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## Election 2020: Proposed Amendments to the Utah Constitution

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Come election night the nation will be glued to their televisions (or smartphones or tablets) to see who the next President of the United States will be. It is exciting... and dramatic. This year it may take days for us to know the final tallies, depending on how quickly mail-in ballots can be counted. It certainly will be a memorable night for all of us.

While the presidential race is the main event of this year's elections, there are many fascinating races and issues that also will be determined November 3. Utahns will elect a new governor for the first time in a decade and the state will send at least one new elected official to the United States House of Representatives. Neighborhoods will elect representatives to the state legislature, county governments, and local school boards.

Additionally, a host of proposed amendments to the state constitution will be up for consideration on this year's ballot. For an amendment to be considered, the state legislature must approve a change to the constitution by a two-thirds majority in both the House and Senate. Once passed by a two-thirds majority, the amendment is placed on the next general election ballot. The final decision on whether the state constitution is changed is left up to the people of Utah. If a majority of voters approve of the change, then the state constitution is amended.

This year Utah has seven proposed amendments to its constitution, ranging from updating language of the constitution to be more inclusive to altering how income tax dollars traditionally reserved for education may be reallocated to fund other projects. You likely will only hear about a few of these in the media or from your political friends, so we have provided a rundown on each of the proposed amendments.

### **Amendment A**

*Shall the Utah Constitution be amended to change words that apply to a single gender (such as the word "men") to words that are not limited to a single gender (such as the word "persons")?*

This amendment strives to ensure the state constitution is inclusive to all individuals of the state. If approved, the state constitution would remove references to "he/him/she/her" and replace the words with "persons" or "them," or other appropriate words that include all Utahns.

### **Amendment B**

*Shall the Utah Constitution be amended to specify that certain requirements that a person must meet to be eligible for the office of senator or representative in the Utah Legislature apply at the time the*

*person is elected or appointed?*

This amendment seeks to clarify ambiguity in the constitution. Currently it is not clear whether an individual seeking office in the state legislature must be 25 years of age at the time they declare their candidacy for the seat or by the time they are appointed. Amendment B would clarify whether the person must be 25 years of age by the time the election is held or when the appointment to the office would take place (assuming this individual is appointed to fill a mid-term vacancy).

### **Amendment C**

*Shall the Utah Constitution be amended to make the following changes to the Utah Constitution's ban on slavery and involuntary servitude:*

- *Remove the language that allows slavery and involuntary servitude as punishment for a crime; and*
- *Clarify that the ban does not affect the otherwise lawful administration of the criminal justice system?*

Slavery and involuntary servitude are banned in Utah as stated by the Utah Constitution. However, there is a loophole. Slavery or involuntary servitude could be allowed under the Utah Constitution if it is being used as a punishment for a crime. This amendment would close that loophole and completely eliminate the possibility for slavery or involuntary servitude in the state.

Amendment C also clarifies that the ban on slavery and involuntary servitude does not affect administration of the state's criminal justice system. The state's voter information guide explains that this amendment does not impact a court's ability to sentence someone to prison as punishment for a crime or the ability of prisoners to participate in prison work programs.

### **Amendment D**

*Shall the Utah Constitution be amended to:*

- *Rewrite a provision relating to municipal water rights and sources of water supply;*
- *Allow a municipality to define the boundary of the municipality's water service area and to set the terms of water service for that area;*
- *State that a municipality is not prevented from:*  
  - Supplying water to water users outside the municipality's boundary; or*
  - Entering into a contract to supply water outside the municipality's water service area if the water is more than what is needed for the municipality's water service area; and*
- *Modify the basis upon which a municipality is allowed to exchange water rights or sources of water supply?*

This change would allow municipalities to provide retail sale of water

outside of the municipality's boundary. For such a sale to happen, a municipality's council must pass an ordinance that contains the geographical boundary for where the water is sold and allows the municipalities to set reasonable rates for the water.

### **Amendment E**

*Shall the Utah Constitution be amended to:*

- *Preserve the individual right to hunt and to fish, including the right to use traditional hunting and fishing methods subject to certain regulation; and*
- *Establish public hunting and fishing as the preferred way of managing and controlling wildlife?*

This amendment is fairly straightforward. If approved, the Utah Constitution would state that it would be the right of any individual to hunt and fish within the state. Amendment E also declares hunting and fishing as the preferred method for wildlife management in the state.

### **Amendment F**

*Shall the Utah Constitution be amended to:*

- *Change when annual general sessions of the Utah Legislature begin from the fourth Monday in January to a day in January designated by a law passed by the Utah Legislature; and*
- *Exclude state holidays that are not also federal holidays from counting towards the maximum number of days of the Utah Legislature's annual general session?*

This change would give the state legislature more flexibility on when it begins its annual 45-day session. The amendment would still require the session to begin in January, but it would allow the legislature to pick the day in January in which to begin. This gives lawmakers the ability to begin the session earlier, should Utah ever host the Winter Olympics again, or move the start date to avoid beginning on a holiday.

### **Amendment G**

*Shall the Utah Constitution be amended to expand the use of money the state receives from income taxes and intangible property taxes to include supporting children and supporting people with a disability?*

Currently Utah's constitution states that all money received from state income tax collections or a tax on intangible property must be used to support Utah's public education or higher education systems. Amendment G would allow state legislators to allocate a portion of the money collected by these two taxes to state programs that support children or people with a disability.

All amendments approved by voters will go into effect on January 1, 2021. For more information on the amendments, state races, and local races in this year's election, refer to Utah's voter information pamphlet found here:

Utah's Official Voter Information Pamphlet.