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Utah Voter Information Pamphlet



Centennial
General Election November 5, 1996

Prepared under the direction of
Olene S. Walker
Lieutenant Governor

Impartial Analysis by
Richard V. Strong, Director
Office of Legislative Research
and General Council

In cooperation with the Utah State Legislature
R. Lane Beattie, President of the Senate
Melvin R. Brown, Speaker of the House

Information pertaining to
judicial retention provided by
the Judicial Council



STATE OF UTAH

OFFICE OF THE GOVERNOR
SALT LAKE CITY
84114-0601

MICHAEL O. LEAVITT
GOVERNOR

OLENE S. WALKER
LIEUTENANT GOVERNOR

September 20, 1996

Dear Fellow Utahn:

Utah has a 100 year tradition of active participation in the political process. High rates of voter registration and turnout demonstrate the value Utahns place on the democratic process. As a citizen of the United States and a resident of Utah you have the right to help choose our public office holders. This right is truly a privilege, a privilege which is combined with a responsibility to become informed about the candidates and the issues on the ballot.

In this election you will have the opportunity to vote for candidates in federal, state, and local races. In addition, you will be able to vote on the retention of judges and six proposed amendments to the Utah State Constitution.

This Voter Information Pamphlet has been prepared to help you become a more informed voter. Detailed information about judicial retention elections and the amendments to Utah's Constitution are included. This year, for the first time, we have included photographs and short statements from the candidates for U.S. Congress and Utah's executive offices. We have also included a list of candidates for state school board and legislative offices as well as the names and phone numbers of Utah's eight registered political parties.

I encourage you to study this pamphlet as well as other sources of election information before you go to the polls on election day. Let's celebrate our centennial year by having the largest voter turnout ever on November 5.

Sincerely,

Olene S. Walker
Lieutenant Governor

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CANDIDATES

The following 14 pages list the candidates who are running for Congress, Governor, Lt. Governor, Attorney General, State Auditor, State Treasurer and Utah State Legislature. The candidates for federal and state executive offices were given the opportunity to submit a 100 word statement and photograph. The Lt. Governor's office had no editorial authority over these statements. The candidate order was determined by a random drawing held in the Lt. Governor's office.

POLITICAL PARTIES

There are eight registered political parties in Utah. If you would like to contact them or any of their candidates they are listed below in alphabetical order.

Democratic Party	(801) 328-1212
Independent American Party	(801) 375-8833
Independent Party	(801) 466-6544
Libertarian Party	(801) 534-8872 or (800) 280-7900
Natural Law Party	(801) 582-3246
Reform Party	(801) 943-9665
Republican Party	(801) 533-9777
U.S. Taxpayers Party	(801) 229-1160

PROJECT VOTE SMART

Additional information about candidates is available free to Utah voters from Project Vote Smart, a national, non-partisan program started in 1992. This includes information about voting records, campaign finances, past and current position statements and performance evaluations. Voters can telephone Project Vote Smart at 1-800-662-7627 or on the internet at <http://www.vote-smart.org>.

STATE SCHOOL BOARD

District 2: Richard P. Tatton, Price Lynn Haslem, Altonah	District 11: C. Grant Hurst, Sandy Jerald A. Sumsion, Sandy
District 4: Cheryl Ferrin, Eden Morris N. Poole, Logan	District 12: Boyd F. Jensen, Murray D. Kent Michie, Salt Lake City
District 6: Thomas F. Davidson, Ogden Joyce W. Richards, Ogden	District 14: Susan C. Henshaw, Orem Marlon O. Snow, Orem
District 8: Daryl C. Barrett, Salt Lake City Jill G. Kennedy, Salt Lake City	District 15: Linnea S. Barney, Orem Dee Dee Rose, Provo

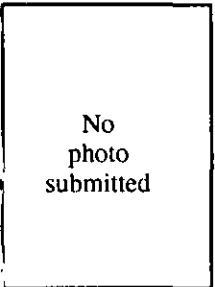
U.S. Congressional District #1



**Randall
Tolpinrud**

Natural Law

Political Philosophy: We believe in the principle of small, prevention oriented government and in conflict-free politics. We must look at cost-effective, scientifically proven programs that work and eliminate politically motivated pork-barrel projects. We must foster a health-care system designed to prevent disease which can save our country billions of dollars annually. We must shift to clean, renewable energy resources to preserve our environment and we must encourage sustainable agriculture techniques to rebuild our nation's top soils. And, it is time to eliminate political action committees and special interest groups which now control the agenda of our congressional representatives.



**James V.
Hansen**

Republican

Personal: Lives in Farmington, Utah. Married, former Ann Burgoyne. 5 children and 5 grandchildren. Committees: Senior Member of National Security Committee; Research & Development Subcommittee. Chairman, Subcommittee on National Parks, Forests & Lands of House Resources Committee. Member of House Select Committee of Intelligence. Military Service: U.S. Navy/ 4 years. Education: B.S., University of Utah Experience: Farmington City Council, Mayor Pro-Tempe of Farmington, Utah House of Representatives, Speaker of Utah House of Representatives, U.S. Congress. Prior experience as businessman in land development and insurance industries.



**Gregory J.
Sanders**

Democratic

In the rush to prosperity we are losing our quality of life. We've threatened the values of beauty and security. We find ourselves fearing our children, at risk to breath our air, and spending too much time in traffic rather than with our families. We can preserve our heritage, but we must act now. I will protect the values and vision of Utah as a place called Zion. I will promote managed growth and preserve a pristine environment for our grandchildren. Education, Environment, Seniors, Children, Personal Responsibility. These are the values of Utahns, these are my values.

U.S. Congressional District #2



**Merrill
Cook**

Republican

I was proud when the Deseret News called me "the most influential non-elected politician in Utah." Camille and I have made many friends over the years, and their continued commitment to Utah Values strengthens my resolve to keep this seat in Republican hands. You know what I stand for, and you know that I will take the values of Utah to Washington, D. C. as we continue to fight for lower taxes, a strong economy, rights for the unborn, the sanctity of the family, and the preservation of Social Security and Medicare for all citizens. Thank you for your support.



**Arly H.
Pedersen**

Independent American

Arly, 50, born in Denmark, has lived in Utah 49 years. He has served as National Chairman of the American Party for seven years. He has been active in politics for over twenty years, running in nine political races. His stand has always been to follow constitutional principles with personal convictions for God, family, and country. He is active in church and has worked in scouting as a leader for 28 years. As a congressman he would work to get government off the backs of citizens and business and allow people to become responsible for their own lives.



**Catherine
Carter**

Natural Law

I believe there is an urgent call for new leadership that can rise above the political gridlock that has stood in the way of solving the nation's problems. I feel the Natural Law Party can offer new knowledge and scientifically validated programs to raise our nation above its current "crisis management" approach to problems and bring a higher quality of life to all Americans. My candidacy is based on these principles—conflict-free politics, prevention-oriented government, and proven solutions to the nation's problems. I have worked throughout my adult life to promote prevention-oriented programs in the areas of health and education.



**Ross C.
Anderson**

Democrat

A native Utahn who worked as a truck driver, truss builder and shingler, Ross Anderson graduated from the University of Utah and George Washington University Law School with honors. As a private citizen, Ross has successfully fought to protect constitutional rights and represents working men and women. He has advocated political reform (Common Cause) and led efforts to provide extraordinary educational opportunities for economically-disadvantaged children (Guadalupe Schools). He has initiated reforms in our legal system and has vigorously fought for taxpayers' and victims' interests. Ross is the very proud father of his 13 year-old son, Luke.

U.S. Congressional District #3

No
photo
submitted

John Phillip Langford

Socialist Workers

I qualify for the U.S. Congress because I represent the working class alternative to the parties of war, racism and economic depression. My campaign is based on the solidarity of working people throughout the world. I visited revolutionary Cuba in 1991 to participate in a hemisphere-wide trade union conference. I have been a production worker at Mag. Corp. for the last twelve years and a member of the Steelworkers union. I helped organize a tour of striking coal miners in Utah and have participated in actions to support the rights of immigrant workers including demonstrations opposing proposition 187 in California.

No
photo
submitted

Gerald "Bear" Slothower

Unaffiliated

No statement submitted.



Christopher B. Cannon

Republican

Background: Married to Claudia Cannon – Father of seven children – Assistant Solicitor, U.S. Department of the Interior. Appointed by President Reagan. President, Cannon Industries, Inc. Helped reopen Geneva Steel Helped create thousands of Utah jobs **Key Issues:** **Balanced Budget** – Supports balanced budget amendment. Will vote to sharply cut spending. **Tax Cuts** – America's families are overtaxed. Would vote for the \$500 per child tax credit, a capital gains tax cut and reduction of taxes on social security income. **Welfare Reform** – Would return welfare programs to the states. **Education** – Would send federal education dollars directly into Utah's classrooms. **National Defense** – Supports restrengthening U.S. military.



Bill Orton

Democrat

Representative Bill Orton, a fifth generation Utahn, graduated from BYU and BYU Law School, and was a tax attorney prior to his election in 1990. Married to Jacquelyn, with son, Will, they're expecting another child in January. Bill's philosophy is to represent the people of Utah, not any political party, or special interest. In Congress, Bill has sponsored legislation to balance the budget; reform welfare; reduce the size of government and relieve regulatory burdens; promote economic growth; create educational opportunities for our children; control crime; maintain clean air and water; and protect social security, medicare and retirement programs.



Amy L. Lassen

Libertarian

Choice is important to me: reproductive choice, economic choice, and educational choice. If elected, I would first bring a rational position to the abortion debate. We must insist on a woman's right to choose without subsidizing her choice. With abortion and all matters of conscience, individual decision and responsibility should be the guiding principles. Second, we must seriously reduce the federal budget and reduce the tax burden. Third, we must get the federal government out of school funding and policy decisions and keep education under local control.

Governor and Lt. Governor



**Michael O.
Leavitt**

Governor
Republican

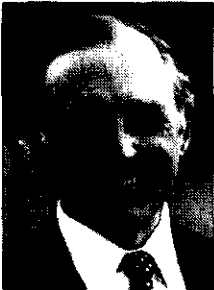
What an exceptional run of success our state has enjoyed these last four years! Our economy sizzles. We're recognized as the nation's best-managed state with the most livable cities. We saved Hill Field and won the Olympics! We're improving our schools . . . fighting crime . . . fixing freeways. Utah is a leader state with national stature. But the best times are yet ahead as we prepare for an exciting new decade . . . new century . . . new millennium. With our remarkable can-do spirit, we will preserve our life quality while growing and achieving. Serving as governor is a privilege. Thank you. Let's keep the momentum going!



**Olene S.
Walker**

Lt. Governor
Republican

It has been an honor to serve you. Gov. Leavitt has asked me to lead exciting initiatives that have turned welfare into an employment program, extended health insurance opportunities to all Utahns, and streamlined state government to make it more efficient and productive. We are reducing class sizes, improving teacher salaries, and using advanced technology to deliver education to anyone, anywhere, any time. We're defending Utah against federal intrusions, and increasing the number of good jobs with high salaries. We're now focused on improving transportation and preserving our quality of life. Maintain the momentum with the Leavitt-Walker team!



**Jim
Bradley**

Governor
Democrat

From 1991 to 1994, Mr. Bradley served as Chairman of the Salt Lake County Commission where he oversaw the Department of Community Services and Economic Development and served on the executive board of the Economic Development Corporation of Utah, the Salt Lake Convention and Visitors Bureau, and the Salt Lake Council of Governments. In the early eighties, he worked in Governor Matheson's administration where he was Director of the Utah Energy Office. Jim Bradley is the father of four children. He and his wife Glenda own and operate a small business with six employees in Salt Lake City.



**Shari
Holweg**

Lt. Governor
Democrat

Shari Holweg is a two-term member of the Provo City Council. She is a fifth generation Utahn and attended Brigham Young Academy, University of Utah, and Brigham Young University. Shari operates the family auto business in Provo with her husband, Tim. She is active in many community and church organizations. She spends the balance of her time relaxing with her sons, husband, and parents while fishing, camping, riding motorcycles, and golfing. Shari now chairs the Land Use Committee, the Energy Department, and the Youth Services Board for the Provo Council.



**Dub
Richards**

Governor
Independent

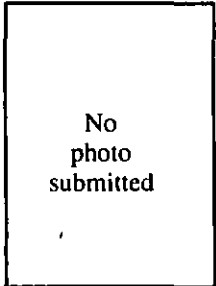
Dub Richards is an innovative leader who hopes to head an administration which will transform Utah into the true "Pioneer State" for the rest of the Nation to follow. A college trained State licensed detective, he owns and manages his own private investigation business. He is active in community affairs and has served as a councilman in Magna, where he resides with his wife and children. Tired of politics as usual, especially in the status quo mode, Dub and his runningmate Ed Little will work real Solutions to society's problems, and provide real Advancement for the Future.



Ed Little

Lt. Governor
Independent

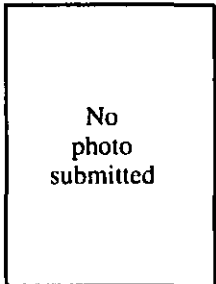
Poor planning and lack of insight in state leadership are evident in many areas: freeway construction planning and work schedules, increasing crime, plea-bargaining of penalties, state surpluses consistently more than \$100,000,000 which are denied, then admitted, and spent with few benefits to the average taxpayer. Has the immoral tax on food been removed? Has the disgrace of Family Services been rectified? Is there a state ombudsmen to help individuals with Government and red tape? Have school fees been eliminated? I have served the Independent Party as executive director and chairman. I am retired teacher and an accredited genealogist.



Robert C. Lesh

Governor
Natural Law

No statement submitted.



Wm. Scott Shields

Lt. Governor
Natural Law

My desire to run for public office was prompted by my perception that the "experts" in public office have made very little difference in the quality of our national life and my deep conviction that responsible, intelligent, ordinary citizens can do a better job of addressing today's problems than the largely "career" politicians we have presently in this country. I am a college educated business owner with 20 years experience. I have a family with four children and am actively involved in professional, civic and church activities. I enthusiastically endorse the enlightened approach to government the Natural Law Party represents.



Ken Larsen

Governor
Independent American

Less Government! Lower Taxes! More Freedom! Liberals campaign for freedoms of behavior – they tax for social programs. Conservatives campaign for property rights – they police our morals. Imagine a coin in your hand. One side represents the Liberal freedoms of personal behavior. The other side represents the Conservative freedoms of personal property. Try to throw away one side of the coin while retaining the other. The issue is not Liberal versus Conservative. It is freedom versus slavery. When we stop playing the Liberal/Conservative con game, we will have less government, lower taxes and more freedom. Dr. Ken Larsen for Governor.



LaMont Harris

Lt. Governor
Independent American

As your Lieutenant Governor, first, I would restore christian leadership to Utah. As indicated in the preamble of our state constitution, we the people of Utah are grateful to Almighty God for life and liberty. The state constitution also guarantees religious tolerance. I would give full recognition to all religious leaders, Christian and non-Christian alike, for all the good they do, including charitable activities. I would restore constitutionality, both state and federal. Strengthen state sovereignty by rejecting all federal handouts. I would encourage citizens to reduce spending and reduce taxes to what is needed for that constitutional standard.

Attorney General



**Jan
Graham**

Democrat

With impressive victories like a win in the U.S. Supreme Court, Jan Graham has led the fight for the safety of our families. Utahns can be proud of her record which includes: Protecting our children in their homes and on the streets by: – Cracking down on gang and youth violence. – Providing support for police. – Stopping violence in families and against children. Fighting for reform in the criminal justice system by: – Saving taxpayer dollars by stopping frivolous prisoner lawsuits. – Putting a stop to the years of appeals in Death Penalty cases. – Giving victims a voice in the criminal justice system.



**W. Andrew
McCullough**

Libertarian and
Independent Party

Graduated from Brigham Young University, 1970, Political Science and Sociology (double majors). Graduated from University of Utah College of Law, 1973. Senior Partner, McCullough, Jones & Ivins Law Firm, Orem, Utah, 1979 to present. Former State Treasurer of Young Republican Federation of Utah. Former staff, Senator James Buckley (R/NY). Former chairman of Utah County Council on Drug Abuse Rehabilitation (The Gathering Place). ACLU of Utah, Board of Directors. Utah State Bar, New York State Bar Association, United States Supreme Court Bar. Practise concentrates on criminal and civil litigation, including civil rights litigation.



**Scott
Burns**

Republican

As Utahns, we enjoy a standard of living that is unmatched. Yet today, that standard is seriously threatened by crime. Scott Burns is an experienced prosecutor who is tough on crime. Scott has served as Iron County Attorney for ten years, successfully prosecuting over 4,000 criminal cases. He is a certified Peace Officer Instructor and was appointed by the Governor to the Peace Officers Council. He has worked effectively with statewide law enforcement agencies and is founder of the Narcotics Task Force. Utah needs an experienced criminal prosecutor. Utah needs Scott Burns Republican Candidate for Attorney General.

State Auditor



**Karen L.
Truman**

Democrat

KAREN has been a leader in local government. She was Emery County Auditor for twelve years. Served as Personnel Director and Insurance Administrator two years during that time. KAREN has a broad working knowledge of government finance, accounting, risk management and personnel issues. She currently works as a fiscal specialist for the Southeastern Utah AOG in the areas of grant accounting and cash management. KAREN served as President of the Utah Association of Counties after serving on the Board of Directors and Executive Committee. KAREN is married to Justice Court Judge, Stan Truman, and is active in family, community and church.



**Auston
Johnson**

Republican

Auston Johnson is a Certified Public Accountant with 19 years of experience in planning and performing audits of state agencies. He was appointed State Auditor on July 1, 1995 by Governor Mike Leavitt. In 1995, Auston issued over 200 recommendations to state agencies that will help strengthen controls and improve accounting operations and, in doing so, he is continuing to ensure Utah maintains its ranking as the best financially managed state in the country. Auston has designed and conducted training programs for local government officials in budgeting, accounting and financial reporting. He graduated from Utah State University with a degree in Accounting.

State Treasurer



**Hugh
Butler**

Libertarian

"Libertarians pledge to uphold the principle of non-initiation of force. I believe that, with the best of intentions, our state government acts against the best interests of its citizens. Over-taxing, over-spending, and over-regulating seem to be the watchwords of modern government in Utah. As an officer in the state Capitol, I believe I would be a force in opposition to the strong pressures exerted by special interests on the Executive Branch. As the founder of a twenty year old small business in Utah, I bring a perspective of personal responsibility and Libertarian philosophy to the role."



**Ed
Alter**

Republican

Ed Alter has the training, experience and recognized record of performance to qualify him as the best elected state treasurer in the nation (City & State Magazine, October 1988). He has extensive public and private experience as a CPA and public treasurer and has used his experience to maximize Utah's investment income and minimize its borrowing costs. Ed's degrees in banking, finance and business administration are backed by years of practical experience and proven performance. For example, he established the local government investment pool, now used as the primary investment vehicle by most of Utah's cities, counties and school districts.



**D'Arcy
Dixon
Pignanelli**

Democrat

D'Arcy Dixon Pignanelli has over 12 years experience in state and local government and is president of her own Government and Business Relations Firm. As Administrator for one of Utah's fastest growing cities, D'Arcy managed the city on a daily basis including all fiscal responsibilities. A proven administrator with a Master of Public Administration degree, D'Arcy is past Utah president of the American Society for Public Administration. After 16 years of the current office holder, D'Arcy believes it is time for a new Treasurer who is more open and accessible to the cities, counties and public the office serves.

STATE LEGISLATIVE CANDIDATES

You can call your county clerk (see page 54) to find out which senate and house district you live in.

Candidates for the Utah State Senate

District 2

Pete Suazo	1307 Garnette St.	SLC 84116	596-1750	Democrat
James A. Waters	1252 W. Sunset Dr.	SLC 84116	359-1563	Republican

District 5

R. Mont Evans	12867 S. 2200 W.	SLC 84065	254-2655	Republican
Maury A. Modine	1035 W. Shields Ln.	SLC 84095	254-0278	Lib., Democrat

District 6

Michael Waddoups	2005 W. 5620 S.	SLC 84118	967-0225	Republican
Mary K. Hammond	3707 W. Pensicola Crcl.	W. Jordan 84084	969-6613	Democrat

District 8

Robert Warnick	7787 S. Mt. Estates Dr.	SLC 84121	944-0894	Republican
Scott Howell	9711 S. 3725 E.	SLC 84092	943-5770	Democrat

District 14

Craig A. Peterson	1687 N. 200 W.	Orem 84057	226-3236	Republican
Bliss W. Tew	909 W. 1500 N.	Orem 84057	224-5927	Ind. American

District 16

Howard C. Nielson	580 Sagewood Ave.	Provo 84604	374-5411	Republican
Carol S. Williamson	401 N. 900 E.	Provo 84604	375-7008	Libertarian

District 17

Eldon A. Money	1450 W. 5348 S.	Spanish Fork 84660	798-3668	Democrat
J. Matthew Throckmorton	357 S. 300 W.	Springville 84663	489-8342	Ind. American
Robert M. Muhlestein	590 E. Maple St.	Mapleton 84664	489-6144	Republican

District 19

Robert Montgomery	1825 N. Mountain Rd	N. Ogden 84414	782-1694	Republican
Grant D. Protzman	3073 N. 575 E.	N. Ogden 84414	782-6616	Democrat

District 20

Joseph L. (Joe) Hull	5250 W. 4000 S.	Hooper 84315	731-3705	Democrat
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District 23

Lane Beattie	1313 N. 1100 W.	W. Bountiful 84087	292-7406	Republican
D. Michael Bingham	51 S. 650 E.	Bountiful 84010	295-8893	Democrat

District 25

Lyle W. Hillyard	1496 E. 1200 N.	Logan 84341	753-0043	Republican
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District 27

Mike Dmitrich	566 Dover Circle	Price 84501	637-0426	Democrat
Julie Davies	331 S. 1230 W.	Hurricane 84737	635-5137	Republican
Will Marshall	POB 207	Big Water 84741	675-9128	Libertarian

District 28

Leonard M. Blackham	210 E. Main	Moroni 84646	436-8489	Republican
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District 29

Lorin V. Jones	177 E. Center St.	Veyo 84782	574-2961	Republican
Rodger Peterson	114 N. 2650 E.	St. George 84790	628-2486	Ind. American

Candidates for the Utah House of Representatives

District 1

Eli H. Anderson 8790 W. Hwy 102 Tremonton 84337 854-3760 Democrat

District 2

Peter C. Knudson 1209 Michelle Drive Brigham 84302 723-2035 Republican

District 3

Craig W. Buttars 600 S. 1600 W. Lewiston 84320 258-5015 Republican
 Monte M. Williamson 1016 E. 2100 N. N. Logan 84341 753-4169 Democrat

District 4

Fred R. Hunsaker 1190 N. 1700 E. Logan 84321 753-1850 Republican
 John M. Neuhold 1254 Island Dr. Logan 84321 752-3864 Democrat

District 5

Evan L. Olsen 2009 S. 3200 W. Young Ward 84339 752-4304 Republican
 Monti Jones 635 Cir. Place Providence 84332 753-4218 Democrat

District 6

Cathy Lindley 4022 N. 800 W. Pleasant View 84414 782-4861 Democrat
 Martin R. "Marty" Stephens 3159 N. Higley Rd Farr West 84404 731-5346 Republican

District 7

David L. Gladwell 3159 N. 1075 E. N. Ogden 84414 782-4130 Republican
 Jane Renstrom Stevenson 1145 E. 1675 N. N. Ogden 84414 782-5611 Democrat

District 8

Joseph G. Murray 1030 Peach Drive Ogden 84404 393-7062 Republican
 Walter Abbott 636 E. Sixth St. #81 Ogden 84404 392-9455 Libertarian
 Haynes R. Fuller 1175 N. 5900 E. Eden 84310 745-6643 Democrat

District 9

John B. Arrington 1054 Rushton Ogden 84401 621-5639 Democrat
 Jesse Kemp 2955 Orchard Ave. Ogden 84403 621-0819 Republican

District 10

Pat Larson 880 Bel Mar Drive S. Ogden 84403 392-4459 Democrat
 Cache B. Miller 3756 South Eccles Ogden 84403 621-3856 Republican

District 11

Donald M. "Biff" Whiting 2668 E. 6025 S. Uintah 84403 479-0321 Independent Party
 Byron F. Anderson 5648 S. 1150 W. #6 Riverdale 84405 394-1362 Democrat
 Carl R. Saunders 2128 E. Eastwood Uintah 84403 476-1110 Republican

District 12

Gerry A. Adair 5433 S. 3100 W. Roy 84067 773-2125 Republican
 L. Sue Dayley 3860 S. Midland Dr. #C42 Roy 84067 731-0012 Democrat

District 13

Nora B. Thurgood Stephens 2024 N. 400 W. Sunset 84015 825-3792 Republican

District 14

Don E. Bush 138 Locust Clearfield 84015 825-3210 Republican
 Vernon R. Borgeson 843 Hilltop Dr. Clearfield 84015 825-5645 Democrat

District 15

Blake D. Chard 1940 N. 350 W. Layton 84041 773-7474 Republican
 Beatrice Espinoza 2875 N. 400 W. #49 Layton 84041 825-1264 Democrat
 Norman Parker 1142 N. 1250 W. Layton 84041 543-2235 Libertarian

District 16				
Kevin S. Garn	2206 E. Summerwood Dr.	Layton 84040	544-3533	Republican
Blair C. Hampshire	880 N. Shannon Rd.	Kaysville 84037	544-3964	Libertarian
District 17				
Marda Dillree	379 Shepherd Ridge Rd.	Farmington 84025	451-2773	Republican
Theda Judd	82 W. 600 N.	Farmington 84025	451-2070	Libertarian
Pat Herrera	239 E. Burton Ln.	Kaysville 84037	546-0283	Democrat
District 18				
Susan J. Koehn	1793 Sorrento Dr.	Woods Cross 84087	298-7435	Republican
Trudy D. Henderson	790 N. Frontage Rd	Centerville 84014	298-5937	Democrat
District 19				
Sheryl L. Allen	620 Larson Dr.	Bountiful 84040	295-8576	Republican
Julie Clay Pollock	1156 Oakridge Lane	Bountiful 84010	295-4750	Democrat
District 20				
Richard M. Siddoway	243 E. 3100 S.	Bountiful 84010	292-4185	Republican
Jean Welch Hill	210 S. Liberty Rd.	NSLC 84054	292-4045	Democrat
District 21				
James R. (Jim) Gowans	240 So. 2nd W.	Tooele 84074	882-2120	Democrat
Jay Edwin Collier	224 Millcreek Way	Tooele 84074	882-0933	Republican
District 22				
Steve Hengen	7949 W. 3320 S.	SLC 84044	250-4326	Republican
Daniel H. Tuttle	3051 S. 7300 W.	SLC 84044	250-6271	Democrat
District 23				
Duane Bourdeaux	639 N. Oakley	SLC 84116	596-8784	Democrat
Mark Hansen	432 N. 1300 W.	SLC 84116	359-2291	Republican
District 24				
Ralph Becker	231 Canyon Road	SLC 84103	364-1656	Democrat
Gary W. Ott	423 E. Ninth Ave.	SLC 84103	596-1833	Republican
District 25				
David "Dave" Jones	545 So. 1100 E.	SLC 84102	582-8247	Democrat
Richard M. Smiley	816 Sixteenth Ave.	SLC 84103	364-3345	Republican
Ben Valdez Jr.	836 S. Lincoln St.	SLC 84102	363-3473	Libertarian
E.O. "Doc" Woods	1310 E. 200 S. #103	SLC 84102	582-1745	Natural Law
District 26				
Steve Barth	260 E. Ramona Dr.	SLC 84115	484-8653	Democrat
District 27				
Loretta Baca	421 E. Garfield Ave.	SLC 84115	487-2738	Democrat
Arthur Reilly	625 S. Harmony Ct.	SLC 84102	596-0374	Libertarian
Randall C. Wall	365 E. 1300 S.	SLC 84115	484-3581	Republican
District 28				
Afton B. Bradshaw	1931 Browning Ave.	SLC 84104	581-9646	Republican
Mark Lewon	1208 S. 1700 E.	SLC 84108	583-3622	Libertarian
Sue Behle	1975 Hubbard Ave.	SLC 84108	582-2082	Democrat
District 29				
Troy Staker	4259 W. Stane Ave.	SLC 84120	957-1424	Republican
Brent Goodfellow	3620 S. 6000 W.	SLC 84120	968-0626	Democrat
District 30				
Gene Davis	865 Parkway Ave.	SLC 84106	484-9428	Democrat
Kay Henry	1875 S. 500 E.	SLC 84105	487-8880	Republican

District 31				
Mary Carlson	2419 Maywood Dr.	SLC 84109	485-8612	Democrat
Charles Gibson Pearce	1975 Imperial St.	SLC 84105	467-0376	Libertarian
Gregory L. Hopkins	2220 Oneida St.	SLC 84109	484-5652	Republican
District 32				
Allan C. Rushton	3878 S. 5200 W.	SLC 84120	968-2011	Democrat
Ron Bigelow	4658 Waterwood Dr.	SLC 84120	968-4188	Republican
Janet Mantle Ericson	4498 W. 4695 S.	SLC 84120	969-0153	Ind. American
District 33				
Neal B. Hendrickson	3402 W. 4100 S.	SLC 84119	969-8920	Democrat
Jim Decker	3247 W. Lancer Wy	SLC 84119	964-1798	Republican
District 34				
Orville D. Carnahan	2112 Quailbrook Dr.	SLC 84118	964-1185	Republican
Marty Cutler	2824 W. Berwick Pl.	SLC 84119	966-3394	Democrat
District 35				
Judy Ann Buffmire	765 E. 4255 S.	SLC 84107	266-1862	Democrat
Douglas Grassi	814 W. Timbercreek Wy #703	SLC 84119	288-9331	Republican
District 36				
Lamont Tyler	3810 Eastwood Ln	SLC 84109	272-1218	Republican
Greg Peters	2035 E. Keller Ln	SLC 84109	272-7834	Democrat
District 37				
Ray Short	2421 Bramble Way	SLC 84117	277-1372	Republican
Brian E. Swim	1875 E. 3600 S.	SLC 84106	467-7600	Libertarian
District 38				
Gary F. Cox	4468 Tidwell St.	SLC 84118	967-9760	Democrat
Sue Lockman	5156 Highwood Dr.	SLC 84118	968-5203	Republican
District 39				
David L. Zolman, Sr.	2108 Champagne C.	SLC 84118	967-6687	Republican
District 40				
Newel Standley	5946 S. 620 E.	SLC 84107	262-5675	Democrat
Richard L. Walsh	6784 S. 1300 E.	SLC 84121	561-5169	Republican
District 41				
Patrice Arent	6281 S. Havenbrook Cir.	SLC 84121	272-1956	Democrat
Darlene Gubler	2558 Flamingo Dr.	SLC 84117	277-3268	Republican
District 42				
David M. Bresnahan	P.O. Box 269	West Jordan 84084	561-5621	Republican
Perry Buckner	4901 W. Aspen Park Dr.	SLC 84084	964-8215	Democrat
Curt James	8400 S. 4000 W. #90	SLC 84088	280-5905	Libertarian
District 43				
Wayne A. Harper	6683 Nottingham Dr.	SLC 84084	566-5466	Republican
Mark R. Myers	3228 W. Trifford Pl.	SLC 84084	966-7498	Democrat
District 44				
Robert H.M. Killpack	5860 Kingston Way	SLC 84107	263-2980	Republican
Rebby D. Diehl	956 Bryanston Cv	SLC 84123	263-0278	Democrat
District 45				
Melvin R. Brown	165 E. 7430 S.	SLC 84047	255-2556	Republican

District 46				
Brian R. Allen	7386 S. Banbury Cir.	SLC 84121	942-7714	Republican
Gary Pratt	8650 Russell Park Rd.	SLC 84121	943-0100	Democrat
Alan Hepner	Star Route	SLC 84121	649-6865	Libertarian
District 47				
Bryan D. Holladay	9024 Judd Lane	SLC 84088	280-6404	Republican
*D. Mark Faux	2128 W. 7520 S.	SLC 84084	561-4184	Independent Party
District 48				
Kurt Oscarson	9504 S. Mumford Dr.	SLC 84094	571-6708	Democrat
Kelly C. Casaday	9884 Wimbleton Dr.	SLC 84092	943-6236	Republican
District 49				
Chris Shouse	1491 E. 8175 S.	SLC 84093	561-2775	Democrat
Greg J. Curtis	8639 Snowville Dr.	SLC 84093	943-3091	Republican
District 50				
Lloyd Frandsen	9461 S. 2500 W.	SLC 84095	254-4940	Republican
District 51				
John E. Swallow	1260 E. Bellview Cir	SLC 84094	572-8201	Republican
Jan Johnson	11252 S. 1000 E.	SLC 84094	571-2252	Democrat
District 52				
Dave Hogue	13150 S. 2900 W.	SLC 84065	254-1668	Republican
Paul J. Kafer	12648 S. 2295 W.	SLC 84065	254-6689	Democrat
Kaylin Robinson	P.O. Box 213	Riverton 84065	468-6209	Nat. Law, Libert., Ind., Ind. American
District 53				
R. David Ure	661 S. Lambert	Kamas 84036	783-4650	Republican
Ruth Wagner	1492 W. Meadowloop Rd	Park City 84098	649-1492	Democrat
District 54				
Beverly Evans	HC65 Box 36	Altamont 84001	454-3719	Republican
District 55				
Jack A. Seitz	858 W. 200 N.	Vernal 84078	789-0650	Republican
District 56				
Christine Fox	1050 W. 1220 N.	Lehi 84043	768-9637	Republican
Shiela Heindel	2080 N. 600 W.	Lehi 84043	768-4527	Ind. American
David E. Piccus	195 W. State	Lehi 84043	768-9194	Libertarian
District 57				
Lowell A. Nelson	5254 W. Forest Trail	Highland 84003	756-2091	Republican
District 58				
John L. Valentine	857 E. 970 N.	Orem 84057	224-1693	Republican
District 59				
Tammy J. Rowan	654 W. 1325 N.	Orem 84057	224-0904	Republican
Bob Davis	28 N. 580 E.	Orem 84057	224-0063	Democrat
Jason Gallentine	186 E. 1200 N.	Orem 84057	225-0203	Libertarian
District 60				
Katherine Bryson	833 S. 300 W.	Orem 84058	226-5278	Republican
District 61				
Margaret Dayton	97 W. Westview Dr.	Orem 84058	221-0623	Republican
Gordon Norman	1016 W. 2300 N.	Provo 84604	374-6054	Ind. American

District 62				
Jeff Alexander	3222 Apache Lane	Provo 84604	375-1092	Republican
District 63				
Jordan Tanner	1871 N. 1450 E.	Provo 84604	373-6246	Republican
District 64				
Byron L. Harward	1483 E. 950 S.	Provo 84606	377-2110	Republican
Thomas A. Wilkinson	455 S. 600 W. #5	Provo 84601	373-7238	Ind. American
District 65				
J. Brent Haymond	164 W. 200 S.	Springville 84663	489-6221	Republican
District 66				
Glenn Way	348 S. 1480 E.	Spanish Fork 84660	798-2295	Republican
Ruth K. Christensen	845 W. 1020 S.	Provo 84601	375-8833	Ind. American
Howard N. Creer	91 E. 200 N.	Spanish Fork 84660	798-2359	Democrat
District 67				
Bill Wright	P.O. Box 187	Elberta 84626	667-3333	Republican
District 68				
Michael R. Styler	1755 W. 5500 So.	Delta 84624	864-3077	Republican
District 69				
Brad King	635 North 500 East	Price 84501	637-7955	Democrat
District 70				
Brad Johnson	30 North Main	Aurora 84620	529-3227	Republican
District 71				
Max Keele Johnson Jr.	732 N. 300 W. #34	Blanding 84511	678-2077	Republican
District 72				
DeMar "Bud" Bowman	109 N. 800 W.	Cedar City 84720	586-8174	Republican
District 73				
Thomas Hatch	70 North 400 East	Panguitch 84759	676-2214	Republican
District 74				
Dennis H. Iverson	40 E. 200 N.	Washington 84780	673-2936	Republican
District 75				
John W. (Bill) Hickman	545 S. Valley View Dr. #158	St. George 84770	673-2671	Republican
Richard Holliday	1611 Apache Circle	St. George 84790	674-1883	Ind. American

INSTRUCTIONS FOR READING THE TEXT OF THE BALLOT PROPOSALS

- (1) Underlined words and numbers represent new language being added or current language that is being moved from another section.
- (2) Bracketed and lined-through words or numbers represent current language being deleted or current language that is being moved to another section.
- (3) All other language is the current language, which is retained without change.

Example: (1) The members of the House of Representatives[~~after the first election,~~] shall be chosen biennially on even-numbered years by the qualified voters of the respective representative districts, on the first Tuesday after the first Monday in November[~~1896, and biennially thereafter~~].

Present Language: The members of the House of Representatives, after the first election, shall be chosen by the qualified voters of the respective representative districts, on the first Tuesday after the first Monday in November, 1896, and biennially thereafter.

Proposed Revision: (1) The members of the House of Representatives shall be chosen biennially on even-numbered years by the qualified voters of the respective representative districts, on the first Tuesday after the first Monday in November.

For



Against



Proposition

No. 1

RESOLUTION AMENDING VETERANS' PROPERTY TAX EXEMPTION

Votes cast by the members of the Legislature at the
1996 General Session on final passage:

HOUSE (75 members): Yeas, 71; Nays, 0; Absent, 4.

SENATE (29 members): Yeas, 25; Nays, 0; Absent, 4.

Official Ballot Title:

Shall the Utah Constitution be amended to modify the qualifications for the property tax exemption on property owned by: (a) a disabled person (veteran), and the surviving spouse and minor orphans of the disabled person who died, and (b) the surviving spouse and minor orphans of the person (veteran) who died by:

- (1) redefining the scope of military service to include any international conflict or military training;
- (2) requiring that the person's disability or death occur in the line of duty; and
- (3) expanding eligibility for the property tax exemption from unmarried widows to unmarried surviving spouses?

Impartial Analysis

Proposition 1 amends the present provisions in the Utah Constitution on the property tax exemption for property owned by a deceased or disabled person (veteran) and the widow and minor orphans of the disabled person who died. This proposal redefines the scope of military service to include, in addition to any war, any international conflict or military training, requires the disability or death to occur in the line of duty during the person's military service, and expands the group of persons eligible to receive the property tax exemption from unmarried widows to unmarried surviving spouses.

1. Scope of Military Service

The Utah Constitution presently permits the Legislature to provide a property tax exemption for property owned by a disabled person and the widow and minor orphans of a disabled person who died, if the person served in any war in the military service of the United States or of the state of Utah. The present constitutional language does not provide for a property tax exemption for property owned by a person disabled or killed during other military service such as an undeclared war or military training. This proposal expands the

meaning of military service to include any international conflict, such as Operation Desert Storm, and military training. This redefinition of military service means that property owned by the disabled person and by the unmarried surviving spouse and minor orphans of the disabled person who died, or of the person killed in action or who died in the line of duty may be exempted from taxation as provided by the Legislature.

2. Line of Duty

The Utah Constitution presently permits the Legislature to provide a property tax exemption for property owned by a disabled person who served in any war and the widow and minor orphans of the disabled person who died. The Utah Constitution does not require the disability or death to occur in the line of duty in order to qualify for the exemption. For instance, a person disabled after the war in which the person served, by some event unrelated to the line of duty in the military service, may qualify for a property tax exemption. This proposal specifies that to qualify for a property tax exemption, the person's disability or death must occur in the line of duty as a result of such military service.

Impartial Analysis (continued)

3. Unmarried Surviving Spouse

The Utah Constitution presently permits the Legislature to include widows and minor orphans as recipients of the property tax exemption if the qualified disabled husbands and fathers who owned the property died. This proposal specifies that if wives and mothers are disabled or killed in the line of duty during military service in any war, international conflict, or military training, the unmarried surviving husband and the minor orphans may also be recipients of the property tax exemption. To accomplish this result, this proposal uses the language "unmarried surviving spouses."

Effective Date

Proposition 1 takes effect on January 1, 1997.

Fiscal Impact

Proposition 1 changes some of the criteria for veterans and their families to receive property tax relief. The net effect of these changes is to increase the number of qualifying veterans and families which will reduce their property taxes approximately \$250,000.

Arguments For

A vote for proposition 1 is a vote for fairness. Over the years veterans have answered the call to duty on our behalf and in varied circumstances. Utah's constitution has likewise permitted a property tax exemption for veterans who served during a war. Two concerns have arisen relative to this veterans property tax exemption.

First, many veterans are disabled or killed during military activities which are not officially declared wars. Under the current constitution, none of these veterans, or their unmarried surviving spouses, qualify for the property tax exemption. A vote for proposition 1 would permit veterans who become disabled during any international conflict, such as occurred in Kuwait, or any military training exercise, such as boot camp, to also qualify for the same property tax exemption. It is simply fairer to allow the extension of this property tax exemption to a veteran if the veteran is disabled or to the veteran's unmarried surviving spouse if the veteran is killed during international conflicts and military training exercises. A vote for proposition 1 will establish this fairness.

Second, the present language allows a person who serves in a war but who is later disabled to qualify for a property tax exemption even though the veteran's disability is not connected to service in a war. This result is wrong and is rectified by proposition 1. The current constitutional inequity is illustrated in the following example: If two people were to become disabled in the same car accident, one a veteran of a war and another person who did not serve in war, then under the present constitution, the veteran would qualify for a property tax exemption and the non-veteran would not, even though both disabilities were caused at the same time and in the same manner, totally unrelated to military service. A vote for proposition 1 would require that a veteran's disability be service-connected, or in other words, that the disability occur in the line of duty.

In summary, proposition 1:

- extends a property tax exemption from veterans who served in any war to also include veterans who served in any international conflict, or any military training exercise;
- requires that a veteran's disability or death occur in the line of duty in order for the veteran or the veteran's unmarried surviving spouse to qualify for a property tax exemption; and
- clarifies that a veteran's spouse (not just widow) may qualify for the exemption.

These changes bring equity to the distribution of a property tax exemption for veterans. Vote for fairness; vote for proposition 1.

Senator Wilford R. Black, Jr.
Senator Joseph L. Hull

Rebuttal To

Arguments For Proposition No. 1
(No opposing argument was submitted.)

Arguments Against

(No argument was submitted.)

Rebuttal To

Arguments Against Proposition No. 1
(No opposing argument was submitted.)

**COMPLETE TEXT OF PROPOSITION NO. 1
RESOLUTION AMENDING VETERANS' PROPERTY TAX EXEMPTION**

A JOINT RESOLUTION OF THE LEGISLATURE PROPOSING TO AMEND THE UTAH CONSTITUTION; AMENDING THE PROVISIONS PERMITTING THE PROPERTY TAX EXEMPTION OF DISABLED PERSONS WHO WERE DISABLED OR KILLED IN THE LINE OF DUTY DURING ANY WAR, INTERNATIONAL CONFLICT, OR MILITARY TRAINING; GIVING DIRECTION TO THE LIEUTENANT GOVERNOR TO WITHDRAW AND REPLACE S.J.R. 5 FROM THE 1995 GENERAL SESSION; PROVIDING AN EFFECTIVE DATE; AND PROVIDING A COORDINATION CLAUSE.

This resolution proposes to change the Utah Constitution as follows:

AMENDS:

ARTICLE XIII, SECTION 2

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, Section 2, Utah Constitution, to read:

Article XIII, Section 2. [Tangible property to be taxed — Value ascertained — Exemptions — Remittance or abatement of taxes of poor — Intangible property — Legislature to provide annual tax for state.]

(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, school districts, and public libraries;

(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;

(d) places of burial not held or used for private or corporate benefit; and

(e) farm equipment and farm machinery as defined by statute. This exemption shall be implemented over a period of time as provided by statute.

(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 any 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 individuals or corporations, or the individual members thereof, shall be exempted from taxation to the extent that they shall be owned and used 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 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 residential property as defined by law; 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 owned by disabled persons who ~~(served in) were disabled in the line of duty during any war, international conflict, or military training~~ in the military service of the United States or of the state of Utah and by the unmarried ~~(widows) surviving spouses~~ and minor orphans of such disabled persons or of persons who ~~(while serving) during any war, international conflict, or military training~~ in the military service of the United States or the state of Utah were killed in action or died ~~in the line of duty~~ 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 be, the Legislature shall provide for levying a tax annually, 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.

Section 2. Submittal to electors.

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. Effective date.

If approved by the electors of the state, the amendment proposed by this joint resolution shall take effect on January 1, 1997.

Section 4. Coordination Clause.

This resolution supersedes Enrolled Copy S.J.R. 5 from the 1995 General Session.

For
Against

Proposition No. 2

RESOLUTION AMENDING THE REVENUE AND TAXATION ARTICLE

Votes cast by the members of the Legislature at the
1996 General Session on final passage:
HOUSE (75 members): Yeas, 70; Nays, 0; Absent, 5.
SENATE (29 members): Yeas, 26; Nays, 0; Absent, 3.

Official Ballot Title:

Shall the Utah Constitution be amended to:

- (1) repeal the redundant provisions on assessment and valuation of metalliferous mines, mining claims, and related properties; and
- (2) make technical changes to terms and grammar, eliminate an incorrect internal reference, and repeal the presumption of the beginning date of the state fiscal year?

Impartial Analysis

Proposition 2 repeals Article XIII, Section 4 which governs the valuation and assessment of mines and mining claims and the assessment of various types of mining property. It also makes technical amendments to the Revenue and Taxation Article including the repeal of language in the Utah Constitution which requires the fiscal year of the state to begin on January 1, unless changed by the Legislature.

1. Mines, Mining Claims, and Other Mining Properties

This proposal effectively makes the provisions of Article XIII, Section 2 applicable to mines, mining claims, and other mining properties rather than Article XIII, Section 4 which presently governs the assessment and valuation of mines and related properties. Section 2, which remains unamended by this proposal, provides that all tangible property in the state (including mines, mining claims, and other mining properties) not exempt under Utah's Constitution or the laws of the United States shall be taxed at a uniform and equal rate in proportion to its value.

Proposition 2 repeals the language of Article XIII, Section 4 governing the assessment of mines containing metal or mining claims upon criteria established in 1931 and repeals "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." This proposal further repeals language that certain types of mining property shall be assessed as other tangible property by deleting references to those various types of mining property which include mines, mining claims, mineral deposits, lands, machinery, surface uses, improvements, and mining property not used for mining purposes. In deleting this section, both houses of the Legislature approved intent language which states: "The deletion of Article XIII, Section 4 is not intended to make a substantive change in the existing law."

2. Technical Changes

This proposition eliminates the antiquated term "m.," as the time of day, midday, when tangible personal property present in Utah on January 1 may be exempt from ad valorem property taxation. The impact of the change is technical, stating that at any time on January 1, not just at midday, certain types of tangible personal property may be exempted from ad valorem property taxation by law.

Proposition 2 also makes changes to terms and grammar in Article XIII, Section 9 and eliminates an incorrect internal reference to a previously repealed Section 7 in Article XIII.

Impartial Analysis (*continued*)

Proposition 2 also repeals the presumption that the fiscal year of the state begins on January 1. Presently, the Legislature has established in Utah Code Ann. Sec. 63-13-1 (1953) that the fiscal year begin on the first day of July of each year and end on June 30. State funding, budgeting, and accounting methods utilize these calendar dates, with some statutory exceptions. As authorized by Article XIII, Section 1, the Legislature changed the fiscal year in 1905 from January 1 to December 1, and in 1925, changed the fiscal year from December

1 to July 1. This proposal continues the Legislature's authority to establish the state fiscal year.

Effective Date

Proposition 2 takes effect January 1, 1997.

Fiscal Impact

Proposition 2 has no fiscal impact.

Arguments For

Proposition 2 is recommended by the Constitutional Revision Commission. The Commission has studied the Revenue and Taxation Article several times. At this time, the Commission recommends minor, mostly technical amendments to the Article that will make the Constitution easier to read and understand.

Antiquated language in section 1 (Fiscal Year) indicating that the fiscal year "shall begin on January 1 unless changed by the Legislature" has been eliminated. Utah's fiscal year has begun on July 1 since 1925. The language has been made more concise and has no impact on present procedure.

Section 2 concerns taxation on tangible property present in Utah on "January 1, m." Because "m." is often misunderstood, the term has been eliminated. This change makes it clear that January 1 means any time on that date.

Repeal of Section 4 removes archaic language from the Constitution in regard to assessing of mines and claims. The language was originally drafted in 1908, and requires that assessed value can not be "changed before January 1, 1935."

Intent language was recorded in the House and Senate Journals, and is included in this pamphlet to assure voters of the intent of this change:

"This deletion is not intended to make substantive change in the existing law."

Section 9 has grammatical and punctuation corrections that will make the language easier to read.

There were no opposing votes to H.J.R. 8, RESOLUTION AMENDING THE REVENUE AND TAXATION ARTICLE in the 1996 legislative session. The proposition should also be passed by Utah voters.

Representative Afton B. Bradshaw
Representative Frank R. Pignanelli

Rebuttal To

Arguments For Proposition No. 2
(*No opposing argument was submitted.*)

Arguments Against

(*No argument was submitted.*)

Rebuttal To

Arguments Against Proposition No. 2
(*No opposing argument was submitted.*)

COMPLETE TEXT OF PROPOSITION NO. 2 RESOLUTION AMENDING THE REVENUE AND TAXATION ARTICLE

A JOINT RESOLUTION OF THE LEGISLATURE PROPOSING TO AMEND THE UTAH CONSTITUTION; AMENDING AND REPEALING CERTAIN PROVISIONS OF THE REVENUE AND TAXATION ARTICLE; AND PROVIDING AN EFFECTIVE DATE.

This resolution proposes to change the Utah Constitution as follows:

AMENDS:

ARTICLE XIII, SECTION 1
ARTICLE XIII, SECTION 2
ARTICLE XIII, SECTION 9

REPEALS:

ARTICLE XIII, SECTION 4

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, Section 1, Utah Constitution, to read:

Article XIII, Section 1. [Fiscal year.]

~~The Legislature shall establish the fiscal year [shall begin on the first day of January, unless changed by the Legislature] of the state.~~

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

Article XIII, Section 2. [Tangible property to be taxed — Value ascertained — Exemptions — Remittance or abatement of taxes of poor — Intangible property — Legislature to provide annual tax for state.]

(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, school districts, and public libraries;
- (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;
- (d) places of burial not held or used for private or corporate benefit; and
- (e) farm equipment and farm machinery as defined by statute. This exemption shall be implemented over a period of time as provided by statute.

(3) Tangible personal property present in Utah on January 1, ~~[m₇, 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, ~~[m₇]~~ held for sale in the ordinary course of business and which constitutes the inventory of any 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 individuals or corporations, or the individual members thereof, shall be exempted from taxation to the extent that they shall be owned and used 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 tax-

tion 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 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 residential property as defined by law; 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 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 be, the Legislature shall provide for levying a tax annually, 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.

Section 3. It is proposed to repeal Article XIII, Section 4, Utah Constitution, to read:

Article XIII, Section 4. [Mines and claims to be assessed — Basis and multiple — What to be assessed as tangible property.]

~~[All metalliferous mines or mining claims, both placer and rock in place, shall be assessed as the Legislature shall provide; 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.]~~

Section 4. It is proposed to amend Article XIII, Section 9, Utah Constitution, to read:

Article XIII, Section 9. [State expenditure to be kept within revenues.]

No appropriation shall be made[,] or any expenditure authorized by the Legislature[, whereby] if the expenditure of the State, during any fiscal year, shall exceed the total tax then provided for by law[,] and applicable for [such] the particular appropriation or expenditure, unless the Legislature making [such] the appropriation[,] shall provide for levying a sufficient tax[, not exceeding the rates allowed in section seven of this article,] to pay [such] the appropriation or expenditure within [such] the current fiscal year. This provision shall not apply to appropriations or expenditures to suppress insurrections, defend the State, or assist in defending the United States in time of war.

Section 5. Submittal to electors.

~~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 6. Effective date.

~~If approved by the electors of the state, the amendment proposed by this joint resolution shall take effect on January 1, 1997.~~

For

Against

Proposition No. 3

JURY TRIAL RESOLUTION

Votes cast by the members of the Legislature at the
1996 General Session on final passage:

HOUSE (75 members): Yeas, 69; Nays, 3; Absent, 3.

SENATE (29 members): Yeas, 28; Nays, 1; Absent, 0.

Official Ballot Title:

Shall the Utah Constitution be amended to modify the provisions on jury size for certain types of court cases so that: (a) juries in capital cases must consist of twelve persons, (b) juries in all other felony cases must consist of at least eight, and (c) juries in other cases must have their sizes established by the Legislature, but in no event can a jury be less than four?

Impartial Analysis

Proposal

Proposition 3 amends the present provisions in the Utah Constitution which establish jury sizes based upon *which court* hears the case and instead provides for jury size to be established based upon *which type of case* the court hears. The proposal also imposes a restriction on the Legislature that in no event shall a jury consist of less than four persons.

Jury Sizes and Proposed Constitutional Changes

The Legislature and the Judiciary have consolidated the circuit courts into the district courts, eliminating the circuit courts. This change means that circuit courts, courts of inferior jurisdiction which heard less complicated and less serious civil and criminal matters, no longer exist, and district courts, courts of general jurisdiction, try the types of cases the circuit courts previously handled while retaining their own caseload as district courts. Courts of general jurisdiction, district courts, are presently required by Article I, Section 10 to have an eight member jury in all cases, except in capital cases which require twelve jurors.

Under this proposal, all cases that were tried at the circuit court with a four member jury, such as Class B and C misdemeanor trials, would still be tried with a four member jury in the consolidated district court. Similarly, all cases that were tried at the circuit court with a six member jury, such as Class A misdemeanor trials, would still be tried with a six member jury in the consolidated district court. Felony cases currently tried by an eight member jury or capital cases currently tried

by a twelve member jury in the district court would still be tried by the same size juries in the consolidated district court.

Unless there is a change in the Utah Constitution, the present constitutional language will require the trial of lesser civil and criminal cases by an eight member jury in the consolidated district courts, even though these types of cases historically have been tried in the circuit court by a four or six member jury.

Legislation Effective on Passage of Proposition 3

S.B. 53, Trial by Jury, 1996 General Session, will become law on January 1, 1997 only if Proposition 3 is approved. The bill retains language on capital and felony case size juries, retains the denial of jury trials in small claims cases, and retains the right of parties to agree to a lesser-sized jury in all cases except capital cases. S.B. 53 changes jury sizes in other types of cases in the district court, designates that a verdict must be unanimous in criminal cases and not less than three-fourths of the jurors in civil cases, and repeals the language specifying jury sizes in justice court cases. The bill eliminates juries in juvenile court in the adjudications of minors charged with what would constitute a crime if committed by an adult.

Effective Date

Proposition 3 takes effect January 1, 1997.

Fiscal Impact

Proposition 3 should result in reduced jury costs.

Arguments For

The current Article 1, Section 10 of the Utah Constitution establishes the size of juries based upon the nature of the court in which the proceeding is held rather than the nature of the case. A case in a court of general jurisdiction—the district court—is tried by a jury of eight persons. The same type of case in a court of limited jurisdiction—the circuit, juvenile, or justice court—is tried by a jury of four or six persons. This has worked well in balancing the costs in money and time required with larger juries and the seriousness of the matter.

In Judicial Districts Five through Eight, the circuit courts were merged into the district courts in 1992. Effective July 1, 1996, the legislature completed the reorganization of the court system by merging the circuit courts into the district courts in the remainder of the state. This allows for increased flexibility of the use of judicial resources. Because the legislation reconstitutes the circuit courts as district courts, the current constitution requires a case historically tried by a four-person circuit court jury be tried by an eight-person district court jury which takes more time and costs more money.

In the 1996 General Session, the legislature passed S.B. 53 to maintain the size of juries as they existed prior to court consolidation, but based on the nature of the case and not the court where the matter is heard. Cases such as criminal felonies and civil cases over \$20,000 will still be tried by an eight-person jury under S.B. 53 in a consolidated district court. Cases such as criminal misdemeanors and civil cases under \$20,000 will still be tried by a jury of four or six persons under S.B. 53 in a consolidated district court. The proposed constitutional amendment, also approved by the Legislature in the 1996 General Session, is necessary to permit S.B. 53 to take effect.

The proposed constitutional amendment will help save the state of Utah money in juror fees while following a pattern that has worked well in the past.

Senator Lyle W. Hillyard
Representative Afton B. Bradshaw

Rebuttal To

*Arguments For Proposition No. 3
(No opposing argument was submitted.)*

Arguments Against

(No argument was submitted.)

Rebuttal To

*Arguments Against Proposition No. 3
(No opposing argument was submitted.)*

**COMPLETE TEXT OF PROPOSITION NO. 3
JURY TRIAL RESOLUTION**

A JOINT RESOLUTION OF THE LEGISLATURE PROPOSING TO AMEND THE UTAH CONSTITUTION; AMENDING THE PROVISIONS ON TRIAL BY JURY; PRESERVING THE RIGHT TO A TRIAL JURY IN CRIMINAL CASES; REPEALING THE REQUIREMENT OF EIGHT-PERSON JURIES IN GENERAL JURISDICTION COURTS; AND PROVIDING AN EFFECTIVE DATE.

This resolution proposes to change the Utah Constitution as follows:

**AMENDS:
ARTICLE I, SECTION 10**

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 I, Section 10, Utah Constitution, to read:

Article I, Section 10. [Trial by jury.]

In capital cases the right of trial by jury shall remain inviolate. [~~In courts of general jurisdiction, except in capital cases, a jury shall consist of eight jurors. In courts of inferior jurisdiction a jury shall consist of four jurors.~~] In capital cases the jury shall consist of twelve persons, and in all other felony cases, the jury shall consist of no fewer than eight persons. In other cases, the Legislature shall establish the number of jurors by statute, but in no event shall a jury consist of fewer than four persons. In criminal cases the verdict shall be unanimous. In civil cases three-fourths of the jurors may find a verdict. A jury in civil cases shall be waived unless demanded.

Section 2. Submittal to electors.

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. Effective date.

If approved by the electors of the state, the amendment proposed by this joint resolution shall take effect on January 1, 1997.



Official Ballot Title:

Shall the Utah Constitution be amended to:

- (1) permit the state to guarantee the general obligation debt of every school district and to guarantee the debt incurred to refinance the school district debt; and
- (2) permit the state to guarantee school district debt by providing exemptions to constitutional provisions which prohibit the state from lending its credit, assuming debt of any school district, imposing taxes for local government purposes, and contracting debt in excess of the state's debt ceiling?



For

Against

Proposition No. 4

RESOLUTION ON STATE'S AUTHORITY TO GUARANTEE THE DEBT OF SCHOOL DISTRICTS

Votes cast by the members of the Legislature at the 1996 General Session on final passage:
 HOUSE (75 members): Yeas, 66; Nays, 0; Absent, 9.
 SENATE (29 members): Yeas, 26; Nays, 0; Absent, 3.

Impartial Analysis

Proposal

Proposition 4 changes funding for public school buildings and facilities by permitting the state to guarantee the general obligation bond debt of local school districts and the debt incurred to refinance general obligation bond debt. This proposal provides an exemption to the present constitutional provisions which prohibit the Legislature from authorizing the lending of public credit by the state and various political subdivisions and from imposing taxes for local governmental purposes. Proposition 4 also provides an exemption to the prohibition against the state's assuming the debt of any local government. In cases of default by the debt-incurring school district, the Legislature may provide that reimbursement to the state shall be obtained from monies which otherwise would be used for the support of that school district's educational programs.

1. Present School Funding for School Buildings and Facilities

The most widely used method for school districts to finance school buildings and facilities is to issue general obliga-

tion bonds. These bonds must be approved by the voters of the school district and are payable from property taxes. Refinanced bonds do not require voter approval. When a school district sells a bond issue, it receives a bond "rating" from a national rating service which is used to advise potential bond investors of the risk and credit worthiness of the bonds. Utah school districts currently receive a range of bond ratings which significantly affects the borrowing costs of school districts. For example, a school district with a high bond rating, "Aaa," will have a lower interest rate than a school district with a "B" bond rating.

2. Present Constitutional Prohibitions

The Utah Constitution presently provides several prohibitions regarding the lending, spending, and sharing of public funds between the state and local levels of government. Article VI, Section 29 of the Utah Constitution provides, "The Legislature shall not authorize the State, or any county, city, town, township, district or other political subdivision of the State to lend its credit or subscribe to stock or bonds in aid of any railroad, telegraph or other private individual or corporate enterprise or undertaking." Article XIV, Section 6 prohibits

Impartial Analysis (continued)

the state's assumption of "debt, or any part thereof, of any county, city, town or school district." Article XIII, Section 5 prohibits the Legislature from imposing "taxes for the purpose of any county, city, town or other municipal corporation" Article XIV, Section 1 prohibits the state from contracting "any indebtedness, . . . in excess of [one and one-half percent of the value of the taxable property of the State]"

3. Proposed Changes

A. Exemptions to Constitutional Prohibitions

This proposal provides an exemption to the provisions against lending public credit, assuming debt of school districts, and imposing taxes for local government purposes. It also exempts this form of debt from the state's debt ceiling.

B. State Guaranty Program

This proposal permits the state to institute a guaranty program designed to lower the school district's borrowing costs by increasing the certainty of investors that debts will be paid on time and in full. This proposal specifically permits the state to guarantee the debt of school districts and to guarantee the debt incurred to refinance school district debt. The state's guaranty only applies to bonds of school districts issued or refinanced after the January 1, 1997 effective date.

C. Payment by the State and Reimbursement by the Participating School District

If the state paid for a school district's debt under its guaranty, this proposal permits the Legislature to provide for reimbursement to the state from monies which otherwise would be used for the support of educational programs of that school district.

Legislation Effective on Passage of Proposition 4

S.B. 65, Utah School Bond Guaranty Act, 1996 General Session, will become law on January 1, 1997 only if Proposition 4 is approved. S.B. 65 creates a default avoidance program which is administered by the state treasurer who determines eligibility of each school district upon consultation with the state superintendent of public instruction. Under S.B. 65,

the state's full faith and credit and unlimited taxing power is pledged to guarantee payment of principal and interest on school district general obligation bonds issued or refinanced under the program.

If the participating school district threatens to default on its scheduled debt service payment, the state treasurer under the state guaranty shall transfer sufficient monies to pay the lender on time. If the state treasurer utilizes state monies to avoid default, the state treasurer must pursue reimbursement by intercepting any payments from the Uniform School Fund and from any other operating monies provided by the state to that school district. These intercepted funds reimburse the state for payments made under the state's guaranty plus interest and any penalties due from that school district. If these intercepted funds are inadequate to reimburse the state within one year, the state treasurer must pursue legal action against that school district, including a court order that the school district levy a property tax to pay back the money.

If the state does not have enough monies to make the debt service payment under its guaranty, the state treasurer may seek a loan from the Permanent School Fund. The Fund administrators may choose whether or not to provide the loan. Alternatively, the state treasurer may issue general obligation notes. If there are still not sufficient revenues to pay off these notes, the State Tax Commission must set the rate and levy an ad valorem property tax on all taxable real and personal property in the state to cover these notes.

Effective Date

Proposition 4 takes effect January 1, 1997.

Fiscal Impact

Proposition 4 will likely lower interest costs for school districts on new and refinanced general obligation bonds. Presently, school district general bonded indebtedness in the state's 40 school districts is over \$900,000,000. The potential fiscal impact on the state will be the risks and costs associated with the state's guaranteeing school district debt against default.

Arguments For

Proposition 4 is a necessary step in the creation of the Utah School Bond Default Avoidance Program. This program is designed to save money for local property taxpayers by reducing the interest costs on school bonds issued by local boards of education. These savings are estimated to exceed \$13.7 million during the first five years' operation of the program and are expected to increase as the State's school population grows.

The Default Avoidance Program:

- * Allows the State to share the benefit of its top credit rating with all local school districts.
- * Lowers borrowing cost of school boards, the savings from which will benefit property taxpayers.
- * Enables school boards to avoid purchasing costly "bond insurance policies" when they issue bonds.
- * Works simply. It is not expected that the State or any school district will incur any additional cost to implement this program.
- * Applies only to general obligation school bonds approved by voters.

The Default Avoidance Program is NOT:

- * A program for the State to pay local school bonds.
- * A means for local school boards to avoid their responsibility to pay their own debt.
- * A threat to the State's own bond rating.
- * A burden on the State's financial resources.
- * A windfall to holders of existing school bonds. It will affect only bonds issued after the effective date of the enabling legislation.

Proposition 4 was approved unanimously in both houses of the Utah Legislature and has received support from widely diverse political and economic interests within the State.

Because school bonds guaranteed under the Default Avoidance Program will continue to be paid from local property taxes, it is extremely unlikely that the State will ever be called upon to make a payment on behalf of any school district. If it were called upon to make such a payment, the State has large resources available. These include its ordinary operating cash balances, requesting a loan from the permanent state school fund, and ultimately the borrowing power of the State. These sources would only need to be drawn on temporarily because the enabling legislation also provides for prompt reimbursement by the school district for any outlays the State makes under the program. The legislation also provides that school districts which behave in a fiscally irresponsible manner may be excluded from the program.

Even without this program, the Governor, Treasurer and Legislature would likely ensure that all school bonds were paid just to prevent embarrassment to the State as a

whole. However, without the legislation, school districts do not presently receive lower interest cost from the State's willingness to support them in a financial emergency. Formalizing the State's commitment by the implementation of the Default Avoidance Program achieves that financial benefit.

Implementation of the School Bond Default Avoidance Program means savings of millions of dollars to Utah taxpayers, at no cost to Utah or any of its citizens. It is made possible by the State's high credit rating. This program cannot be implemented without a "yes" vote on Proposition 4.

Senator Lyle W. Hillyard
Senator George Mantes
Senator Howard A. Stephenson

Rebuttal To

If Proposition 4 will save Utah taxpayers about \$13.7 million within five years, think of the savings taxpayers would realize each year by eliminating that \$1.7 billion which goes toward the government's ("public") school system; the State of Utah's annual budget is near \$4.9 billion!

Should we continue to encourage school districts to live outside of their means with "cheaper" multimillion dollar loans? The fact that lending institutions consider school districts a higher credit risk than the State of Utah suggests the answer.

Like most politicians and political subdivisions of the State of Utah, school districts are facing increasing voter opposition to higher taxes. Following the lead of others, school districts are taking the socialist path of least resistance to extract funds from the communities they purport to serve—severing real cost from actual benefits.

Earlier this year, voters in Washington County were asked to approve \$69 million in bonds for the school district. A \$33 million bond for the same district was approved two years ago. Because 3,433 voters chose to approve the bond issue, all property owners in Washington County, *including the unborn*, must pay back the \$69 million, with interest, well into the next millennium. Proposition 4 encourages this practice.

Senator Hillyard tells us that Proposition 4 will not be a burden on the State's financial resources—its taxpayers. If someone forced you to be a co-signor on a \$69 million loan, wouldn't you be burdened?

Vote NO on Proposition 4.

Jim Lorenz, Former Chair
Jim Dexter, Chair, Libertarian Party of Utah
P.O. Box 526025
S.L.C., Utah 84152-6025
801-534-8872
<http://www.lp.org/lp/>

Arguments Against

As a parent and grandparent, I want all of our children to receive a quality education. Yet, despite all of our best intentions, the nation's experiment with compulsory, taxpayer-financed schools has been a systemic failure.

One reason that citizens are so reluctant to allow tax dollars to support public schools is because of this failure. Proposition 4 seeks to prolong the agony by allowing school districts to use the State of Utah's other taxpayers to borrow money the local districts are not willing to acquire at fair market value. With the State of Utah's credit, school districts will be able to acquire large amounts of money by issuing bonds.

Many citizens perceive bonds as a painless source of money. Bonds are loans that must be repaid, usually with substantial interest. State bonds are popular with investors because the loan is backed by the state's ability to coerce payment of that loan by its citizens with the threat and use of force, regardless of the result of the expenditure.

Libertarians believe that if you want something done, you must do it yourself, or persuade others to help you, *without using governmental force*. Proposition 4 is morally offensive to libertarians because it allows school districts to hold all Utahns hostage for the benefit of investors, lending institutions, and self-dealing educrats. It does not matter if the intent of bonding is for educational purposes. **Good ends do not justify bad means.**

And better means exist to improve our children's education. Before Americans combined school and state, children received highly valued educations at very low cost. Today, home-schooled and privately-schooled children routinely outperform their public school counterparts. Furthermore, because of advances in telecommunications technology, such as the Internet, today's children have affordable access to almost boundless educational resources, without the burden of excessive costs and taxes.

We are all familiar with the many ways public schools foster a less educated community. One way is by rewarding public schools based on average daily attendance, not by student improvement. We also know that when we combine school and state, issues such as school prayer, school uniforms, student clubs and reading materials become political conflicts, not educational choices. If Utah citizens allow school districts to borrow against our children's future, our children will fall further behind their international peers. Haven't we saddled our children with enough debt already?

More and more, parents are taking their children out of harm's way and placing their children in more flexible and dynamic educational environments, the home and private schools. Proposition 4 would force us in a direction we can no longer afford to go.

Please join me in the movement toward meaningful educational reform by voting NO on Proposition 4.

Jim Lorenz, Former Chair
Jim Dexter, Chair, Libertarian Party of Utah
P.O. Box 526025
S.L.C., Utah 84152-6025
801-534-8872
<http://www.lp.org/lp/>

Rebuttal To

The thrust of the "argument against" appears to be principally that Proposition 4 should be opposed because public education itself is a bad idea. That question is unrelated to and cannot be resolved by Proposition 4. However, three of the arguments raised deserve brief response.

First, the idea that debt in itself is bad. Proposition 4 will not affect whether school building debt is issued. That decision will be made by local voters in individual school districts, just as is the case now.

Second, the implication that school districts will borrow more money as a result of Proposition 4. Because local voters will still have to approve any bonds sold and will continue to pay the bonds issued by their local school boards, there will be no incentive to issue additional debt.

Third, the idea that Utahns perceive the issuance of bonds as a "painless source of money." Utahns have traditionally been careful and conservative in entering into debt. That is unlikely to change as a result of Proposition 4.

The other arguments raised are arguments against public education, and are not relevant here. The purpose of Proposition 4 is to save taxpayers' money by providing lower interest rates when school bonds are issued; not to revolutionize the public school system.

Senator Lyle Hillyard

COMPLETE TEXT OF PROPOSITION NO. 4
RESOLUTION ON STATE'S AUTHORITY TO GUARANTEE THE DEBT OF SCHOOL DISTRICTS

A JOINT RESOLUTION OF THE LEGISLATURE PROPOSING TO AMEND THE UTAH CONSTITUTION; PERMITTING THE STATE TO GUARANTEE THE DEBT OF SCHOOL DISTRICTS; PERMITTING THE LEGISLATURE TO PROVIDE FOR REIMBURSEMENT BY PARTICIPATING SCHOOL DISTRICTS; REMOVING LIMITATIONS ON PUBLIC DEBT AND LENDING PUBLIC CREDIT FOR THIS PURPOSE; AND PROVIDING AN EFFECTIVE DATE.

This resolution proposes to change the Utah Constitution as follows:

AMENDS:

ARTICLE VI, SECTION 29
ARTICLE X, SECTION 5
ARTICLE XIII, SECTION 5
ARTICLE XIV, SECTION 1
ARTICLE XIV, SECTION 6

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, Section 29, Utah Constitution, to read:

Article VI, Section 29. [Lending public credit forbidden — Exception.]

The Legislature shall not authorize the State, or any county, city, town, township, district or other political subdivision of the State to lend its credit or subscribe to stock or bonds in aid of any railroad, telegraph or other private individual or corporate enterprise or undertaking, except as provided in Article X, Section 5.

Section 2. It is proposed to amend Article X, Section 5, Utah Constitution, to read:

Article X, Section 5. [State School Fund and Uniform School Fund — Establishment and use — Debt guaranty.]

(1) There is established a permanent State School Fund which shall consist of revenue from the following sources:

(a) proceeds from the sales of all lands granted by the United States to this state for the support of the public elementary and secondary schools;

(b) 5% of the net proceeds from the sales of United States public lands lying within this state;

(c) all revenues derived from nonrenewable resources on state lands, other than sovereign lands and lands granted for other specific purposes;

(d) all revenues derived from the use of school trust lands; and

(e) other revenues appropriated by the Legislature.

(2) The State School Fund principal shall be safely invested and held by the state in perpetuity. Only the interest received from investment of the State School Fund may be expended for the support of the public elementary and secondary schools. The Legislature may make appropriations from school trust land revenues to provide funding necessary for the proper administration and management of those lands consistent with the state's fiduciary responsibilities towards the beneficiaries of the school land trust. Unexpended balances remaining from the appropriation at the end of each fiscal year shall be deposited in the State School Fund. A portion of the interest earnings of the State School Fund, in an amount equal to the total balance in the State School Fund at the close of each calendar year multiplied by the annual rate of inflation for the preceding year, as determined by the state treasurer, shall be retained in the State School Fund and added to the principal. The State School Fund shall be guaranteed by the state against loss or diversion.

(3) There is established a Uniform School Fund which shall consist of revenue from the following sources:

(a) interest from the State School Fund remaining after deduction of the amount retained in the State School Fund to protect the fund against losses due to inflation;

(b) revenues appropriated by the Legislature; and

(c) other revenues received by the fund under any other provision of law or by donation.

(4) The Uniform School Fund shall be maintained and used for the support of the state's public elementary and secondary schools and apportioned as the Legislature shall provide.

(5)(a) The state may guarantee the debt of school districts created in accordance with Article XIV, Section 3, and may guarantee debt incurred to refund the school district debt. Any debt guaranty, the school district debt guaranteed thereby, or any borrowing of the state undertaken to facilitate the payment of the state's obligation under any debt guaranty shall not be included as a debt of the state for purposes of the 1.5% limitation of Article XIV, Section 1.

(b) The Legislature may provide that reimbursement to the state shall be obtained from monies which otherwise would be used for the support of the educational programs of the school district which incurred the debt with respect to which a payment under the state's guaranty was made.

Section 3. It is proposed to amend Article XIII, Section 5, Utah Constitution, to read:

Article XIII, Section 5. [Local authorities to levy local taxes — Sharing tax and revenues by political subdivisions — Debt Guaranty.]

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 and the state may guarantee the debt of school districts and may guarantee debt incurred to refund the school district debt as provided in Article X, Section 5.

Section 4. It is proposed to amend Article XIV, Section 1, Utah Constitution, to read:

Article XIV, Section 1. [Fixing the limit of the state indebtedness — Exceptions.]

To meet casual deficits or failures in revenue, and for necessary expenditures for public purposes, including the erection of public buildings, and for the payment of all Territorial indebtedness assumed by the State, the State may contract debts, not exceeding in the aggregate at any one time, an amount equal to one and one-half per centum of the value of the taxable property of the State, as shown by the last assessment for State purposes, previous to the incurring of such indebtedness. But the State shall never contract any indebtedness, except as provided in [the next] Article XIV, Section [provided] 2, in excess of such amount, and all monies arising from loans herein authorized, shall be applied solely to the purposes for which they were obtained.

Section 5. It is proposed to amend Article XIV, Section 6, Utah Constitution, to read:

Article XIV, Section 6. [State not to assume county, city, town or school district debts — Exception.]

The State shall not assume the debt, or any part thereof, of any county, city, town or school district except as provided in Article X, Section 5.

Section 6. Submittal to electors.

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 7. Effective date.

If approved by the electors of the state, the amendment proposed by this joint resolution shall take effect on January 1, 1997.

For



Against



Proposition No. 5

RESOLUTION ON DONATIONS TO THE STATE SCHOOL FUND

Votes cast by the members of the Legislature at the
1996 General Session on final passage:

HOUSE (75 members): Yeas, 64; Nays, 0; Absent, 11.

SENATE (29 members): Yeas, 27; Nays, 0; Absent, 2.

Official Ballot Title:

Shall the Utah Constitution be amended to expand the revenue sources to the State School Fund to include bequests, donations, and other revenues and assets as provided by law?

Impartial Analysis

Proposal

Proposition 5 expands the revenue sources for deposit into the State School Fund. This proposal allows, in addition to the present revenue sources, the State School Fund to receive other revenues and assets under any other provision of law, by bequest, and by donation.

Present School Funding

The State School Fund is a permanent trust fund with its principal preserved so that income from the fund will be available perpetually to support public education. At present, the principal in the fund comes primarily from a percentage of the net proceeds derived from the sale of school trust lands, the sale of nonrenewable resources, such as coal and other minerals taken from the school trust lands, all income derived from use of the school trust lands, and other revenues appropriated by the Legislature.

Proposed Changes

This proposal allows the State School Fund to receive and deposit other revenues and assets under any other provision of law. These other revenues include monies designated by the Legislature for deposit into the State School Fund and assets which are money, or property convertible to money such as

real property, collectibles, paintings, shares of stock, or other items of value. Additionally, the State School Fund may receive revenue obtained through private or public donation or through a bequest specified in a will.

Effective Date

Proposition 5 takes effect January 1, 1997.

Fiscal Impact

Proposition 5 allows additional revenue sources to be placed in the permanent State School Fund. Interest earnings on the fund are used to support the public education system. Interest earnings of \$1,800,000 from the permanent State School Fund were used to support the public education system for the fiscal year ending June 30, 1996. As of June 30, 1996, the market value of the Fund was \$114,000,000.

Arguments For

The Permanent School Fund (the "PSF") is a constitutionally protected endowment fund which can never be invaded or appropriated. The annual yield or interest income earned by the PSF flows into the Uniform School Fund where it is available for appropriation to support our schools. At present, there is no means for private donations to be made to the PSF and held in perpetuity for the benefit of Utah's schools. Proposition 5 allows the State Treasurer to establish mechanisms and programs to accept private donations to the PSF. Once received, these funds are constitutionally protected and will act as a continuing gift to the school children of Utah forever, an endowment that keeps giving in perpetuity.

Many states have a constitutionally protected endowment fund. The problem with Utah's PSF is that it is just too small. Earlier this year, the balance in the PSF stood at slightly over \$100 million compared to \$13.2 billion for Texas, \$785 million for Oklahoma and \$834 million in our neighboring state of Wyoming.

Utahns should focus their attention on the growth of the PSF. Once Proposition 5 has been approved, we should set a goal to see the fund grow to \$250 million and even \$500 million over time. *The larger this endowment grows the more it will earn to keep our taxes low and support the education of Utah's children.*

The more the PSF yields in interest earnings, the greater the amounts available for class size reduction and other important educational improvements. The greater the annual investment yield to the Uniform School Fund, the less dependence on the General Fund to make up the difference. At present, approximately 48% of the state's budget goes for the support of public education.

With the approval of Proposition 5, Utah's parents and grandparents could be encouraged to name the PSF as a beneficiary when they prepare their wills or trusts. Utah's trustees and estate lawyers could be encouraged to educate clients as to how easy it can be to name the PSF as a 5% or 10% beneficiary in their wills or trusts. At present, this option is not available to them.

All of us have benefited from a good education in Utah's public and higher education system. Now we need to return something to that system by a generous bequest or family gift. To help establish the tradition of growth of the Permanent School Fund, we need to vote "YES" on Proposition 5.

A vote for Proposition 5 does not increase your taxes. It simply provides for a means to receive and protect any voluntary contributions that are made.

It's the right thing to do! We should have adopted this idea decades ago.

Melvin R. Brown
Speaker, Utah House of Representatives

Rebuttal To

Arguments For Proposition No. 5
(No opposing argument was submitted.)

Arguments Against

(No argument was submitted.)

Rebuttal To

Arguments Against Proposition No. 5
(No opposing argument was submitted.)

**COMPLETE TEXT OF PROPOSITION NO. 5
RESOLUTION ON DONATIONS TO THE STATE SCHOOL FUND**

A JOINT RESOLUTION OF THE LEGISLATURE PROPOSING TO AMEND THE UTAH CONSTITUTION; TO ALLOW FOR REQUESTS AND DONATIONS TO BE MADE TO THE STATE SCHOOL FUND; AND PROVIDING AN EFFECTIVE DATE.

This resolution proposes to change the Utah Constitution as follows:

AMENDS:

ARTICLE X, 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 Article X, Section 5, Utah Constitution, to read:

Article X, Section 5. [State School Fund and Uniform School Fund — Establishment and use.]

(1) There is established a permanent State School Fund which shall consist of revenue from the following sources:

(a) proceeds from the sales of all lands granted by the United States to this state for the support of the public elementary and secondary schools;

(b) 5% of the net proceeds from the sales of United States public lands lying within this state;

(c) all revenues derived from nonrenewable resources on state lands, other than sovereign lands and lands granted for other specific purposes;

(d) all revenues derived from the use of school trust lands; ~~and~~

(e) ~~other~~ revenues appropriated by the Legislature; ~~and~~

(f) other revenues and assets received by the fund under any other provision of law or by bequest or donation.

(2) The State School Fund principal shall be safely invested and held by the state in perpetuity. Only the interest received from in-

vestment of the State School Fund may be expended for the support of the public elementary and secondary schools. The Legislature may make appropriations from school trust land revenues to provide funding necessary for the proper administration and management of those lands consistent with the state's fiduciary responsibilities towards the beneficiaries of the school land trust. Unexpended balances remaining from the appropriation at the end of each fiscal year shall be deposited in the State School Fund. A portion of the interest earnings of the State School Fund, in an amount equal to the total balance in the State School Fund at the close of each calendar year multiplied by the annual rate of inflation for the preceding year, as determined by the state treasurer, shall be retained in the State School Fund and added to the principal. The State School Fund shall be guaranteed by the state against loss or diversion.

(3) There is established a Uniform School Fund which shall consist of revenue from the following sources:

(a) interest from the State School Fund remaining after deduction of the amount retained in the State School Fund to protect the fund against losses due to inflation;

(b) revenues appropriated by the Legislature; and

(c) other revenues received by the fund under any other provision of law or by donation.

(4) The Uniform School Fund shall be maintained and used for the support of the state's public elementary and secondary schools and apportioned as the Legislature shall provide.

Section 2. Submittal to electors.

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. Effective date.

If approved by the electors of the state, the amendment proposed by this joint resolution shall take effect on January 1, 1997.

For



Against



Proposition No. 6

RESOLUTION AMENDING THE REVENUE AND TAXATION ARTICLE AND EDUCATION ARTICLE FOR THE SUPPORT OF PUBLIC EDUCATION AND HIGHER EDUCATION SYSTEMS

Votes cast by the members of the Legislature at the
1996 General Session on final passage:
HOUSE (75 members): Yeas, 60; Nays 12; Absent, 3.
SENATE (29 members): Yeas, 22; Nays, 3; Absent, 4.

Official Ballot Title:

Shall the Utah Constitution be amended to:

- (1) establish the definition of "public education system" as used in Article X, Section 2 of the Utah Constitution for purposes of authorizing the expenditure of the available interest from the State School Fund and revenues from the Uniform School Fund in support of the public education system; and
- (2) specify that the revenues from income tax or intangible property tax are to be used for the support of the higher education system in addition to the public education system?

Impartial Analysis

Proposal

Proposition 6 amends the definition of the public school system and public elementary and secondary schools to read the "public education system" as defined in Article X, Section 2. This proposition also broadens the allocation of income tax or intangible property tax revenues beyond the public education system to the higher education system.

1. Public Education and Higher Education Definition and Proposed Changes

This proposal clarifies that the public education system is defined by present language in Article X, Section 2 of the Utah Constitution which reads, "The public education system shall include all public elementary and secondary schools and such other schools and programs as the Legislature may designate." The higher education system is defined by present language in Article X, Section 2 of the Utah Constitution which reads, "The higher education system shall include all public univer-

sities and colleges and such other institutions and programs as the Legislature may designate."

Proposition 6 amends the language that refers to the public elementary and secondary schools receiving funding from the State School Fund and the Uniform School Fund. Under this proposal, interest from the State School Fund and revenue from the Uniform School Fund will be used for the support of the public education system.

2. Funding of the Public Education System

The state's support of public education is provided through the Uniform School Fund, State School Fund, and the General Fund. The Uniform School Fund is the main fund used yearly to meet the current expenses of operating the public elementary and secondary schools. The major sources of revenue to the Uniform School Fund are personal income taxes, corporate income taxes, and interest from the State School Fund. If the revenues in the Uniform School Fund are inadequate to finance public education, General Fund monies are used then to fund the difference.

Impartial Analysis *(continued)*

The Utah Constitution presently provides that all the revenues generated by income tax or intangible property tax are allocated exclusively for funding the public school system as defined in Article X, Section 2. However, Article X, Section 2 does not define the "public school system"; instead, it defines both a "public education system" and a "higher education system." This proposal clarifies that the revenues from income taxes shall fund both defined education systems, rather than the undefined "public school system." Because there is presently no intangible property tax, such as taxes on copyrights, patents, or stocks and bonds, only income taxes are dedicated to the support of the state's education system.

Legislation Effective on Passage of Proposition 6

H.B. 1007, Public Education Operating Deficits, 1996 Second Special Session, will become law on January 1, 1997 only if Proposition 6 is approved. The bill requires that if there

is an operating deficit in appropriations to public education from the Uniform School Fund, the Legislature shall eliminate the deficit either by budget transfers, by use of up to 25 percent of the monies from the state's Budgetary Reserve Account, or by other legal means. The Budgetary Reserve Account ("Rainy Day Fund") is the General Fund account where surplus monies have been set aside for unexpected fiscal emergencies.

Effective Date

Proposition 6 takes effect November 5, 1996.

Fiscal Impact

Proposition 6 authorizes income tax monies to be used for the Higher Education System and the Public Education System.

Arguments For

A vote for Proposition 6 will help ensure and improve the quality of Utah's schools by allowing income tax revenues to be used to fund the state's public education system and higher education system. This change avoids potentially divisive and costly litigation about what the existing constitutional language means.

Currently, Article XIII, Section 12 of the Utah Constitution requires all income tax revenues to be used for support of Utah's "public school system as defined in Article X, Sec. 2 of this Constitution." The problem is that Article X, Section 2 no longer defines the "public school system;" instead, it defines a "public education system" and a "higher education system." Ten years ago, the definitions in Article X, Section 2 were changed when public education and higher education were split into two systems. At that time, the reference to "public school system" in Article XIII, section 12 was not changed, so it is unclear if income tax revenues are available to public education and higher education or just to public education. This confusion about the constitutionally authorized use of income tax revenues has hindered the Legislature's ability to fund critical state education needs.

Proposition 6 will resolve the constitutional ambiguity by clearly stating that income tax revenues can be used to fund both public education and higher education. Your favorable vote for Proposition 5 will also eliminate costly litigation, allowing the monies that would have been spent on court costs to be used to improve the quality of our children's education.

Senator Stephen J. Rees

Rebuttal To

*Arguments For Proposition No. 6
(No opposing argument was submitted.)*

Arguments Against

One of the foremost responsibilities of the State of Utah is that of funding and administering public education. During the previous seven year period, the state has made a substantial effort in appropriating funds for public education (grades K-12), but Utah has consistently underfunded public education when compared to the other states. For this same period, Utah has consistently ranked either 50th or 49th in per pupil spending.

During the previous six years, the Utah State Legislature has reduced taxes significantly. The legislature has lowered the potential total taxes received by the state by almost one-third billion dollars. This reduction has been nearly completely funded by monies designated for public education.

Therefore, to date, the State of Utah has underfunded public education and has cut potential funds from the monies designated for public education. Now, to rectify potential budgeting problems, the state is attempting to broaden the definition of public education to include higher education (college) for the purpose of balancing the budget.

If Proposition 6 (the resolution amending the revenue and taxation article for the support of the public education and a higher education system) passes the public vote, the legislature will place public education and higher education (college) in an adversarial position in which these two large departments must compete against each other for funding.

If the Utah constitutional restraints on the spending of public education monies is to be modified, then it would seem logical to continue to spend the monies for the needs of the children of public school age. The State of Utah is facing critical decisions in the education of its children.

Funds should first be spent in a co-operative effort with the Human Services Department and Health Department and other agencies which serve our public school population in preparing them to be ready and successful in our public school programs.

Senator Joseph Hull
Representative Kurt Oscarson

Rebuttal To

*Arguments Against Proposition No. 6
(No opposing argument was submitted.)*

**COMPLETE TEXT OF PROPOSITION NO. 6
RESOLUTION AMENDING THE REVENUE AND
TAXATION ARTICLE AND EDUCATION ARTICLE FOR THE SUPPORT
OF THE PUBLIC EDUCATION AND HIGHER EDUCATION SYSTEMS**

A JOINT RESOLUTION OF THE LEGISLATURE PROPOSING TO AMEND THE UTAH CONSTITUTION; AMENDING THE REVENUE AND TAXATION ARTICLE AND EDUCATION ARTICLE; PROVIDING FOR INCOME TAX ALLOCATION TO THE SUPPORT OF THE PUBLIC EDUCATION SYSTEM AND HIGHER EDUCATION SYSTEM; PROVIDING FOR UNIFORM LANGUAGE; AND PROVIDING AN EFFECTIVE DATE.

This resolution proposes to change the Utah Constitution as follows:

AMENDS:

ARTICLE X, SECTION 5

ARTICLE XIII, SECTION 12

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 X, Section 5, Utah Constitution, to read:

Article X, Section 5. [State School Fund and Uniform School Fund — Establishment and use.]

(1) There is established a permanent State School Fund which shall consist of revenue from the following sources:

(a) proceeds from the sales of all lands granted by the United States to this state for the support of the public elementary and secondary schools;

(b) 5% of the net proceeds from the sales of United States public lands lying within this state;

(c) all revenues derived from nonrenewable resources on state lands, other than sovereign lands and lands granted for other specific purposes;

(d) all revenues derived from the use of school trust lands; and

(e) other revenues appropriated by the Legislature.

(2) The State School Fund principal shall be safely invested and held by the state in perpetuity. Only the interest received from investment of the State School Fund may be expended for the support of the public ~~[elementary and secondary schools]~~ education system as defined in Article X, Section 2 of this constitution. The Legislature may make appropriations from school trust land revenues to provide funding necessary for the proper administration and management of those lands consistent with the state's fiduciary responsibilities towards the beneficiaries of the school land trust. Unexpended balances remaining from the appropriation at the end of each fiscal year shall be deposited in the State School Fund. A portion of the interest earnings of the State School Fund, in an amount equal to the total balance in the State School Fund at the close of each calendar year multiplied by the annual rate of inflation for the preceding year, as determined by the state treasurer, shall be retained in the State School Fund and added to the principal. The

State School Fund shall be guaranteed by the state against loss or diversion.

(3) There is established a Uniform School Fund which shall consist of revenue from the following sources:

(a) interest from the State School Fund remaining after deduction of the amount retained in the State School Fund to protect the fund against losses due to inflation;

(b) revenues appropriated by the Legislature; and

(c) other revenues received by the fund under any other provision of law or by donation.

(4) The Uniform School Fund shall be maintained and used for the support of the state's public ~~[elementary and secondary schools]~~ education system as defined in Article X, Section 2 of this constitution and apportioned as the Legislature shall provide.

Section 2. It is proposed to amend Article XIII, Section 12, Utah Constitution, to read:

Article XIII, Section 12. [Stamp, income, occupation, license or franchise tax permissible — Reference to United States laws in imposition of income taxes — Income or intangible property taxes allocated to public education system and higher education system.]

(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, franchises, or other tax provided by law. The Legislature may provide for deductions, exemptions, or offsets on any tax based upon income, occupation, licenses, franchises, or other tax as provided by law pursuant to this section.

(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 taxes 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]~~ education system and the higher education system as defined in Article X, ~~[See]~~ Section 2 of this Constitution.

Section 3. Submittal to electors.

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. Effective date.

If approved by the electors of the state, the amendment proposed by this joint resolution shall take effect on November 5, 1996.

INFORMATION ABOUT JUDGES APPEARING ON YOUR BALLOTS

1. Merit Selection of Judges

The office of judge is unique in our society. A judge is a public servant holding an office of high public trust and so should answer to the public. However, the obligation of a judge is to resolve disputes impartially and to base decisions solely upon the facts of the case and the law. A judge, therefore, should be insulated from public pressure.

Merit selection of judges was developed as an alternative to requiring judges to run in contested elections. The revised Judicial Article of the Utah Constitution, effective July 1, 1985, established merit selection as the exclusive method of choosing a state court judge. As stated in the Utah Constitution: "*Selection of judges shall be based solely upon consideration of fitness for office without regard to any partisan political consideration.*"

There are four steps in the Utah merit selection plan: nomination, appointment, confirmation and retention election. The nomination of judges is by a committee of lawyers and non-lawyers selected by the Governor. The judicial nominating commission nominates between three and five of the best qualified candidates from among all applicants. The Governor appoints one of the nominees, who then must be confirmed by a majority of the Utah State Senate.

2. Judicial Retention Elections

Under the Utah Constitution, judges must stand for retention election at the end of each term of office. The public has the opportunity to vote whether to retain the judge for another term. Before a judge stands for retention election, he or she is evaluated by the Judicial Council. The Judicial Council is established by the Utah Constitution as the policy making body for the judicial branch of government and is required by its own rules and by statute to evaluate the performance of all judges. As a result of the evaluation, the Judicial Council certifies whether the judge is qualified for retention election. All of the judges standing for retention election in the 1996 general election have been certified as qualified for retention. The results of individual evaluations are published in this voter information pamphlet.

3. Performance Evaluation Program

The judicial performance evaluation program is required by statute and developed by rule of the Judicial Council. The purpose of the program is two-fold:

- To provide each judge with information for his or her self improvement.
- To provide the public with information upon which to make knowledgeable decisions regarding retention election.

The evaluation of each judge's performance is conducted every two years regardless of whether the judge is standing for retention election. An independent surveyor conducts a poll of lawyers appearing before each judge and asks the lawyer to anonymously evaluate the judge based on several criteria. Prior to the close of a judge's term of office, the Judicial Council reviews the results of the attorney poll and other standards of performance and determines whether the judge is qualified for retention.

4. Criteria for Performance Evaluation

(A) Integrity:

- (1) avoidance of impropriety and appearance of impropriety;
- (2) freedom from personal bias;
- (3) ability to decide issues based on the law and the facts without regard to the identity of the parties or counsel, the popularity of the decision, and without concern for or fear of criticism;
- (4) impartiality of actions;
- (5) compliance with the Code of Judicial Conduct.

(B) Knowledge and understanding of the law:

- (1) the issuance of legally sound decisions;
- (2) understanding of the substantive, procedural, and evidentiary law of the state;
- (3) attentiveness to the factual and legal issues before the court;
- (4) the proper application of judicial precedents and other appropriate sources of authority.

(C) Ability to communicate:

- (1) clarity of bench rulings and other oral communications;
- (2) quality of written opinions with specific focus on clarity and logic, and the ability to explain clearly the facts of a case and the legal precedents at issue;
- (3) sensitivity to impact of demeanor and other nonverbal communications.

(D) Preparation, attentiveness, dignity and control over proceedings:

- (1) courtesy to all parties and participants; and
- (2) willingness to permit every person legally interested in a proceeding to be heard, unless precluded by law or rules of courts.

(E) Skills as a manager:

- (1) devoting appropriate time to all pending matters;
- (2) discharging administrative responsibilities diligently;
- (3) where responsibility exists for a calendar, knowledge of the number, age, and status of pending cases.

(F) Punctuality:

- (1) the prompt disposition of pending matters; and
- (2) meeting commitments on time and according to rules of the court.

5. Minimum Standards for Performance

- Minimum score of 70% on at least 75% of the questions on the attorney survey.
- No public sanctions by the Judicial Conduct Commission.
- No more than one private sanction by the Judicial Conduct Commission.
- For trial court judges, no cases under advisement for more than 180 days and no more than 6 cases under advisement for more than 60 days.
- At least 30 hours of legal education per year.
- Compliance with the Code of Judicial Administration and the Code of Judicial Conduct.
- Physical and mental fitness for office.
- A judge who fails to meet one or more of these standards may appear before the Judicial Council and show cause why he or she should nevertheless be certified.

6. Judges Standing for Retention Election November 5, 1996

The following judges have been certified by the Judicial Council as qualified for retention election:

Name	Court	Judicial District	Counties
Russell W. Bench	Court of Appeals		All
Judith M. Billings	Court of Appeals		All
James Z. Davis	Court of Appeals		All
Pamela T. Greenwood	Court of Appeals		All
Norman H. Jackson	Court of Appeals		All
Gregory K. Orme	Court of Appeals		All
Ben H. Hadfield	District	First	Box Elder, Cache, and Rich
Gordon J. Low	District	First	Box Elder, Cache, and Rich
Parley R. Baldwin	District	Second	Weber, Davis, and Morgan
Michael J. Glasmann	District	Second	Weber, Davis, and Morgan
Michael D. Lyon	District	Second	Weber, Davis, and Morgan
Jon M. Memmott	District	Second	Weber, Davis, and Morgan
William B. Bohling	District	Third	Salt Lake, Summit, and Tooele
Pat B. Brian	District	Third	Salt Lake, Summit, and Tooele
Michael K. Burton	District	Third	Salt Lake, Summit, and Tooele
Dennis M. Fuchs	District	Third	Salt Lake, Summit, and Tooele
Michael L. Hutchings	District	Third	Salt Lake, Summit, and Tooele
Glenn K. Iwasaki	District	Third	Salt Lake, Summit, and Tooele
Tyrone E. Medley	District	Third	Salt Lake, Summit, and Tooele
Frank G. Noel	District	Third	Salt Lake, Summit, and Tooele
Robin W. Reese	District	Third	Salt Lake, Summit, and Tooele
Homer F. Wilkinson	District	Third	Salt Lake, Summit, and Tooele
David S. Young	District	Third	Salt Lake, Summit, and Tooele
Olof A. Johansson	Juvenile	Third	Salt Lake, Summit, and Tooele
Andrew A. Valdez	Juvenile	Third	Salt Lake, Summit, and Tooele
John C. Backlund	District	Fourth	Wasatch, Utah, Juab, and Millard
Guy R. Burningham	District	Fourth	Wasatch, Utah, Juab, and Millard
Lynn W. Davis	District	Fourth	Wasatch, Utah, Juab, and Millard
Steven L. Hansen	District	Fourth	Wasatch, Utah, Juab, and Millard
Anthony W. Schofield	District	Fourth	Wasatch, Utah, Juab, and Millard
Kay A. Lindsay	District	Fourth	Wasatch, Utah, Juab, and Millard
Robert T. Braithwaite	District	Fifth	Beaver, Iron, and Washington
J. Philip Eves	District	Fifth	Beaver, Iron, and Washington
David L. Mower	District	Sixth	Sanpete, Sevier, Piute, Wayne, Garfield, and Kane
Louis G. Tervort	Juvenile	Sixth	Sanpete, Sevier, Piute, Wayne, Garfield, and Kane
Lyle R. Anderson	District	Seventh	Carbon, Emery, Grand, and San Juan
Bruce K. Halliday	District	Seventh	Carbon, Emery, Grand, and San Juan
Scott N. Johansen	Juvenile	Seventh	Carbon, Emery, Grand, and San Juan
John R. Anderson	District	Eighth	Daggett, Duchesne, and Uintah

7. Certification Information for Each Judge

Appellate Judges

A random sample of attorneys appearing before each judge was asked to rate the judge as "excellent", "more than adequate", "adequate", "less than adequate", and "inadequate" on the following questions. A satisfactory response is "excellent", "more than adequate", or "adequate". To be certified the judge must receive a 70% satisfactory response rate to at least 75% of the following questions and an overall satisfactory response rate of at least 70%.

Attorney Survey Questions for Judges of the Court of Appeals

- 1) Professional behavior is free from impropriety or the appearance of impropriety.
- 2) Behavior is free from bias.
- 3) Discourages inappropriate ex parte approaches from attorneys or participants in a case.
- 4) Demonstrates knowledge of the substantive law.
- 5) Demonstrates knowledge of the rules of evidence and procedure.
- 6) Demonstrates an ability to perceive legal and factual issues.
- 7) Properly applies the law to the facts of the case.
- 8) Demonstrates an awareness of recent legal developments.
- 9) Opinions demonstrate scholarly legal analysis.
- 10) Opinions are clear and well written.
- 11) Demonstrates preparation for oral arguments.
- 12) Taking everything into account, would you recommend the Judicial Council certify this judge for retention election?

Judge Russell W. Bench – Utah Court of Appeals (All Counties)

- Received no public or private sanctions from the Judicial Conduct Commission.
- Attained the number of judicial education hours which meets or exceeds the minimum requirement of 30 hours per year. 1994: 65 1995: 45.
- Is in compliance with the Code of Judicial Conduct and the Code of Judicial Administration and is mentally and physically fit for office.
- Received satisfactory scores on the certification questions of the attorney survey as indicated:

Certification Question (see page 44)	1	2	3	4	5	6	7	8	9	10	11	12
70% or more satisfactory responses	X	X	X	X	X	X	X	X	X	X	X	X

Judge Judith M. Billings – Utah Court of Appeals (All Counties)

- Received no public or private sanctions from the Judicial Conduct Commission.
- Attained the number of judicial education hours which meets or exceeds the minimum requirement of 30 hours per year. 1994: 47 1995: 52.
- Is in compliance with the Code of Judicial Conduct and the Code of Judicial Administration and is mentally and physically fit for office.
- Received satisfactory scores on the certification questions of the attorney survey as indicated:

Certification Question (see page 44)	1	2	3	4	5	6	7	8	9	10	11	12
70% or more satisfactory responses	X	X	X	X	X	X	X	X	X	X	X	X

Judge James Z. Davis – Utah Court of Appeals (All Counties)

- Received no public or private sanctions from the Judicial Conduct Commission.
- Attained the number of judicial education hours which meets or exceeds the minimum requirement of 30 hours per year. 1994: 73 1995: 38.5.
- Is in compliance with the Code of Judicial Conduct and the Code of Judicial Administration and is mentally and physically fit for office.
- Received satisfactory scores on the certification questions of the attorney survey as indicated:

Certification Question (see page 44)	1	2	3	4	5	6	7	8	9	10	11	12
70% or more satisfactory responses	X	X	X	X	X	X	X	X	X	X	X	X

Judge Pamela T. Greenwood – Utah Court of Appeals (All Counties)

- Received no public or private sanctions from the Judicial Conduct Commission.
- Attained the number of judicial education hours which meets or exceeds the minimum requirement of 30 hours per year. 1994: 55 1995: 47.5.
- Is in compliance with the Code of Judicial Conduct and the Code of Judicial Administration and is mentally and physically fit for office.
- Received satisfactory scores on the certification questions of the attorney survey as indicated:

Certification Question (see page 44)	1	2	3	4	5	6	7	8	9	10	11	12
70% or more satisfactory responses	X	X	X	X	X	X	X	X	X	X	X	X

Judge Norman H. Jackson – Utah Court of Appeals (All Counties)

- Received no public or private sanctions from the Judicial Conduct Commission.
- Attained the number of judicial education hours which meets or exceeds the minimum requirement of 30 hours per year. 1994: 63 1995: 84.
- Is in compliance with the Code of Judicial Conduct and the Code of Judicial Administration and is mentally and physically fit for office.
- Received satisfactory scores on the certification questions of the attorney survey as indicated:

<i>Certification Question (see page 44)</i>	1	2	3	4	5	6	7	8	9	10	11	12
<i>70% or more satisfactory responses</i>	X	X	X	X	X	X	X	X	X	X	X	X

Judge Gregory K. Orme – Utah Court of Appeals (All Counties)

- Received no public or private sanctions from the Judicial Conduct Commission.
- Attained the number of judicial education hours which meets or exceeds the minimum requirement of 30 hours per year. 1994: 45 1995: 41.
- Is in compliance with the Code of Judicial Conduct and the Code of Judicial Administration and is mentally and physically fit for office.
- Received satisfactory scores on the certification questions of the attorney survey as indicated:

<i>Certification Question (see page 44)</i>	1	2	3	4	5	6	7	8	9	10	11	12
<i>70% or more satisfactory responses</i>	X	X	X	X	X	X	X	X	X	X	X	X

Trial Court Judges

A random sample of attorneys appearing before each judge was asked to rate the judge as “excellent”, “more than adequate”, “adequate”, “less than adequate”, and “inadequate” on the following questions. A satisfactory response is “excellent”, “more than adequate”, or “adequate”. To be certified the judge must receive a 70% satisfactory response rate to at least 75% of the following questions and an overall satisfactory response rate of at least 70%.

Attorney Survey Questions for District and Juvenile Court Judges

- 1) Professional behavior is free from impropriety or the appearance of impropriety.
- 2) Weighs all evidence fairly and impartially before rendering a decision.
- 3) Behavior is free from bias.
- 4) Discourages inappropriate ex parte approaches from attorneys or participants in a case.
- 5) Demonstrates knowledge of the rules of procedure.
- 6) Demonstrates knowledge of the rules of evidence.
- 7) Applies the law to the facts of the case.
- 8) Clearly explains the basis of oral decisions.
- 9) Writes decisions in clear and coherent manner.
- 10) Maintains order in the courtroom.
- 11) Demonstrates a familiarity with the pleadings, record, memoranda, and/or briefs that reflects preparation.
- 12) Issues orders, judgments, decrees, or opinions without unnecessary delay.
- 13) Taking everything into account, would you recommend the Judicial Council certify this judge for retention election?

Judge Ben H. Hadfield – 1st District – District Court (Box Elder, Cache, Rich)

- Received no public or private sanctions from the Judicial Conduct Commission.
- Attained the number of judicial education hours which meets or exceeds the minimum requirement of 30 hours per year. 1994: 67 1995: 71.5.
- Is in compliance with the Code of Judicial Conduct and the Code of Judicial Administration and is mentally and physically fit for office.
- Received satisfactory scores on the certification questions of the attorney survey as indicated:

<i>Certification Question (see page 45)</i>	1	2	3	4	5	6	7	8	9	10	11	12	13
<i>70% or more satisfactory responses</i>	X	X	X	X	X	X	X	X	X	X	X	X	X

Judge Gordon J. Low – 1st District – District Court (Box Elder, Cache, Rich)

- Received no public or private sanctions from the Judicial Conduct Commission.
- Attained the number of judicial education hours which meets or exceeds the minimum requirement of 30 hours per year. 1994: 35 1995: 65.
- Is in compliance with the Code of Judicial Conduct and the Code of Judicial Administration and is mentally and physically fit for office.
- Received satisfactory scores on the certification questions of the attorney survey as indicated:

<i>Certification Question (see page 45)</i>	1	2	3	4	5	6	7	8	9	10	11	12	13
<i>70% or more satisfactory responses</i>	X	X	X	X	X	X	X	X	X	X	X	X	X

Judge Parley R. Baldwin – 2nd District – District Court (Weber, Davis, Morgan)

- Received no public or private sanctions from the Judicial Conduct Commission.
- Attained the number of judicial education hours which meets or exceeds the minimum requirement of 30 hours per year. 1994: 30 1995: 30.
- Is in compliance with the Code of Judicial Conduct and the Code of Judicial Administration and is mentally and physically fit for office.
- Received satisfactory scores on the certification questions of the attorney survey as indicated:

<i>Certification Question (see page 45)</i>	1	2	3	4	5	6	7	8	9	10	11	12	13
<i>70% or more satisfactory responses</i>	X	X	X	X	X	X	X	X	X	X	X	X	X

Judge Michael J. Glasmann – 2nd District – District Court (Weber, Davis, Morgan)

- Received no public or private sanctions from the Judicial Conduct Commission.
- Attained the number of judicial education hours which meets or exceeds the minimum requirement of 30 hours per year. 1994: 30 1995: 30.
- Is in compliance with the Code of Judicial Conduct and the Code of Judicial Administration and is mentally and physically fit for office.
- Received satisfactory scores on the certification questions of the attorney survey as indicated:

<i>Certification Question (see page 45)</i>	1	2	3	4	5	6	7	8	9	10	11	12	13
<i>70% or more satisfactory responses</i>	X	X	X	X	X	X	X	X	X	X	X	X	X

Judge Michael D. Lyon – 2nd District – District Court (Weber, Davis, Morgan)

- Received no public or private sanctions from the Judicial Conduct Commission.
- Attained the number of judicial education hours which meets or exceeds the minimum requirement of 30 hours per year. 1994: 51 1995: 45.25.
- Is in compliance with the Code of Judicial Conduct and the Code of Judicial Administration and is mentally and physically fit for office.
- Received satisfactory scores on the certification questions of the attorney survey as indicated:

<i>Certification Question (see page 45)</i>	1	2	3	4	5	6	7	8	9	10	11	12	13
<i>70% or more satisfactory responses</i>	X	X	X	X	X	X	X	X	X	X	X	X	X

Judge Jon M. Memmott – 2nd District – District Court (Weber, Davis, Morgan)

- Received no public or private sanctions from the Judicial Conduct Commission.
- Attained the number of judicial education hours which meets or exceeds the minimum requirement of 30 hours per year. 1994: 60 1995: 37.
- Is in compliance with the Code of Judicial Conduct and the Code of Judicial Administration and is mentally and physically fit for office.
- Received satisfactory scores on the certification questions of the attorney survey as indicated:

<i>Certification Question (see page 45)</i>	1	2	3	4	5	6	7	8	9	10	11	12	13
<i>70% or more satisfactory responses</i>	X	X	X	X	X	X	X	X	X	X	X	X	X

Judge William B. Bohling – 3rd District – District Court (Salt Lake, Summit, Tooele)

- Received no public or private sanctions from the Judicial Conduct Commission.
- Attained the number of judicial education hours which meets or exceeds the minimum requirement of 30 hours per year. 1994: 141 1995: 82.75.
- Is in compliance with the Code of Judicial Conduct and the Code of Judicial Administration and is mentally and physically fit for office.
- Received satisfactory scores on the certification questions of the attorney survey as indicated:

<i>Certification Question (see page 45)</i>	1	2	3	4	5	6	7	8	9	10	11	12	13
<i>70% or more satisfactory responses</i>	X	X	X	X	X	X	X	X	X	X	X	X	X

Judge Pat B. Brian – 3rd District – District Court (Salt Lake, Summit, Tooele)

- Received no public or private sanctions from the Judicial Conduct Commission.
- Attained the number of judicial education hours which meets or exceeds the minimum requirement of 30 hours per year. 1994: 46 1995: 50.
- Is in compliance with the Code of Judicial Conduct and the Code of Judicial Administration and is mentally and physically fit for office.
- Received satisfactory scores on the certification questions of the attorney survey as indicated:

<i>Certification Question (see page 45)</i>	1	2	3	4	5	6	7	8	9	10	11	12	13
<i>70% or more satisfactory responses</i>	X	X	X	X	X	X	X	X	X	X	X	X	X

Judge Michael K. Burton – 3rd District – District Court (Salt Lake, Summit, Tooele)

- Received no public or private sanctions from the Judicial Conduct Commission.
- Attained the number of judicial education hours which meets or exceeds the minimum requirement of 30 hours per year. 1994: 67 1995: 64.

- Is in compliance with the Code of Judicial Conduct and the Code of Judicial Administration and is mentally and physically fit for office.
- Received satisfactory scores on the certification questions of the attorney survey as indicated:

<i>Certification Question (see page 45)</i>	1	2	3	4	5	6	7	8	9	10	11	12	13
<i>70% or more satisfactory responses</i>	X	X	X	X	X	X	X	X	X	X	X	X	X

Judge Dennis M. Fuchs – 3rd District – District Court (Salt Lake, Summit, Tooele)

- Received no public or private sanctions from the Judicial Conduct Commission.
- Attained the number of judicial education hours which meets or exceeds the minimum requirement of 30 hours per year. 1994: 57 1995: 110.
- Is in compliance with the Code of Judicial Conduct and the Code of Judicial Administration and is mentally and physically fit for office.
- Received satisfactory scores on the certification questions of the attorney survey as indicated:

<i>Certification Question (see page 45)</i>	1	2	3	4	5	6	7	8	9	10	11	12	13
<i>70% or more satisfactory responses</i>	X	X	X	X	X	X	X	X	X	X	X	X	X

Judge Michael L. Hutchings – 3rd District, District Court (Salt Lake, Summit, Tooele)

- Received no public or private sanctions from the Judicial Conduct Commission.
- Attained the number of judicial education hours which meets or exceeds the minimum requirement of 30 hours per year. 1994: 61 1995: 53.5.
- Is in compliance with the Code of Judicial Conduct and the Code of Judicial Administration and is mentally and physically fit for office.
- Received satisfactory scores on the certification questions of the attorney survey as indicated:

<i>Certification Question (see page 45)</i>	1	2	3	4	5	6	7	8	9	10	11	12	13
<i>70% or more satisfactory responses</i>	X	X	X	X	X	X	X	X	X	X	X	X	X

Judge Glenn K. Iwasaki – 3rd District, District Court (Salt Lake, Summit, Tooele)

- Received no public or private sanctions from the Judicial Conduct Commission.
- Attained the number of judicial education hours which meets or exceeds the minimum requirement of 30 hours per year. 1994: 59.5 1995: 39.
- Is in compliance with the Code of Judicial Conduct and the Code of Judicial Administration and is mentally and physically fit for office.
- Received satisfactory scores on the certification questions of the attorney survey as indicated:

<i>Certification Question (see page 45)</i>	1	2	3	4	5	6	7	8	9	10	11	12	13
<i>70% or more satisfactory responses</i>	X	X	X	X	X	X	X	X	X	X	X	X	X

Judge Tyrone E. Medley – 3rd District, District Court (Salt Lake, Summit, Tooele)

- Received no public or private sanctions from the Judicial Conduct Commission.
- Attained the number of judicial education hours which meets or exceeds the minimum requirement of 30 hours per year. 1994: 83 1995: 53.
- Is in compliance with the Code of Judicial Conduct and the Code of Judicial Administration and is mentally and physically fit for office.
- Received satisfactory scores on the certification questions of the attorney survey as indicated:

<i>Certification Question (see page 45)</i>	1	2	3	4	5	6	7	8	9	10	11	12	13
<i>70% or more satisfactory responses</i>	X	X	X	X	X	X	X	X	X	X	X	X	X

Judge Frank G. Noel – 3rd District, District Court (Salt Lake, Summit, Tooele)

- Received no public or private sanctions from the Judicial Conduct Commission.
- Attained the number of judicial education hours which meets or exceeds the minimum requirement of 30 hours per year. 1994: 52 1995: 32.
- Is in compliance with the Code of Judicial Conduct and the Code of Judicial Administration and is mentally and physically fit for office.
- Received satisfactory scores on the certification questions of the attorney survey as indicated:

<i>Certification Question (see page 45)</i>	1	2	3	4	5	6	7	8	9	10	11	12	13
<i>70% or more satisfactory responses</i>	X	X	X	X	X	X	X	X	X	X	X	X	X

Judge Robin W. Reese – 3rd District, District Court (Salt Lake, Summit, Tooele)

- Received no public or private sanctions from the Judicial Conduct Commission.
- Attained the number of judicial education hours which meets or exceeds the minimum requirement of 30 hours per year. 1994: 30.5 1995: 33.5.
- Is in compliance with the Code of Judicial Conduct and the Code of Judicial Administration and is mentally and physically fit for office.
- Received satisfactory scores on the certification questions of the attorney survey as indicated:

<i>Certification Question (see page 45)</i>	1	2	3	4	5	6	7	8	9	10	11	12	13
<i>70% or more satisfactory responses</i>	X	X	X	X	X	X	X	X	X	X	X	X	X

Judge Homer F. Wilkinson – 3rd District, District Court (Salt Lake, Summit, Tooele)

- Received no public or private sanctions from the Judicial Conduct Commission.
- Attained the number of judicial education hours which meets or exceeds the minimum requirement of 30 hours per year. 1994: 70 1995: 56.5.
- Is in compliance with the Code of Judicial Conduct and the Code of Judicial Administration and is mentally and physically fit for office.
- Received satisfactory scores on the certification questions of the attorney survey as indicated:

Certification Question (see page 45)	1	2	3	4	5	6	7	8	9	10	11	12	13
70% or more satisfactory responses	X	X	X	X	X	X				X	X	X	X
Less than 70% satisfactory responses							X	X	X				

Judge David S. Young – 3rd District, District Court (Salt Lake, Summit, Tooele)

- Received no public or private sanctions from the Judicial Conduct Commission.
- Attained the number of judicial education hours which meets or exceeds the minimum requirement of 30 hours per year. 1994: 86 1995: 53.5.
- Is in compliance with the Code of Judicial Conduct and the Code of Judicial Administration and is mentally and physically fit for office.
- Received satisfactory scores on the certification questions of the attorney survey as indicated:

Certification Question (see page 45)	1	2	3	4	5	6	7	8	9	10	11	12	13
70% or more satisfactory responses	X		X	X	X	X	X	X	X	X	X	X	X
Less than 70% satisfactory responses		X											

Judge Olof A. Johansson – 3rd District, Juvenile Court (Salt Lake, Summit, Tooele)

- Received no public or private sanctions from the Judicial Conduct Commission.
- Attained the number of judicial education hours which meets or exceeds the minimum requirement of 30 hours per year. 1994: 46 1995: 51.
- Is in compliance with the Code of Judicial Conduct and the Code of Judicial Administration and is mentally and physically fit for office.
- Received satisfactory scores on the certification questions of the attorney survey as indicated:

Certification Question (see page 45)	1	2	3	4	5	6	7	8	9	10	11	12	13
70% or more satisfactory responses	X	X	X	X	X	X	X	X	X	X	X	X	X

Judge Andrew A. Valdez – 3rd District, Juvenile Court (Salt Lake, Summit, Tooele)

- Received no public or private sanctions from the Judicial Conduct Commission.
- Attained the number of judicial education hours which meets or exceeds the minimum requirement of 30 hours per year. 1994: 30 1995: 33.
- Is in compliance with the Code of Judicial Conduct and the Code of Judicial Administration and is mentally and physically fit for office.
- Received satisfactory scores on the certification questions of the attorney survey as indicated:

Certification Question (see page 45)	1	2	3	4	5	6	7	8	9	10	11	12	13
70% or more satisfactory responses	X	X	X	X	X	X	X	X	X	X	X	X	X

Judge John C. Backlund – 4th District, District Court (Wasatch, Utah, Juab, Millard)

- Received no public or private sanctions from the Judicial Conduct Commission.
- Attained the number of judicial education hours which meets or exceeds the minimum requirement of 30 hours per year. 1994: 53 1995: 37.75.
- Is in compliance with the Code of Judicial Conduct and the Code of Judicial Administration and is mentally and physically fit for office.
- Received satisfactory scores on the certification questions of the attorney survey as indicated:

Certification Question (see page 45)	1	2	3	4	5	6	7	8	9	10	11	12	13
70% or more satisfactory responses	X	X	X	X	X	X	X	X	X	X	X	X	X

Judge Guy R. Burningham – 4th District, District Court (Wasatch, Utah, Juab, Millard)

- Received no public or private sanctions from the Judicial Conduct Commission.
- Attained the number of judicial education hours which meets or exceeds the minimum requirement of 30 hours per year. 1994: 46 1995: 61.
- Is in compliance with the Code of Judicial Conduct and the Code of Judicial Administration and is mentally and physically fit for office.
- Received satisfactory scores on the certification questions of the attorney survey as indicated:

Certification Question (see page 45)	1	2	3	4	5	6	7	8	9	10	11	12	13
70% or more satisfactory responses	X	X	X	X	X	X	X	X	X	X	X	X	X

Judge Lynn W. Davis – 4th District, District Court (Wasatch, Utah, Juab, Millard)

- Received no public or private sanctions from the Judicial Conduct Commission.
- Attained the number of judicial education hours which meets or exceeds the minimum requirement of 30 hours per year. 1994: 80 1995: 62.
- Is in compliance with the Code of Judicial Conduct and the Code of Judicial Administration and is mentally and physically fit for office.
- Received satisfactory scores on the certification questions of the attorney survey as indicated:

<i>Certification Question (see page 45)</i>	1	2	3	4	5	6	7	8	9	10	11	12	13
<i>70% or more satisfactory responses</i>	X	X	X	X	X	X	X	X	X	X	X	X	X

Judge Steven L. Hansen – 4th District, District Court (Wasatch, Utah, Juab, Millard)

- Received no public or private sanctions from the Judicial Conduct Commission.
- Attained the number of judicial education hours which meets or exceeds the minimum requirement of 30 hours per year. 1994: 72.5 1995: 66.
- Is in compliance with the Code of Judicial Conduct and the Code of Judicial Administration and is mentally and physically fit for office.
- Received satisfactory scores on the certification questions of the attorney survey as indicated:

<i>Certification Question (see page 45)</i>	1	2	3	4	5	6	7	8	9	10	11	12	13
<i>70% or more satisfactory responses</i>	X	X	X	X	X	X	X	X	X	X	X	X	X

Judge Anthony W. Schofield – 4th District, District Court (Wasatch, Utah, Juab, Millard)

- Received no public or private sanctions from the Judicial Conduct Commission.
- Attained the number of judicial education hours which meets or exceeds the minimum requirement of 30 hours per year. 1994: 44.5 1995: 58.
- Is in compliance with the Code of Judicial Conduct and the Code of Judicial Administration and is mentally and physically fit for office.
- Received satisfactory scores on the certification questions of the attorney survey as indicated:

<i>Certification Question (see page 45)</i>	1	2	3	4	5	6	7	8	9	10	11	12	13
<i>70% or more satisfactory responses</i>	X	X	X	X	X	X	X	X	X	X	X	X	X

Judge Kay A. Lindsay – 4th District, Juvenile Court (Wasatch, Utah, Juab, Millard)

- Received no public or private sanctions from the Judicial Conduct Commission.
- Attained the number of judicial education hours which meets or exceeds the minimum requirement of 30 hours per year. 1994: 50 1995: 92.25.
- Is in compliance with the Code of Judicial Conduct and the Code of Judicial Administration and is mentally and physically fit for office.
- Received satisfactory scores on the certification questions of the attorney survey as indicated:

<i>Certification Question (see page 45)</i>	1	2	3	4	5	6	7	8	9	10	11	12	13
<i>70% or more satisfactory responses</i>	X	X	X	X	X	X	X	X	X	X	X	X	X

Judge Robert T. Braithwaite – 5th District, District Court (Beaver, Iron, Washington)

- Received no public or private sanctions from the Judicial Conduct Commission.
- Attained the number of judicial education hours which meets or exceeds the minimum requirement of 30 hours per year. 1994: 63 1995: 52.5.
- Is in compliance with the Code of Judicial Conduct and the Code of Judicial Administration and is mentally and physically fit for office.
- Received satisfactory scores on the certification questions of the attorney survey as indicated:

<i>Certification Question (see page 45)</i>	1	2	3	4	5	6	7	8	9	10	11	12	13
<i>70% or more satisfactory responses</i>	X	X	X	X	X	X	X	X	X	X	X	X	X

Judge J. Philip Eves – 5th District, District Court (Beaver, Iron, Washington)

- Received no public or private sanctions from the Judicial Conduct Commission.
- Attained the number of judicial education hours which meets or exceeds the minimum requirement of 30 hours per year. 1994: 35 1995: 62.5.
- Is in compliance with the Code of Judicial Conduct and the Code of Judicial Administration and is mentally and physically fit for office.
- Received satisfactory scores on the certification questions of the attorney survey as indicated:

<i>Certification Question (see page 45)</i>	1	2	3	4	5	6	7	8	9	10	11	12	13
<i>70% or more satisfactory responses</i>	X	X	X	X	X	X	X	X	X	X	X	X	X

Judge David L. Mower – 6th District, District Court (Sanpete, Sevier, Piute, Wayne, Garfield, Kane)

- Received no public or private sanctions from the Judicial Conduct Commission.
- Attained the number of judicial education hours which meets or exceeds the minimum requirement of 30 hours per year. 1994: 45 1995: 37.

- Is in compliance with the Code of Judicial Conduct and the Code of Judicial Administration and is mentally and physically fit for office.
- Received satisfactory scores on the certification questions of the attorney survey as indicated:

<i>Certification Question (see page 45)</i>	1	2	3	4	5	6	7	8	9	10	11	12	13
<i>70% or more satisfactory responses</i>	X	X	X	X	X	X	X	X	X	X	X	X	X

Judge Louis G. Tervort – 6th District – Juvenile Court (Sanpete, Sevier, Piute, Wayne, Garfield, Kane)

- Received no public or private sanctions from the Judicial Conduct Commission.
- Attained the number of judicial education hours which meets or exceeds the minimum requirement of 30 hours per year. 1994: 35 1995: 45.
- Is in compliance with the Code of Judicial Conduct and the Code of Judicial Administration and is mentally and physically fit for office.
- Received satisfactory scores on the certification questions of the attorney survey as indicated:

<i>Certification Question (see page 45)</i>	1	2	3	4	5	6	7	8	9	10	11	12	13
<i>70% or more satisfactory responses</i>	X	X	X	X	X	X	X	X	X	X	X	X	X

Judge Lyle R. Anderson – 7th District – District Court (Carbon, Emery, Grand, San Juan)

- Received no public or private sanctions from the Judicial Conduct Commission.
- Attained the number of judicial education hours which meets or exceeds the minimum requirement of 30 hours per year. 1994: 64 1995: 59.
- Is in compliance with the Code of Judicial Conduct and the Code of Judicial Administration and is mentally and physically fit for office.
- Received satisfactory scores on the certification questions of the attorney survey as indicated:

<i>Certification Question (see page 45)</i>	1	2	3	4	5	6	7	8	9	10	11	12	13
<i>70% or more satisfactory responses</i>	X	X	X	X	X	X	X	X	X	X	X	X	X

Judge Bruce K. Halliday – 7th District – District Court (Carbon, Emery, Grand, San Juan)

- Received no public or private sanctions from the Judicial Conduct Commission.
- Attained the number of judicial education hours which meets or exceeds the minimum requirement of 30 hours per year. 1994: 58 1995: 37.
- Is in compliance with the Code of Judicial Conduct and the Code of Judicial Administration and is mentally and physically fit for office.
- Received satisfactory scores on the certification questions of the attorney survey as indicated:

<i>Certification Question (see page 45)</i>	1	2	3	4	5	6	7	8	9	10	11	12	13
<i>70% or more satisfactory responses</i>	X	X	X	X	X	X	X	X	X	X	X	X	X

Judge Scott N. Johansen – 7th District – Juvenile Court (Carbon, Emery, Grand, San Juan)

- Received no public or private sanctions from the Judicial Conduct Commission.
- Attained the number of judicial education hours which meets or exceeds the minimum requirement of 30 hours per year. 1994: 50 1995: 35.75.
- Is in compliance with the Code of Judicial Conduct and the Code of Judicial Administration and is mentally and physically fit for office.
- Received satisfactory scores on the certification questions of the attorney survey as indicated:

<i>Certification Question (see page 45)</i>	1	2	3	4	5	6	7	8	9	10	11	12	13
<i>70% or more satisfactory responses</i>	X	X	X	X	X	X	X	X	X	X	X	X	X

Judge John R. Anderson – 8th District – District Court (Daggett, Duchesne, Uintah)

- Received no public or private sanctions from the Judicial Conduct Commission.
- Attained the number of judicial education hours which meets or exceeds the minimum requirement of 30 hours per year. 1994: 68 1995: 30.
- Is in compliance with the Code of Judicial Conduct and the Code of Judicial Administration and is mentally and physically fit for office.
- Received satisfactory scores on the certification questions of the attorney survey as indicated:

<i>Certification Question (see page 45)</i>	1	2	3	4	5	6	7	8	9	10	11	12	13
<i>70% or more satisfactory responses</i>	X	X	X	X	X	X	X	X	X	X	X	X	X

Instructions to Voters

In Beaver, Box Elder, Cache, Carbon, Davis, Duchesne, Grand, Iron, Kane, Millard, Salt Lake, Sanpete, Sevier, Summit, Tooele, Uintah, Utah, Wasatch, Washington, and Weber Counties.

HOW TO OBTAIN A 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 give you one or more ballots.

NOTE: If an election judge has reason to doubt your identity, the judge is required to either, (a) request identification from you, or (b) have a known registered voter of the district identify you.

HOW TO VOTE YOUR BALLOT

DO NOT vote a ballot that has been marked, spoiled, or defaced. Identification marks or a spoiled or defaced ballot will make your vote invalid. If you make a mistake, or if you have a spoiled or defaced ballot, return it to the judge who will cancel it and issue you a new ballot.

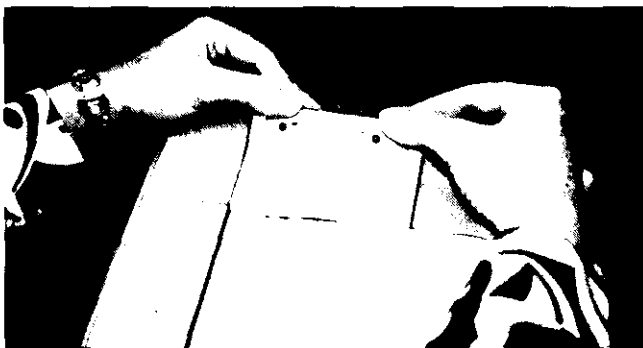
STEP 1

Using both hands, slide the ballot card all the way into the vote recorder.



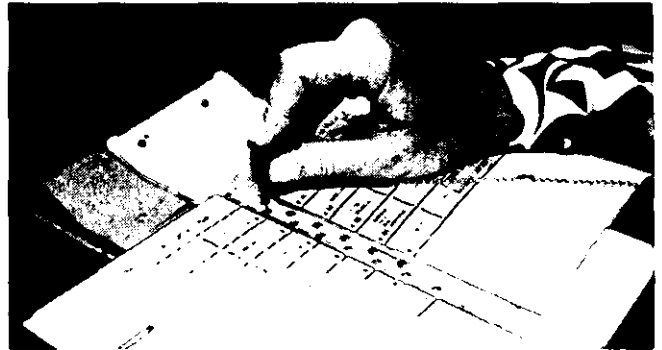
STEP 2

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



STEP 3

To vote, hold the punch straight up and push down through the card in the box next to each of your choices. Follow the instructions, and vote all pages as instructed. Use the punch provided. Do not use a pen or pencil.



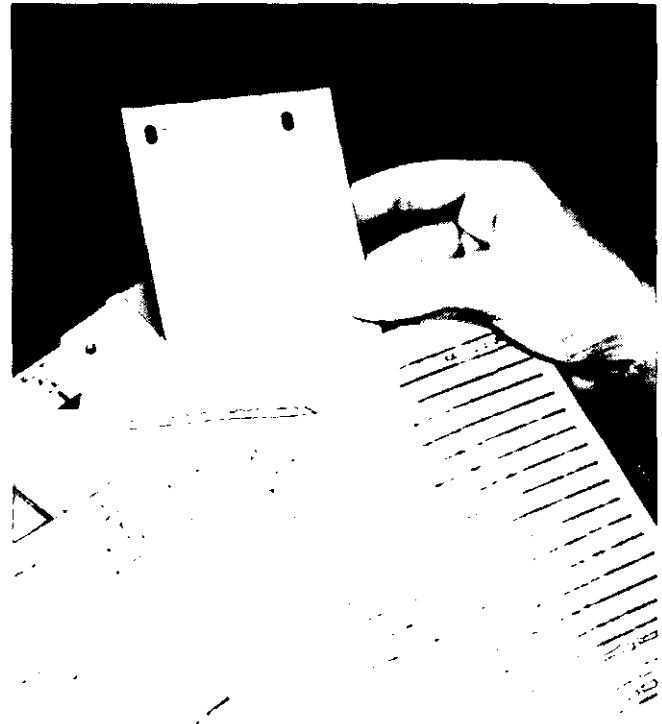
STEP 4

Voting for candidates of more than one party. If you want to vote for candidates from more than one party, you may do this by punching the ballot in the box next to the desired candidate's name on the ballot.

Voting for candidates of one party. If you want to cast a "straight party" vote for all the candidates of one party, punch the box next to the desired party on the first page of the ballot. If you vote "straight party" you vote for each candidate of that party. If you have already voted "straight party" and want to vote for a candidate of another party, you can do that by punching the ballot next to the candidate's name.

STEP 5

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



STEP 6

After you have voted the ballot and placed it in the write-in ballot envelope, **RETURN IT TO THE ELECTION JUDGE.** Give your name. The judge will remove the stub from your ballot. Deposit the write-in ballot envelope, containing the ballot card, in the ballot box. You have now finished voting.

WRITE-IN VOTING

You may also vote for a valid write-in candidate. You do this by either writing the office title and the name of the candidate on the write-in ballot envelope, or by placing a sticker with the candidate's name and office printed on it on the write-in envelope. When voting for a write-in candidate, **DO NOT punch a hole in the punch card ballot next to a candidate running for the same position.**

NON-PARTISAN CANDIDATES

Judicial, state school board, local school board, and similar offices are non-partisan contests. They are on the last pages of your ballot. The copy of the ballot attached to the vote recorder contains instructions telling the number of persons that should be voted for in each office.

CONSTITUTIONAL AMENDMENTS AND INITIATIVES

When voting on a constitutional amendment or initiative, you punch the ballot by the answer you want to give. The amendment or initiative will be in the form of a question. Vote **"FOR"** if you want to answer **"yes"** and **"AGAINST"** if you want to answer **"no."**

HOW TO GET HELP TO MARK YOUR BALLOT

If you are blind, disabled, unable to read or write, unable to read or write the English language, or physically unable to enter a polling place, you may be helped by someone you choose. The person helping you cannot be your employer, an agent of your employer, or an officer or agent of your union. The person helping you cannot in any way request, persuade, or induce you to vote for or against any particular candidate or issue.

CANDIDATES APPEARING MORE THAN ONCE ON YOUR BALLOT

Some candidates have been nominated for the same office by more than one party. If you choose to vote for a candidate who has been nominated by more than one party, you may vote only once, not each time the candidate's name is listed. Your vote will be invalidated if you vote more than once for the same candidate for the same office.

Instructions to Voters

In Daggett, Emery, Garfield, Juab, Morgan, Piute, Rich, San Juan, and Wayne counties.

HOW TO OBTAIN A 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 give you one or more ballots.

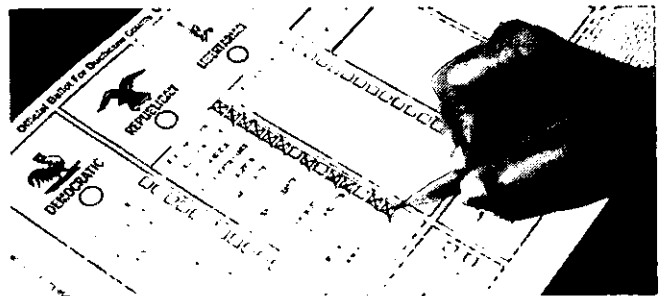
NOTE: If an election judge has reason to doubt your identity, the judge is required to either, (a) request identification from you, or (b) have a known registered voter of the district identify you.

HOW TO VOTE YOUR BALLOT

DO NOT vote a ballot that has been marked, spoiled, or defaced. Identification marks or a spoiled or defaced ballot will make your vote invalid. If you make a mistake, or if you have a spoiled or defaced ballot, return it to the judge who will cancel it and issue you a new ballot.

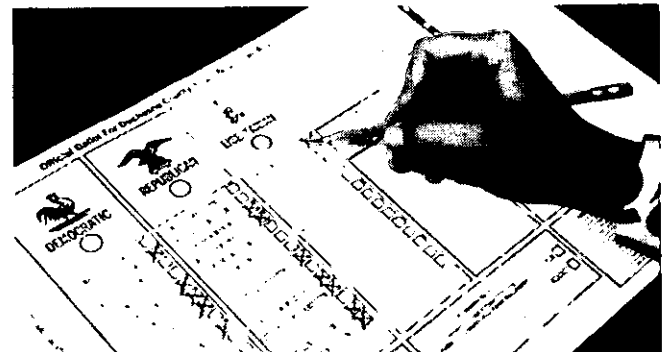
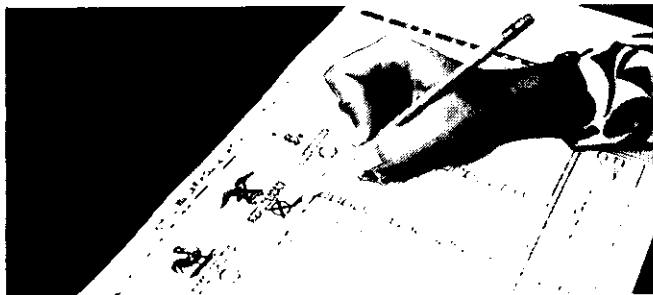
VOTING FOR CANDIDATES OF ONE PARTY.

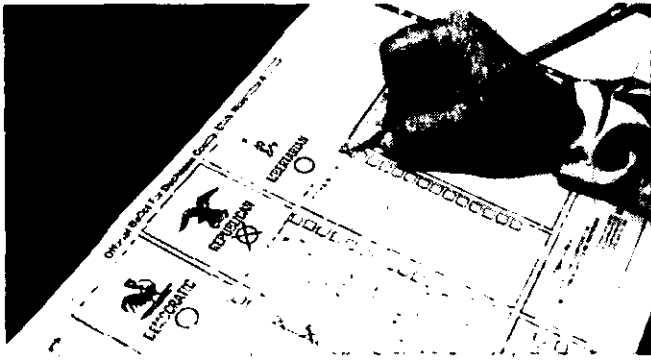
If you want to cast a "straight party" vote for all the candidates of one party, you may mark an "X" in the circle at the top of the list of that party's candidates, in the squares by the names of each candidate of that party, or in both the circle and the squares.



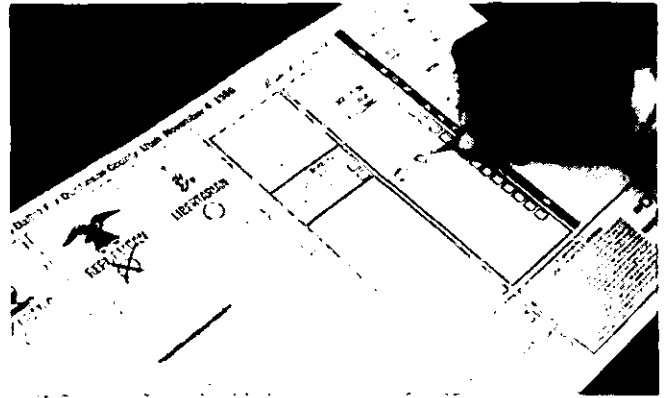
VOTING FOR CANDIDATES OF MORE THAN ONE PARTY

If you want to vote for candidates from more than one party, you may mark in the squares by the names of the candidates for whom you want to vote without marking in any party's circle. You may also vote "straight party" by marking in the circle above one party's list, then marking in the squares by the names of the candidates of your choice of other parties.



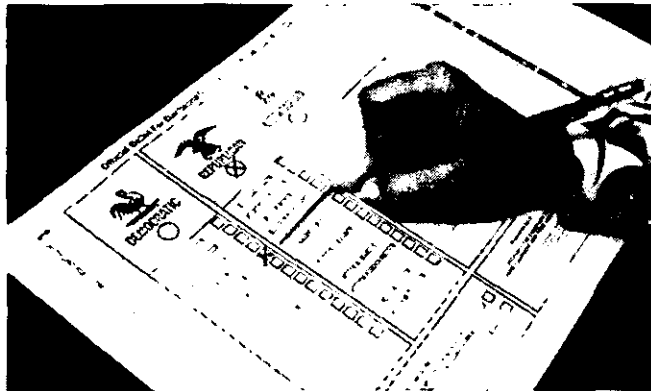


If you vote "straight party" by marking the circle above a party's list, you may draw a line through the name of any candidate of that party ticket for whom you **DO NOT** want to vote. However, when an office is listed that requires more than one person to be elected, you must draw a line through all the names of the persons of that party ticket for whom you do not want to vote (leaving only those for whom you wish to vote).



NON-PARTISAN CANDIDATES

Judicial, state school board, local school board, and similar offices are non-partisan contests. They are located in the extreme right-hand column on the ballot. Just above the voting squares are instructions telling how many persons should be voted for in each office.



WRITE-IN VOTING

You may also vote for a valid write-in candidate. You do this by either writing the name of the candidate on the ballot or by placing a sticker with the candidate's name and office printed on it on the ballot. Partisan write-in candidates should be listed or stuck in the correct office space of the blank write-in column. Non-partisan write-in candidates should be listed in the blank space for that non-partisan office. If you write in a name or put a sticker on the ballot, you have voted for that person, even if you do not make an "X" by the write-in name.



CONSTITUTIONAL AMENDMENTS AND INITIATIVES

In case of a constitutional amendment or initiative submitted to a vote of the people, you make an "X" in the square by the answer you want to give. The amendment or initiative will be in the form of a question. Vote "**FOR**" if you want to answer "yes" and "**AGAINST**" if you want to answer "no."

CANDIDATES APPEARING MORE THAN ONCE ON YOUR BALLOT

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HOW TO GET HELP TO MARK YOUR BALLOT

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County Clerks

Beaver County Clerk
438-2352
Fax 438-5305
P.O. Box 392
Beaver, UT 84713-0392

Box Elder County Clerk
734-2031
Fax 734-2038
01 S. Main Street
Brigham City, UT 84302-2599

Cache County Clerk
752-3542
Fax 752-3597
170 No. Main Street
Logan, UT 84321-4599

Carbon County Clerk/Auditor
637-4700
Fax 637-6757
120 East Main
Price, UT 84501-3098

Daggett County Clerk/Auditor
784-3154
Fax 784-3335
P.O. Box 218
Manila, UT 84046-0218

Davis County Clerk/Auditor
451-3213
Fax 451-3383
P.O. Box 618
Farmington, UT 84025-0618

Duchesne County Clerk
738-2435
Fax 738-5522
Drawer 270
Duchesne, UT 84021-0270

Emery County Clerk
381-2465
Fax 381-5183
P.O. Box 907
Castle Dale, UT 84513-0907

Garfield County Clerk/Auditor
676-8826
Fax 676-8329
P.O. Box 77
Panguitch, UT 84759-0077

Grand County Clerk/Auditor
259-1322
Fax 259-2959
125 E. Center
Moab, UT 84532-2492

Iron County Clerk
477-8340
Fax 477-8847
P.O. Box 429
Parowan, UT 84761-0429

Juab County Clerk/Auditor
623-0271
Fax 623-5936
160 N. Main
Nephi, UT 84648-1412

Kane County Clerk/Auditor
644-2458
Fax 644-2052
P.O. Box 50
Kanab, UT 84741-0728

Millard County Clerk
743-6223
Fax 743-6923
P.O. Box 226
Fillmore, UT 84631-0226

Morgan County Clerk/Auditor
829-6811
Fax 829-6176
P.O. Box 886
Morgan, UT 84050-0886

Piute County Clerk/Auditor
577-2840
Fax 577-2433
P.O. Box 99
Junction, UT 84740-0099

Rich County Clerk/Auditor
793-2415
Fax 793-3122
P.O. Box 218
Randolph, UT 84064-0218

Salt Lake County Clerk
Elections Department
468-3427
Fax 468-3473
2001 S. State Street, #S1100
Salt Lake City, UT 84190-1051

San Juan County Clerk/Auditor
587-3223
Fax 587-2425
P.O. Box 338
Monticello, UT 84535-0338

Sanpete County Clerk
835-2131
Fax 835-2135
160 N. Main
Manti, UT 84642-1299

Sevier County Clerk
896-9262
Fax 896-8888
P.O. Box 517
Richfield, UT 84701-0517

Summit County Clerk
336-4451
Fax 336-4450
P.O. Box 328
Coalville, UT 84017-0128

Tooele County Clerk
882-9140
Fax 882-7317
47 So. Main
Tooele, UT 84074-2194

Uintah County Clerk
781-5360
Fax 781-5319
147 East Main
Vernal, UT 84078-2643

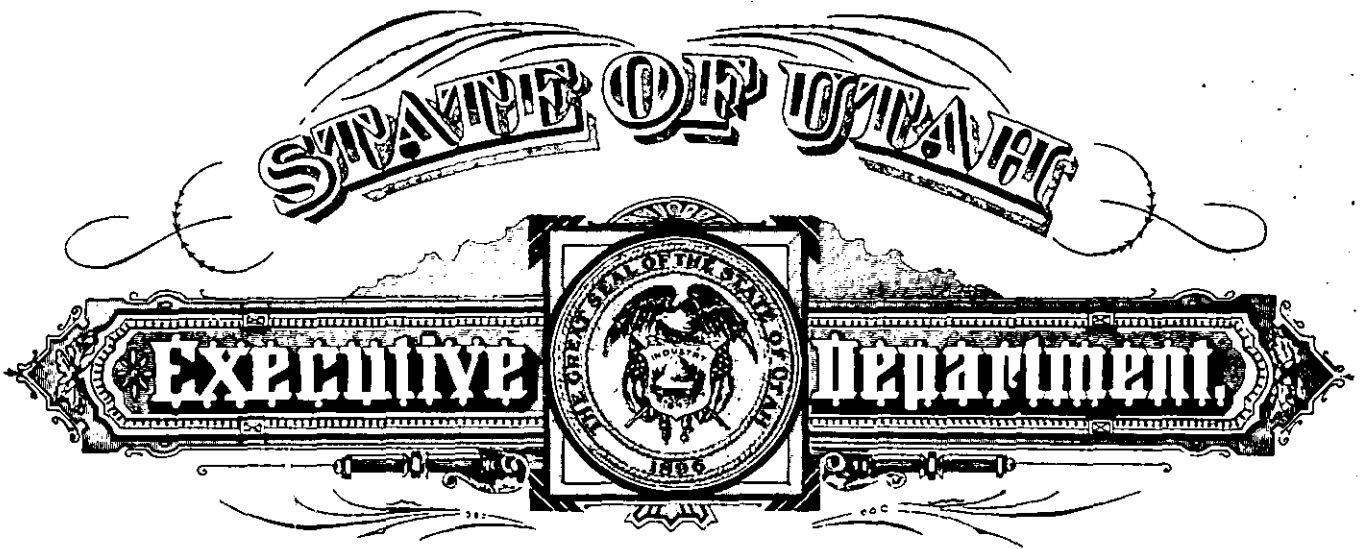
Utah County Clerk
370-8128
Fax 370-8232
100 East Center, Rm 3100
Provo, UT 84606-3106

Wasatch County Clerk
654-3211
Fax 654-5116
25 No. Main
Heber City, UT 84032-1827

Washington County Clerk
634-5712
Fax 634-5753
197 E. Tabernacle
St. George, UT 84770-3473

Wayne County Clerk
836-2731
Fax 836-2479
P.O. Box 189
Loa, UT 84747-0189

Weber County Clerk
399-8400
Fax 399-8300
2549 Washington Blvd.,
2nd Floor No.
Ogden, UT 84401-3181



I, OLENE S. WALKER, LIEUTENANT GOVERNOR OF THE STATE OR 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 5, 1996, and that the foregoing pamphlet is complete and correct according to the law.



WITNESS MY HAND and the Great Seal of the State of Utah at Salt Lake City, Utah this 20th day of September, 1996.

OLENE S. WALKER
Lieutenant Governor

A Message from Utah's Lieutenant Governor

During the last two years there have been increased efforts to ensure that voter registration is easily accessible for all Utahns. Driver license offices, public assistance agencies, and military recruiting offices are among the new sites where voter registration is now being offered as part of the application process. Mail-in forms are printed in phone books and can be found in many banks, post offices, libraries, and other public locations throughout the state.

Every county has also implemented a new "satellite voter registration" program on the Monday and Tuesday of the week preceding the election. This allows you to go to one of the public satellite locations in your county and register a week before the election. This year there should not be anyone who cannot vote because they aren't registered.

All of the new opportunities and the increased numbers of registered voters are only a success if you go out and vote. We have a record number of registered voters in Utah this year (over 1 million!) and we have the opportunity to set a record for voter turnout during Utah's Centennial Celebration. Please remember to register by the deadlines listed below and don't forget to vote. It is your right, it is your privilege!



November 5, 1996 is Election Day

Best wishes,

A handwritten signature in cursive script that reads "Olene S. Walker". The signature is written in black ink and is positioned above the printed name.

Olene S. Walker
Lieutenant Governor

HOW TO REGISTER TO VOTE

If you will be 18 or older and will have been a resident of the State of Utah for 30 days preceding the election on November 5, 1996, you may register to vote by one of the following methods.

- You may register by mail until October 16 by sending in a Mail-in Registration Form. These forms may be obtained at any county clerk's office or political party office. They are also available at various banks, post offices, libraries, and other public locations.
- You may register at any satellite registration location in your county between 8:00 a.m. and 8:00 p.m. on October 28 and 29.
- You may register at the County Clerk's office in your county during regular working hours until October 15.