

Bond Case Briefs

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REFERENDA - UTAH

Downs v. Thompson

Supreme Court of Utah - August 27, 2019 - P.3d - 2019 WL 4051010 - 2019 UT 53

City employee brought action challenging county board of commissioners' decision upholding a fine levied against him by county clerk for advocating for or against a ballot proposition via public e-mail in violation of Political Activities of Public Entities Act.

After removal, the United States District Court for the District of Utah certified questions.

The Supreme Court held that:

- State district courts do not have appellate jurisdiction to review county commissioners' decision upholding a fine levied by county clerk for using public e-mail for ballot propositions;
- Term "ballot measure," as used in statute prohibiting use of public e-mail for ballot propositions, includes the entire referendum process; and
- Term "ballot measure" includes signature gathering phase of referendum process, regardless of whether the challenged government action is later found to be not subject to referendum.