

2003

Holladay City Council v. Mayor Dennis P. Larkin : Reply Brief

Utah Supreme Court

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IN THE UTAH SUPREME COURT

HOLLADAY CITY COUNCIL	:	REPLY BRIEF OF APPELLEE
	:	HOLLADAY CITY COUNCIL
Petitioner and Appellee,	:	
	:	
v.	:	
	:	
MAYOR DENNIS P. LARKIN	:	APPEAL No. 20030592
	:	
Respondent and Appellant.	:	

APPEAL FROM A DECISION OF THE
THIRD JUDICIAL DISTRICT COURT, SALT LAKE COUNTY
HONORABLE L. A. DEVER, DISTRICT JUDGE

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FILED
UTAH SUPREME COURT
2003

PAT BARTHOLOMEW
CLERK OF THE COURT

IN THE UTAH SUPREME COURT

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INTRODUCTION

This is a case of statutory construction to determine the powers and authority of the defendant/appellant Mayor (the “*Mayor*” or the “*Appellant*”) of the City of Holladay (the “*City*”) in the passage of Resolution 03-34 (the “*Resolution*”), which called for a special election to determine whether the City should change its current council-mayor optional form of government to a council-manager optional form of government pursuant to the Optional Forms of Municipal Government Act, Utah Code Ann. §§ 10-3-1201 *et seq* (the “*Act*”). In addition to asserting his right to participate in the passage of the Resolution, the Mayor has also challenged the constitutionality of a special election held pursuant to Utah Code Ann. § 10-3-1203 and the Election Code, Utah Code Ann. Title 20A (the “*Election Code*”).

CONSTITUTIONAL OR STATUTORY PROVISIONS

The following statutory provisions are cited within this Reply Brief and were not originally set forth in the Brief of Appellee Holladay City Council, filed with the Court on August 22, 2003 (the “*Brief*”).

Utah Code Ann. § 10-2-111(2)(a).

- (2) (a) The county clerk shall publish notice of the election in a newspaper of general circulation within the area proposed to be incorporated at least once a week for three successive weeks.

**Utah Code Ann. § 11-14-3. Notice of election – Contents –
Publication – Mailing.**

(1)(a) Notice of the election shall be published once a week during three consecutive weeks in a newspaper designated in accordance with Section 11-14-21, the first publication to be not less than 21 nor more than 35 days before the election.

(b) If no official newspaper is designated, the notices shall be published in a newspaper published in the municipality, or if no newspaper is published in the municipality, the notices shall be published in a newspaper having general circulation in the municipality.

(2) When the debt service on the bonds to be issued will increase the property tax imposed upon the average value of a residence by an amount that is greater than or equal to \$15 per year, the governing body shall, at least seven days but not more than 30 days before the bond election, if the bond election is not held on the date of a regular primary election, a municipal primary election, a regular general election, or a municipal general election, either mail:

(a) written notice of the bond election on a minimum three inch by five inch postcard to every household containing a registered voter who is eligible to vote on the bonds; or

(b) a voter information pamphlet prepared by the governing body, if one is prepared, that includes the information required by Subsection (4).

(3)(a) Except as provided in Subsection (3)(b), election notice given for any bond election held in this state need not be posted by any persons.

(b)(i) In a city of the third, fourth, or fifth class or a town where no newspaper is published, the governing

body may require that notice of a bond election be given by posting in lieu of the publication requirements of Subsection (1).

- (ii) When the governing body imposes a posting requirement, the city recorder, town clerk, or other officer designated by the governing body shall post notice of the bond election in at least five public places in the city or town at least 21 days before the election.

(4) The printed, posted, and mailed notice required by this section shall identify:

- (a) the date and place of the election;
- (b) the hours during which the polls will be open; and
- (c) the purpose for which the bonds are to be issued, the maximum amount of bonds to be issued, and the maximum number of years to maturity of the bonds.

(5) The governing body shall pay the costs associated with the printed, posted, and mailed notice required by this section.

Utah Code Ann. § 17-52-101(3). **Definitions.**

(3) “Reasonable notice” means, at a minimum:

- (a)(i) publication in a newspaper of general circulation within the county at least once a week for at least two consecutive weeks ending no more than ten and no fewer than three days before the event that is the subject of the notice;
or
- (ii) if there is no newspaper of general circulation within the county, posting at least one notice per 1,000 population within the county, for at least a week ending no more than three days before the event that is the subject of the notice, at locations

throughout the county that are most likely to give actual notice to county residents; and

(b) if the county has an Internet home page, posting an electronic notice on the Internet for at least seven days immediately before the event that is the subject of the notice.

Utah Code Ann. § 20A-5-101(4).

(4) To provide the notice required by Subsection (3), the election officer shall publish the notice at least two days before the election in a newspaper of general circulation common to the area or in which the election is being held.

Utah Code Ann. § 20A-1-102(25).

(25) “Election officer” means:

(a) the lieutenant governor, for all statewide ballots;

(b) the county clerk or clerks for all county ballots and for certain special district and school district ballots as provided in Section 20A-5-400.5;

(c) the municipal clerk for all municipal ballots and for certain special district and school district ballots as provided in Section 20A-5-400.5; and

(d) the special district clerk or chief executive officer for all special district ballots that are not part of a statewide, county, or municipal ballot.

Utah Code Ann. § 20A-1-201(1).

(1) A regular general election shall be held throughout the state on the first Tuesday after the first Monday in November of each even-numbered year.

Utah Code Ann. § 20A-1-201.5. **Primary election dates.**

(1) A regular primary election shall be held throughout the state on the fourth Tuesday of June of each even numbered year as provided in Section 20A-9-403, to nominate persons for national, state, school board, and county offices.

(2) A municipal primary election shall be held, if necessary, on the Tuesday following the first Monday in October before the regular municipal election to nominate persons for municipal and special district offices.

(3) The Western States Presidential Primary election shall be held throughout the state on the first Friday after the first Monday in March in the year in which a presidential election will be held.

Utah Code Ann. § 20A-1-204(1)(a).

(1) (a) The governor, Legislature, or the legislative body of a local political subdivision calling a statewide special election or local special election under Section 20A-1-203 shall schedule the special election to be held on:

(i) the first Tuesday after the first Monday in February;

(ii) the first Tuesday after the first Monday in May;

(iii) the fourth Tuesday in June in even-numbered years;

(iv) the first Tuesday after the first Monday in August; or

(v) the first Tuesday after the first Monday in November.

Utah Code Ann. § 20A-1-402. **Election officer to render interpretations and make decisions.**

The election officer shall render all interpretations and make all initial decisions about controversies or other matters arising under this chapter.

Utah Code Ann. § 20A-1-401(1).

(1) Courts and election officers shall construe the provisions of Title 20A, Election Code, liberally to carryout the intent of this title.

Utah Code Ann. § 20A-5-403(1).

(1) Each election officer shall:

(a) designate polling places for each voting precinct in the jurisdiction; and

(b) obtain the approval of the county or municipal legislative body or special district governing board for those polling places.

Utah Code Ann. § 20A-5-405(1)(e).

(1)(e) ensure that the absentee ballots are printed and in the possession of the election officer at least 15 days before election day;

ARGUMENT

I. THE MAYOR, IN THE COUNCIL-MAYOR OPTIONAL FORM OF GOVERNMENT, IS NOT ENTITLED OR EMPOWERED TO PASS THE RESOLUTION.

The Brief clearly demonstrates that the trial court was correct in its findings that the Mayor was not entitled or empowered to vote on, disapprove or withhold

approval of, or veto the Resolution and that the City Council of the City (the “*City Council*” or the “*Appellee*”) had the authority to call the August 5, 2003 special election (the “*2003 Special Election*”) via the Resolution. The arguments contained in the Brief are incorporated herein by reference and no response to the Mayor’s discussion on these points is set forth in this Reply Brief.

II. NEITHER THE ACT NOR THE ELECTION CODE IS FACIALLY UNCONSTITUTIONAL FOR FAILURE TO PROVIDE ADEQUATE NOTICE.¹

A. The Mayor’s basic argument goes against common principals of constitutional law.

One of the basic tenants of constitutional law is that “the presumption is always in favor of validity, and legislative enactments must be sustained unless clearly in violation of fundamental law.” Lehi City v. Meiling, 48 P.2d 530, 535 (Utah 1935) See also 16 C.J.S. Constitutional Law § 97 Additionally, “the presumption in favor of the constitutionality of a statute is especially strong where such constitutionality has long been acquiesced in and the statute has been treated as valid by the various departments of government.” 16 C.J.S. Constitutional Law § 98(b).

The Mayor’s constitutional argument can be summarized as follows. “The right to vote is a fundamental right.” Gallivan v. Walker, 2002 UT 89 ¶24; 54 P.3d 1069, 1080 (Utah 2002). The electorate must be given timely notice that is not “so unreasonably insufficient as to do violence to the requirements of due process.”

¹ The discussion contained in the section focuses on the Election Code. The Act itself does not contain any notice requirements for the 2003 Special Election. However, the provisions of the Election Code apply to the extent that they do not conflict with the Act. Utah Code Ann. § 10-3-1204.

Lehi City, 48 P.2d at 537. Procedural due process requires that the Utah Legislature (the “*Legislature*”), by statute, specify the process for giving notice. In failing to (i) specify in the Act and the Election Code the process for giving notice or (ii) setting a minimum requirement of two days’ notice, the Legislature has not met its constitutional burden in establishing fair elections. The Act and the Election Code are facially unconstitutional.

The logical conclusions of this argument totally negate the presumption of validity. By declaring both the Act and the Election Code facially unconstitutional, the Mayor is stating that such provisions are “as inoperative as though [they] had never been passed or written, and [they are] regarded as invalid, or void, from the date of enactment, and not only from the date on which [they are] judicially declared unconstitutional.” See 16 C.J.S. Constitutional Law § 108 Or, to a lesser extent, they are “not void, only voidable, or [are] unenforceable rather than void, and not void in the sense that [they are] repealed or abolished.” See Id. Furthermore, the Mayor’s argument, that if a statute in any way involves an fundamental right the Legislature must specify all procedures necessary so as not to violate that right or else such enactment is facially unconstitutional and void, is so broad that it could be used to void any statute that involves a fundamental right and in which the Legislature has left some discretion to the actor. This argument shows no deference to the Legislature and by declaring the Act and the entire

Election Code² unconstitutional flies in the face of basic principals of constitutional law.

The Mayor has failed to meet his burden in making a facial challenge to the Act and the Election Code. This burden has been described as follows:

“A facial challenge to a legislative [statute] is... the most difficult challenge to mount successfully, since the challenger must establish that no set of circumstances exists under which the [statute] would be valid.’ [United States v. Salerno, 481 U.S. [739,] 745, 107 S.Ct. [2095,] 2100 [(1987)]]. The fact that section 20A-7-201(a)(ii) might operate unconstitutionally under some conceivable set of circumstances is insufficient to render it wholly invalid, since the U.S. Supreme Court has “not recognized an ‘overbreadth’ doctrine outside the limited context of the First Amendment.” Id.

Gallivan, 54 P.3d at 1108 (Thorne, J., dissenting). The Mayor has asserted an overly broad challenge to the Act and the Election Code and has failed to prove that “no set of circumstances exist under which the [Act and the Election Code] would be valid.” By focusing solely on the minimum of two days’ prior notice, the Mayor has failed to show that the Act and the Election Code are unconstitutional when more than two days’ notice is given. The Court must therefore determine whether fair notice of the 2003 Special Election was given by the City.

² Even if the Mayor’s argument is limited to Utah Code Ann. §20A-5-101(4), the argument fails because that section establishes a minimum procedural requirement. When an election is challenged, the courts must then look to the fairness of the actual notice given. As is shown herein, the City has provided fair notice of the 2003 Special Election.

B. The Legislature is Not Required to Establish Specific Notice Procedures.

The Legislature is not required by the Constitution to specify the procedures for giving notice of an election. The Court has stated, “The Constitution makes no provisions respecting the kind of notice to be given of elections. The matter of notice is peculiarly within legislative discretion, subject only to the limitation that the notice provided shall not be so unreasonably insufficient as to do violence to the requirement of due process.” See Lehi, 48 P.2d at 537. Therefore, when the Legislature provides procedures for giving notice, it is not required to do so by the Constitution, it is doing so to set a minimum standard in addition to due process rights.

The Legislature has set a *minimum* notice requirement of “at least two days before [any] election.” Utah Code Ann. § 20A-5-101(4). This minimum notice is required for any election under the Election Code, general or special. This minimum requirement provides that the latest notice can be given is two days before the election; however, this does not mean that this is the only time notice may be given.

By specifying a minimum notice procedure, the Legislature has simply left it to the Election Officer (as defined in Utah Code Ann. § 20A-1-102(25)) and the other provisions of the Election Code to ensure a fair election. The Election Officer is given the power to “make all initial decisions about controversies or other matters arising under [the Election Code].” Utah Code Ann. § 20A-1-402. Additionally, courts and the Election Officer are to “construe the provisions of Title 20A, Election Code, liberally to carry out the intent of [the] title.” Utah Code

Ann. § 20A-1-401(1). Outside of explicit legislative direction, the Election Officer is given the initial responsibility of holding a fair election.

Even without notice requirements, the Election Code, the Act and other statutes provide other means to protect the fundamental right to vote. For example, these protections include: (1) specifying certain days on which a special election may be held (Utah Code Ann. §§ 10-3-1203, 20A-1-201(1), 20A-1-201.5, 20A-1-204(1)(a)); (2) mandating that absentee ballots be printed and in possession of the Election Officer at least 15 days before the election (Utah Code Ann. § 20A-5-405(1)(e)); and (3) requiring that polling places be identified by the Election Officer and approved the legislative body for such places (Utah Code Ann. § 20A-5-403(1)).³ Additional notice is also provided in that both the Resolution and the approval of polling places must be done in accordance with the open and public meetings requirements of Utah Code Ann. §§ 52-4-1 *et seq.* As a final procedural due process protection, the Legislature has established the minimum notice requirement of “at least two days prior to the election.” Utah Code Ann. § 20A-5-101(4). In holding the 2003 Special Election, the City met all of the above requirements.

The Legislature is not constitutionally required to specify the exact notice procedures that must be followed in a special election under the Act or the Election Code. Instead, the Legislature has specified the minimum notice required and has

³ The Mayor completely ignores these other statutory protections in his misleading claim that the City Council could vote at a special meeting on August 2nd, give the requisite two days’ notice and hold the election on August 5, 2003. The Mayor has completely failed to acknowledge these other procedural due process protections inherent, and constitutional, in the Election Code.

left it in the discretion of the Election Officer to determine what additional notice is required to ensure a fair election. The Act and the Election Code are not facially unconstitutional and Court must review Act and the Election Code *as applied* to determine whether fair notice was given. ⁴

III. THE 2003 SPECIAL ELECTION WAS FAIR AND MET ALL PROCEDURAL DUE PROCESS REQUIREMENTS.

This Court has indicated that “the general test for the validity of [procedural requirements], the test of *procedural* due process, is fairness.” See Wells v. Children’s Aid Society of Utah, 681 P.2d 199, 204 (Utah 1984) (Italics in original.). Since neither the Act nor the Election Code is facially unconstitutional, the Court must determine whether or not the actual notice given for the 2003 Special Election was fair. Based on the facts of this case, the City gave fair notice of the 2003 Special Election.

A. The Trial Court Approved the Schedule of Notice.

On July 7, 2003, in court chambers, the trial court determined that the City should proceed with the proposed schedule of publication. Based on the example of Utah Code Ann. § 11-14-3, the City desired to publish notice once a week for three weeks prior to the 2003 Special Election. The trial court allowed the City to

⁴ The Mayor states that the Court must apply a “heightened review standard.” However, the application of this standard to all cases involving the right to vote has come into question. See Gallivan, 54 P.3d at 1108 (Thorne, J., dissenting); citing Burdick v. Takushi, 504 U.S. 428, 112 S.Ct. 2059 (1992) and Biddulph v. Mortham, 89 F.3d 1491 (1996). Under the Burdick rational, the court would apply a flexible standard based on the burden imposed and the justification for such burden. Under either level of scrutiny the notice given by the City meets the procedural due process requirement of being fair.

proceed with that publication schedule and the notice was published on July 13, 2003, July 20, 2003, and July 27, 2003. A final notice was published on August 3, 2003, which was two days prior to the 2003 Special Election.

B. The City Met All Other Statutory Requirements and the Minimum Standards Established for Other Special Elections.

In preparing for the 2003 Special Election, the City has met all other requirements established by the Election Code. The 2003 Special Election was held on a day authorized by Utah Code Ann. §§ 10-3-1203 and 20A-1-204(1)(a). Absentee ballots were printed and in possession of the Election Officer at least 15 days before the election. Utah Code Ann. § 20A-5-405(1)(e). The polling places were identified by the Election Officer and approved by the City Council. Utah Code Ann. § 20A-5-403(1). The fact that all procedural due process requirements have been met for the 2003 Special Election is further evidenced by the fact that the neither Mayor nor anyone else has directly challenged the fairness of the 2003 Special Election. Instead, the Mayor attempts to push the boundaries of common principals of constitutional law by declaring the Act and the Election Code facially unconstitutional so as to avoid the fairness question. By meeting these procedural requirements, the City ensured a substantial degree of fairness in the 2003 Special Election.

The Legislature has established a statutory minimum of two days' prior notice for elections under the Election Code. In certain circumstances, the Legislature has chosen to establish a different minimum notice requirement to ensure fairness. The Mayor has identified three examples of constitutional or fair notice. Utah Code Ann. §§ 10-2-111(2)(a) and 11-14-3 both require publication of

notice once a week for three consecutive weeks. Utah Code Ann. § 17-52-101(3) requires publication of notice once a week for two consecutive weeks.⁵ The fact that Legislature has designated different notice requirements shows that the Legislature has discretion to determine minimum notice provisions. The City met the heightened requirements of all of the above listed sections by publishing notice of the 2003 Special Election once a week for three consecutive weeks. As the Mayor cited the above as example of fair notice, the notice provided by the City must also be fair.

C. The Voter Turnout for the Election Evidences Fair Notice.

The best evidence that procedural due process requirements have been met and of the fairness in the election process is the election itself. Attached hereto as *Addendum A* are the canvassing results for the 1999 and 2001 general elections and 2003 Special Election. For the 2003 Special Election there were 13,482 registered voters eligible to vote and 5,932 ballots were actually cast. 44% of the registered voters in the City participated in the 2003 Special Election. This is only a .45% difference in voter turnout as compared to the 2000 general election. In the general election of 2001, 4,277 ballots were cast in the mayoral election (representing City-wide voting), representing 44.45% of the registered voters. In the 1999

⁵ It should be noted that, while the Mayor cites these statutes as examples of fairness certain of them would not meet the Mayor's standard for fairness as applied to the Election Code. Utah Code Ann. § 17-52-101(3) would not provide notice to overseas applicants or to military voters requesting a special write-in absentee ballot. Utah Code Ann. §§ 20A-3-304(a)(i) and 20A-3-404(1). Utah Code Ann. § 10-2-11(2)(a) would not provide notice to military voters requesting a special write-in absentee ballot. Utah Code Ann. § 20A-3-404(1).

general election, and first general election for the City, 47.60% of the registered voters cast a ballot.

Since voter turnout for the 2003 Special Election was nearly the same percentage as the 2000 general election, which has not been challenged as to fairness, adequate notice must have been provided to the citizens of the City. The 2003 Special Election was fair and the voters in the City were able to exercise their fundamental right to vote.

CONCLUSION

The trial court was correct in determining that the Mayor may not vote on, disapprove or withhold approval of, or veto the Resolution authorized by Utah Code Ann. § 10-3-1203 and that the City Council had the authority to call the 2003 Special Election via the Resolution. The Legislature is able to and has established minimum notice requirements under the Act and the Election Code. The Act and the Election Code are constitutional and any challenges under such legislation must be to the legislation as applied. The 2003 Special Election, as conducted by the City, was fair and has met all procedural due process requirements. The decision of the trial court should, therefore, be affirmed.

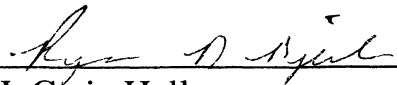
REQUEST FOR EXPEDITED RULING

The City Council/Appellee hereby respectfully requests that the Court issue an expedited ruling by no later than October 1, 2003. Obtaining a ruling by no later than October 1, 2003, will allow the City to make any necessary changes in

response to such ruling prior to the primary election that will be held in the City on Tuesday, October 7, 2003.

RESPECTFULLY SUBMITTED this 29th day of August, 2003.

CHAPMAN AND CUTLER LLP

By 
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CERTIFICATE OF MAILING

This is to certify that two copies of the foregoing Brief of Appellee Holladay City Council were served upon the following individuals by mailing the same, postage prepaid, this 29th day of August, 2003, as follows:

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ADDENDUM A

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Change of Government Question

Precinct	Ballots Cast	Reg. Voters	Turnout	Yes		No	
H01 Holladay 1	1,056	2,741	38.53%	488	46.39%	564	53.61%
H02 Holladay 2	1,122	2,587	43.71%	584	50.67%	549	49.33%
H03 Holladay 3	1,204	2,510	47.97%	778	65.21%	415	34.79%
H04 Holladay 4	1,144	2,484	46.05%	804	71.09%	327	28.91%
H05 Holladay 5	827	1,884	43.90%	242	29.55%	577	70.45%
H06 Holladay 6	579	1,296	44.68%	226	39.17%	351	60.83%
Totals	5,932	13,482	44.00%	3,102	52.71%	2,783	47.29%

City of Holladay
Municipal General Election
November 6, 2001

For Mayor

Precinct	Ballots Cast	Reg. Voters	Turnout	Dennis P. Larkin		Lane Stillman	
CD1 Combined #1	835	2,280	36.62%	408	49.51%	416	50.49%
CD2 Combined #2	894	2,139	41.33%	430	48.97%	448	51.03%
CD3 Combined #3	1,021	1,460	69.93%	507	50.00%	507	50.00%
CD4 Combined #4	736	1,702	43.24%	322	44.05%	409	55.95%
CD5 Combined #5	801	2,041	39.25%	599	75.06%	199	24.94%
AVT Absent-Voter	0	0		0		0	
Totals	4,277	9,622	44.45%	2,266	53.38%	1,979	46.62%

City of Holiday
Municipal General Election
November 6, 2001

For Councilmember District 1

Precinct		Ballots Cast	Reg. Voters	Turnout	B. Thomas (Tom) Goemere	Grant G. Orton		
CD1	Combined#1	835	2,280	36.62%	404	49.09%	419	50.91%
AVT	Absent-Voter	0	0		0		0	
Totals		835	2,280	36.62%	404	49.09%	419	50.91%

City of Holaday
Municipal General Election
November 6, 2001

For Councilmember District 3

Precinct		Ballots Cast	Reg Voters	Turnout	Kyle J Sterner		Sancy Thackeray	
CD3	Combined #3	1,021	1,460	69.93%	345	34.15%	665	65.84%
AVT	Absent-Voter	0	0		0		0	
Totals		1,021	1,460	69.93%	345	34.15%	665	65.84%

City of Holladay
Municipal General Election
November 6, 2001

For Councilmember District 5

Precinct		Ballots Cast	Reg. Voters	Turnout	Hugo F. Diederich	
CD5	Combined #5	301	2,041	39.25%	700	100.00%
AVT	Absent-Voter	0	0		0	
Totals		301	2,041	39.25%	700	100.00%

Page 1

PRECINCT HCD2
09:32am Nov 23 1999

MUNICIPAL ELECTION
SALT LAKE COUNTY, UTAH
NOVEMBER 2, 1999

Page 1

SALT LAKE COUNTY, UTAH

Registered Voters
Ballots Cast

820
251 30.61%

MUNICIPAL ELECTION

HOLLADAY-COTTONWOOD MAYOR

Registered Voters
Ballots Cast

820
251 30.61%

FOR MAYOR 2 YEAR TERM

VIBERT "V.L." KESLER

81 33.20%

LIANE STILLMAN

163 66.80%

HAL PHILLIPPS WRITE-IN

0 0.00%

HOLL-COTT COUNCIL 01

Registered Voters
Ballots Cast

820
251 30.61%

FOR COUNCIL MEMBER DISTRICT #1 2 Y

MICHAEL FREI

110 44.72%

GRANT G ORTON

105 42.68%

LAURIE STOCKS WRITE-IN

31 12.60%

PRECINCT H003
09:32am Nov 23 1999

MUNICIPAL ELECTION
SALT LAKE COUNTY, UTAH
NOVEMBER 2, 1999

Page 1

SALT LAKE COUNTY, UTAH

Registered Voters

682

Ballots Cast

391 57.33%

MUNICIPAL ELECTION

HOLLADAY-COTTONWOOD MAYOR

Registered Voters

682

Ballots Cast

391 57.33%

FOR MAYOR 2 YEAR TERM

VISERT "V.L." KESLER

90 23.38%

LIANE STILLMAN

295 76.62%

NAL PHILLIPPS WRITE-IN

0 0.00%

HOLL-COTT COUNCIL 01

Registered Voters

682

Ballots Cast

391 57.33%

FOR COUNCIL MEMBER DISTRICT #1 2 Y

MICHAEL FREI

45 34.88%

GRANT G ORTON

59 45.74%

LAURIE STOCKS WRITE-IN

25 19.38%

HOLL-COTT COUNCIL 04

Registered Voters

682

Ballots Cast

391 57.33%

FOR COUNCIL MEMBER DISTRICT #4 4 Y

KIM KIMBALL

95 37.11%

STEVEN R. PETERSON

161 62.89%

PRECINCT HC04
09:32am Nov 23 1999

MUNICIPAL ELECTION
SALT LAKE COUNTY, UTAH
NOVEMBER 2, 1999

Page 1

SALT LAKE COUNTY, UTAH

Registered Voters
Ballots Cast

1,298
714 55.01%

MUNICIPAL ELECTION

HOLLADAY-COTTONWOOD MAYOR

Registered Voters
Ballots Cast

1,298
714 55.01%

FOR MAYOR 2 YEAR TERM

VIBERT "V.L." KESLER

270 38.30%

LIANE STILLMAN

435 61.70%

HAL PHILLIPPS WRITE-IN

0 0.00%

HOLL-COTT COUNCIL 03

Registered Voters
Ballots Cast

1,298
714 55.01%

FOR COUNCIL MEMBER DISTRICT #3 2 Y

LARRY C. BRINGHURST

253 36.04%

SANDY THACKERAY

449 63.96%

PRECINCT H005
09:32am Nov 23 1999

MUNICIPAL ELECTION
SALT LAKE COUNTY, UTAH
NOVEMBER 2, 1999

Page 1

SALT LAKE COUNTY, UTAH
Registered Voters
Ballots Cast

770
390 50.65%

MUNICIPAL ELECTION

HOLLADAY-COTTONWOOD MAYOR
Registered Voters
Ballots Cast

770
390 50.65%

FOR MAYOR 2 YEAR TERM
VIBERT "V.L." KESLER
LIAMIE STILLMAN
HAL PHILLIPPS WRITE-IN

157 40.89%
227 59.11%
0 0.00%

HOLL-COTT COUNCIL 01
Registered Voters
Ballots Cast

770
390 50.65%

FOR COUNCIL MEMBER DISTRICT #1 2 Y
MICHAEL FREI
GRANT G ORTON
LAURIE STOCKS WRITE-IN

89 81.65%
20 18.35%
0 0.00%

HOLL-COTT COUNCIL 03
Registered Voters
Ballots Cast

770
390 50.65%

FOR COUNCIL MEMBER DISTRICT #3 2 Y
LARRY C. BRINGHURST
SANDY TNACKERAY

106 48.18%
114 51.82%

HOLL-COTT COUNCIL 04
Registered Voters
Ballots Cast

770
390 50.65%

FOR COUNCIL MEMBER DISTRICT #4 4 Y
KIM KIMBALL
STEVEN R. PETERSON

17 30.36%
39 69.64%

PRECINCT H006
09:32am Nov 23 1999

MUNICIPAL ELECTION
SALT LAKE COUNTY, UTAH
NOVEMBER 2, 1999

Page 1

SALT LAKE COUNTY, UTAH

Registered Voters	622	
Ballots Cast	327	52.57%

MUNICIPAL ELECTION

HOLLADAY-COTTONWOOD MAYOR

Registered Voters	622	
Ballots Cast	327	52.57%

FOR MAYOR 2 YEAR TERM

VIBERT W.V.L. KESLER	159	49.23%
LIANE STILLMAN	164	50.77%
KAL PHILLIPPS WRITE-IN	0	0.00%

HOLL-COTT COUNCIL 03

Registered Voters	622	
Ballots Cast	327	52.57%

FOR COUNCIL MEMBER DISTRICT #3 2 Y

LARRY C. BRINGHUMST	110	54.19%
SANDY THACKERAY	93	45.81%

HOLL-COTT COUNCIL 04

Registered Voters	622	
Ballots Cast	327	52.57%

FOR COUNCIL MEMBER DISTRICT #4 4 Y

KIM KIMBALL	29	64.44%
STEVEN R. PETERSON	16	35.56%

HOLL-COTT COUNCIL 05

Registered Voters	622	
Ballots Cast	327	52.57%

FOR COUNCIL MEMBER DISTRICT #5 4 Y

DANIEL BAY GIBBONS	42	62.69%
DANNY K. HAWES	25	37.31%

PRECINCT HC07
09:32am Nov 23 1999

MUNICIPAL ELECTION
SALT LAKE COUNTY, UTAH
NOVEMBER 2, 1999

Page 1

SALT LAKE COUNTY, UTAH

Registered Voters	467	
Ballots Cast	189	40.47%

MUNICIPAL ELECTION

HOLLADAY-COTTONWOOD MAYOR

Registered Voters	467	
Ballots Cast	189	40.47%

FOR MAYOR 2 YEAR TERM

VIBERT "V.L." KESLER	80	42.55%
LIANE STILLMAN	108	57.45%
HAL PHILLIPPS WRITE-IN	0	0.00%

HOLL-COTT COUNCIL 05

Registered Voters	467	
Ballots Cast	189	40.47%

FOR COUNCIL MEMBER DISTRICT AS 4 Y

DANIEL BAY GIBBONS	109	62.29%
DANNY K. HAWES	66	37.71%

PRECINCT HCOB
09:32am Nov 23 1999

MUNICIPAL ELECTION
SALT LAKE COUNTY, UTAH
NOVEMBER 2, 1999

Page 1

SALT LAKE COUNTY, UTAH

Registered Voters	1,029	
Ballots Cast	533	51.80%

MUNICIPAL ELECTION

HOLLADAY-COTTONWOOD MAYOR

Registered Voters	1,029	
Ballots Cast	533	51.80%

FOR MAYOR 2 YEAR TERM

VIBERT "V.L." KESLER	214	40.68%
LIANE STILLMAN	312	59.32%
HAL PHILLIPPS WRITE-IN	0	0.00%

HOLL-COTT COUNCIL 04

Registered Voters	1,029	
Ballots Cast	533	51.80%

FOR COUNCIL MEMBER DISTRICT #4 4 Y

KIM KIMBALL	123	52.34%
STEVEN R. PETERSON	112	47.66%

HOLL-COTT COUNCIL 05

Registered Voters	1,029	
Ballots Cast	533	51.80%

FOR COUNCIL MEMBER DISTRICT #5 4 Y

DANIEL BAY GIBBONS	147	51.94%
DANNY K. HAWES	136	48.06%

PRECINCT HCD9
09:32am Nov 23 1999

MUNICIPAL ELECTION
SALT LAKE COUNTY, UTAH
NOVEMBER 2, 1999

Page 1

SALT LAKE COUNTY, UTAH

Registered Voters	712	
Ballots Cast	348	48.88%

MUNICIPAL ELECTION

HOLLADAY-COTTONWOOD MAYOR

Registered Voters	712	
Ballots Cast	348	48.88%

FOR MAYOR 2 YEAR TERM

VIBERT "V.L." KESLER	192	55.49%
LIANE STILLMAN	154	44.51%
HAL PHILLIPPS WRITE-IN	0	0.00%

HOLL-COTT COUNCIL 05

Registered Voters	712	
Ballots Cast	348	48.88%

FOR COUNCIL MEMBER DISTRICT #5 4 Y

DANIEL BAY GIBBONS	275	82.83%
DANNY K. HAMES	57	17.17%

PRECINCT HC10
09:32am Nov 23 1999

MUNICIPAL ELECTION
SALT LAKE COUNTY, UTAH
NOVEMBER 2, 1999

Page 1

SALT LAKE COUNTY, UTAH
Registered Voters
Ballots Cast

943
433 45.92%

MUNICIPAL ELECTION

HOLLADAY-COTTONWOOD MAYOR
Registered Voters
Ballots Cast

943
433 45.92%

FOR MAYOR 2 YEAR TERM
VIBERT "V.L." KESLER
LIANE STILLMAN
HAL PHILLIPPS WRITE-IN

182 42.13%
250 57.87%
0 0.00%

HOLL-COTT COUNCIL 02
Registered Voters
Ballots Cast

943
433 45.92%

FOR COUNCIL MEMBER DISTRICT #2 4 Y
DELPHIA A. BAIRD
ED LUNT

177 41.16%
253 58.84%

PRECINCT HC11
09:32am Nov 23 1999

MUNICIPAL ELECTION
SALT LAKE COUNTY, UTAH
NOVEMBER 2, 1999

Page 1

SALT LAKE COUNTY, UTAH
Registered Voters
Ballots Cast

1,127
511 45.34%

MUNICIPAL ELECTION

HOLLADAY-COTTONWOOD MAYOR
Registered Voters
Ballots Cast

1,127
511 45.34%

FOR MAYOR 2 YEAR TERM

VIBERT "V.L." KESLER

190 37.70%

LIANE STILLMAN

313 62.10%

NAL PHILLIPPS WRITE-IN

1 0.20%

HOLL-COTT COUNCIL 02

Registered Voters

1,127
511 45.34%

Ballots Cast

FOR COUNCIL MEMBER DISTRICT #2 4 Y

DELPMA A. BAIRD

187 37.10%

ED LUNT

317 62.90%