quinney University of Utah College of Law, a position he has held since 2008. In 2011, he earned the law school's Excellence in Teaching Award.



Note: By statute, judges' scores are compared to the average of their court level peers.

3RD JUDICIAL DISTRICT COURT

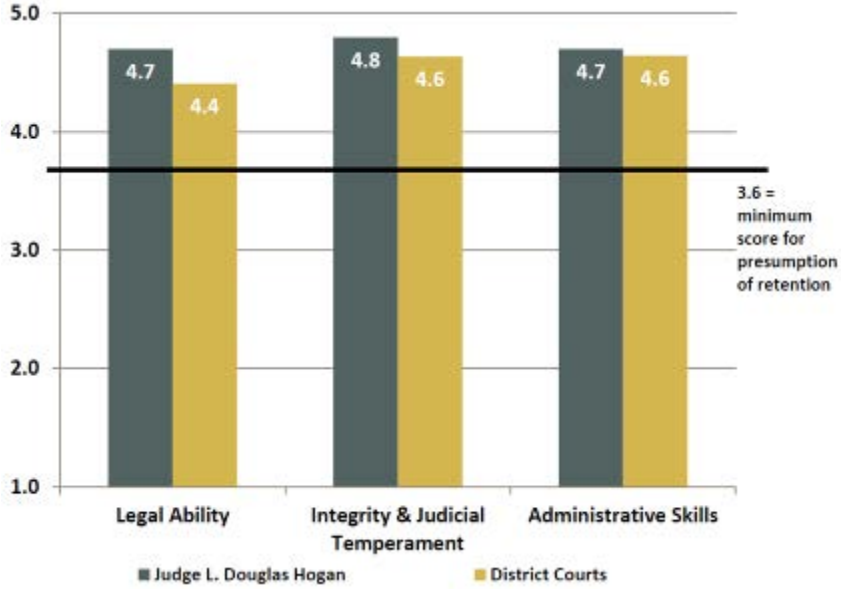
Visit JUDGES.UTAH.GOV for more information about this judge

Honorable L. Douglas Hogan

- Serving **Salt Lake**, **Summit** & **Tooele** Counties
- Commission Recommendation: **RETAIN**
- Commission Vote Count: 12-0 (for retention)
- Performance Standards: Passed 8 of 8

Appointed in 2014, Judge L. Douglas Hogan's scores are statistically above the average of his district court peers on legal ability, integrity and judicial temperament, and procedural fairness. In administrative skills, Judge Hogan's scores are consistent with his peers. Ninety-seven percent of survey respondents recommend Judge Hogan for retention. Respondents and courtroom observers broadly agree that Judge Hogan's temperament and judicial demeanor are excellent. In addition, they remark on how respectfully and consistently he listens to all participants, giving each ample opportunity to be heard and demonstrating genuine interest in their lives. When rating attributes that describe Judge Hogan, respondents identify several as particularly descriptive: attentive, capable, impartial, and knowledgeable. They also characterize him as notably patient and decisive. Courtroom observers are solidly confident they would be treated fairly if appearing before Judge Hogan. This judge meets discipline standards set by statute and has been certified by the Judicial Council as meeting all time standards, education requirements, and mental and physical competence standards.

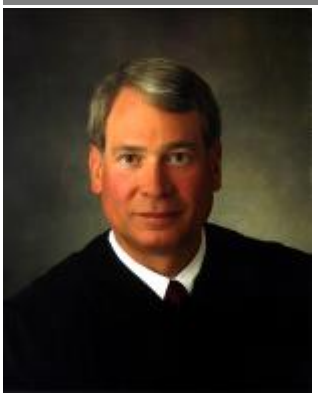
Judge L. Douglas Hogan was appointed to the Third District Court by Governor Gary Herbert in 2014. Judge Hogan received a juris doctorate with distinction from the McGeorge School of Law at the University of the Pacific in 1999. He completed his undergraduate studies at the University of Utah. Judge Hogan's private practice included serving as a public defender for Tooele County from 2001 to 2006, where his duties included representing indigent participants in drug court. He has also worked as conflict counsel for the Salt Lake Legal Defenders Association. In 2006, Judge Hogan was elected as Tooele County Attorney where he served for eight years. He currently presides over a criminal calendar and Felony Drug Court in West Jordan.



Note: By statute, judges' scores are compared to the average of their court level peers.

3RD JUDICIAL DISTRICT COURT

Visit JUDGES.UTAH.GOV for more information about this judge

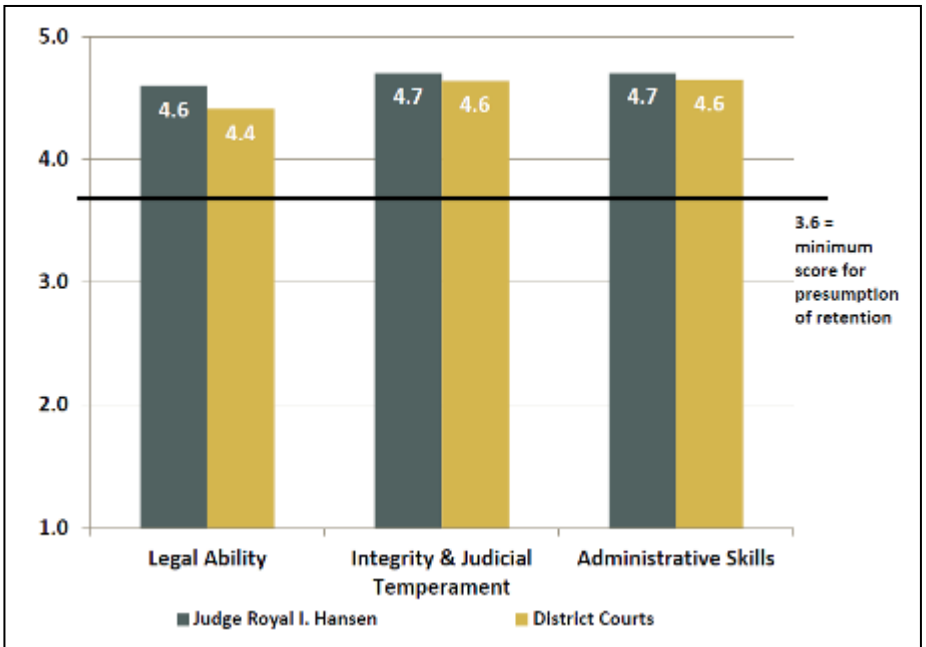


Honorable Royal I. Hansen

- Serving **Salt Lake**, **Summit** & **Tooele** Counties
- Commission Recommendation: **RETAIN**
- Commission Vote Count: 11-0 (for retention)
- Performance Standards: Passed 8 of 8

Appointed in 2003, Judge Royal I. Hansen's scores are consistent with the average of his district court peers on all scored minimum performance standards. Ninety percent of survey respondents recommend Judge Hansen for retention. According to respondents and courtroom observers alike, Judge Hansen's outstanding judicial demeanor is marked by equal respect for all participants and a consistently kind courteousness. Respondents say he provides effective opportunities for all to be heard and "applies the law in a fair and pragmatic manner." They also express confidence in Judge Hansen's diligent application of his solid legal abilities. When rating judicial attributes, respondents identify him as particularly capable and knowledgeable. This judge meets discipline standards set by statute and has been certified by the Judicial Council as meeting all time standards, education requirements, and mental and physical competence standards.

Judge Royal I. Hansen was appointed to the Third District Court in 2003 and has served as that court's presiding judge. In 2012, Judge Hansen was honored as Judge of the Year by the Utah State Bar. He received the Peacekeeper Award in recognition of his commitment to the process of peace and conflict resolution. Judge Hansen is an American Bar Foundation Fellow, established the South Valley Felony Drug Court, and presides over the Utah Veterans Treatment Court. He received a law degree from the University of Utah and clerked for Judge Frank Q. Nebeker of the D.C. Court of Appeals. Before his appointment, Judge Hansen was a partner with the firm of Moyle & Draper. He is a member of the Aldon J. Anderson American Inn of Court.



Note: By statute, judges' scores are compared to the average of their court level peers.

3RD JUDICIAL DISTRICT COURT

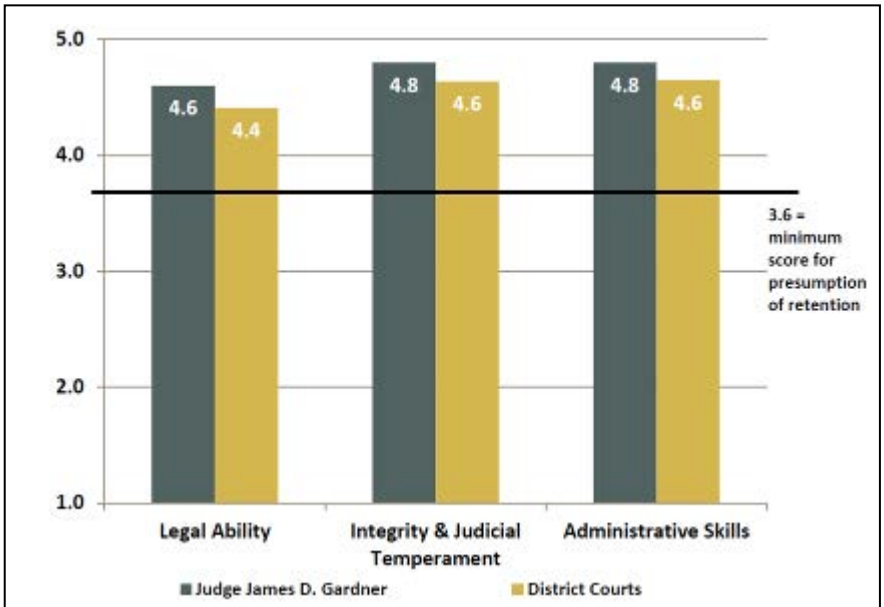
Visit JUDGES.UTAH.GOV for more information about this judge

Honorable James D. Gardner

- Serving **Salt Lake**, **Summit** & **Tooele** Counties
- Commission Recommendation: **RETAIN**
- Commission Vote Count: 12-0 (for retention)
- Performance Standards: Passed 8 of 8

Appointed in 2014, Judge James D. Gardner scores statistically above the average of his district court peers on all scored minimum performance standards, and 96% of survey respondents recommend Judge Gardner for retention. Respondents and courtroom observers strongly agree that Judge Gardner's judicial demeanor is exemplary. He is consistently well-prepared and is skillful in explaining his well-reasoned legal decisions in clear, easy-to-understand language. They add that he is procedurally fair, ensuring that everyone is heard and receives their 'day in court.' They applaud his enthusiasm for his judicial duties, while noting that he is also patient and kind. If appearing before Judge Gardner, courtroom observers enthusiastically conclude he would treat them fairly. When rating attributes that describe Judge Gardner, respondents identify several as particularly descriptive: open-minded, capable, impartial, and knowledgeable. They also characterize him as notably respectful and patient. This judge meets discipline standards set by statute and has been certified by the Judicial Council as meeting all time standards, education requirements, and mental and physical competence standards.

Judge James D. Gardner was appointed to the Third District Court in December 2014 by Governor Gary Herbert. He serves Salt Lake, Summit and Tooele counties. Judge Gardner graduated magna cum laude from Brigham Young University, and graduated cum laude with a juris doctorate degree from Duke University School of Law. Prior to his appointment, Judge Gardner was a partner at Snell & Wilmer, where he maintained a broad-based civil litigation practice. Judge Gardner was admitted to practice law before all state and federal courts in Utah, as well as the United States Supreme Court. Judge Gardner is a member of the Utah Supreme Court Advisory Committee on the Rules of Professional Conduct and the New Lawyer Training Program Committee.



Note: By statute, judges' scores are compared to the average of their court level peers.

3RD JUDICIAL DISTRICT COURT

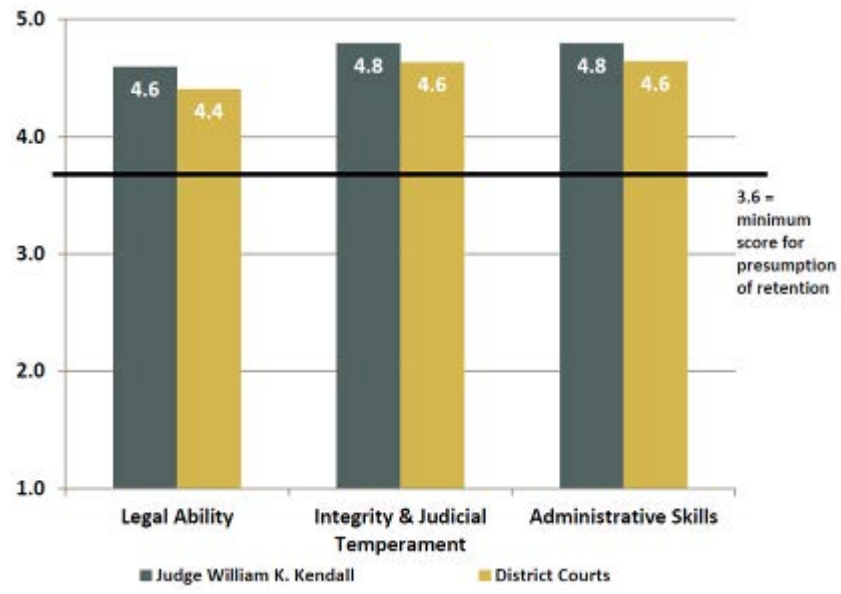
Visit JUDGES.UTAH.GOV for more information about this judge

Honorable William K. Kendall

- Serving **Salt Lake**, **Summit** & **Tooele** Counties
- Commission Recommendation: **RETAIN**
- Commission Vote Count: 12-0 (for retention)
- Performance Standards: Passed 8 of 8

Appointed in 2014, Judge William K. Kendall's results for each of the scored minimum performance standards are consistent with the average of his district court peers. Ninety-one percent of survey respondents recommend him for retention. When rating judicial attributes, respondents identify him as particularly open-minded. They also characterize him as notably decisive. Respondents further comment that the judge's rulings are well-detailed, clear, and concise, and he is routinely prepared for proceedings. Respondents and courtroom observers compliment the judge's friendly demeanor and remark that he listens carefully to all court participants. All courtroom observers say they would expect to be treated fairly if appearing before Judge Kendall.

Before his judicial appointment by Governor Gary Herbert, Judge William K. Kendall worked as an assistant U.S. attorney and the deputy violent crimes section chief at the United States Attorney's Office for the District of Utah. As the anti-gang and robbery coordinator he prosecuted federal racketeering, robbery, firearm, narcotics, and child pornography cases. Prior to his work there, he served as a deputy district attorney in Salt Lake County. Judge Kendall received bachelor's degrees in political science and communication from Miami University in Oxford, Ohio in 1993. He graduated with a juris doctorate from the University of Richmond, Virginia in 1996 where he was the executive editor on the founding editorial board of the Richmond Journal of Law and Technology.



Note: By statute, judges' scores are compared to the average of their court level peers.

3RD JUDICIAL DISTRICT COURT

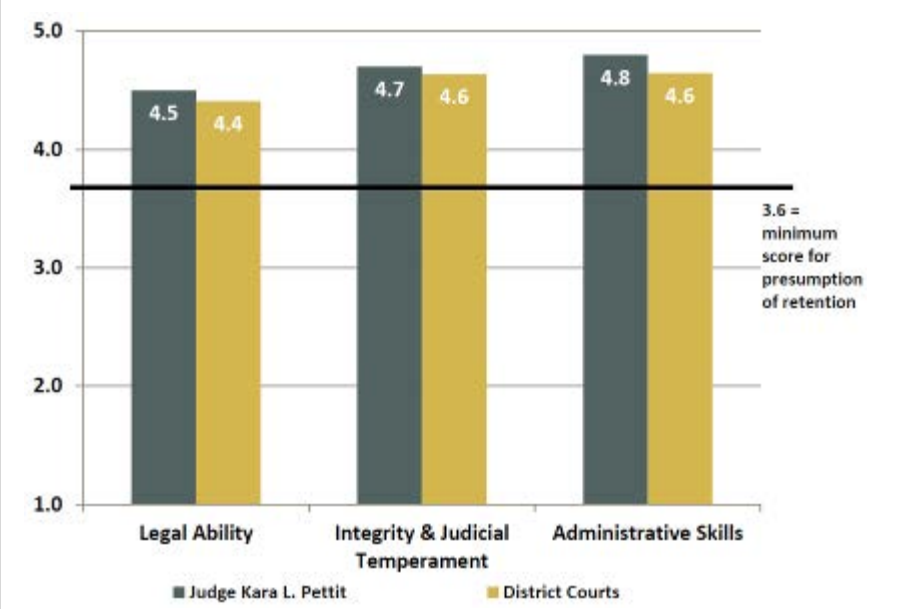
Visit JUDGES.UTAH.GOV for more information about this judge

Honorable Kara L. Pettit

- Serving **Salt Lake**, **Summit** & **Tooele** Counties
- Commission Recommendation: **RETAIN**
- Commission Vote Count: 12-0 (for retention)
- Performance Standards: Passed 8 of 8

Appointed in 2014, Judge Kara L. Pettit's scores are statistically above the average of her district court peers on administrative skills and consistent with her peers on all other scored minimum performance standards. Ninety-four percent of survey respondents recommend Judge Pettit for retention. Survey respondents and courtroom observers agree that she is very diligent, demonstrates equal respect for all parties, and is considerate of individual circumstances and time, though some note she could more actively manage the conduct of attorneys and litigants. When rating judicial attributes, respondents identify Judge Pettit as particularly attentive. They also characterize her as notably respectful, patient, and prepared. All courtroom observers report that if appearing before the judge, they expect Judge Pettit would treat them fairly. This judge meets discipline standards set by statute and has been certified by the Judicial Council as meeting all time standards, education requirements, and mental and physical competence standards.

Governor Gary R. Herbert appointed Judge Kara L. Pettit to the bench in September 2014. She served in Summit County from 2015-2017 but now handles a civil calendar in Salt Lake County. In 1988, Judge Pettit obtained an accounting degree, magna cum laude, from the University of Northern Iowa. From 1988-1992 she was an internal auditor for 3M Company. In 1995, she obtained her law degree from the University of Utah. From 1995-1999, Judge Pettit was a deputy prosecuting attorney in Boise, Idaho. From 2000-2014, she practiced civil litigation at the law firm of Snow, Christensen & Martineau, until being appointed to the bench. Judge Pettit currently serves as a member of the Utah Judicial Council and the Utah Bar's New Lawyer Training Program.



Note: By statute, judges' scores are compared to the average of their court level peers.

3RD JUDICIAL DISTRICT JUVENILE COURT

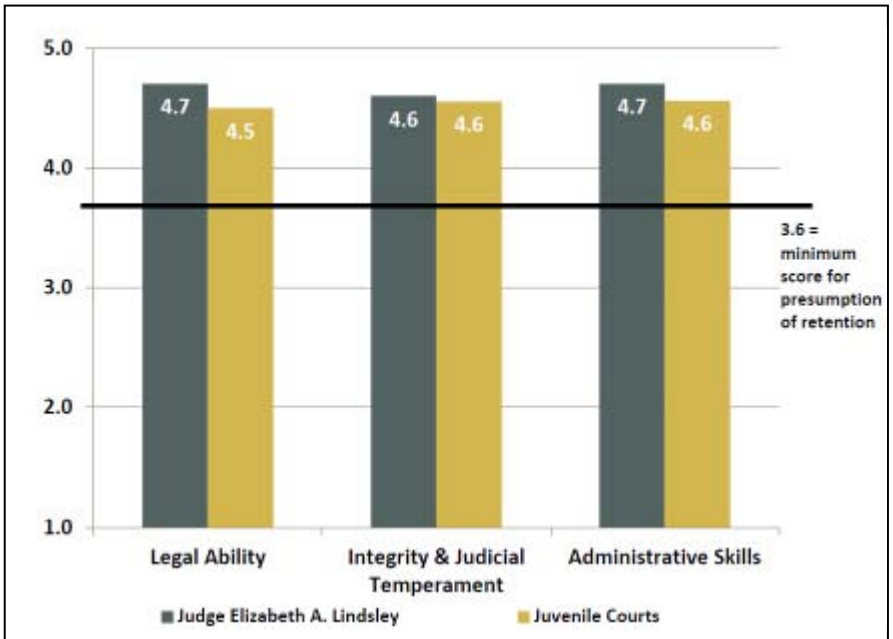
Visit JUDGES.UTAH.GOV for more information about this judge

Honorable Elizabeth A. Lindsley

- Serving **Salt Lake**, **Summit** & **Tooele** Counties
- Commission Recommendation: **RETAIN**
- Commission Vote Count: 13 - 0 (for retention)
- Performance Standards: Passed 8 of 8

Appointed in 2002, Judge Elizabeth A. Lindsley scores consistently with the average of her juvenile court peers on all scored minimum performance standards. Ninety-four percent of survey respondents recommend her for retention. Respondents view her as a "stern but fair" judge. Along with courtroom observers, they comment on how she "knows the law" and "cares about the youth and parents in her court." Respondents acknowledge the professional environment in her courtroom. Indeed, they suggest Judge Lindsley's high expectations of professionals may result in increased professionalism but sometimes in impractical court orders. When rating judicial attributes, respondents characterize her as notably prepared and decisive but also as less open-minded and less patient than her peers. Courtroom observers, however, are strongly positive about Judge Lindsley's performance, viewing her as dedicated to giving opportunities to youth and families to participate in proceedings. This judge meets discipline standards set by statute and has been certified by the Judicial Council as meeting all time standards, education requirements, and mental and physical competence standards.

Judge Elizabeth A. Lindsley was appointed to the Third District Juvenile Court in September 2002 by Governor Michael O. Leavitt. Judge Lindsley received her law degree from the University of Pittsburgh, College of Law in 1990. She worked in the Salt Lake County District Attorney's Office until her appointment to the bench. She prosecuted juvenile delinquency and abuse/neglect cases. Judge Lindsley has served on numerous committees. Currently Judge Lindsley serves on the Supreme Court's Advisory Committee on the Utah Rules of Juvenile Procedure, is a member of the Utah Commission on Criminal and Juvenile Justice and the Court Forms Committee.



Note: By statute, judges' scores are compared to the average of their court level peers.

3RD JUDICIAL DISTRICT JUVENILE COURT

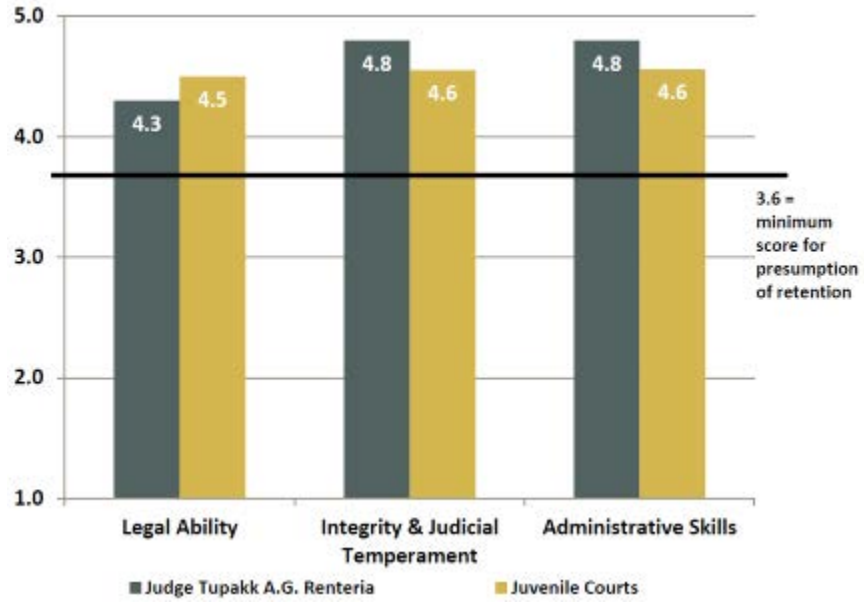
Visit JUDGES.UTAH.GOV for more information about this judge

Honorable Tupakk A.G. Renteria

- Serving **Salt Lake**, **Summit** & **Tooele** Counties
- Commission Recommendation: **RETAIN**
- Commission Vote Count: 12-0 (for retention)
- Performance Standards: Passed 8 of 8

Appointed in 2014, Judge Tupakk A.G. Renteria scores statistically above his juvenile court peers on procedural fairness and consistently with his peers on all other scored minimum performance standards. Ninety-eight percent of survey respondents recommend him for retention. Respondents and courtroom observers agree that Judge Renteria is a well-liked judge who treats people fairly and relates skillfully and productively with the full range of juvenile court participants. They laud his timely caseload management. In their comments and rating of judicial attributes, respondents identify Judge Renteria as particularly open-minded. They also characterize him as notably patient. Observers are enthusiastic about Judge Renteria, particularly his positive demeanor and the collaborative atmosphere of his courtroom.

Judge Tupakk A.G. Renteria was appointed to the Third District Juvenile Court in January 2014 by Governor Gary Herbert. Prior to his appointment to the bench, Judge Renteria worked for the Salt Lake County District Attorney's Office where he was part of the Special Victims' Unit, prosecuting crimes perpetrated against children. Previously, Judge Renteria worked for the law firm of Lokken & Associates assisting parents in child abuse and neglect cases. Judge Renteria received his Juris Doctor from Temple University School of Law in 2000, where he was the president of the Latino Law Student Association. He earned a Bachelor of Arts in Ethnic Studies at the University of California at Berkeley in 1993.



Note: By statute, judges' scores are compared to the average of their court level peers.

3RD JUDICIAL DISTRICT JUVENILE COURT

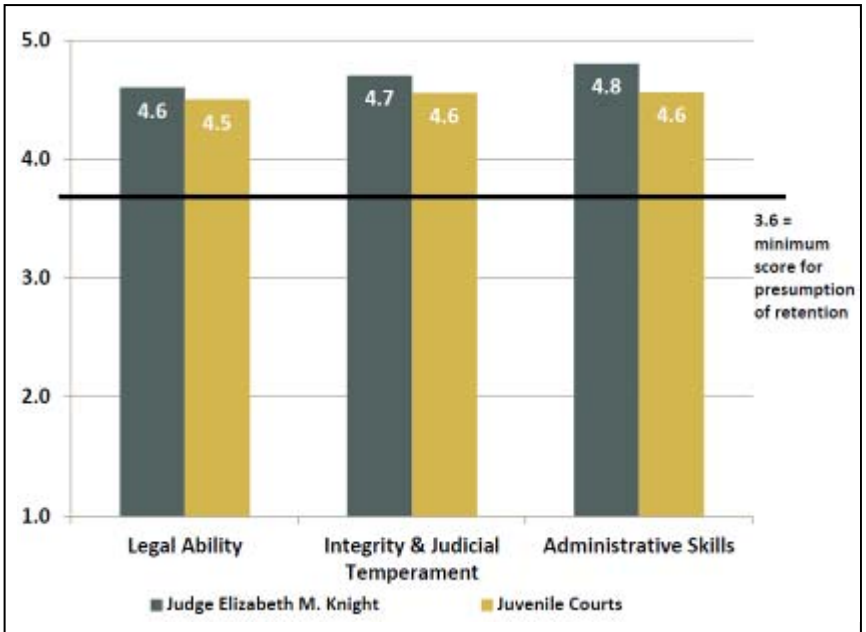
Visit JUDGES.UTAH.GOV for more information about this judge

Honorable Elizabeth M. Knight

- Serving **Salt Lake**, **Summit** & **Tooele** Counties
- Commission Recommendation: **RETAIN**
- Commission Vote Count: 12-0 (for retention)
- Performance Standards: Passed 8 of 8

Appointed in 2015, Judge Elizabeth M. Knight scores statistically above the average of her juvenile court peers on administrative skills and consistently with her peers on all other scored minimum performance standards. Ninety-four percent of survey respondents recommend her for retention. Respondents and courtroom observers strongly agree that Judge Knight is a very attentive, patient listener who ensures all parties have ample opportunity to be heard. She communicates genuine concern for families and youth, putting their best interests at the forefront and ruling to promote successful outcomes. Observers and some survey respondents complement her special ability to talk to reluctant participants, drawing out their stories and eliciting candid responses. They describe Judge Knight as respectful and well prepared. When rating judicial attributes, respondents identify Judge Knight as particularly attentive and capable. They also characterize her as notably patient. This judge meets discipline standards set by statute and has been certified by the Judicial Council as meeting all time standards, education requirements, and mental and physical competence standards.

Judge Elizabeth M. Knight was appointed to the Third District Juvenile Court in August of 2015 by Governor Gary R. Herbert. Judge Knight has a degree in Elementary Education, a Master's of Education and her Juris Doctorate degree from the University of Utah. Judge Knight was employed by the Compton California Unified School District; Granite School District; the Utah Department of Human Services; and the Utah Office of Guardian ad Litem. Judge Knight presides over a Mental Health Court for youth, and a Transition Youth Court, a specialized court designed to assist minors who are experiencing homelessness or at risk of being homeless. Judge Knight currently serves on the State Children's Justice Center Board and the Access to Justice Committee.



Note: By statute, judges' scores are compared to the average of their court level peers.

JUSTICE COURT—Mid-Level Evaluation*

Visit JUDGES.UTAH.GOV for more information about this judge

Honorable Ronald L. Elton

- Serving **Grantsville** Municipal Justice Court, Tooele County
- Commission Recommendation: **RETAIN**
- Commission Vote Count: 12-0 (for retention)
- Performance Standards: Passed 4 of 4

Judge Ronald L. Elton receives positive reviews from all respondents. Respondents find the judge to be polite and gracious in upholding the law. They say Judge Elton displays consistency and impartiality but manages to be sensitive to the needs of those in his courtroom. Respondents agree the judge exudes a professionalism that generates trust from courtroom participants. JPEC conducts interviews with court participants about the performance of mid-level evaluation judges and completed 34 interviews about the performance of Judge Elton. This judge meets discipline standards set by statute and has been certified by the Judicial Council as meeting all time standards, education requirements, and mental and physical competence standards.

Judge Ronald L. Elton was appointed to the Grantsville City Justice Court in January 2015. Judge Elton is a lifelong resident of Tooele County. He attended Brigham Young University and the University of Utah, where he graduated in 1973 with a Bachelor of Science Degree in Business Management, Magna Cum Laude. Judge Elton also attended the S.J. Quinney College of Law at the University and received a Juris Doctor Degree in 1976. Afterward, he worked in the Tooele County Attorney's Office as a law clerk, deputy County Attorney, and as a County Attorney from 1975 to 1995. He then opened a private law practice and also served as a public defender in Tooele County. He was appointed as Grantsville City Attorney in 2007 and held that position until 2011.

*See Judges Section Introduction for Justice Court Information

JUSTICE COURT—Full Evaluation*

Visit JUDGES.UTAH.GOV for more information about this judge

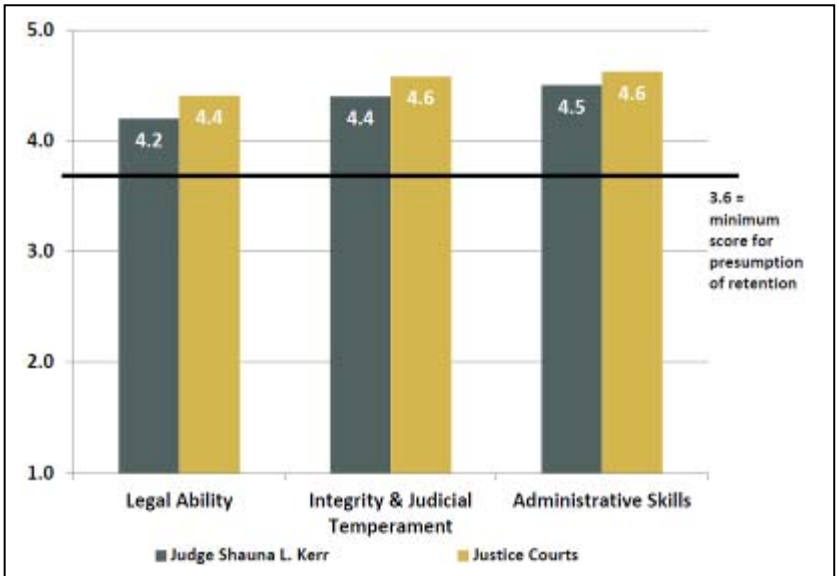
Honorable Shauna L. Kerr

- Serving **Summit** County Justice Court
- Commission Recommendation: **RETAIN**
- Commission Vote Count: 8 - 4 (for retention)
- Performance Standards: Passed 8 of 8

Appointed in 2009, Judge Shauna L. Kerr passes all the statutory minimum standards established for retention, leading a majority of the Commission to recommend that she be retained. However, the evaluation indicates some concerns with Judge Kerr's performance.

While Judge Kerr scores consistently with her peers on all scored minimum performance standards and seventy-nine percent of survey respondents recommend her for retention, Judge Kerr receives mixed reviews. Many respondents find Judge Kerr to be short-tempered and suggest she shows disrespect to some people in court and is preferential in her treatment of others. Many others view her as a fair-minded judge who treats people with respect and cares about court participants. Courtroom observers are also mixed in their comments about Judge Kerr's courtroom behaviors; however, they all indicate that they would expect to be treated fairly by Judge Kerr if they were to appear before her. This judge meets discipline standards set by statute and has been certified by the Judicial Council as meeting all time standards, education requirements, and mental and physical competence standards.

Judge Shauna L. Kerr was appointed to the Summit County Justice Court in 2009. She received her Juris Doctorate degree from Pepperdine University School of Law in 1980, is a current member of the Utah State Bar, and was previously admitted to the California State Bar. Judge Kerr received her undergraduate degree from Utah State University in 1977. Prior to taking the bench, Judge Kerr worked as the Tooele City Attorney and as Assistant Park City Attorney. Judge Kerr has also served as an elected local government official at both the city and county level as a member of the Park City Council and the Summit County Commission.



Note: By statute, judges' scores are compared to the average of their court level peers.

*See Judges Section Introduction for Justice Court Information

4TH JUDICIAL DISTRICT COURT

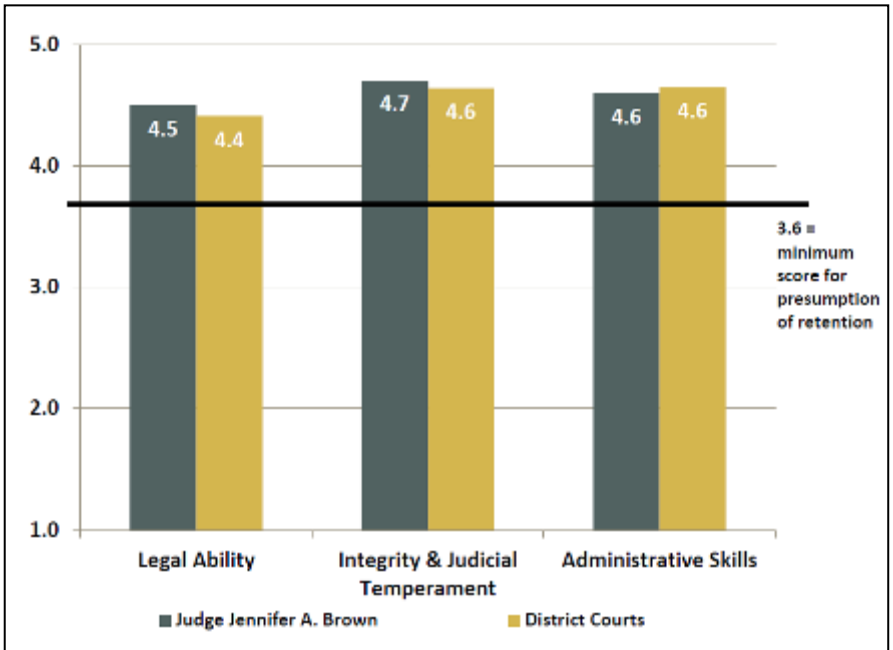
Visit JUDGES.UTAH.GOV for more information about this judge

Honorable Jennifer A. Brown

- Serving **Juab**, **Millard, Utah** & **Wasatch** Counties
- Commission Recommendation: **RETAIN**
- Commission Vote Count: 12-0 (for retention)
- Performance Standards: Passed 8 of 8

Appointed in 2014, Judge Jennifer A. Brown scores consistently with her district court peers on all scored minimum performance standards. Ninety-four percent of survey respondents recommend her for retention. Courtroom observers and survey respondents note Judge Brown's admirable judicial demeanor that puts participants at ease. Courtroom observers are strongly positive about Judge Brown, saying they would all expect to be treated fairly if appearing before her. Survey respondents find her to be intelligent, attentive, and have competent legal skills. While complimenting her, many respondents also express concern that Judge Brown could significantly improve her timeliness both in her rulings and her calendar management. This judge meets discipline standards set by statute and has been certified by the Judicial Council as meeting all time standards, education requirements, and mental and physical competence standards.

Judge Jennifer A. Brown was appointed to the Fourth District Court in December 2014 by Governor Gary Herbert. She serves Utah and Wasatch counties. Prior to her judicial appointment, Judge Brown was a partner with Tesch Law Offices in Park City. Before joining Tesch, she had established her own firm after working with nationally-based firms Chapman and Cutler LLP and LeBoeuf, Lamb, Greene and MacRae LLP. Her practice focused primarily on complex commercial/civil litigation, with experience in the areas of employment, domestic, construction/real estate, and municipal law. In addition to her litigation practice, Judge Brown was a certified mediator. Judge Brown received her J.D. degree from Brigham Young University's J. Reuben Clark Law School.



Note: By statute, judges' scores are compared to the average of their court level peers.

4TH JUDICIAL DISTRICT COURT

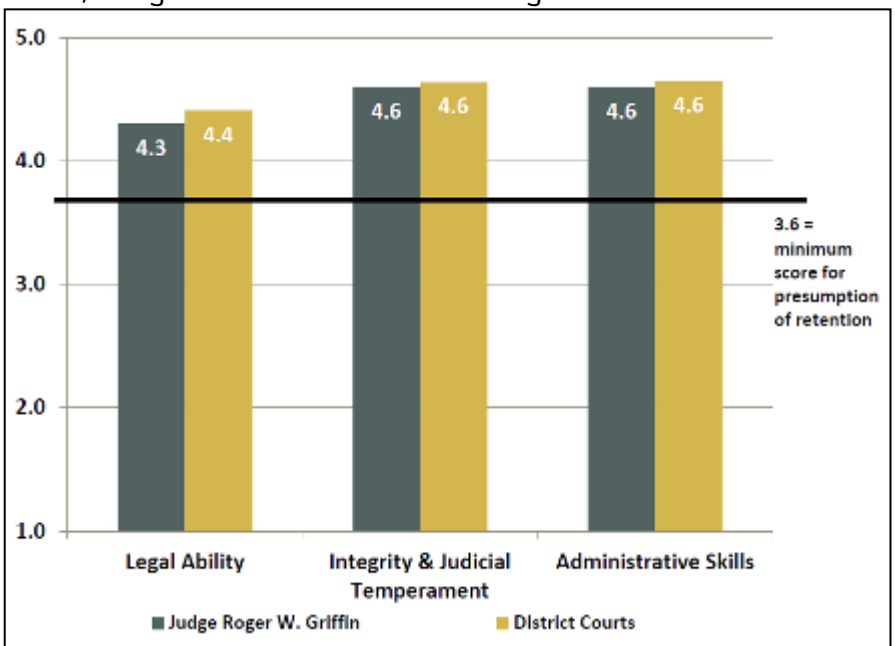
Visit JUDGES.UTAH.GOV for more information about this judge

Honorable Roger W. Griffin

- Serving **Juab**, **Millard, Utah** & **Wasatch** Counties
- Commission Recommendation: **RETAIN**
- Commission Vote Count: 13 - 0 (for retention)
- Performance Standards: Passed 8 of 8

Appointed to the district court bench in 2014, Judge Roger W. Griffin scores consistently with his peers on all scored minimum performance standards. Eighty-nine percent of all survey respondents recommend the judge for retention. Respondents describe Judge Griffin as a "bright legal mind" who is thoroughly prepared for hearings. They also compliment his professionalism and timeliness in managing his court calendar. A minority of respondents express varied criticisms about Judge Griffin. Courtroom observers note how Judge Griffin listens intently and is prepared and knowledgeable about each case before him. Observers all express confidence that they would be treated fairly by him were they to appear before Judge Griffin. This judge meets discipline standards set by statute and has been certified by the Judicial Council as meeting all time standards, education requirements, and mental and physical competence standards.

Judge Roger W. Griffin was appointed to the Fourth District Court in 2014 by Governor Gary R. Herbert. Judge Griffin obtained his law degree from the J. Reuben Clark Law School at Brigham Young University in 1993. He received his Bachelor of Arts degree, cum laude, from Utah State University. Prior to his judicial appointment, Judge Griffin was the chief litigation officer for a multi-state law firm. While in private practice, Judge Griffin was selected as a Legal Elite by the Utah Business Magazine four separate times. He has also served as a mentor for the Utah State Bar Association's New Lawyer Training Program. In 2018, he received a Judicial Excellence Award from the Utah State Bar's Litigation Section.



Note: By statute, judges' scores are compared to the average of their court level peers.

4TH JUDICIAL DISTRICT COURT

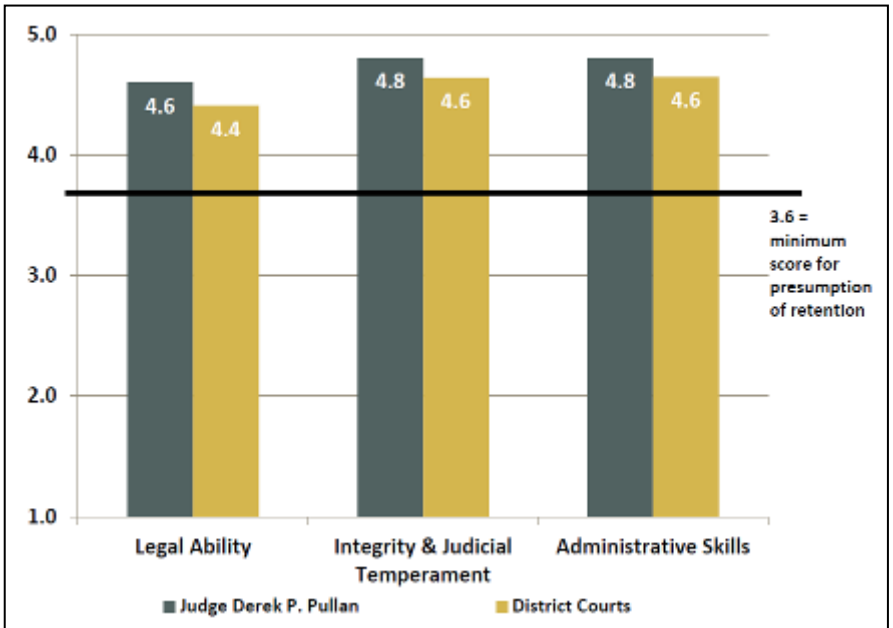
Visit JUDGES.UTAH.GOV for more information about this judge

Honorable Derek P. Pullan

- Serving **Juab**, **Millard, Utah** & **Wasatch** Counties
- Commission Recommendation: **RETAIN**
- Commission Vote Count: 12-0 (for retention)
- Performance Standards: Passed 8 of 8

On his legal ability and administrative skills, Judge Derek P. Pullan, appointed in 2003, scores statistically above the average of his district court peers. Indeed, respondents appreciate Judge Pullan's steadfast adherence to the law and excellent courtroom management skills. Judge Pullan scores consistently with his peers on other scored performance standards, and 98% of survey respondents recommend him for retention. Respondents identify several judicial attributes as particularly descriptive of Judge Pullan: capable, ethical, and knowledgeable. Survey respondents and courtroom observers agree that Judge Pullan is respectful and well prepared. Courtroom observers note that he gives participants adequate time to make their case and provides clear explanations of rulings. They also expect that if appearing in his court, Judge Pullan would treat them fairly. This judge meets discipline standards set by statute and has been certified by the Judicial Council as meeting all time standards, education requirements, and mental and physical competence standards.

Judge Derek P. Pullan was appointed in September 2003 by Gov. Michael O. Leavitt. He is a member of the Utah Judicial Council and chairs the Council's Policy and Planning Committee. He has served on the Utah Supreme Court's advisory committee on the civil rules of procedure and the advisory committee on indigent defense. He served as chairman of the Board of District Court Judges and presiding judge of the Fourth District Court. He is a frequent presenter on evidence law at judicial conferences and has taught evidence at the J. Reuben Clark Law School. Judge Pullan graduated cum laude from the J. Reuben Clark Law School in 1993 and was a law clerk at the Utah Supreme Court.



Note: By statute, judges' scores are compared to the average of their court level peers.

4TH JUDICIAL DISTRICT COURT

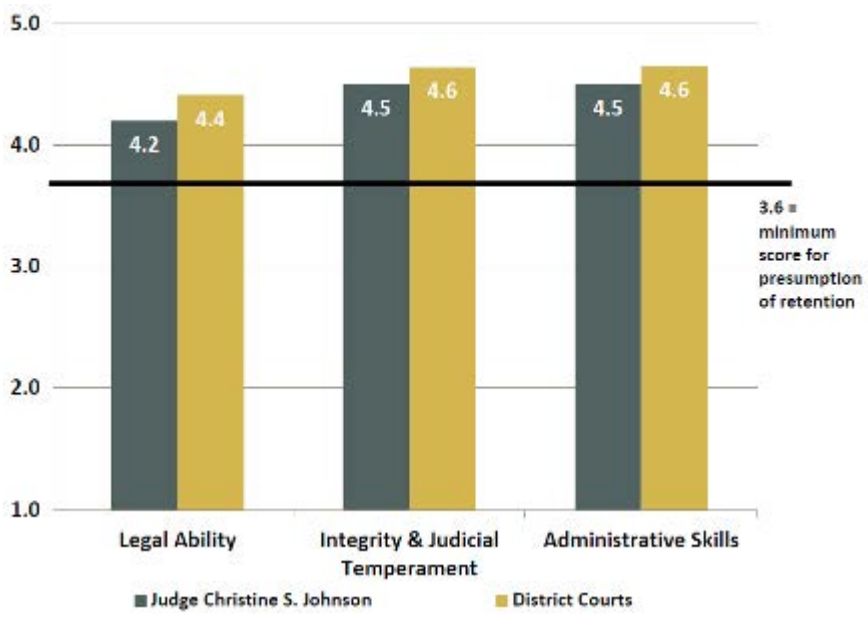
Visit JUDGES.UTAH.GOV for more information about this judge

Honorable Christine S. Johnson

- Serving **Juab**, **Millard, Utah** & **Wasatch** Counties
- Commission Recommendation: **RETAIN**
- Commission Vote Count: 13 - 0 (for retention)
- Performance Standards: Passed 8 of 8

Appointed to the district court bench in 2003, Judge Christine S. Johnson scores consistently with her peers on all scored minimum performance standards. Eighty-six percent of all survey respondents recommend Judge Johnson for retention. Respondents view Judge Johnson as intelligent and attentive, with a good application of the law to the facts. They say she communicates the basis for her rulings clearly, whether orally or in writing. Many respondents comment on her fairness, thoroughness, and professionalism. However, a minority of respondents express varied criticism of the judge, particularly their concerns about legal skills. Courtroom observers are positive about Judge Johnson. They note her preparedness and good grasp of case details. All observers expect that they would be treated fairly were they to appear before Judge Johnson. This judge meets discipline standards set by statute and has been certified by the Judicial Council as meeting all time standards, education requirements, and mental and physical competence standards.

Judge Christine S. Johnson was appointed to the Fourth District Court in October 2008 by Governor Jon M. Huntsman, Jr. Judge Johnson received her Juris Doctor from the J. Reuben Clark School of Law at Brigham Young University. She worked as a judicial clerk in the Fourth Judicial District before beginning her practice as a criminal defense attorney at the Utah County Public Defenders Association. She was later employed as the assistant city attorney and city prosecutor at Spanish Fork City. From 2009 through 2015, Judge Johnson served on the Standing Committee on Judicial Branch Education. Currently, she serves on the Board of District Court Judges and is chair of the Criminal Justice Roundtable.



Note: By statute, judges' scores are compared to the average of their court level peers.

4TH JUDICIAL DISTRICT JUVENILE COURT

Visit JUDGES.UTAH.GOV for more information about this judge

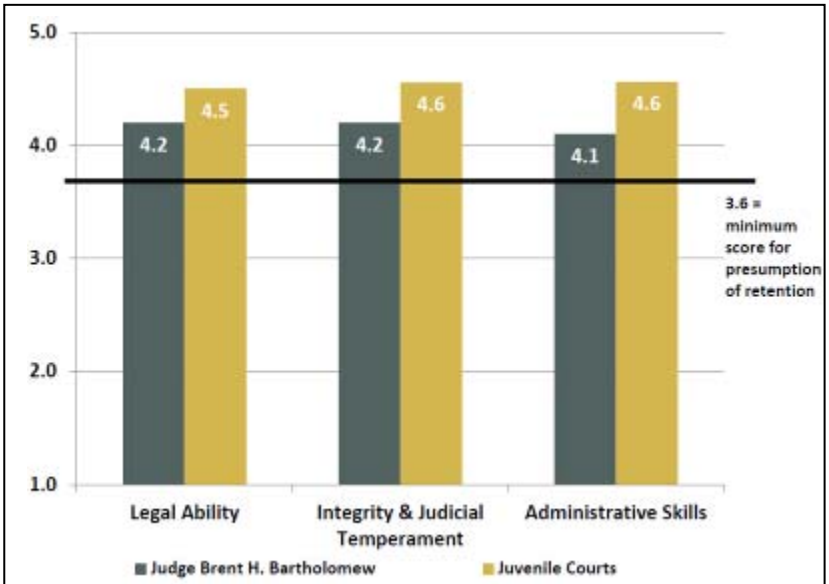
Honorable Brent H. Bartholomew

- Serving **Juab**, **Millard**, **Utah** & **Wasatch** Counties
- Commission Recommendation: **RETAIN**
- Commission Vote Count: 12 - 1 (for retention)
- Performance Standards: Passed 8 of 8

Appointed in 2013, Judge Brent H. Bartholomew passes all the statutory minimum standards established for retention, leading the Commission, in this case, to recommend that he be retained. However, the evaluation indicates some concerns with Judge Bartholomew's performance.

Juvenile Court Judge Bartholomew scores statistically below the average of his peers on integrity and judicial temperament, administrative skills, and procedural fairness. He scores consistently with his peers on legal ability. Seventy-six percent of survey respondents recommend him for retention. The evaluation indicates Judge Bartholomew is a very kind and fair judge and treats everyone with respect. The evaluation also suggests Judge Bartholomew shows conflict-averse behaviors and lacks confidence, which respondents say may impair the quality and timeliness of rulings. When rating attributes, respondents view him as particularly indecisive and unprepared, less attentive, less open-minded, less capable, and less knowledgeable than his peers. By contrast, courtroom observers compliment Judge Bartholomew's gentle demeanor and express confidence that he would treat them fairly were they to appear before him. This judge meets discipline standards set by statute and has been certified by the Judicial Council as meeting all time standards, education requirements, and mental and physical competence standards.

Judge Brent H. Bartholomew was appointed by Governor Gary R. Herbert to the Fourth District Juvenile Court in 2013. Prior to his appointment, Judge Bartholomew worked for the Utah Office of Guardian ad Litem, Utah Legal Services, and as an adjunct assistant professor at the J. Reuben Clark Law School. Judge Bartholomew is certified as a Child Welfare Law Specialist by the National Association of Counsel for Children. In 2013, he was named "Mentor of the Year" by the Utah State Bar. Judge Bartholomew earned his Juris Doctorate degree from the J. Reuben Clark Law School as well as a Master of Business Administration from Brigham Young University.



Note: By statute, judges' scores are compared to the average of their court level peers.

JUSTICE COURT—Mid-Level Evaluation*

Visit JUDGES.UTAH.GOV for more information about this judge

Honorable Brook J. Sessions

- Serving **Wasatch** County Justice Court
- Commission Recommendation: **RETAIN**
- Commission Vote Count: 12-0 (for retention)
- Performance Standards: Passed 4 of 4

Judge Brook J. Sessions receives positive reviews from all respondents. Respondents find the judge to be multi-skilled yet compassionate and interested in the needs of courtroom participants. They say Judge Sessions earns respect from those he serves in the courtroom by his personable manner and by the impartial way that he treats people and administers the law. According to respondents, people feel comfortable in front of the judge because he provides them with a voice and consistently explains relevant information to them. JPEC conducts interviews with court participants about the performance of mid-level evaluation judges and completed 42 interviews about the performance of Judge Sessions. This judge meets discipline standards set by statute and has been certified by the Judicial Council as meeting all time standards, education requirements, and mental and physical competence standards.

Judge Brook J. Sessions lives in Wasatch County. He was appointed to the Wasatch County Justice Court in 2015. Judge Sessions is a Utah State University Aggie with a degree in finance and economics. He graduated from the University of Oregon with a juris doctorate. Judge Sessions was appointed after a twenty-five year career as a lawyer. He is admitted to practice in Utah, Oregon and the Federal Courts. Judge Sessions is the associate chair of the Board of Justice Court Judges, current chair of the Justice Court Trust and Confidence Committee, and active on numerous other committees to improve the courts and serve the people of Utah. When not hearing cases in Wasatch County, he mediates family law cases.

*See Judges Section Introduction for Justice Court Information

JUSTICE COURT—Basic Evaluation*

Visit JUDGES.UTAH.GOV for more information about this judge

Honorable Cyndee Probert

- Serving **Fillmore** Municipal Justice Court, Millard County
- Commission Recommendation: **RETAIN**
- Commission Vote Count: 13-0 (for retention)
- Performance Standards: Passed 4 of 4

Justice court judges who receive a basic evaluation are required to meet four minimum performance standards. The Utah Judicial Council has certified to the Commission that Judge Cyndee Probert met the following standards:

1. She participated annually in no less than 30 hours of continuing legal education for each year of her current term;
2. She met the time standards established for all cases held under advisement; and
3. She was determined to be physically and mentally competent for office.

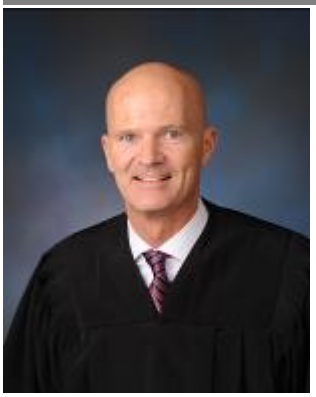
In addition, Judge Probert has not been the subject of any public reprimands issued by the Utah Supreme Court during her term of office, thus meeting the performance standard established by the Utah Legislature. Based solely on compliance with these standards, the commission recommends retention for Judge Probert.

Judge Cyndee Probert was appointed to the Fillmore Justice Court in 2015. Judge Probert graduated from the American Institute for Medical Assisting with a certificate in medical office management. She was then employed at the Sevier Valley Hospital. Judge Probert was later employed for eight years as an in-court clerk and office manager, where she served both the Millard County and Fillmore City justice courts. Judge Probert is currently enrolled and completing coursework at the National Judicial College.

*See Judges Section Introduction for Justice Court Information

5TH JUDICIAL DISTRICT COURT

Visit JUDGES.UTAH.GOV for more information about this judge

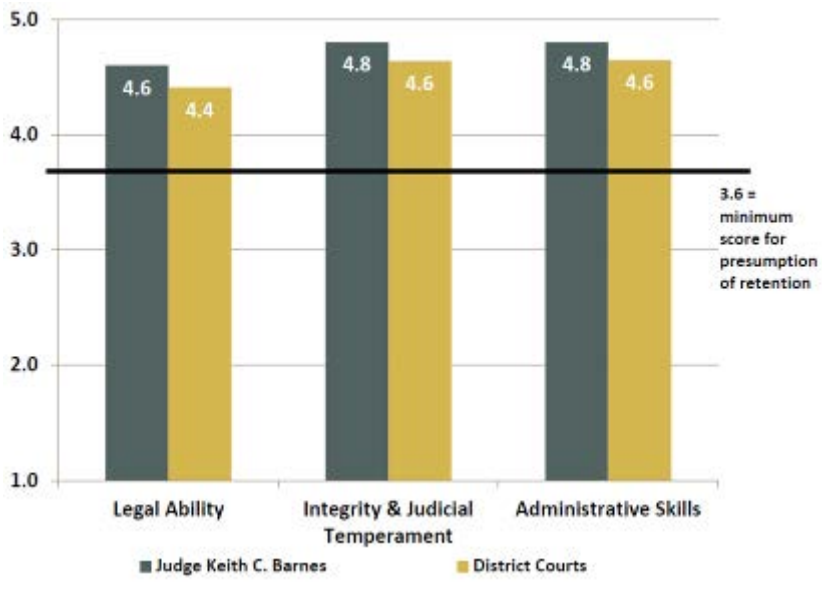


Honorable Keith C. Barnes

- Serving **Beaver**, **Iron** & **Washington** Counties
- Commission Recommendation: **RETAIN**
- Commission Vote Count: 12-0 (for retention)
- Performance Standards: Passed 8 of 8

Appointed in 2014, Judge Keith C. Barnes's scores are statistically above the average of his district court peers on integrity and judicial temperament, administrative skills, and procedural fairness. On legal ability, his scores are consistent with his peers. Ninety-eight percent of survey respondents recommend Judge Barnes for retention. There is broad agreement among respondents and courtroom observers that Judge Barnes excels in efficiently managing his caseload through excellent preparation and time-management, while also demonstrating equal respect for all participants. They view Judge Barnes as approachable and calm. Respondents praise Judge Barnes's genuine interest in the positive, long-term outcomes of drug court participants. When rating judicial attributes, respondents identify Judge Barnes as particularly open-minded. They also characterize him as notably respectful and patient. Courtroom observers agree that if appearing before the judge, they expect Judge Barnes would treat them fairly. This judge meets discipline standards set by statute and has been certified by the Judicial Council as meeting all time standards, education requirements, and mental and physical competence standards.

Judge Keith C. Barnes was appointed to the Fifth District Court in February 2014 by Gov. Gary R. Herbert. He serves Iron, Washington, and Beaver counties. Judge Barnes graduated with a Bachelor of Science degree in Political Science from Brigham Young University and received a law degree from Oklahoma City University School of Law in 1994. Prior to his appointment to the bench, Judge Barnes was a partner at Barnes Law Offices, Jensen, Graff & Barnes, and Park, Park, & Barnes. He has served as a member of the Southern Utah University National Advisory Board, Utah Radiation Control Board, and as a board of director at Allegiance Direct Bank.



Note: By statute, judges' scores are compared to the average of their court level peers.

5TH JUDICIAL DISTRICT COURT

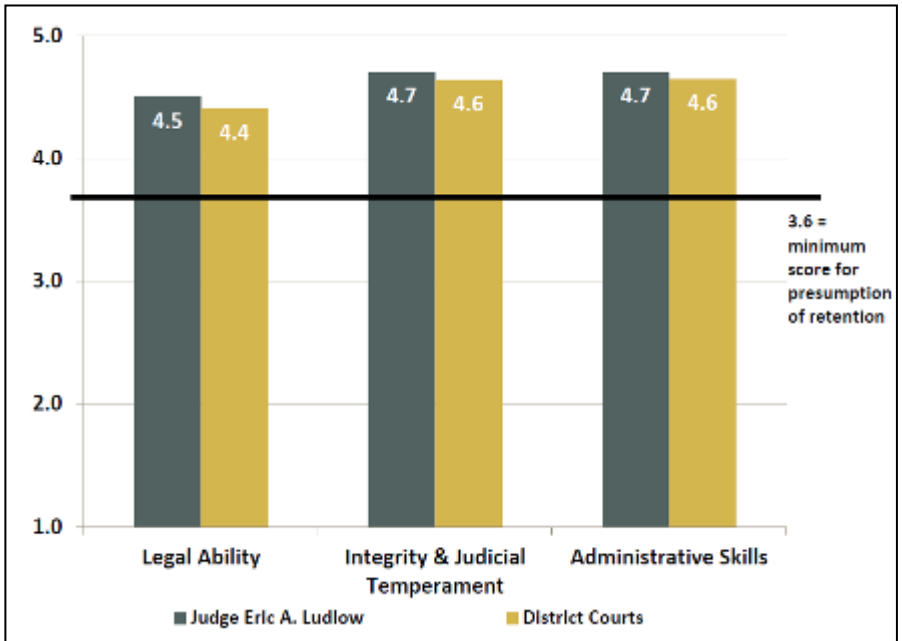
Visit JUDGES.UTAH.GOV for more information about this judge

Honorable Eric A. Ludlow

- Serving **Beaver**, **Iron** & **Washington** Counties
- Commission Recommendation: **RETAIN**
- Commission Vote Count: 12-0 (for retention)
- Performance Standards: Passed 8 of 8

Appointed in 2003, Judge Eric A. Ludlow's scores are consistent with the average of his district court peers on all minimum performance standards, and 97% of survey respondents recommend Judge Ludlow for retention. There is broad agreement among survey respondents and courtroom observers that Judge Ludlow efficiently manages his court calendar, is well prepared, and treats litigants consistently, regardless of their situation. Despite his busy calendar, he has a remarkable ability to remember the names of all participants. A number of survey respondents appreciate Judge Ludlow's sense of humor. Courtroom observers, however, have a mixed reaction to Judge Ludlow's wit. Most courtroom observers report that if appearing before the judge, they would expect to be treated fairly. This judge meets discipline standards set by statute and has been certified by the Judicial Council as meeting all time standards, education requirements, and mental and physical competence standards.

Judge Eric A. Ludlow was appointed to the Fifth District Court in July 2003 by Governor Michael O. Leavitt. Judge Ludlow received a law degree from the J. Reuben Clark Law School at Brigham Young University in 1987 and served as Washington County Attorney from 1991 until 2003. At the time of his judicial appointment, Judge Ludlow was serving as chairman of the Board of Directors of the Utah Prosecution Council and serving on the Governing Board of the Dixie Regional Medical Center, the St. George Area Chamber of Commerce, and the Dixie State College Board of Trustees. He has previously served as the Presiding Judge of the Fifth District Court.



Note: By statute, judges' scores are compared to the average of their court level peers.

5TH JUDICIAL DISTRICT COURT

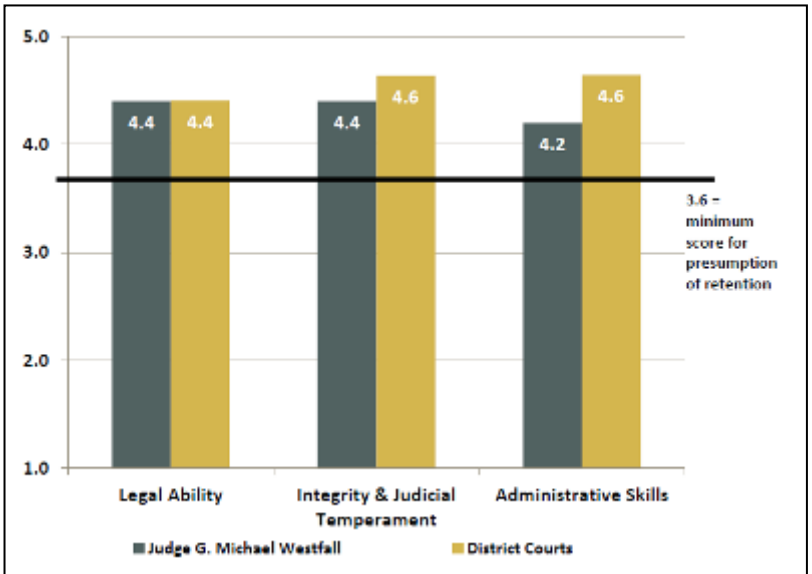
Visit JUDGES.UTAH.GOV for more information about this judge

Honorable G. Michael Westfall

- Serving **Beaver**, **Iron** & **Washington** Counties
- Commission Recommendation: **RETAIN**
- Commission Vote Count: 13 - 0 (for retention)
- Performance Standards: Passed 8 of 8

Appointed to the district court bench in 2003, Judge G. Michael Westfall's scores are consistent with the average of his peers on legal ability, integrity and judicial temperament, and procedural fairness and statistically below his peers on administrative skills. Ninety percent of all survey respondents recommend the judge for retention. Respondents say Judge Westfall knows and follows the rules and the law, is prepared, and treats people fairly. Many consider him an asset to the bench because of his hard work, diligence, and thoroughness. However, survey respondents express frustration at ineffective calendar management and untimely decision-making, and they mention the negative resulting impact on parties. In rating judicial attributes, respondents identify Judge Westfall as less patient than his peers and less respectful of others' time. All court observers report confidence that if appearing before Judge Westfall, they would expect to be treated fairly. This judge meets discipline standards set by statute and has been certified by the Judicial Council as meeting all time standards, education requirements, and mental and physical competence standards.

Judge G. Michael Westfall graduated from B.Y.U. law school in 1981 and was a partner in the law firm of Gallian, Westfall, Wilcox and Welker when he was appointed to the Fifth District Court in 2003 by Governor Michael O. Leavitt. Judge Westfall was a member of the Utah Judicial Council for four years, serving as vice-chair during 2010-2011. He served on the Ethics Advisory Committee, the Standing Committee on Model Criminal Jury Instructions, and the Standing Committee on Technology, was presiding judge in the Fifth District, and was president of the local Inn of Court, an organization dedicated to improving the legal profession. In 2015 and 2017 he was recognized for Judicial Excellence by the Litigation Section of the Utah State Bar.



Note: By statute, judges' scores are compared to the average of their court level peers.

5TH JUDICIAL DISTRICT JUVENILE COURT

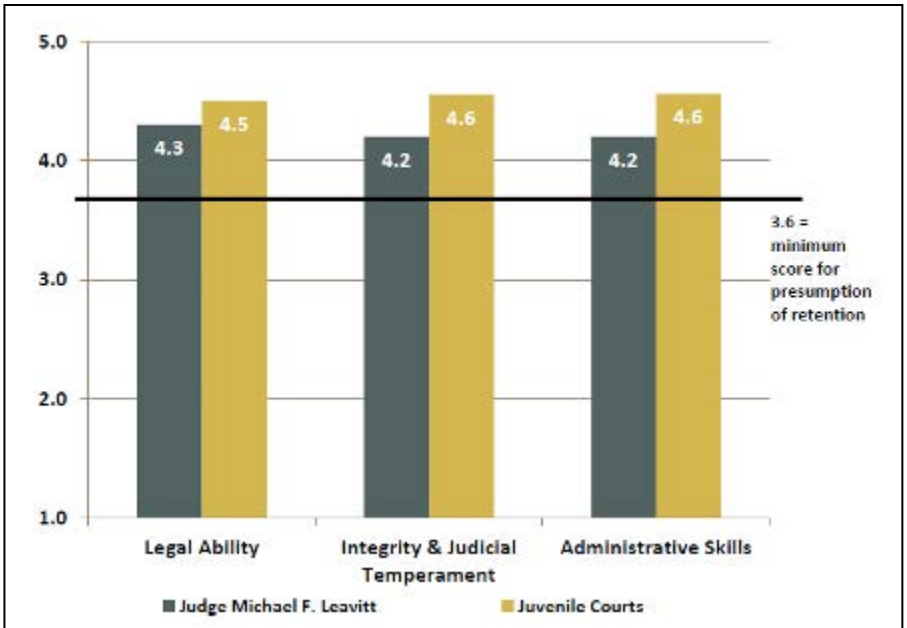
Visit JUDGES.UTAH.GOV for more information about this judge

Honorable Michael F. Leavitt

- Serving **Beaver**, **Iron** & **Washington** Counties
- Commission Recommendation: **RETAIN**
- Commission Vote Count: 12-0 (for retention)
- Performance Standards: Passed 8 of 8

Appointed in 2014, Judge Michael F. Leavitt scores statistically below the average of his juvenile court peers on integrity and judicial temperament and administrative skills. He scores consistently with his peers on legal ability and procedural fairness. Ninety percent of survey respondents recommend him for retention. Survey respondents say Judge Leavitt knows the law, is prepared for hearings, and is compassionate with youth and families. However, a minority of respondents express concerns about the judge's leniency. Respondents view Judge Leavitt as particularly indecisive and less knowledgeable than his peers. By contrast, courtroom observers perceive Judge Leavitt as a neutral decision maker, one who skillfully questions court participants while treating them with dignity and respect. All observers express confidence they would be treated fairly were they to appear before him. This judge meets discipline standards set by statute and has been certified by the Judicial Council as meeting all time standards, education requirements, and mental and physical competence standards.

Judge Michael F. Leavitt was appointed to the Fifth District Juvenile Court in 2014 by Governor Gary R. Herbert. He serves Beaver, Iron, and Washington counties. Judge Leavitt graduated from University of Idaho College of Law in 2002. Prior to his appointment, Judge Leavitt worked as an attorney with the law firm of Durham Jones & Pinegar (formerly Snow Nuffer) from 2002 through 2014. Judge Leavitt presides over the Family Recovery Court in Washington County and serves on the Judicial Council's Language Access Committee and State Education Court Report Interagency Committee.



Note: By statute, judges' scores are compared to the average of their court level peers.

5TH JUDICIAL DISTRICT JUVENILE COURT

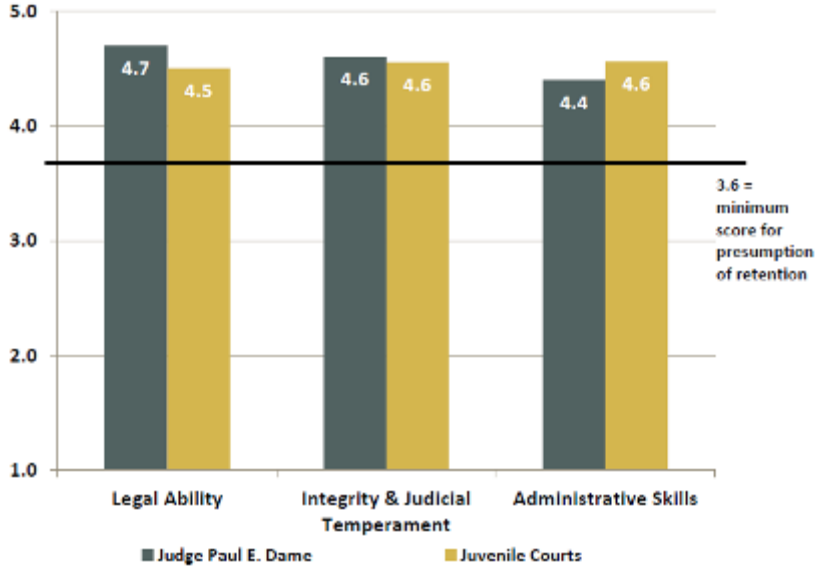
Visit JUDGES.UTAH.GOV for more information about this judge

Honorable Paul E. Dame

- Serving **Beaver**, **Iron** & **Washington** Counties
- Commission Recommendation: **RETAIN**
- Commission Vote Count: 13 - 0 (for retention)
- Performance Standards: Passed 8 of 8

Appointed in 2014, Judge Paul E. Dame's minimum performance standard scores are consistent with the average of his juvenile court peers. Ninety-six percent of respondents recommend him for retention. Respondents say Judge Dame is a knowledgeable professional who adheres strictly to the law and controls his courtroom effectively. They praise his respectful and skilled interactions with youth and families. Some suggest Judge Dame's rigid thoroughness and slow decision-making can affect court participants negatively. However, courtroom observers laud Judge Dame's conversational interactions with court participants, describing him as supportive yet firm. They also note his intelligent handling of often delicate matters. All observers report confidence that they would be treated fairly if they were to appear in Judge Dame's court. This judge meets discipline standards set by statute and has been certified by the Judicial Council as meeting all time standards, education requirements, and mental and physical competence standards.

Judge Paul E. Dame was appointed to the Fifth District Juvenile Court in 2014 by Governor Gary R. Herbert. He serves Beaver, Iron, and Washington counties. Judge Dame graduated cum laude from the J. Reuben Clark Law School at Brigham Young University in 1990. Prior to his appointment, he worked as an attorney at Parsons Behle & Latimer (1990-1994), served as a Deputy Washington County Attorney (1994-1995), served as the St. George City Prosecutor (1995-1998), served as the Chief Deputy Washington County Prosecutor (1998-2004) and served as a Washington County Justice Court Judge (2004-2014). Judge Dame currently serves as the presiding judge for the Fifth District Juvenile Court.



Note: By statute, judges' scores are compared to the average of their court level peers.

JUSTICE COURT—Full Evaluation*

Visit JUDGES.UTAH.GOV for more information about this judge

Honorable Ronald L. Read

- Serving **Washington** County Justice Court
- Commission Recommendation: **RETAIN**
- Commission Vote Count: 13 - 0 (for retention)
- Performance Standards: Passed 7 of 8

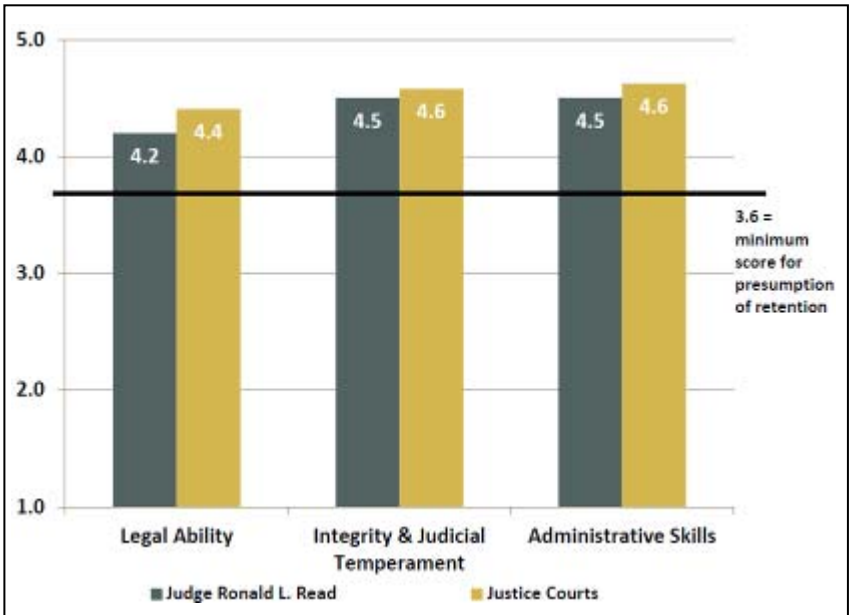
  Did not meet the standard for timely issuance of opinions.

Appointed to the Washington County Justice Court in 2014, Judge Ronald L. Read's scores are consistent with his peers on all scored minimum performance standards. All survey respondents recommend him for retention. Most respondents express confidence in Judge Read's abilities, noting he is a competent judge who takes his job seriously. Respondents and courtroom observers commend the judge for ensuring the understanding of those in court. All observers report confidence that if appearing before him, they would expect to be treated fairly.

However, Judge Read does not meet the judiciary's minimum performance standard governing timeliness of opinions. After a meeting with Judge Read, the commission is satisfied that the cases exceeding the time standard were confined to his initial period on the bench and that the judge has implemented changes in his practices to avoid future violations. This judge meets discipline standards set by statute and has been certified by the Judicial Council as meeting education requirements and mental and physical competence standards.

Judge Ronald L. Read was appointed to the Washington County Justice Court bench in September 2014 and to the Orderville Justice Court bench in November 2017. He received a B.S. degree from Southern Utah State College in 1981 and a Juris Doctor from the University of Utah S.J. Quinney College of Law in 1990. Following law school Judge Read served as a law clerk for Judges Marion J. Callister, Mikel H. Williams, and Larry M. Boyle at the United States District Court for the District of Idaho. Judge Read then returned to Southern Utah to practice law, initially with the law firm of Hughes & Read, next as the Assistant City Attorney for the City of St. George and then with Read & Wright.

*See Judges Section Introduction for Justice Court Information



Note: By statute, judges' scores are compared to the average of their court level peers.

6TH JUDICIAL DISTRICT COURT

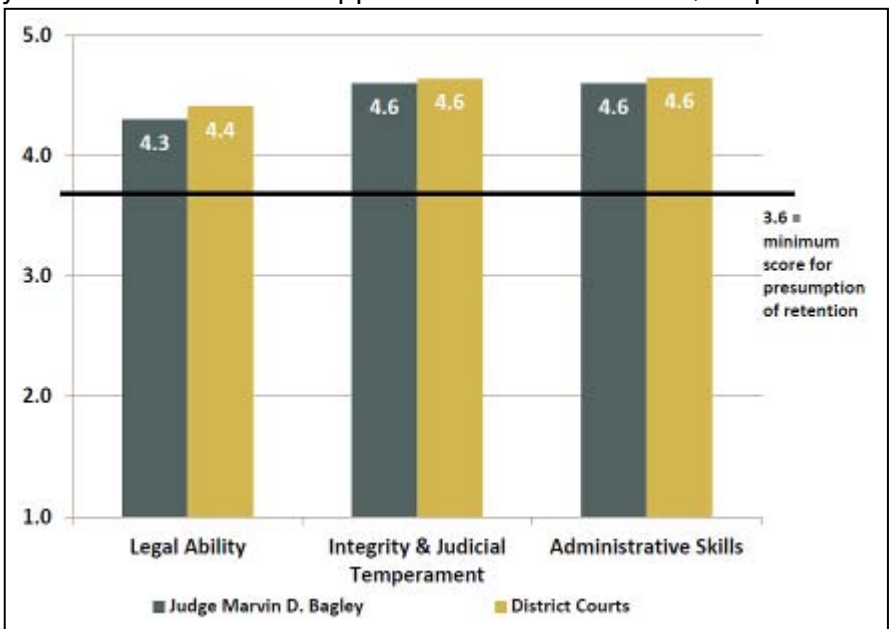
Visit JUDGES.UTAH.GOV for more information about this judge

Honorable Marvin D. Bagley

- Serving **Garfield, Kane, Piute, Sanpete, Sevier** & **Wayne** Counties
- Commission Recommendation: **RETAIN**
- Commission Vote Count: 13 - 0 (for retention)
- Performance Standards: Passed 8 of 8

Appointed in 2009, Judge Marvin D. Bagley's scores are consistent with his district court peers on all scored minimum performance standards. Eighty-eight percent of survey respondents recommend Judge Bagley for retention. Survey respondents express confidence in Judge Bagley's judicial service, also complimenting his respectfulness and solid presence in the courtroom. A few respondents raise varied concerns about the judge's performance. Courtroom observers all are positive about Judge Bagley, noting especially his individual concern for drug court participants. This judge meets discipline standards set by statute and has been certified by the Judicial Council as meeting all time standards, education requirements, and mental and physical competence standards.

Judge Marvin D. Bagley was appointed Sixth District Judge by Governor Jon M. Huntsman in 2009. He earned a bachelor's degree from Southern Utah University in 1982 and law degree from Brigham Young University in 1985. He then clerked for the U.S. District Court of Nevada. Judge Bagley practiced law as an associate and shareholder from 1986 to 1994 in the Salt Lake City law firm of Van Cott, Bagley, Cornwall & McCarthy. From 1994 until his appointment to the bench, he practiced in Richfield, Utah as a civil practitioner and criminal prosecutor. He served as county attorney for Piute and Wayne counties and as prosecutor for several cities. Judge Bagley served on the Utah Judicial Council from 2014 to 2017.



Note: By statute, judges' scores are compared to the average of their court level peers.

JUSTICE COURT—Basic Evaluation*

Visit JUDGES.UTAH.GOV for more information about this judge

Honorable Timothy B. Smith

- Serving **Panguitch** Municipal Justice Court, Garfield County
- Commission Recommendation: **RETAIN**
- Commission Vote Count: 13-0 (for retention)
- Performance Standards: Passed 4 of 4

Justice court judges who receive a basic evaluation are required to meet four minimum performance standards. The Utah Judicial Council has certified to the Commission that Judge Timothy B. Smith met the following standards:

1. He participated annually in no less than 30 hours of continuing legal education for each year of his current term;
2. He met the time standards established for all cases held under advisement; and
3. He was determined to be physically and mentally competent for office.

In addition, Judge Smith has not been the subject of any public reprimands issued by the Utah Supreme Court during his term of office, thus meeting the performance standard established by the Utah Legislature. Based solely on compliance with these standards, the commission recommends retention for Judge Smith.

Judge Timothy B. Smith was appointed to the Panguitch City Justice Court in 2015. He graduated from the University of Utah with a Bachelor of Science degree in Pharmacy in 1995 and earned his Master of Business Administration in Health Care Management from Western Governors University in 2015. Judge Smith has worked in Healthcare Administration from 1999 to the present. He has also served as a member of the Panguitch City Council from 2006 to 2015 and as a member of the Coalition of Community Patchwork Mending for Drug and Alcohol Abuse Prevention from 1997 to the present.

*See Judges Section Introduction for Justice Court Information

JUSTICE COURT—Mid-Level Evaluation*

Visit JUDGES.UTAH.GOV for more information about this judge

Honorable Mark McIff

- Serving **Sevier** & **Piute** County Justice Courts
- Commission Recommendation: **RETAIN**
- Commission Vote Count: 12-0 (for retention)
- Performance Standards: Passed 4 of 4

Judge Mark McIff receives positive reviews from nearly all respondents. Respondents find the judge to have an exemplary demeanor from the bench. They say Judge McIff is open to the needs of courtroom participants and treats those who come before him with respect. Respondents suggest the judge's consistent and impartial manner generates trust from courtroom participants. JPEC conducts interviews with court participants about the performance of mid-level evaluation judges and completed 39 interviews about the performance of Judge McIff. This judge meets discipline standards set by statute and has been certified by the Judicial Council as meeting all time standards, education requirements, and mental and physical competence standards.

Judge Mark McIff was appointed to the Sevier County Justice Court in May 2014 and the Piute County Justice Court in May of 2015. He received a bachelor's degree in Accounting in 1995 from Southern Utah University and a Juris Doctorate in 1998 from Gonzaga University in Spokane, Washington. Prior to his appointment to the bench, Judge McIff served as the Piute County Attorney, the Wayne County Attorney, Deputy Sevier County Attorney, Deputy Garfield County Attorney, and Chief Criminal Prosecutor for the Wasatch County Attorney's Office. He also served as the city prosecutor and city attorney for several cities. In addition, Judge McIff maintained a private law practice in Richfield during most of his career.

*See Judges Section Introduction for Justice Court Information

JUSTICE COURT—Mid-Level Evaluation*

Visit JUDGES.UTAH.GOV for more information about this judge

Honorable Jon R. Carpenter

- Serving **Wellington** Municipal & **Carbon County** Justice Courts
- Commission Recommendation: **RETAIN**
- Commission Vote Count: 12-0 (for retention)
- Performance Standards: Passed 3 of 4

  Did not meet the standard for timely issuance of opinions.

First appointed as a justice court judge in 2014, Judge Jon R. Carpenter receives positive reviews from nearly all respondents. Respondents find the judge to be a very respectful, positive judge through his personable approach on the bench. Possessing an even-keel, patient manner, Judge Carpenter is viewed as thoughtful and one who strives to treat everybody fairly. Above all, respondents note that the judge is very much invested in ensuring, as much as possible, the success of those who come before him in the courtroom. JPEC conducts interviews with court participants about the performance of mid-level evaluation judges and completed 46 interviews about the performance of Judge Carpenter.

Despite these commendable evaluation results, Judge Carpenter does not meet the judiciary's minimum performance standard governing timeliness of opinions. After a meeting with Judge Carpenter, the commission is satisfied with his explanation around the single affected case and recommends unanimously that he be retained. This judge meets discipline standards set by statute and has been certified by the Judicial Council as meeting education requirements and mental and physical competence standards.

Judge Jon R. Carpenter was appointed to the Carbon County and Wellington City Justice Courts in May 2014 and to the East Carbon Justice Court in January 2017. Judge Carpenter received a bachelor's degree from the University of Utah and a law degree from Creighton University. After law school, Judge Carpenter served as a law clerk in the Utah Seventh District. Prior to taking the bench, Judge Carpenter practiced at a private law firm providing a wide range of legal services. Judge Carpenter is currently a member of the Board of Justice Court Judges.

*See Judges Section Introduction for Justice Court Information

8TH JUDICIAL DISTRICT COURT

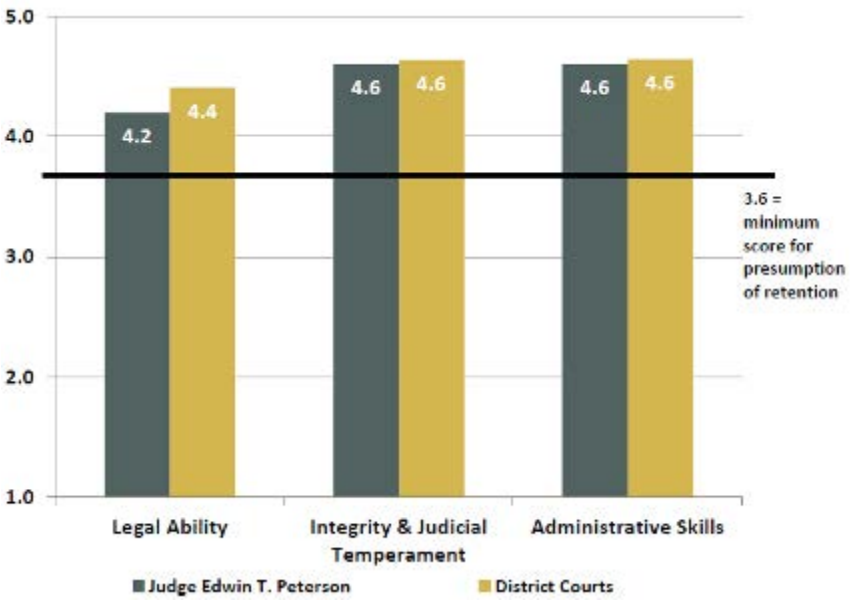
Visit JUDGES.UTAH.GOV for more information about this judge

Honorable Edwin T. Peterson

- Serving **Daggett, Duchesne** & **Uintah** Counties
- Commission Recommendation: **RETAIN**
- Commission Vote Count: 12 - 0 (for retention)
- Performance Standards: Passed 8 of 8

Appointed in 2009, Judge Edwin T. Peterson's scored minimum performance standards are consistent with the average of his district court peers, and 90% of survey respondents recommend Judge Peterson for retention. Respondents appreciate his preparation and his appropriate and effective use of humor. Some survey respondents and courtroom observers describe Judge Peterson as someone who genuinely cares about litigants and their future success. They note Judge Peterson's respectful manner and willingness to listen to all participants, giving them ample time to make their case. Observers conclude Judge Peterson would treat them fairly were they to appear in his court. In addition, they note his thorough and clear explanations of courtroom proceedings and decisions. When rating judicial attributes that describe Judge Peterson, respondents characterize him as notably decisive. This judge meets discipline standards set by statute and has been certified by the Judicial Council as meeting all time standards, education requirements, and mental and physical competence standards.

Judge Edwin T. Peterson was appointed to the Eighth District Court in September 2009 by Governor Gary R. Herbert and currently serves as the Presiding Judge of the district. Before taking the bench, Judge Peterson served as Deputy Uintah County Attorney, as an Assistant Utah Attorney General in the Child Protection Division, as a Pro Tem District Court Judge in the Third District, and as the Murray City Prosecutor. Prior to that he was in private practice in Salt Lake County, and served 4 years active duty as a Captain in the U.S. Air Force as a Judge Advocate. Judge Peterson received a Juris Doctorate degree from the University of Utah and a Bachelor's degree from Utah State University.



Note: By statute, judges' scores are compared to the average of their court level peers.

4

HOW CAN I VOTE?

Your voting options depend on the county in which you live. Go to the next page for instructions on how to cast your ballot.

Vote by mail
(Postmark your ballot by November 5th)

- All counties ***except* Carbon and Emery** will be conducting the election by mail.
- All active voters *not* in Carbon and Emery will be mailed a ballot by October 16th. You can expect it shortly after.
- If you live in **Carbon** or **Emery Counties**, you can request a mail ballot by submitting the application on page 137 and sending it to your clerk (page 135). Your county clerk must receive this by October 30th.
- If you forget to postmark your ballot by November 5th, you can drop your ballot off at your county clerk's office (page 135) or a polling location on Election Day. Your county may also have ballot drop boxes available.

Vote early in-person
(October 23rd - November 2nd)

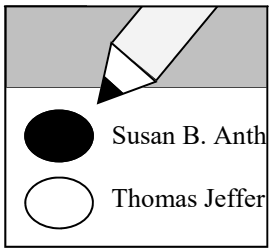
- All counties conduct early voting.
  Visit vote.utah.gov to find early voting locations and times.

Vote on Election Day
(November 6th)

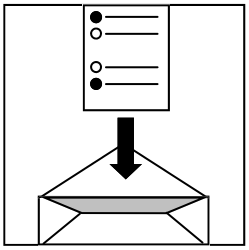
- Eligible voters can vote in-person on Election Day. Counties that are conducting their elections entirely by mail must have *at least one* polling location.
- You can visit vote.utah.gov to find the nearest Election Day polling location.
- If your county is voting by mail, contact your clerk's office (page 135) to find a location to cast or drop off your ballot on Election Day.

HOW DO I CAST MY BALLOT?

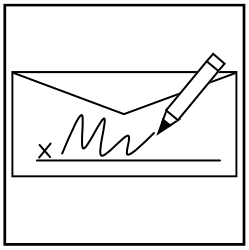
If you are voting by mail:



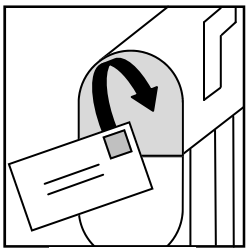
1. Follow the instructions on the ballot and mark your ballot.



2. After you have marked your ballot, place your ballot in the provided return envelope and seal the envelope.



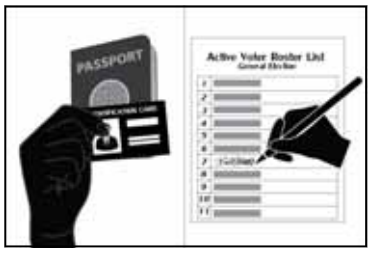
3. Sign the voter declaration on the envelope. **You must sign this declaration for your vote to count, and you can only sign your own envelope.***



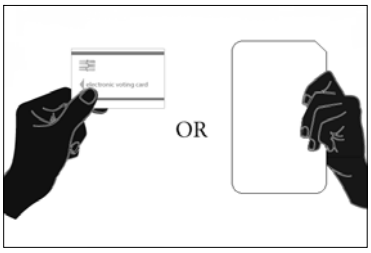
4. Your return envelope may require postage. Postmark your ballot by **November 5, 2018.** If you forget to mail your ballot, you can drop it off at your county clerk's office on Election Day.

*Please note that instructions for mail ballots may vary depending on your county. Be sure to check and follow the specific instructions that accompany your ballot.

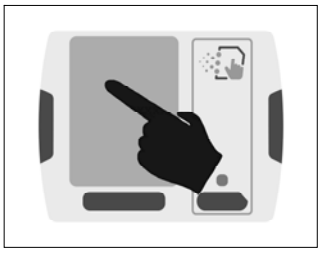
If you are voting in-person:



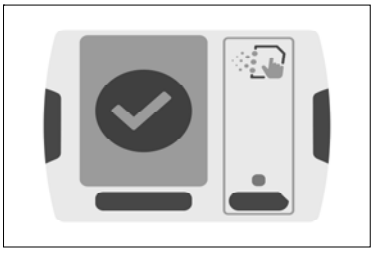
1. Present a valid form of I.D. to the poll worker and sign the official voting register.



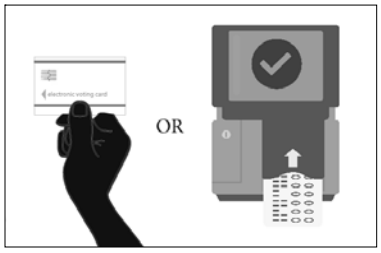
2. The poll worker will give you a card or a blank ballot to insert into an electronic voting machine, or you may receive a paper ballot to vote.



3. Follow the instructions provided on screen or on your paper ballot.



4. Double-check your selections.



5. After you are done voting, return the electronic voting machine card to the poll worker or insert your printed ballot in the drop box.

Visit **VOTE.UTAH.GOV** to view your sample ballot, find your polling location, and view biographies for the candidates in your area.

HOW DO I REGISTER TO VOTE?

You can register to vote by:

Going online to voter.utah.gov.
A current Utah drivers license is required.

-OR-

Mailing a form to your county clerk.
You can find a registration form on page 136 and your county clerk's mailing address on page 135.

-OR-

Visiting your county clerk's office.
You can find your county clerk's address on page 135.

-OR-

Registering on Election Day at a polling location.
If you're registering *and* voting on Election Day or during early voting, be sure to bring valid I.D. (see page 134) and proof of residence.

When do I register to vote?

- Postmark your registration form before **October 9, 2018.**
- Register online or at your county clerk's office before **October 30, 2018.**
- Register when you vote, either during early voting or on Election Day. Be sure to bring valid I.D. (see page 134) and proof of residence.

Common Questions

- **Am I registered to vote?**
  If you are not sure whether you are registered to vote, contact your county clerk (see page 135) or the Lieutenant Governor's office (1-800-995-VOTE).
- **I changed my name or address. Do I need to update my voter registration?**
  Yes. If you have a new name or address, you need to submit a new registration form.

WHAT I.D. DO I NEED?

- When you vote, you must have:

ONE form of I.D. that:

- Is valid (not expired)
- Has your name
- Has your photograph (except Tribal I.D. card)

These forms of I.D. *may include:*

- Utah Drivers License
- I.D. card issued by the state of Utah or the U.S. government
- Utah concealed carry permit
- U.S. passport
- Tribal I.D. card (does not need a photograph)

OR

TWO forms of I.D. that:

- Are valid (not expired) or recent
- Have your name
- Prove where you live

These forms of I.D. *may include:*

- Current utility bill or bank statement
- Social Security card
- U.S. military I.D. card
- Birth certificate
- Paycheck
- Utah hunting or fishing license
- Employer or university I.D. card
- Utah vehicle registration
- Check issued by Utah or U.S. government
- Tribal treaty card
- Bureau of Indian Affairs card

COUNTY CLERK CONTACT INFORMATION

Beaver
Clerk/Auditor: Ginger McMullin
gingermcmullin@beaver.utah.gov
105 E. Center St.
P.O. Box 392
Beaver, UT 84713
Phone: 435-438-6463

Box Elder
Clerk: Marla Young
myoung@boxeldercounty.org
01 S. Main St.
Brigham City, UT 84302
Phone: 435-734-3393

Cache
Clerk: Jill Zollinger
jill.zollinger@cachecounty.org
179 North Main Street
Suite 102
Logan, UT 84321
Phone: 435-755-1460

Carbon
Clerk/Auditor: Seth Marsing
seth.marsing@carbon.utah.gov
751 East 100 North, Ste. 1100
Price, UT 84501
Phone: 435-636-3221

Daggett
Clerk/Treasurer: Brian Raymond
braymond@daggettcounty.org
P.O. Box 400
Manila, UT 84046
Phone: 435-784-3154

Davis
Clerk/Auditor: Curtis Koch
ckoch@co.davis.ut.us
61 South Main
Farmington, UT 84025
Phone: 801-451-3213

Duchesne
Clerk/Auditor: Joann Evans
jevans@duchesne.utah.gov
734 North Center Street
P.O. Box 270
Duchesne, UT 84021
Phone: 435-738-1228

Emery
Clerk/Auditor: Brenda Tuttle
brendat@emery.utah.gov
P.O. Box 907
Castle Dale, UT 84513
Phone: 435-381-3550

Garfield
Clerk/Auditor: Camille Moore
gcclerk@mountainwest.net
55 S Main
P.O. Box 77
Panguitch, UT 84759
Phone: 435-676-1120

Grand
Clerk/Auditor: Diana Carroll
dcarroll@grand.utah.gov
125 E. Center
Moab, UT 84532
Phone: 435-259-1321

Iron
Clerk: Jon Whittaker
jwhittaker@ironcounty.net
68 S. 100 E.
P.O. Box 429
Parowan, UT 84761
Phone: 435-477-8340

Juab
Clerk/Auditor: Alaina Lofgran
alainal@juabcounty.com
160 North Main
Nephi, UT 84648
Phone: 435-623-3410

Kane
Clerk/Auditor: Karla Johnson
clerkkj@kane.utah.gov
76 N. Main St.
Kanab, UT 84741
Phone: 435-644-2458

Millard
Clerk: Marki Rowley
mrowley@co.millard.ut.us
765 S. Highway 99, Ste. 6
Fillmore, UT 84631
Phone: 435-743-6223

Morgan
Clerk/Auditor: Stacy Netz Clark
sclark@morgan-county.net
48 West Young St., Room 18
P.O. Box 886
Morgan, UT 84050
Phone: 801-845-4011

Piute
Clerk/Auditor: Kali Gleave
kgleave@piute.utah.gov
P.O. Box 99
Junction, UT 84740
Phone: 435-577-2840
Fax: 435-577-2433

Rich
Clerk/Auditor: Becky Peart
bpeart@richcountyut.org
20 South Main, P.O. Box 218
Randolph, UT 84064
Phone: 435-793-2415

Salt Lake
Clerk: Sherrie Swensen
sswensen@slco.org
2001 South State Street
#S1200
Salt Lake City, UT 84190
Phone: 385-468-7400

San Juan
Clerk/Auditor: John-David Nielson
jdnielson@sanjuancounty.org
P.O. Box 338
Monticello, UT 84535
Phone: 435-587-3223

Sanpete
Clerk: Sandy Neill
sneill@sanpetecountyutah.gov
160 North Main, Ste. 202
Manti, UT 84642
Phone: 435-835-2131

Sevier
Clerk/Auditor: Steven Wall
scwall@sevier.utah.gov
P.O. Box 607
Richfield, UT 84701
Phone: 435-893-0401

Summit
Clerk: Kent Jones
kentjones@summitcounty.org
60 N Main, P.O. Box 128
Coalville, UT 84017
Phone: 435-336-3204

Tooele
Clerk/Auditor: Marilyn Gillette
mgillette@tooeleco.org
47 S. Main #318
Tooele, UT 84074
Phone: 435-843-3140
Fax: 435-882-7317

Uintah
Clerk/Auditor: Michael Wilkins
mwilkins@co.uintah.ut.us
147 East Main
Vernal, UT 84078
Phone: 435-781-5360
Fax: 435-781-6701

Utah
Clerk/Auditor: Bryan Thompson
bryant@utahcounty.gov
100 E. Center, Room 3100
Provo, UT 84606
Phone: 801-851-8128

Wasatch
Clerk/Auditor: Brent Titcomb
btitcomb@co.wasatch.ut.us
25 North Main
Heber City, UT 84032
Phone: 435-657-3190

Washington
Clerk/Auditor: Kim Hafen
kim.hafen@washco.utah.gov
197 East Tabernacle St.
St. George, UT 84770
Phone:435-634-5712

Wayne
Clerk: Ryan Torgerson
ryan@wayne.utah.gov
18 South Main
P.O. Box 189
Loa, UT 84747
Phone: 435-836-1300

Weber
Clerk/Auditor: Ricky Hatch
rhatch@co.weber.ut.us
2380 Washington Blvd., #320
Ogden, UT 84401
Phone: 801-399-8034

State of Utah Voter Registration Form

Voter Instructions - You can also register to vote online at voter.utah.gov

You may use this form to:

- Register to vote in Utah
- Preregister to vote if you are 16 or 17 years of age
- Change your name or address on your voter registration record
- Affiliate with a party or change your party affiliation

To register to vote in Utah, you must:

- Be a citizen of the United States
- Have resided in Utah at least 30 days immediately before the next election
- Be at least 18 years of age on or before the next election, OR
- Be 17 years of age but will be at least 18 years of age on or before the next general election

NOTICE: Voter registration records are considered public under Utah Code § 63G-2-301, excluding driver license or identification card numbers, Social Security numbers, email addresses, and the day of your month of birth. Preregistration records are considered private until the registrant reaches 18 years of age.

The portion of a voter registration form that lists a person's month or year of birth is a private record, the use of which is restricted to government officials, government employees, political parties or certain other persons.

Mail-in registration instructions:

- Complete all required information; if not applicable write "N/A."
- If you have registered to vote with a different name or address, complete the change of information section.
- **One of the following is required: a Utah Driver License number, a Utah State Identification number, or the last four digits of your Social Security number. If you do not have a Utah Driver License or a Utah State Identification card, please write "None" in the space designated for a Utah Driver License or Utah State Identification and fill in the last four digits of your Social Security number.**
- Read the voter declaration and citizenship affidavit and sign and date below.

Deadline for submitting this form:

- By Mail: This form must be postmarked at least 30 days before an election to be eligible to vote in that election (see the back of this form).
- Walk In: This form must be delivered in person to your county clerk at least 7 days before the election to be eligible to vote in that election.

Please note:

- If you are qualified and the information on your form is complete, your county clerk will mail confirmation of your registration to you.
- You may apply to the lieutenant governor or your county clerk to have your entire voter registration record classified as private.
- You must present valid voter identification to the poll worker before voting, which must be a valid form photo identification that shows your name and photograph, or, (2) two different forms of identification that show your name and current address.
- For more information contact your county clerk (see the back of this form) or the Lieutenant Governor's Office at vote.utah.gov or 1-800-995-VOTE.

In accordance with Utah code section 20A-2-401, the penalty for willfully causing, procuring, or allowing yourself to be registered or preregistered to vote if you know you are not entitled to register or preregister to vote is up to one year in jail and a fine of up to $2,500.

Reason(s) for completing this form (optional) □ New Registration □ Party Affiliation Change □ Address Change □ Name Change	Are you a citizen of the United States of America? □ Yes □ No *If you checked "no" to the above question, do not complete this form.* Will you be at least 18 years of age on or before election day? □ Yes □ No If you checked "no" to the above question, are you 16 or 17 years of age and preregistering to vote? □ Yes □ No *If you checked "no" to both of the prior two questions, do not complete this form.*

Last Name	First Name	Middle Name

Name at Birth (if different than above)	Place of Naturalization (if applicable)	Date

Physical Address (required, principal place of residence, no P.O. Box)	County	City	State	Zip Code

Mailing Address (if different from physical)	County	City	State	Zip Code

Phone Number (optional)	Date of Birth (required, month/day/year)	Place of Birth (required, state or country)

Utah Driver License or Identification # **AND/OR** Last 4 Digits of Social Security #	**Political Party Affiliation:** (optional) □ Constitution □ Democratic □ Green □ Independent American □ Libertarian □ Republican □ United Utah □ Unaffiliated (no party preference) □ Other _____ (specify)
Email Address (optional)	

Would you like to receive your ballot by mail on an on-going basis? (read declaration) □ Yes □ No	I am a person with a disability (optional) □ Yes □ No	Would you like to classify your registration as a private record? □ Yes □ No

If previously registered and/or changing personal information, also fill out this section. □ Never registered in State of Utah

Name on Previous Registration_____ Address on Previous Registration_____ City_____ State _____ Zip_____

Read and Sign below

Voter Declaration: I do swear (or affirm), subject to penalty of law for false statements, that the information contained in this form is true and that I am a citizen of the United States and a resident of the State of Utah, residing at the above address. Unless I have indicated above that I am preregistering to vote in a later election, I will be at least 18 years of age and will have resided in Utah for 30 days immediately before the next election. I am not a convicted felon currently incarcerated for commission of a felony.
Citizenship Affidavit: I hereby swear and affirm, under penalties for voting fraud set forth below in Utah Code Section 20A-2-401, that I am a citizen and that to the best of my knowledge and belief the information above is true and correct.
Vote By-Mail (only if requested): I am a qualified elector, residing at the address above and I am applying for an official absentee ballot to be sent to me and voted by me at each election in which I am eligible to vote.

Signature X	Today's Date

OFFICE USE ONLY	Type of ID	Voting Precinct	Voting ID #	Type: Mail Form Date: 05/18

State of Utah
Absentee Ballot Application

Updated 05/2018

Who is eligible to vote by absentee ballot:
Any person who is registered to vote may vote by absentee ballot (See Utah Code 20A-3-301).

How to apply for an absentee ballot:
Fill out the following application, and then mail or drop off the application to your county clerk's office. You may also request an absentee ballot online at VOTER.UTAH.GOV.

Voters living outside of the United States or serving in the military may request an absentee ballot, receive an absentee ballot electronically, and return a completed absentee ballot electronically. Forms may be emailed to elections@utah.gov or submitted directly to your county clerk.

When to apply for an absentee ballot:
The county clerk must receive the absentee ballot application no later than the Tuesday before the election. See the reverse side of this form for your county clerk's mailing address and contact information.

How to cancel an absentee ballot request:
Contact your county clerk if you no longer wish to receive absentee ballots.

Do not write above the dotted line

Last Name	First Name	Middle Name	Date of Birth (month/day/year)	
Physical Address		City	State	ZIP Code

I, a qualified elector (voter), residing in _____ County at the above address, apply for an official absentee ballot to be voted by me at the election. If I am applying for an absentee ballot for a regular or Western States Presidential primary election, I apply for an official absentee ballot for the _____ political party to be voted by me at the primary election. **I understand that I must be affiliated with or authorized to vote the political party's ballot that I request.**

I would like my name placed on the permanent absentee voter list: ____ YES ____ NO

If you checked NO to the above question, please indicate when you would like to be removed from the absentee voter list: _____
(examples: "1/1/2020" or "After the 2020 General Election")

I request that the ballot be mailed to the following address: _____

_____

I am an overseas citizen: ____ YES ____ NO I am an overseas military voter: ____ YES ____ NO I am a domestic military voter: ____ YES ____ NO

If you checked YES, you may designate a fax no. or email where your ballot will be sent: _____
(If blank, ballot will be mailed to the address listed above)

Read and Sign Below:

Application provided by a third party: I understand that a person that collects this absentee ballot application is required to file it with the appropriate election official before the earlier of fourteen days after the day on which I sign the application or the Tuesday before the next election. This form is provided by: _____.

Applicant Declaration: I have verified that the information on this application is correct.

_____
Voter's Signature Date (month/day/year)

OFFICE USE ONLY Voter ID #: _____ Precinct: _____ Ballot Number: _____ Ballot Format: _____ Date Voted: _____

I, Spencer J. Cox, Lieutenant Governor of Utah, certify that the measures contained in this pamphlet will be submitted to the voters of Utah at the election to be held throughout the state on November 6, 2018, and that this pamphlet is complete and correct according to law.

Witness my hand and the Great Seal of the State, at Salt Lake City, Utah this 3rd day of September, 2018.

Spencer J. Cox
Lieutenant Governor