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Senator tired of cities swaying voters

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BROCK VERGAKIS - The Associated Press

SALT LAKE CITY -- A state legislator is envisioning creating stiffer penalties for cities that use public money to try to sway voter opinion on ballot initiatives.

The effort by Sen. Howard Stephenson, R-Draper, is in response to controversy surrounding the formation of the South Davis Recreation District nearly two years ago.

Voters in five southern Davis County cities narrowly approved creating the district by fewer than 300 votes. Opponents of the district and its \$18 million bond for a new recreation center contend that the election was improperly swayed by literature distributed in a Bountiful city newsletter.

The district includes Centerville, Woods Cross, Bountiful, West Bountiful, North Salt Lake and unincorporated areas in the south end of the county.

Bountiful Mayor Joe Johnson urged voters to approve the recreation center and the city said he had the right to express his opinion. Others disagree.

"According to statutes, something goes out and it presents the pros and cons of an issue to voters. But it was a one-sided argument," said Ronald Mortensen, spokesman for Citizens for Tax Fairness, which was formed in opposition to the bond.

Mortensen believes that violated state law and asked the Utah attorney general's office to investigate it. It did but didn't find any prosecutable crimes.

Since then, Stephenson asked the attorney general's office to review the matter again. Stephenson is also president of the Utah Taxpayers Association, a business-supported group opposed to the recreation district.

A new team of attorneys is currently looking at the complaint, said Paul Murphy, spokesman for the attorney general's office. No timeline on a decision has been set, he said.

Stephenson said state law on misusing public funds isn't being enforced enough, and that the misdemeanor penalty of a maximum sentence of six months in jail isn't harsh enough.

He wants to introduce legislation that would create "thousands of dollars" of fines and

possibly extend the maximum amount of jail time.

"What I'm trying to ensure is that the law is complied with and that the penalties are enforced," Stephenson said. "The South Davis Recreation Center clearly abused the law and violated the law in my opinion in that election. They used public employees and public equipment and facilities to promote a vote in a certain way."

Along with the newsletter, Mortensen complained that a Bountiful city truck was used in a Bountiful Handcart Days parade encouraging people to vote for the recreation district. The truck was driven by a city employee on his own time, but Mortensen contends that because the truck was city-owned it violated state law.

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