

AGENDA

GOVERNMENT OPERATIONS INTERIM COMMITTEE

UTAH LEGISLATURE

Wednesday, September 21, 2005 • 9:00 a.m. • Room W130 House Building

Approximate
Time Frame

9:00 1. Committee Business

- Call to order
- Approval of the minutes of the July 20, 2005 meeting

9:05 2. Early Voting, Voting Centers, and Accessibility to Polling Places Survey (Draft Legislation)

During the June 15 meeting, the Committee studied early voting and voting centers which allow registered voters to vote during a 7- to 30-day period prior to election day as a convenience and to reduce waiting for other voters on election day. Several states, including Utah, allow some form of early voting which may include the use of regional voting centers or other public buildings for voting. The Committee requested that staff draft legislation for further consideration by the Committee. After input from county clerks, draft legislation has been prepared for review by the Committee. What are the provisions of the draft legislation? What additional changes are needed? Who supports or opposes the changes? In addition to these issues, the Disability Law Center has asked for a few minutes to report the findings of their accessibility to polling places survey.

9:45 3. Open and Public Meetings Act (Draft Legislation)

In 1955, the Legislature enacted an open meetings law and updated and expanded it in 1977 to current Utah law found in Title 52, Chapter 4, Open and Public Meetings. A June 2005 report by the Legislative Auditor General titled "School Boards Closed Meetings Do Not Comply with Statute" highlighted the need for better compliance and education for school boards with "Open and Public Meetings." What are the findings and recommendations of the report? In response to the audit, the Committee will consider a recodification of "Open and Public Meetings" to update language, clarify misunderstood provisions, and facilitate education and compliance. What other changes are needed?

- Brian J. Dean, Office of the Legislative Auditor General

10:20 4. Government Records Access and Management Task Force -- Update II

H.B. 75 "Government Records Access and Management Task Force," which passed during the 2005 General Session, created the Task Force and assigned it to review and make recommendations on several issues. The Task Force is required to make its final report to the Committee in the fall. What issues are being discussed? What progress has been made on the issues?

10:35 5. Electronic Signatures

Under common law, a person authenticates a document if they mark it with the intent of identifying themselves with that document. In 1995, the Utah Legislature passed Title 46, Chapter 3, Utah Digital Signature Act, to provide special legal effect to electronic signatures made in compliance with the technical processes of the act. Under the act the Division of Corporations and Commercial Code issues a license to qualified persons to become a "licensed certification authority." In 2000, the Utah Legislature passed Title 46, Chapter 4, Uniform Electronic Transaction Act, which was based on a model act drafted by the National Conference of Commissioners on Uniform State Laws and which codified the common law rule of authentication and provides for enforceability of electronic signatures and contracts. Congress passed a law referred to as the federal E-Sign Act which became effective in 2001 preempting any state law that gives greater legal effect to electronic signatures from a specific technology. How are these laws working? Is the 1995 Utah law preempted by the federal E-Sign Act? Is there a need for both state laws? What changes, if any, are needed in Utah law on this issue?

- Kathy Berg, Utah Division of Corporations and Commercial Code

11:10 6. Other Items / Adjourn