

**MINUTES OF THE  
GOVERNMENT OPERATIONS INTERIM COMMITTEE**  
Wednesday, September 17, 2008 – 2:00 p.m. – Room C450 State Capitol

**Members Present:**

Sen. Peter C. Knudson, Senate Chair  
Rep. Douglas C. Aagard, House Chair  
Sen. Gregory S. Bell  
Sen. Brent H. Goodfellow  
Rep. Ron Bigelow  
Rep. DeMar Bud Bowman  
Rep. Glenn A. Donnelson  
Rep. Lorie D. Fowlke  
Rep. Keith Grover  
Rep. Neil A. Hansen  
Rep. Neal B. Hendrickson  
Rep. John G. Mathis  
Rep. Larry B. Wiley

**Members Absent:**

Pres. John L. Valentine  
Rep. Eric K. Hutchings  
Rep. Curtis Oda

**Staff Present:**

Mr. Benjamin N. Christensen, Policy Analyst  
Mr. Christopher R. Parker, Associate General Counsel  
Ms. Chelsea Barrett, Legislative Secretary

**Note:** A list of others present, a copy of related materials, and an audio recording of the meeting can be found at [www.le.utah.gov](http://www.le.utah.gov).

**1. Committee Business**

Chair Aagard called the meeting to order at 2:47 p.m.

**MOTION:** Rep. Donnelson moved to approve the minutes of the August 20, 2008 meeting. The motion passed unanimously with Rep. Bigelow, Rep. Bowman, Rep. Fowlke, Rep. Grover, and Rep. Mathis absent for the vote.

**2. Ballot Coordination Between Local District and Municipal Elections**

Mr. Scott C. Hogensen, Association of County Clerks (Utah County), introduced Mr. Mark Anderson, Utah Association of Special Districts, who worked alongside the county clerks to formulate the proposal introduced. Mr. Hogensen explained that during the May meeting, after a presentation and discussion about placing local district races on the same ballot as other elections, the Committee invited the county clerks to come up with a proposal that might allow a single ballot to be used for municipal and special district elections. The clerks formed a special district elections committee and met to discuss the logistics, options, and steps that would be needed to achieve a single ballot.

Mr. Hogensen distributed "Special District Election Proposal." He outlined the proposal, which included eight steps to eventually have the special district elections appear on the same ballot. Mr. Anderson noted his support for the special district election proposal. Mr. Hogensen outlined the process of drafting the legislation and seeking input from the Legislature.

**MOTION:** Chair Knudsen moved to begin draft legislation on item one of the handout, which gives special districts the option of by-mail elections for local districts starting in 2009, and moved to have this draft legislation prepared for a future meeting. The motion passed unanimously with Rep. Fowlke and Rep. Grover absent for the vote.

Chair Aagard requested that staff come back with recommendations for items two and three of the handout for a future meeting.

### **3. Online Voter Registration**

Mr. Parker introduced the agenda item of online voter registration and noted that the idea behind this proposal is to eliminate errors and to make it more convenient for voters.

Mr. Michael J. Cragun, Office of the Lieutenant Governor, introduced Mr. Ray Palmer, Information Systems Manager, Governors Office, and explained that a prospective voter may register to vote using a variety of methods designed to make the process convenient for voters. Each of these methods requires the completion of a voter registration form and an election clerk to check the form for completeness and to enter the data from the form into a computer. If allowed, an online voter registration process could add another method to register to vote, reduce the need to return incomplete forms to voters, and eliminate the need for the election clerks to reenter the data. Mr. Cragun explained that the required signature could be provided through driver license records.

Rep. Bigelow asked whether this process would be optional or mandatory. Mr. Cragun answered that this would be an optional system and noted that Arizona and Washington have had a similar online process with successful results.

Rep. Fowlke asked if other states have had security issues with online voter registration. Chair Aagard inquired about the cost savings with such a system. Mr. Cragun noted that especially during peak election periods, this will save significant time and money for the state and that there have not been evident security breaches with online voting registration.

Ms. Kathy Dopp, citizen Park City, Utah, inquired about security involving online voting databases. She distributed to the Committee "To Obtain Public Oversight over the Integrity of Utah's Election and Ensure Accurate Election Outcomes," "Significant Problems with Utah Election Laws and Procedures," "Axis of Logic: Finding Clarity in the 21st Century Mediaplex," and "Summary: Main Points We Now Know re. Utah's Voting System."

Mr. Cragun noted that at this point, the county clerks are just looking into the opportunity to get draft legislation and research started on the issue.

Chair Aagard requested that committee staff work with the Office of the Lieutenant Governor and the county clerks to prepare draft legislation.

### **4. State Property Acquisition Coordination**

Mr. Kent Beers, Department of Facilities Construction Management (DFCM), informed the Committee that reports have surfaced claiming that, at times, a seller will inflate the selling price after the seller becomes aware that the state is the potential buyer. Mr. Lyle McMillan, Department of Transportation (UDOT), explained that UDOT acquires several hundred parcels of property each year -- many more than any other state entity. DFCM and other state agencies also occasionally acquire property for state projects. He said UDOT is happy to lend its expertise to other agencies that need to acquire property, particularly if eminent domain may be needed.

Mr. Beers noted that DFCM sees future difficulties with the state's acquisition of land for its 20-year master plan if sellers continue to inflate prices when the state is known to be the buyer. He distributed an

aerial photograph of the land DFCM had difficulty purchasing and explained how this piece of land is critical to the master plan.

The Committee discussed the presentation.

#### **5. Coordination of GRAMA and Open and Public Meetings -- Availability of Minutes of Open Meetings**

Mr. Christensen explained that the Open and Public Meetings Act requires the creation of certain records, including written minutes and recordings of meetings. The disclosure of these records is regulated under the Government Records Access and Management Act (GRAMA). Mr. Christensen referred the Committee to "Reconciling GRAMA and the Open and Public Meetings Act" and "GRAMA and the Open and Public Meetings Act, Availability of Minutes of Open Meetings -- Options." Both were distributed to committee members prior to the meeting.

Chair Aagard asked the public for comment on this issue.

Mr. Joel Campbell, Utah Press Association, praised the system that the Legislature uses to post meeting minutes and audio recordings. He discussed the importance of consistency for minutes and audio for agencies and media.

Ms. Patricia Smith-Mansfield, Director, Utah State Archives and Records Services, noted her experiences with meeting minutes' availability and audio recordings. She informed the Committee that a standard for the release of the minutes should be made to avoid inconsistency. She noted that this has been a longstanding issue in need of remedy.

Mr. Lincoln Shurtz, League of Cities and Towns, discussed the potential for misinformation if draft minutes are distributed. He explained that standardizing the approval process for meeting minutes would be beneficial. He concluded by noting that timing is more difficult to standardize than wording and that having the recording available for listing within 72 hours after the meeting may be reasonable.

Mr. Mark Anderson, Utah Association of Special Districts, noted that the best situation would be the availability of the audio for the meeting and noted the worst situation would be to have draft minutes floating around full of misinformation.

Chair Aagard requested that staff work with Mr. Campbell, Ms. Smith-Mansfield, Mr. Shurtz, and Mr. Anderson to further research and brainstorm ideas on how best to resolve the issues discussed today.

#### **6. Other Items / Adjourn**

**MOTION:** Rep. Bowman moved to adjourn the meeting. The motion passed unanimously with Chair Knudson, Sen. Bell, Rep. Donnelson, and Rep. Mathis absent for the vote.

Chair Aagard adjourned the meeting at 4:00 p.m.