



Utah Voter Information Pamphlet

**General Election
November 2, 1982**

COMPILED BY DAVID S. MONSON, LT. GOVERNOR

IN COOPERATION WITH THE UTAH STATE LEGISLATURE
MILES 'CAP' FERRY, SENATE PRESIDENT
NORMAN H. BANGERTE, HOUSE SPEAKER

ANALYSIS BY JON M. MEMMOTT, DIRECTOR, OFFICE OF LEGISLATIVE RESEARCH



STATE OF UTAH
Lieutenant Governor

SALT LAKE CITY, UTAH 84114

DAVID S. MONSON
LIEUTENANT GOVERNOR

September 23, 1982

Dear Fellow Utahn:

In the 1982 General Election, the Utah voter will be faced with various propositions which will appear on the ballot. In accordance with state law, this Voter Information Pamphlet has been prepared to provide explanations of the proposed constitutional amendments. The pamphlet also contains the arguments for and against the proposals, along with rebuttals to the arguments.

Your vote allows for direct citizen input into the issues that confront us. I hope that you will find the information helpful to you in making your decisions in the November election.

The pamphlet also contains instructions on how to mark your ballot properly.

Please take advantage of your privilege and vote on November 2, 1982.

Sincerely,

A handwritten signature of David S. Monson in cursive script.

DAVID S. MONSON
Lieutenant Governor



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INSTRUCTIONS FOR READING THE TEXT OF THE PROPOSITIONS

NOTE: In reviewing the text of the propositions the following rules apply:

- (1) Underlined words and numbers represent new language added to the constitution or current language moved from another section in the constitution.

Example: Sec. 9. The ~~[members of the]~~ Legislature shall not increase the salaries of its members on its own initiative, but shall provide by law for the appointment by the Governor of a citizens' salary commission to make recommendations concerning the salaries of members of the Legislature. . .

- (2) Bracketed and lined-through words or numbers represent current language being deleted from the constitution or current language which is being moved to another section in the constitution.

Example: (8) The Legislature may provide by law for the exemption from taxation: of not to exceed 45% of the fair market value of [homes, homesteads,] residential property as defined by law; and [personal property, not to exceed \$2,000 in value for homes, homesteads, and], . .

- (3) All other language is the current language in the constitution which is retained without change.

For ☐

Against ☐

Proposition No. 1

REVENUE AND TAXATION ARTICLE REVISION

Vote cast by the members of the 1982 Legislature on final passage:
HOUSE (75 members): Yeas, 57; Nays, 8; Absent or not voting, 10.
SENATE (29 members): Yeas, 24; Nays, 3; Absent or not voting, 2.

IMPARTIAL ANALYSIS

PROPOSAL

The Revenue and Taxation Article outlines the taxing authority of state and local governments. Since the Article was written in 1896, the largest portion is devoted to the property tax. Therefore, the proposed revision deals primarily with constitutional changes to the property tax.

The proposed revision to the Revenue and Taxation Article would make the following changes to the present Constitution:

Property Tax Amendments

a) *Changes Local Government Exemption*

Under the present Constitution, all property of counties, cities and other local government units is tax exempt. This includes property located outside the boundaries of the governmental entities which own the property. These tax exempt properties may create a burden for the area where the property is located. The impacted areas, however, may not tax the property to offset this burden. The proposed revision would permit the Legislature to place publically owned properties on local tax rolls where these properties

Official Ballot Title:

Shall Article XIII of the State Constitution be amended to allow the Legislature to exempt up to 45% of the value of residential property from property tax; to allow the Legislature to establish a property tax on local government property which is located outside of the local governments' own boundaries; to exempt property owned by nonprofit organizations used exclusively for religious, charitable, or educational purposes; to allow the Legislature to exempt livestock; to allow local governments to share tax and other revenues; to remove the 75% ceiling upon the amount the state may fund for the public school program; and to make other organizational changes in the Revenue and Taxation Article.

are located outside the boundaries of the governmental entity that owns them.

b) *Changes the Religious and Charitable Exemption*

Under the present Constitution "... lots with buildings used exclusively for religious or charitable purposes" are exempt from property taxation. The proposed revision would make the constitutional exemption similar to current statutory language governing the religious and charitable exemption. The proposed amendment provides that the property owned by a nonprofit organization used exclusively for religious, charitable, or educational purposes would be exempt from the taxation.

c) *Provides for a Livestock Exemption*

Under the present Constitution, the Legislature may exempt inventory of a livestock rancher and establish the level of taxation of transient livestock and livestock being fed for slaughter. The proposed revision no longer distinguishes between types of livestock which are exempt but allow the Legislature to determine the extent and manner by which all livestock should be taxed.

d) *Increases Exemptions for Residential Property*

Under the current Tax Article all property, unless exempted, is to be taxed at a uniform and equal rate. Therefore, property taxes on residential property must be levied at the same rate as all other property. The Legislature may currently exempt from taxation only \$2,000 on the value of a home. The proposed revision would change the exemption and allow the Legislature to exempt up to 45% of the value of residential property. The Legislature has already passed a bill tied to the passage of this amendment which exempts 25% of the value of a residence from property taxation.

e) *Removes the Limit on Disabled Veterans Property Tax Exemption*

Currently the Constitution allows a property tax exemption of \$3,000 on property owned by disabled veterans. The proposed revision would remove the \$3,000 limit and allow the Legislature to establish the exemption level to be given disabled veterans.

General Tax Amendments

The remaining changes in the proposed revision do not deal specifically with the property tax. Rather, they relate to general tax policy and procedure.

a) *Allows Local Governments to Share Revenue*

Past legal opinions indicate that Article XIII, Section 5 prevents the local governments from sharing their tax revenues with each other. The proposed revision would alter this prohibition and allow local governments at their option to share tax revenues.

b) *Removes the 75% Limit on the State Funding of the Minimum School Program*

The Constitution (Article X) requires the Legislature to establish and maintain a uniform public school system. However, in paying for the school system, Article XIII, Section 7 requires that not more than 75% of the total cost of the operation and maintenance of the school program be paid by the State. The remaining 25% of costs are raised at the local level through property tax levies. The proposed revision would remove the 75% limit on the state contribution for the school program. The Legislature, if it wished, could then fund more than 75% of the cost of the school program from state revenues.

c) *Provides for Organizational Changes in the Tax Article*

The Tax Article has been amended over a dozen times since its original enactment in 1896. The result is that the Article is not well organized. References about assessment are included with references to exemptions. Language pertaining to taxation is even contained in the Legislative Article (Article VI). The proposed revision rearranges the order and provides subheadings within sections to make the Article easier to understand.

Effective Date

This amendment, if approved by the voters, would be effective beginning January 1, 1983.

FISCAL EFFECT

In estimating the fiscal impact of the passage of the Revenue and Taxation Article voters should be aware of legislation that will be enacted or repealed by the passage of the amendment.

If the amendment passes, H.B. 142 (1982), which provides for a 25% exemption of residential property will become law. The present law, H.B. 164 (1981), exempting 20% of all locally assessed property, which is being challenged in court, will be repealed if the Article passes.

Assuming that mill levies remain at 1981 levels, the following are three estimated fiscal impacts of the passage or failure of the amendment:

1. If the Tax Article passes there will be (a) a decrease in residential property taxes of approximately \$12 million; (b) an increase of approximately \$20 million from property taxes on local commercial and industrial properties; (c) no change in state assessed property taxes (mines, utilities and railroads); and (d) a reduction in the state contribution to the minimum school program of \$3 million.

2. If the Tax Article does not pass and the current law on locally assessed exemptions withstands court challenge, there would be no change in revenues to state and local governments based upon 1981 mill levies.

3. If the Tax Article does not pass and the current laws on locally assessed exemptions are not upheld by the courts, then the reduction of 20% in the assessment levels of residential and local commercial property would be eliminated (or alternatively, state assessed property values would be lowered 20%). Passage of the Article would repeal H.B. 164 (1981) and eliminate the 20% change in assessments arising from the legal challenges through implementations of H.B. 142 (1982).

The other provision of the Tax Article are permissive in nature, requiring action by the Legislature and/or local governments to take effect. Therefore revenue impacts for these provisions cannot be estimated.

Jon M. Memmott, Director
Office of Legislative Research
State Capitol
Salt Lake City, Utah 84114

Arguments for

We need to deal directly with taxes on homes! Property taxes on homes are too high and home owners carry too much of the property tax burden. Our Constitution does not allow the Legislature to directly correct this imbalance. **The Constitution needs to be amended so property taxes will be fairer.** Proposition 1 will allow the Legislature to correct these problems and will result in fairer property taxes.

Without Proposition 1, property taxes on homes are likely to increase significantly. People are concerned about taxes on homes. In response to these concerns, the Legislature has passed tax laws to protect home owners. Railroad and mining companies are challenging these laws in court. If they win, the current protections will be removed. The result will be that home owners could see large property tax increases. The Utah State Tax Commission estimates that under the present Constitution if these protections are removed the assessed valuation on homes could increase as much as 87 percent. **Proposition 1 will amend the Constitution to allow the Legislature to hold residential property taxes down.** The Tax Article Revision will allow for taxes on homes to be addressed directly and will ensure that home owners are not subjected to burdensome tax increases.

The Legislature has passed protections based on Proposition 1! Proposition 1 will allow the Legislature to directly exempt property taxes on homes up to 45 percent of property's value. The Legislature has already passed a law to implement this provision to grant home owners a 25 percent exemption. Enactment of this law is tied to the passage of Proposition 1 by the voters. **If Proposition 1 is defeated, home owners will not have this protection against possible tax increases.**

Large publicly-owned industries should pay their share of taxes! Under the present Constitution, property owned by any level of government is tax exempt. As a result, publicly-owned industries like the Intermountain Power Project (IPP) do not directly pay property taxes. These projects, however, increase the tax burden for everyone. It is true that IPP and similar projects are required to make payments in place of the property tax. However, the status of these payments is in doubt and the affected local governments have little control over such payments. Proposition 1 will allow the Legislature to place such projects on the tax rolls. **Without Proposition 1, hundreds of millions of dollars in revenues may be lost.**

Proposition 1 will allow for flexible funding for education! The present Constitution unnecessarily limits the money the state may give to education. Currently, the state may not provide more than 75 percent of the funding for the minimum school program. The Constitution should be amended so that the state can contribute to education as needed.

Furthermore, efforts to reduce property taxes hurt education. **Proposition 1 will provide flexibility in funding for education without making the schools unnecessary victims of reduced property taxes.**

VOTE "YES" ON PROPOSITION 1!

Senator Karl N. Snow, Jr.
Senate Majority Leader
1847 North Oak Lane
Provo, Utah 84604

Representative Franklin W. Knowlton
Chairman, House Revenue and Taxation Committee
Box 426
East Layton, Utah 84041

Rebuttal to

Arguments in Favor of Proposition No. 1

Proposition 1 does not guarantee tax relief to anyone. Proposition 1 will not reduce home property taxes nor will it keep taxes from rising. It will only allow the legislature to manipulate valuations. It does nothing to control tax rates which are set by local governments. Thus, the proposition addresses only one side of the property tax equation.

Look at history. The legislature has tried to reform property taxes for the past ten years hoping to grant tax relief, but the results have always been the same—higher taxes. First, it was the reappraisal program, later a freeze on assessments, next a 17% reduction in the statewide school levy, then a 20% rollback in residential assessments, now we have indexing every two years. These have all been done in the name of property tax reform and fairness. How much did these reforms lower your property taxes?

We need tax limitation, not tax shifts. No matter how much the legislature wants to grant property tax relief it will never be successful until it is willing to take a hard line with local governments by placing limitations on mill levy increases.

Court cases will not automatically increase taxes. Property taxes will *not* automatically increase if court cases are lost. Our courts may rule to lower state assessed property valuations to the same level as residential valuations and local governments would be forced to cut spending to recapture any lost income.

HELP SAVE UTAH'S ECONOMY AND JOBS BY
VOTING "NO" ON PROPOSITION 1!

Jack A. Olson, Executive Vice-President
James A. Thompson, President
McCown E. Hunt, Secretary-Treasurer
Utah Taxpayers Association
1809 Wilson Avenue
Salt Lake City, Utah 84108

Arguments against

THE TAX ARTICLE REVISION GIVES BROADER TAXING POWER TO THE LEGISLATURE. THIS TAXING POWER SHOULD BE RESTRICTED, NOT EXPANDED. A SIMILAR REVISION WAS REJECTED BY THE VOTERS IN 1980 AND SHOULD BE DEFEATED AGAIN FOR THE SAME REASONS.

Increased Property Taxes. Although it is being sold as tax relief, the amendment will result in *property tax increases* of at least 25% in 1983 for small businesses and other locally-assessed commercial properties. This tax increase is mandated by House Bill 142 which will automatically take effect if voters approve the amendment. HB 142, which implements the Tax Article Revision, does *not* give tax relief to homeowners. Whether the amendment passes or not, homeowners in most counties will see significant *increases* in property taxes in 1983 due to the statewide indexing program. This indexing program will also add to the 25% property tax increase on businesses.

The amendment shifts tax burdens and hides the true costs of government. **This is no substitute for cutting extravagant government spending.**

Damage Utah's Economy. Due to the present economic crisis, the Utah economy cannot stand the massive tax increases this measure would require, especially when they are targeted at those providing the jobs. Ultimately, Utah consumers and wage earners would have to pay the price of this tax increase through higher prices and higher unemployment. This weakened economy could force increases in sales and income taxes to replace dwindling revenues.

The amendment would cause property tax rates to soar and would make Utah's tax difficult and costly to administer. It leaves unanswered the question of how apartments and other rental units will be assessed—as businesses or as residences. This could result in higher charges to many families which do not own their homes.

Lose local control of public schools. The Constitution now prohibits the state from funding more than 75% of the total cost of the minimum school program. This prevents state government from exercising complete control over our locally elected school boards. The amendment would remove this safeguard.

"Other" taxes could be imposed. The amendment would allow the legislature to impose "other taxes as provided by law". The Constitution has protected taxpayers by specifically limiting the scope of taxation allowed the legislature. This new language would allow the legislature to do virtually anything it wishes with the tax structure of the state; inventing new taxes or adding new features to existing taxes. The Constitutional protections we have long enjoyed would be destroyed.

Revenue sharing among local governments. The amendment would allow local governments to share their revenues with other local governments for any purpose. This violates a fundamental principle of good government that the unit of government which spends the money should impose the tax. Otherwise, the spending government would not be subject to the restraining influence of the taxpayers.

Jack A. Olson, Executive Vice-President
James A. Thompson, President
McCown E. Hunt, Secretary-Treasurer
Utah Taxpayers Association
1809 Wilson Avenue, Salt Lake City, Utah 84108

Rebuttal to

Arguments in opposition to Proposition No. 1

The public should know who opposes Proposition 1! Proposition 1 was passed nearly unanimously by the Legislature. Both major parties support it. Principal opposition comes from organizations representing large business interests. These businesses have benefited from the increased tax burden on homes. They are challenging the present tax protections for homeowners. If Proposition 1 loses, they will benefit. **Voters should realize who opposes Proposition 1!**

Proposition 1 does grant tax relief! Proposition 1 will allow for a direct property tax exemption on residential property. **It will provide direct tax relief to home-owners against tax increases.**

Locally-assessed commercial taxes will increase with or without Proposition 1! Opponents claim Proposition 1 will increase taxes on locally-assessed commercial property. These taxes will increase whether Proposition 1 passes or not. This is because these properties have received *unintended* benefits of laws to lower property taxes on homes. These protections may be removed because of legal challenges. If removed, taxes on residential *and* locally-assessed commercial property will both increase. Proposition 1 will exempt residential property taxes. Locally-assessed commercial taxes will increase anyway. **The question for voters is whether taxes on homes should also increase.**

Proposition 1 will not expand authority over other taxes! The Legislature is able to impose and administer all necessary taxes. Only property tax administration is limited by the Constitution. Opponents claim Proposition 1 will expand the Legislature's power over other taxes. **This claim is not true since the Legislature already has this authority!**

VOTE "YES" ON PROPOSITION 1!

Senator Karl N. Snow, Jr.
Senate Majority Leader
1847 North Oak Lane
Provo, Utah 84601
Representative Franklin W. Knowlton
Chairman, House Revenue and Taxation Committee
Box 426, East Layton, Utah 84041

**COMPLETE TEXT OF PROPOSITION NO. 1
TAX ARTICLE REVISION**

A JOINT RESOLUTION OF THE BUDGET SESSION OF THE 44TH LEGISLATURE OF THE STATE OF UTAH PROPOSING TO AMEND ARTICLE XIII OF THE CONSTITUTION OF THE STATE OF UTAH; RELATING TO REVENUE AND TAXATION; PROVIDING FOR EXEMPTION OF THE PROPERTY OF COUNTIES, CITIES, TOWNS, SPECIAL DISTRICTS, AND ALLOWING THE LEGISLATURE TO EXCLUDE CERTAIN PUBLICLY-OWNED PROPERTY LOCATED OUTSIDE ITS GEOGRAPHIC BOUNDARIES FROM EXEMPTION FROM TAXATION; CLARIFYING THE EXEMPTION FROM TAXATION FOR CERTAIN WATER-RELATED RIGHTS AND PROPERTIES; PROVIDING FOR EXEMPTION FROM TAXATION OF CERTAIN PROPERTY USED FOR RELIGIOUS, CHARITABLE, OR EDUCATIONAL PURPOSES; ELIMINATING THE LIMIT ON DISABLED VETERANS EXEMPTIONS; PROVIDING THAT THE LEGISLATURE MAY PROVIDE FOR THE EXEMPTION FROM TAXATION OF A PORTION OF THE VALUE OF RESIDENTIAL PROPERTY; REMOVING CERTAIN INCOME TAX PROVISIONS FROM THE LEGISLATIVE ARTICLE AND PLACING IT IN THE REVENUE AND TAXATION ARTICLE; ELIMINATING OUTDATED LANGUAGE; REMOVING THE LIMIT ON STATE SUPPORT OF THE MINIMUM SCHOOL PROGRAM; PROVIDING FOR PERMISSIVE SHARING OF REVENUES BETWEEN POLITICAL SUBDIVISIONS OF THE STATE; MAKING CERTAIN CHANGES IN THE ORGANIZATION OF THIS ARTICLE; AND PROVIDING AN EFFECTIVE DATE.

THIS RESOLUTION PROPOSES TO AMEND ARTICLE XIII, SECTIONS 2, 3, 4, 5, 7, AND 12 OF THE CONSTITUTION OF THE STATE OF UTAH; AND REPEALS ARTICLE VI, SECTION 23, OF THE CONSTITUTION OF THE STATE OF UTAH.

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 Article XIII of the Constitution of the State of Utah to read:

Sec. 1. The fiscal year shall begin on the first day of January, unless changed by the Legislature.

Sec. 2. (1) All tangible property in the state, not exempt under the laws of the United States, or under this Constitution, shall be taxed at a uniform and equal rate in proportion to its value, to be ascertained as provided by law.

(2) The following are property tax exemptions:

(a) The property of the state, [counties, cities, towns,] school districts, [municipal corporations] and public libraries, [lots with the buildings thereon used exclusively for other religious worship or charitable purposes, and places]

(b) The property of counties, cities, towns, special districts, and all other political subdivisions of the state, except that to the extent and in the manner provided by the

Legislature the property of a county, city, town, special district or other political subdivision of the state located outside of its geographic boundaries as defined by law may be subject to the ad valorem property tax;

(c) Property owned by a nonprofit entity which is used exclusively for religious, charitable or educational purposes; and

(d) Places of burial not held or used for private corporate benefit [shall be exempt from taxation].

(3) Tangible personal property present in Utah on January 1, m., which is held for sale or processing and which is shipped to final destination outside this state, within twelve months may be deemed by law to have acquired no situs in Utah for purposes of ad valorem property taxation and may be exempted by law from such taxation, whether manufactured, processed or produced or otherwise originating within or without the state.

(4) Tangible personal property present in Utah on January 1, m., held for sale in the ordinary course of business and which constitutes the inventory of a retailer, or wholesaler or manufacturer or farmer, or livestock raiser may be deemed for purposes of ad valorem property taxation to be exempted.

(5) Water rights, ditches, canals, reservoirs, power plants, pumping plants, transmission lines, pipes and flumes owned and used by individuals or corporations for irrigating land within the state owned by such individual or corporations, or the individual members thereof, shall [not be separately taxed so long as] be exempted from taxation to the extent that they shall be owned and used [exclusively] for such purposes.

(6) Power plants, power transmission lines and other property used for generating and delivering electrical power, a portion of which is used for furnishing power for pumping water for irrigation purposes on lands in the state of Utah, may be exempted from taxation to the extent that such property is used for such purposes. These exemptions shall accrue to the benefit of the users of water so pumped under such regulations as the Legislature may prescribe.

(7) The taxes of the [indigent] poor may be remitted or abated at such times and in such manner as may be provided by law.

(8) The Legislature may provide by law for the exemption from taxation: of not to exceed 45% of the fair market value of [homes, homesteads,] residential property as defined by law; and [personal property, not to exceed \$2,000 in value for homes, homesteads, and,] all household furnishings, furniture, and equipment used exclusively by the owner thereof at his place of abode in maintaining a home for himself and family.

(9) Property [not to exceed \$3,000 in value,] owned by disabled persons who served in any war in the military service of the United States or of the state of Utah and by the unmarried widows and minor orphans of such disabled persons or of persons who while serving in the

military service of the United States or the state of Utah were killed in action or died as a result of such service may be exempted as the Legislature may provide.

(10) Intangible property may be exempted from taxation as property or it may be taxed as property in such manner and to such extent as the Legislature may provide, but if taxed as property the income therefrom shall not also be taxed. Provided that if intangible property is taxed as property the rate thereof shall not exceed five mills on each dollar of valuation.

(11) The Legislature shall provide by law for an annual tax sufficient, with other sources of revenue, to defray the estimated ordinary expenses of the state for each fiscal year. For the purpose of paying the state debt, if any there sufficient to pay the annual interest and to pay the principal of such debt, within twenty years from the final passage of the law creating the debt.

Sec. 3. (1) The Legislature shall provide by law a uniform and equal rate of assessment [and taxation] on all tangible property in the state, according to its value in money [and], except as otherwise provided in section 2 of this Article. The Legislature shall prescribe by law such [regulations] provisions as shall secure a just valuation for taxation of such property, so that every person and corporation shall pay a tax in proportion to the value of his, her, or its tangible property, provided that the Legislature may determine the manner and extent of taxing [transient] livestock [and livestock being fed for slaughter to be used for human consumption].

(2) Land use for agricultural purposes may, as the Legislature prescribes, be assessed according to its value for agricultural use without regard to the value it may have for other purposes. [Intangible property may be exempted from taxation as property or it may be taxed in such manner and to such extent as the Legislature may provide. Provided that if intangible property be taxed as property the rate thereof shall not exceed five mills on each dollar of valuation. When exempted from taxation as property, the taxable income therefrom shall be taxed under any tax based on incomes, but when taxed by the state of Utah as property, the income therefrom shall not also be taxed. The Legislature may provide for deductions, exemptions, and/or offsets on any tax based upon income. The personal income tax rates shall be graduated but the maximum rate shall not exceed six per cent of net income. No excise tax rate based upon income shall exceed four percent of net income. The rate limitations herein contained for taxes based on income and for taxes on intangible property shall be effective until January 1, 1937, and thereafter until changed by law by a vote of the majority of the members elected to each house of the Legislature. All revenue received from taxes on income or from taxes on intangible property shall be allocated to the support of the public school system as defined in Article X, Section 2 of this Constitution.]

Sec. 4. All metalliferous mines or mining claims, both placer and rock in place, shall be assessed as the Legis-

lature shall provide; [provided,] but the basis and multiple now used in determining the value of metalliferous mines for taxation purposes and the additional assessed value of \$5.00 per acre thereof shall not be changed before January 1, 1935, nor thereafter until otherwise provided by law. All other mines or mining claims and other valuable mineral deposits, including lands containing coal or hydrocarbons and all machinery used in mining and all property or surface improvements upon or appurtenant to mines or mining claims, and the value of any surface use made of mining claims, or mining property for other than mining purposes, shall be assessed as other tangible property.

Sec. 5. The Legislature shall not impose taxes for the purpose of any county, city, town or other municipal corporation, but may, by law, vest in the corporate authorities thereof, respectively, the power to assess and collect taxes for all purposes of such corporation. Notwithstanding anything to the contrary contained in this Constitution, political subdivisions may share their tax and other revenues with other political subdivisions as provided by statute.

Sec. 6. An accurate statement of the receipts and expenditures of the public moneys, shall be published annually in such manner as the Legislature may provide.

Sec. 7. The rate of taxation on tangible property shall not exceed on each dollar of valuation, two and four-tenths mills for general State purposes, and such additional levy as the Legislature may provide for the State's share of the support of a portion of the public school system as defined in Article X, Section 2 of this Constitution, such portion consisting only of kindergarten schools, common schools and high schools. [The State shall contribute not more than 75% of the total cost of operation and maintenance of a minimum school program in the State as such program shall from time to time be determined upon by the Legislature.]

[Not more than 75% of the State's portion of the revenue necessary to finance the operation and maintenance of such minimum school program shall be raised by a State property tax levy and the remainder thereof shall be raised from other State sources.] The Legislature shall determine by law the method of allocation of the State's contribution to the various school districts.

Sec. 8. The making of profit out of public moneys or using the same for any purpose not authorized by law, by any public officer, shall be deemed a felony, and shall be punished as provided by law, but part of such punishment shall be disqualification to hold public office.

Sec. 9. No appropriation shall be made, or any expenditure authorized by the Legislature, whereby the expenditure of the State, during any fiscal year, shall exceed the total tax then provided for by law, and applicable for such appropriation or expenditure, unless the Legislature making such appropriation, shall provide for levying a sufficient tax, not exceeding the rates allowed in section seven of this article, to pay such appropriation or expenditure within such fiscal year. This provision shall not apply to appropriations or expenditures to suppress insurrec-

tions, defend the State, or assist in defending the United States in time of war.

Sec. 10. All corporations or persons in this State, or doing business herein, shall be subject to taxation for State, County, School, Municipal or other purposes, on the real and personal property owned or used by them within the Territorial limits of the authority levying the tax.

Sec. 11. There shall be a State Tax Commission consisting of four members, not more than two of whom shall belong to the same political party. The members of the Commission shall be appointed by the Governor, by and with the consent of the Senate, for such terms of office as may be provided by law. The State Tax Commission shall administer and supervise the tax laws of the State. It shall assess mines and public utilities and adjust and equalize the valuation and assessment of property among the several counties. It shall have such other powers of original assessment as the Legislature may provide. Under such regulations in such cases and within such limitations as the Legislature may prescribe, it shall review proposed bond issues, revise the tax levies of local governmental units, and equalize the assessment and valuation of property within the counties. The duties imposed upon the State Board of Equalization by the Constitution and Laws of this State shall be performed by the State Tax Commission.

In each county of this State there shall be a County Board of Equalization consisting of the Board of County Commissioners of said county. The County Boards of Equalization shall adjust and equalize the valuation and assessment of the real and personal property within their respective counties, subject to such regulation and control by the State Tax Commission as may be prescribed by law. The State Tax Commission and the County Boards of Equalization shall each have such other powers as may be prescribed by the Legislature.

Sec. 12. (1) Nothing in this Constitution shall be construed to prevent the Legislature from providing a stamp tax, or a tax based on income, occupation, licenses, ~~or~~ franchises, or other tax provided by law. The Legislature may provide for deductions, exemptions, or offsets on any tax based upon income, occupation, licenses, or franchises, or other tax as provided by law pursuant to this section.

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(2) Notwithstanding any provision of this Constitution the Legislature, in any law imposing income taxes, may define the amount on, in respect to, or by which the tax are imposed or measured, by reference to any provision of the laws of the United States as the same may be or become effective at any time or from time to time and may prescribe exemptions or modifications to any such provision.

(3) All revenue received from taxes on income or from taxes on intangible property shall be allocated to the support of the public school system as defined in Article Sec. 2 of this Constitution.

Sec. 13. The proceeds from the imposition of a license tax, registration fee, driver education tax, or other charge related to the operation of any motor vehicle upon any public highway in this state, and the proceeds from the imposition of any excise tax on gasoline or other liquid motor fuel used for propelling such vehicles, except for statutory refunds and adjustments allowed thereunder and for costs of collection and administration, shall be used exclusively for highway purposes as follows:

(1) The construction, improvement, repair and maintenance of city streets, county roads, and state highways including but not restricted to payment for property taken for or damaged by rights of way, and for administrative costs necessarily incurred for said purposes.

(2) The administration of a driver education program.

(3) The enforcement of state motor vehicle and traffic laws.

(4) Tourists and publicity expense in any single biennium not in excess of the lesser of the following: (a) per cent of the total biennial revenues from motor fuel taxes, or (b) an amount equal to the 1959-1961 biennium.

Section 2. Article VI, Sec. 23, of the Constitution of Utah is repealed.

Section 3. The Lieutenant Governor is directed to submit this proposed amendment to the electors of the State of Utah at the next general election in the manner provided by law.

Section 4. If approved by the electors of the state, the amendment proposed by this joint resolution shall take effect on January 1, 1983.

For



Against



Proposition No. 2

COMPENSATION AND EXPENSES OF LEGISLATORS

Vote cast by the members of the 1982 Legislature on final passage:

HOUSE (75 members): Yeas, 52; Nays, 19; Absent or not voting, 4.

SENATE (29 members): Yeas, 23; Nays, 4; Absent or not voting, 2.

IMPARTIAL ANALYSIS

PROPOSAL

The salary and expenses paid to Utah legislators are set by the Utah Constitution in Section 9 of the Legislative Article (VI). The current salary level is \$25 per day while in session, expenses (food, lodging, and other direct expenses) of \$15 per day while in session, and mileage (direct travel expenses) as provided by law. The compensation level was last established at the November 5, 1968, election and has been effective without change since January 1, 1969.

Effective Date

This amendment, if approved by the voters, would be effective beginning January 1, 1983.

FISCAL EFFECT

The proposed change to this section would remove the salary and expense levels now in the Constitution. It would

Official Ballot Title:

Shall Article VI, Section 9, of the State Constitution be amended to establish a citizens' salary commission appointed by the Governor to make salary recommendations for legislators; providing that the Legislature may accept, reject or lower the salary recommended by the citizens' commission but may not raise it; and providing for the reimbursement of expenses for legislators as provided by law.

require the creation of a citizens' salary commission to be appointed by the Governor. The commission would make salary recommendations. The Legislature could not set salaries at a level higher than those recommended by the commission. This is essentially the same method used to establish the salaries of all the executive branch elected officials (Governor, Lieutenant Governor, Attorney General, Auditor, and Treasurer) and of almost all the judges in the state. The expenses for food, lodging and other direct expenses would be reimbursed as provided by law.

Jon M. Memmott, Director
Office of Legislative Research
State Capitol
Salt Lake City, Utah 84114

Arguments for

INFLATION HAS MADE IT NEARLY IMPOSSIBLE FOR THE AVERAGE CITIZEN TO AFFORD SERVING IN THE LEGISLATURE!

The current legislative compensation level is \$25 per day plus \$15 per day for expenses. *These levels were set in 1968 and rank 48th out of the 50 states.* By comparison, a consumer would need \$108 today to buy something that would have cost \$40 in 1968. This means that when legislators from outside the Salt Lake Valley attend a legislative session, each legislator has only \$40 per day to pay for meals and lodging. At the same time, many legislators receive no other pay *and* miss work. It is obvious that inflation has lessened the buying power of legislative pay to the point that only wealthy or supported individuals are encouraged to serve in the Utah Legislature!

CITIZENS WILL HAVE A DIRECT VOICE IN SETTING LEGISLATIVE COMPENSATION!

The commission established to set legislative compensation will be a *citizen* commission. Neither legislators nor the Governor will have the authority to set compensation. The commission will be appointed by the Governor. Legislators will have nothing to do with making recommendations about their own compensation.

LEGISLATORS WILL NOT BE ABLE TO RAISE THEIR OWN PAY UNDER THIS AMENDMENT!

The amendment guarantees that legislators will not be permitted to raise their own pay. Any recommendations made by the citizen commission will be either accepted, rejected, or lowered. But under no circumstances will the Legislature be allowed to increase any recommendation.

THIS AMENDMENT ENSURES THAT ALL CITIZENS WILL BE REPRESENTED IN THE UTAH LEGISLATURE!

If compensation could be increased, even modestly, it would encourage participation in the Legislature by individuals with modest incomes. This would ensure that our Legislature would retain its status as a part-time, citizen body representing *all* Utahns.

VOTE "YES" ON PROPOSITION NO. 2!

Senator Wilford R. Black
Senate Minority Leader
826 North 13th West
Salt Lake City, Utah 84116

Senator Jack M. Bangerter
Senate Majority Whip
1177 East 5th North
Bountiful, Utah 84010

Rebuttal to

Arguments in favor of Proposition No. 2

CITIZENS WILL NOT HAVE A DIRECT VOICE IN SETTING LEGISLATIVE COMPENSATION.

First, Governor-appointed committees tend to be slanted in favor of those who have the power to appoint their members. This means that any committee appointed by the Governor to establish legislative compensation will be representing the views of the Governor, *not* the citizens.

Second, history has shown that whenever the government sponsors a change in our Constitution, the direct power of the electorate is diluted. Power then shifts to those who govern, who then exercise this power for their own benefit and convenience.

Third, if so-called "independent" citizen committees are so much better at providing quality policy decisions than the direct vote of the people, as the proponents of this amendment would suggest, then we might as well have the Governor establish a committee to appoint *all* public officers so that we can abolish popular elections altogether!

Representative Alvin S. Merrill
4280 South 838 West
Murray, Utah 84107

Arguments against

1. Although recognition must be given to the needs of those legislators who live long distances from the Capitol, this need must be balanced against the value of sacrifice by the lawmaker. To the extent the legislator must sacrifice to serve his constituents, he will remain constantly aware of the economic needs of those he represents.
2. If the Legislature is not the proper branch of government to suggest legislative pay increases, neither is the Executive. A commission established by the Governor can in no way be wiser than the Legislature and definitely not more so than a properly informed electorate. The voter should make the final decision.
3. When legislators begin receiving professional-level compensation, it is the first step towards the establishment of a full-time professional Legislature. This is contrary to a basic concept adopted by the Founding Fathers: a citizen Legislature. The invaluable link to the "pulse" of the people will be severed by the establishment of a professional lawmaking group, just as it has been lost at the federal level.
4. As soon as the electorate loses control of the establishment of legislative pay it is only a matter of time until it also loses the ear of its legislators. When legislators are paid well they lose their concern for their constituents and the representative process is undermined.
5. With some exceptions, a person will die for a cause. For a wage he will work eight hours. Our lawmakers should consider their services rendered to the public as close to voluntary as possible.
6. It is morally improper for legislators to raise their own pay during their present term in office. If a raise is absolutely necessary, it should be effective for the following term of legislators and not the present one.

VOTE "NO" ON PROPOSITION NO. 2!

Representative Alvin S. Merrill
4280 South 838 East
Murray, Utah 84107

Rebuttal to

Arguments in opposition to Proposition No. 2

PROPOSITION 2 WILL NOT ESTABLISH A FULL-TIME PROFESSIONAL LEGISLATURE. If we are to keep our part-time citizen Legislature, people of ordinary income must be able to participate. Yet, present legislative compensation levels make it very difficult for people of moderate incomes to serve in the Legislature. This situation seriously threatens the status of our Legislature as a part-time body representing all Utahns. Proposition 2 will guard against the Legislature becoming composed of only *wealthy or supported* individuals. At the same time, the citizen commission will be a "watch-dog" against excessive pay and will make legislators themselves accountable to the people for their vote on compensation amounts. *Proposition No. 2 is the best way to both preserve our part-time citizen Legislature and to guard against excessive legislative compensation.*

PROPOSITION 2 WILL GIVE THE PEOPLE A REAL VOICE IN SETTING LEGISLATIVE COMPENSATION. Opponents claim that the people will lose control of legislative compensation if Proposition 2 passes. *The people realistically do not have this power now!* Proposition 2 will establish a means where the people will have a meaningful voice in setting legislative compensation.

PROPOSITION 2 WILL REQUIRE LEGISLATIVE COMPENSATION TO BE SET LIKE OTHER GOVERNMENT OFFICIALS. Of all state officials, *only legislators* have their compensation levels set specifically in the Constitution. Proposition 2 will require legislators to be treated like all other government officials. Proposition 2 will provide for accountability and fairness in setting legislative compensation.

VOTE "YES" ON PROPOSITION 2!

Senator Wilford R. Black
Senate Minority Leader
826 North 13th West
Salt Lake City, Utah 84116

Senator Jack M. Bangerter
Senate Majority Whip
1177 East 5th North
Bountiful, Utah 84010

COMPLETE TEXT OF PROPOSITION NO. 2
COMPENSATION AND EXPENSES FOR LEGISLATORS

A JOINT RESOLUTION PROPOSING TO AMEND ARTICLE VI, SECTION 9 OF THE CONSTITUTION OF THE STATE OF UTAH; RELATING TO COMPENSATION OF LEGISLATORS; PROVIDING FOR A CITIZENS' SALARY COMMISSION APPOINTED BY THE GOVERNOR TO MAKE SALARY RECOMMENDATIONS; PROVIDING FOR THE LEGISLATURE TO ACCEPT, REJECT OR LOWER THE RECOMMENDED SALARY; PROVIDING FOR REIMBURSEMENT OF LEGISLATORS' EXPENSES BY LAW; AND PROVIDING AN EFFECTIVE DATE.

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 Article VI, Sec. 9 of the Constitution of the State of Utah to read:

Sec. 9. The ~~members of the~~ Legislature shall not increase the salaries of its members on its own initiative, but shall provide by law for the appointment by the

Governor of a citizens' salary commission to make recommendations concerning the salaries of members of the Legislature. Upon submission of the commission's recommendations, the Legislature shall by law accept, reject lower the salary but may not, in any event, increase the recommendation. The Legislature shall provide by law the expenses of its members. Until salaries and expenses enacted as authorized by this section become effective, members of the Legislature shall receive compensation \$25 per diem while actually in session, expenses of \$15 per diem while actually in session, and mileage as provided by law.

Section 2. The Lieutenant Governor is directed to submit this proposed amendment to the electors of the State of Utah at the next general election in the manner provided by law.

Section 3. Article VI, Sec. 9, Constitution of Utah, approved by the voters, shall take effect January 1, 1983.

For ☐

Against ☐

Proposition No. 3

LEGISLATIVE RESIDENCY REQUIREMENT

Vote cast by the members of the 1982 Legislature on final passage:
HOUSE (75 members): Yeas, 57; Nays, 12; Absent or not voting, 6.
SENATE (29 members): Yeas, 28; Nays, 0; Absent or not voting, 1.

IMPARTIAL ANALYSIS

PROPOSAL

There is no present law requiring a legislator to continue to live in the district from which he or she was elected during the term of office. In the past, there have been a few occasions where legislators have moved out of the district in which they were elected, but continued to represent that district for the remainder of the term of office.

The proposed revision would prohibit a state senator or representative from continuing to serve as a legislator if he or she moves out of the district from which he or she was elected. If a legislator moved from the district the office would be considered vacant. The office would then be filled as provided by law. This requires the Governor to appoint a qualified person of the same political party as the

former legislator to serve the unexpired term until the next general election.

Effective Date

This amendment, if approved by the voters, would be effective beginning January 1, 1983.

FISCAL EFFECT

The proposed revision of Article VI, Section 5, will not have any significant fiscal impact on state or local government.

Jon M. Memmott, Director
Office of Legislative Research
State Capitol
Salt Lake City, Utah 84114

Arguments for

LEGISLATORS NEED TO RESIDE AMONG THE PEOPLE THEY REPRESENT!

To be an effective legislator requires close ties to the people that a legislator represents. It is essential, therefore, that legislators actually reside among their constituents to be able to understand and experience first-hand community problems and attitudes. The enactment of Proposition 3 will ensure that legislators maintain this close link to their constituents.

OUR NATION IS BUILT ON A FOUNDATION OF EQUAL REPRESENTATION IN GOVERNMENT!

Our Founding Fathers established a system of government based on the concept of elected representation to express the will of the people. To ensure that all people are represented equally, the Constitution requires that states be divided into legislative districts based on population. Legislators are to be chosen from among the actual inhabitants of each district to represent local interests. When legislators do not actually reside in the legislative districts from which they are elected and live in other districts, this fundamental concept of equal representation is altered.

THE PRESENT CONSTITUTION IS AMBIGUOUS AS TO WHETHER LEGISLATORS MAY LIVE OUTSIDE THEIR LEGISLATIVE DISTRICTS ONCE ELECTED!

The present Constitution is not clear about where legislators are to reside once they are elected. Therefore, a legislator elected from Southern Utah may actually reside in Salt Lake City. This is more than a question of moving across the street or to a close neighborhood. THIS AMENDMENT IS NECESSARY TO MAINTAIN THE INTEGRITY OF REPRESENTATIVE GOVERNMENT.

VOTE "YES" ON PROPOSITION 3!

Representative Samuel S Taylor
3682 South 5th East
Salt Lake City, Utah 84106

Representative Nolan E. Karras
2195 West 4250 South
Roy, Utah 84067

Rebuttal to

Arguments in favor of Proposition No. 3

The whole idea is still "would you rather be represented by one **you** elected, or by someone appointed by the party and the Governor?"

Representative Taylor's argument of "why have residency requirement at all?" may even have some merit. If a majority of the voters of a district would prefer someone outside their district (again, by majority vote) whom they feel could better represent them—why not?

Representative Taylor further argues about District 21. Doesn't it seem strange that those who were most vocal, they themselves lost their elections. From those I've polled, the stand they took on this issue contributed to their defeat.

No, Representative Taylor, I don't believe it is what the people want—just what the political opposition wants!

May I make rebuttal to an argument I'm sure will surface before the election. That is "that the Utah State Legislature voted approval on this issue." No, we did not vote approval, we only voted to allow this issue to be decided by the voters—and rightfully so.

I personally believe there are better ways—such as requiring a special election. Take a close look at a majority of the appointments made by the Governor, and you will vote a resounding "**NO**" on this issue.

Representative Keith E. Jorgensen
5472 North 3100 West
Amalga, Utah 84335

Arguments against

On the surface, a requirement that legislators must either live in their district or resign from office might seem like a sensible idea. However, such a blanket restriction carries with it some important hidden consequences. Voters should be fully aware of the impact of such an amendment. In particular, voters should know that any vacancy will not be filled by a new election. Rather, the vacated seat will be filled by appointment of the Governor according to current statutory procedures.

We elect our representatives because we agree with their philosophical positions and feel that they are the individuals who can best represent our interests. A rigid restriction which forces a duly elected representative to resign simply because he or she moves down the street does not ensure that the people will continue to be represented by a new legislator with these same viewpoints. Doesn't it make more sense to be represented by someone you actually elected than by someone appointed by the Governor?

Lastly, during the last six years the question of legislative residency has been debated several times by the Legislature. At no time during these debates has anyone been able to point to a single instance where our current policy has been abused. Unfortunately, the whole issue seems to be one of partisan politics. We should not amend our Constitution for such narrow reasons. The bottom line can best be expressed by the old saying, "Unless it's broke don't fix it!"

VOTE "NO" ON PROPOSITION 3

Representative Keith E. Jorgensen
5472 North 3100 West
Amalga, Utah 84335

Rebuttal to

Arguments in opposition to Proposition No. 3

The opposing argument suggests that it is better to continue to be represented by the persons elected rather than someone appointed by the Governor in situations where legislators move outside their district after their elections.

Presently, when a legislative vacancy occurs, for whatever reasons, Utah law requires that the duly elected officers of the same political party from which the legislator was elected shall submit to the Governor of Utah the names of three prospective members. The Governor then appoints one legislator from the three nominated as an interim legislator until the next general election. Generally those members whose names are submitted adhere to the same political and social philosophies as the legislator who moved outside his district.

It bears repeating here in response to the opposing argument that this is more than a question of merely moving across the street. Allowing legislators to move far outside their districts after their election undermines the basic principles of representative government. UPHOLD THE INTEGRITY OF REPRESENTATIVE GOVERNMENT.

VOTE "YES" ON PROPOSITION 3!

Representative Samuel S Taylor
3682 South 5th East
Salt Lake City, Utah 84106

Representative Nolan E. Karras
2195 West 4250 South
Roy, Utah 84067

**COMPLETE TEXT OF PROPOSITION NO. 3
RESIDENCY REQUISITE FOR LEGISLATORS**

A JOINT RESOLUTION OF THE BUDGET SESSION OF THE 44TH LEGISLATURE OF THE STATE OF UTAH, RELATING TO THE LEGISLATIVE DEPARTMENT; REQUIRING LEGISLATORS TO CONTINUE TO BE RESIDENTS OF THEIR RESPECTIVE DISTRICTS THROUGHOUT THEIR TERMS OF OFFICE; AND PROVIDING AN EFFECTIVE DATE.

THIS RESOLUTION PROPOSES TO AMEND ARTICLE VI, SECTION 5, OF THE CONSTITUTION OF THE STATE OF UTAH.

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 Article VI, Sec. 5 of the Constitution of the State of Utah to read:

Sec. 5. No person shall be eligible to the office of senator or representative who as of the last date provided by law for filing for the office is not a citizen of the United States, twenty-five years of age, a qualified voter in the district from which he is chosen, a resident for three years of the State, and for six months of the district from which he is elected. No person elected to the office of senator or representative shall continue to serve in that office after ceasing to be a resident of the district from which elected.

Section 2. The secretary of state is directed to submit this proposed amendment to the electors of the State of Utah at the next general election in the manner provided by law.

Section 3. If approved by the electors of the state, the amendment shall take effect on January 1, 1983.

For ☐
Against ☐

**Proposition
No. 4**

**CORPORATE
OFFICERS**

Vote cast by the members of the 1982 Legislature on final passage:
HOUSE (75 members): Yeas, 55; Nays, 10; Absent or not voting, 10.
SENATE (29 members): Yeas, 23; Nays, 2; Absent or not voting, 4.

IMPARTIAL ANALYSIS

PROPOSAL

The present Constitution prohibits any officer, agent or employee of any corporation, business or association from holding a municipal office in the municipality which granted their corporate charter or business license. For example, a strict interpretation of this provision would prevent a person who has a business license or works for a company that has a business license in a city from holding the office of mayor or councilman in that city. The proposed revision would simply remove this prohibition. Presently, this constitutional provision is not being strictly enforced. In many instances, officers, agents and employees have held municipal office in the municipality which granted their corporate charter or business licenses.

Effective Date

This amendment, if approved by the voters, would be effective beginning January 1, 1983.

FISCAL EFFECT

The proposed revision of Article XII, Section 17, will not have any significant fiscal impact on state or local government.

Jon M. Memmott, Director
Office of Legislative Research
State Capitol
Salt Lake City, Utah 84114

Arguments for

THE CURRENT CONSTITUTIONAL PROHIBITION IS OUTDATED.

To prohibit corporate employees from holding public office in the city which granted their business license is a throwback to pioneer days when large corporate mining interests and others were distrusted by the people. This provincial attitude should not be incorporated in our Constitution.

THE CURRENT PROHIBITION SEVERELY RESTRICTS POLITICAL FREEDOM AND REPRESENTATION.

This outdated prohibition restricts the freedom of individuals to run for political office, which is a right and a privilege afforded most citizens of the United States. It constitutes a needless discrimination against business officers and employees of all kinds.

THE PROHIBITION IS NOT BEING ENFORCED CONSISTENTLY THROUGHOUT THE STATE.

This prohibition is not being totally or consistently enforced in every city, town and county in Utah. If it were being strictly followed, few people would qualify to hold local office. This should not be the intent of our Constitution. This archaic prohibition should be removed.

Representative Paul Rogers
964 East 930 North
Orem, Utah 84057

Representative Rob W. Bishop
505 West 5th South
Brigham City, Utah 84302

Arguments Against

No opposing argument was submitted within the time requirement established by law.

COMPLETE TEXT OF PROPOSITION NO. 4 CORPORATE OFFICERS AMENDMENT

A JOINT RESOLUTION OF THE BUDGET SESSION OF THE 44TH LEGISLATURE OF THE STATE OF UTAH PROPOSING TO AMEND ARTICLE XII OF THE CONSTITUTION OF UTAH; RELATING TO CORPORATIONS; REMOVING FROM THIS ARTICLE A PROHIBITION AGAINST CORPORATE OFFICERS OR AGENTS FROM HOLDING MUNICIPAL OFFICE IN THE MUNICIPALITY GRANTING THEIR CORPORATE CHARTER OR FRANCHISE; AND PROVIDING AN EFFECTIVE DATE.

THIS RESOLUTION PROPOSES TO AMEND ARTICLE XII OF THE CONSTITUTION OF THE STATE OF UTAH BY REPEALING SECTION 17 OF IT.

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 Article XII of the Constitution of the State of Utah as follows: Sec. 17 of this Article is repealed.

~~[Sec. 17. Employee of corporation ineligible to municipal office. No officer, employee, attorney or agent of any corporation, company or association doing business under, or by virtue of any municipal charter or franchise, shall be eligible to or permitted to hold any municipal office, in the municipality granting such charter or franchise.]~~

Section 2. The Lieutenant Governor is directed to submit this proposed amendment to the electors of the State of Utah at the next general election in the manner provided by law.

Section 3. If approved by the electors of the state, the amendment proposed by this joint resolution shall take effect on January 1, 1983.

Instructions to Voters

FOR PREPARING BALLOTS

HOW TO OBTAIN BALLOT FOR VOTING

1. Give your name and address to an Election Judge.
2. If your name is on the Official Register, and your right to vote has not been challenged, the Election Judge will present a ballot or ballots to you.

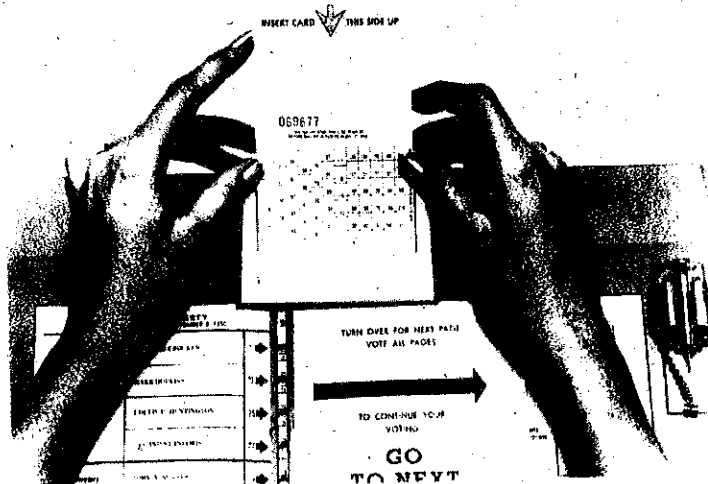
NOTE: If an Election Judge has reason to doubt any person's identity, the Judge shall either, (a) request identification from the voter, or (b) have the voter identified by a known registered voter of the district.

HOW TO VOTE BALLOT

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

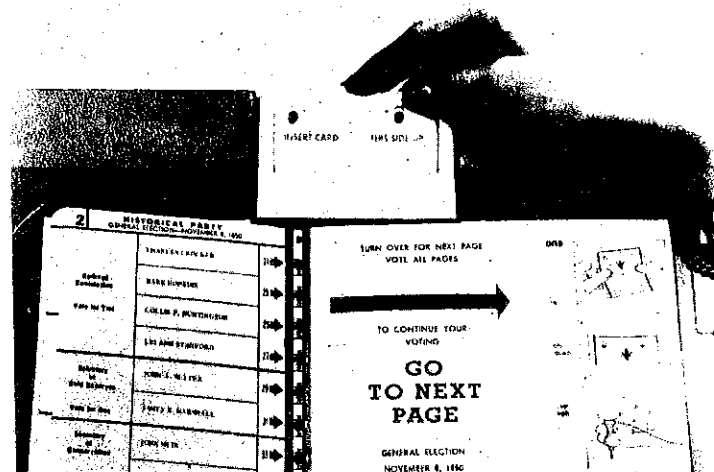
STEP 1

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



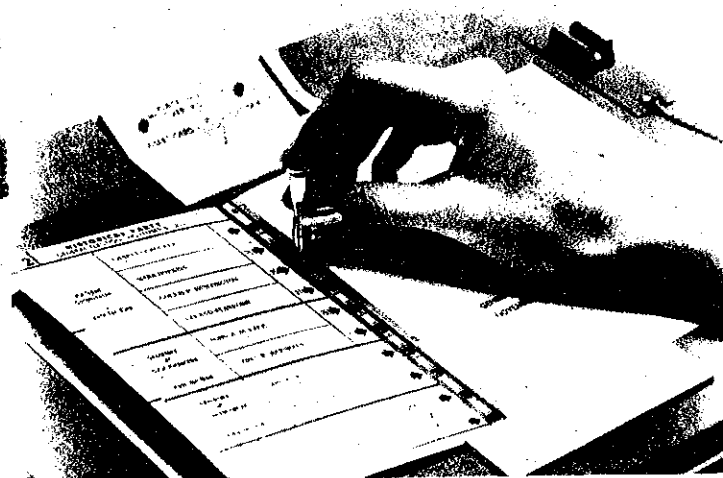
STEP 2

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



STEP 3

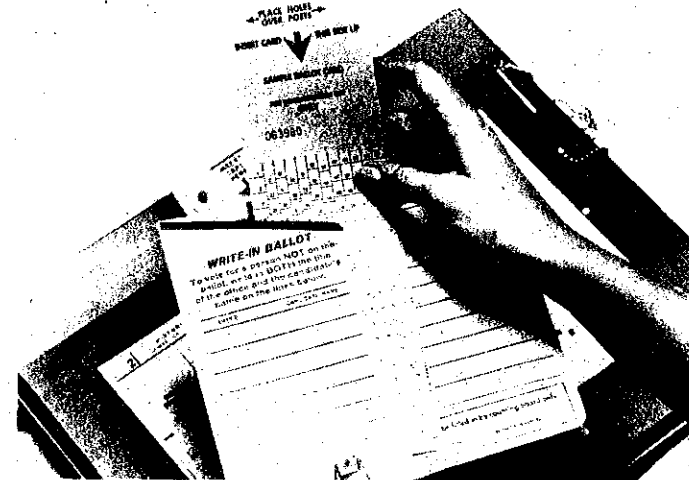
To vote, hold the Punch straight up and push down through the card for each of your choices. Vote all pages as instructed. Use the punch provided. Do not use pen or pencil.



STEP 4

After voting, slide the card out of the Vote Recorder and place it under the flap in the write-in envelope.

NOTE: **DO NOT** vote a spoiled or defaced ballot. Identification marks or a spoiled or defaced ballot will render it invalid. In the event you make a mistake, or you have a spoiled or defaced ballot, return such ballot to the Judge who will cancel it and issue a new ballot to you.



STEP 5

After you have voted the ballot and placed it under the flap of the write-in ballot envelope, RETURN IT TO THE ELECTION JUDGE. Give your name and the Judge will remove the stub. Deposit the write-in ballot envelope (containing the ballot card) in the ballot box. You have now completed the voting procedure.

WRITE-IN VOTING

For the November election, you may vote for a valid write-in candidate. This is done by either writing the office title and the name of the candidate on the write-in ballot envelope or by placing a sticker on the write-in envelope that has the office and candidate's name printed on it.

When voting a write-in candidate do not punch a hole in the punch card ballot for the respective position.

VOTING FOR CANDIDATES ON ONE TICKET

If you wish to cast a "straight party" vote for all the candidates of one party, punch the position indicated next to the desired party. If you have voted "straight party" you have voted for each candidate of that party.

VOTING FOR CANDIDATES ON TWO OR MORE TICKETS

If you desire to vote for candidates on two or more tickets, you may accomplish this by simply punching the ballot next to the desired candidate's name as indicated on the ballot. If you have voted straight party and change your mind and desire to vote for a candidate of another party, it is permissible to do that by simply punching the ballot next to the desired candidate's name.

VOTING INITIATIVE AND REFERENDUM QUESTIONS

Voters may also vote on initiatives, referendums, or constitutional amendments submitted to the vote of the people. To do so punch a hole in the ballot where the desired response is indicated.

VOTING NON-PARTISAN CANDIDATES

Judicial, state school, local school, etc. are non-partisan contests and are located on the last pages of your ballot. The vote recorder copy contains instructions as to how many persons can be selected for that particular office.

HOW TO OBTAIN ASSISTANCE IN MARKING BALLOT

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

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

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

Instructions to Voters

FOR PREPARING BALLOTS

HOW TO OBTAIN BALLOT FOR VOTING

1. Give your name and address to an Election Judge.
2. If your name is on the Official Register, and your right to vote has not been challenged, the Election Judge will present a ballot or ballots to you.

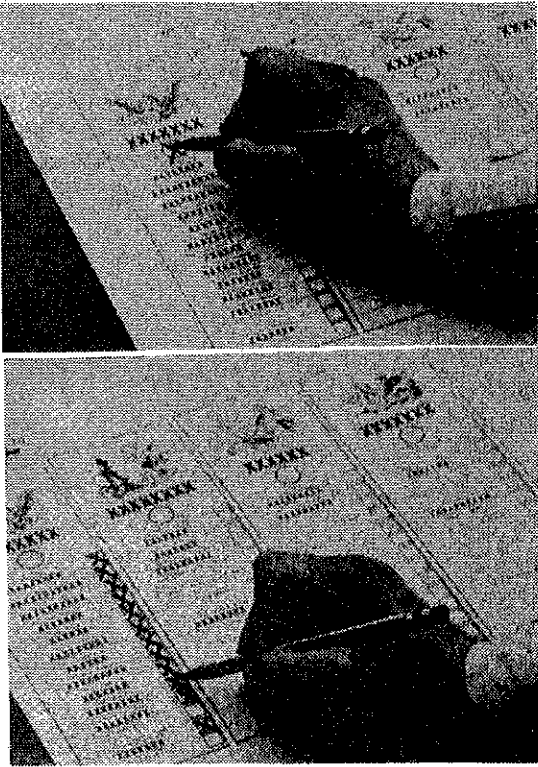
NOTE: If an Election Judge has reason to doubt any person's identity, the Judge shall either, (a) request identification from the voter, or (b) have the voter identified by a known registered voter of the district.

HOW TO VOTE BALLOT

On receiving your ballot from the Election Judge, immediately retire alone to one of the voting booths and prepare your ballot by marking a cross (X) as hereinafter provided.

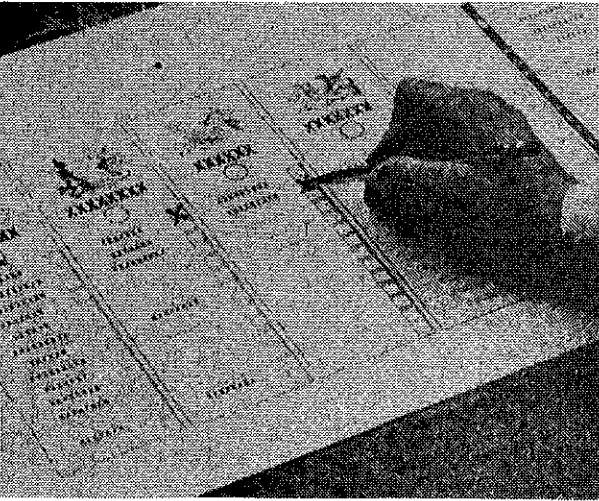
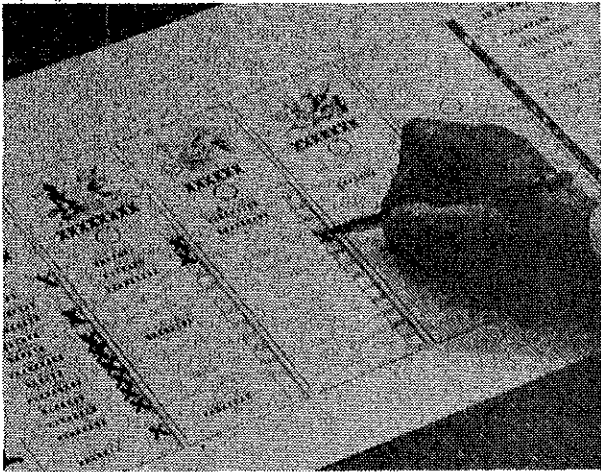
VOTING FOR CANDIDATES ON ONE TICKET

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

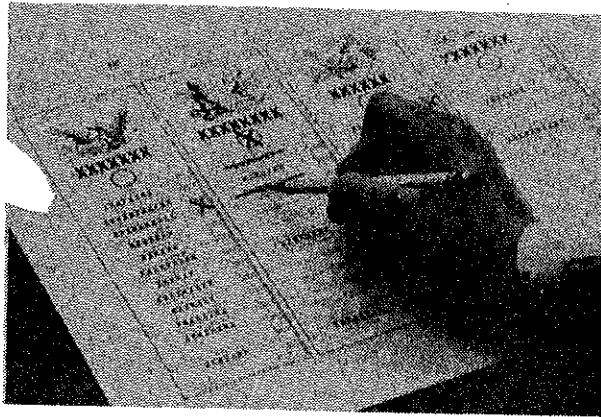


VOTING FOR CANDIDATES ON TWO OR MORE TICKETS

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

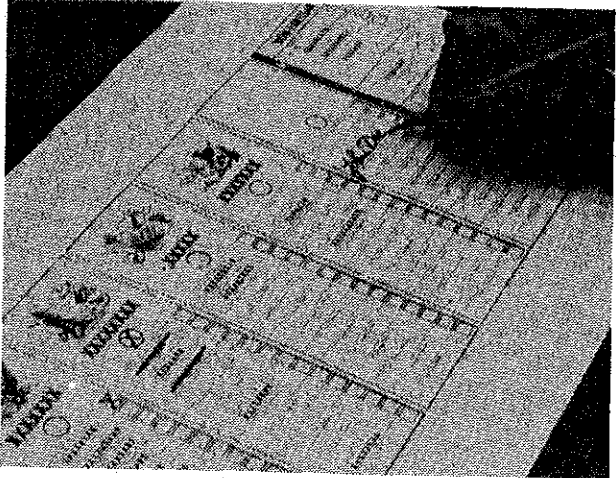


If a cross is marked in a circle above a ticket, the voter MAY or may not draw a line or lines through the name or names of any candidate on the ticket for whom he does not wish to vote. However, in municipal elections and any other election when an office is listed that requires more than one person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



WRITE IN VOTING

You may also vote for a valid write-in candidate. This is done by either writing the name of the candidate on the ballot or by applying a sticker to the ballot that has the candidate's name and office printed on it. Partisan write-in candidates are to be listed in the respective office space of the blank write-in ticket. Non-partisan write-in candidates are to be listed in the blank space for the respective non-partisan office. You shall be deemed to have voted for that person, whether you make or fail to make a cross mark opposite such write-in name.



VOTING NON-PARTISAN CANDIDATES

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

Clerk

NON-PARTISAN

UNCONTESTED Six Year Term
Vote on each of the following

Shall ~~BE RETAINED~~ Yes ☐
be retained in the office of District
Judge of the District Court of the
Third Judicial District? No ☐

Shall ~~BE RETAINED~~ Yes ☐
be retained in the office of District
Judge of the District Court of the
Third Judicial District? No ☐

Shall ~~BE RETAINED~~ Yes ☐
be retained in the office of District
Judge of the District Court of the
Third Judicial District? No ☐

District No. 6, Four Year Term Vote For One

~~BE RETAINED~~ ☐

~~BE RETAINED~~ ☐

~~BE RETAINED~~ ☐

South Summit School District
Representative Precinct No. 4 Vote For One

~~BE RETAINED~~ ☐

~~BE RETAINED~~ ☐

~~BE RETAINED~~ ☐

NON-PARTISAN

VOTING INITIATIVE AND REFERENDUM QUESTIONS

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

Fold your ballot in the same manner as when you received it, and hand it (speaking your name) to the Judge, who shall remove the stub and return the ballot to you. Deposit the ballot in the ballot box yourself, with the printed endorsement thereon uppermost, in full view of the Judges.

HOW TO OBTAIN A NEW BALLOT

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

NOTE: **DO NOT** vote a spoiled or defaced ballot. Identification marks or a spoiled or defaced ballot will render it invalid.

HOW TO OBTAIN ASSISTANCE IN MARKING BALLOT

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

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

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

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HOW TO REGISTER TO VOTE

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

1. You may register with the registration agent of your election district between 8:00 a.m. and 9:00 p.m. on October 26th, 27th, and 28th.
2. You may register at the County Clerks office of your County during regular working hours, up to twenty days preceding the November election day.
3. You may register by mail at any time prior to 20 days before the November election day by mailing in the Utah Election Registration form. These forms may be obtained at any bank, post office or library. You will then be notified by the County Clerk of your registration.





I, David S. Monson, Lieutenant Governor of the State of Utah, do hereby certify that the foregoing measures will be submitted to the voters of the State of Utah at the election to be held throughout the State on November 2, 1982, and the foregoing pamphlet is complete and correct according to law.

Witness my hand and the
Great Seal of the State of
Utah, at Salt Lake City, Utah
this 23rd day of September, 1982.



David S. Monson
Lieutenant Governor