

**MINUTES OF THE
GOVERNMENT OPERATIONS INTERIM COMMITTEE**

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

Members Present:

Rep. Douglas C. Aagard, House Chair
Sen. Parley Hellewell, Senate Chair
Sen. Dan R. Eastman
Sen. Lyle W. Hillyard
Sen. Brent H. Goodfellow
Rep. Roger E. Barrus
Rep. DeMar "Bud" Bowman
Rep. Tim M. Cosgrove
Rep. Glenn A. Donnelson
Rep. Janice M. Fisher
Rep. Neal B. Hendrickson
Rep. Eric K. Hutchings

Rep. John G. Mathis
Rep. Mark W. Walker
Rep. Mark A. Wheatley

Members Absent:

Rep. Craig W. Buttars
Rep. Patrick L. Painter

Staff Present:

Mr. Benjamin N. Christensen, Policy Analyst
Mr. Eric N. Weeks, Associate General Counsel
Ms. Cassandra N. Bauman, Legislative Secretary

Note: A list of others present, copy of related materials, and an audio recording of the meeting can be found at www.le.utah.gov.

1. Committee Business

Chair Aagard called the meeting to order at 9:04 a.m.

MOTION: Rep. Bowman moved to approve the minutes of the July 20, 2005 meeting. The motion passed unanimously.

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

Lieutenant Governor Gary Herbert, State of Utah, explained the process of complying with the Help America Vote Act. He indicated that Utah has chosen DieBold as the vendor for Utah's voting equipment. He stated that the equipment has a touch screen system and optical scan option. He stated that the draft legislation "Common Polling Places Amendments" and "Early Voting" will assist in administering the new program. He and Mr. Michael Cragun, Director, State Elections Office, responded to questions.

Mr. Weeks distributed and reviewed "Key Utah Election Dates." He explained the draft legislation addressed by Lt. Governor Herbert.

Mr. Scott Hogensen, Elections Administrator, Weber County Clerk/Auditor, and Chairman, Clerks Legislative Policy Committee, expressed support for the early voting legislation, explaining the virtues of early voting: (1) convenience for voters, (2) reduction in dirty campaign tricks, and (3) long-term money savings.

Mr. Kim Jackson, Utah County Clerk/Auditor, spoke in support of early voting. He stated that early voting provides a positive impact on county budgets and gave specific examples.

Mr. Hogensen recommend amending the legislation on lines 587-594 to change the dates to the 15th and 18th days instead of the 36th and 39th days before elections.

Mr. Arie VanDe Graaff, Utah Association of Counties, spoke in favor of both bills. He stated that the common polling places legislation requires voting in a specified voting precinct area and is not a voting center as discussed in the June 2005 meeting.

Mr. Weeks spoke to the amendment recommended by Mr. Hogensen, indicating that prior discussions with the clerks suggested that time constraints may not allow voters who registered by satellite to vote early, but vote only on election day. He indicated that he could address the requested changes before the next meeting.

Ms. Fraser Nelson and Ms. Liz McCoy, Disability Law Center, distributed and reviewed "State-wide Summary *DLC's Polling Places Accessibility Findings Election Day 2004.*"

3. Open and Public Meetings Act (Draft Legislation)

Mr. Christensen introduced the issue and provided a brief history about the Open and Public Meetings Act. He referred to the three column handout titled "Open and Public Meetings Act Revisions" and explained that the purpose of the bill is to not make substantive changes, but to clarify and update language to facilitate education and compliance.

Mr. Brian Dean and Mr. Tim Osterstock, Legislative Auditor General's Office, distributed and reviewed "School Boards Closed Meetings Do Not Comply with Statute" and gave a presentation titled "A Performance Audit of the School Boards and the Open Meetings Act."

Rep. Wayne Harper distributed and reviewed "Open Meetings Law Amendments." He indicated that a recording of closed meetings should be complete and unedited.

Rep. Cosgrove questioned whether the legislation would impact closed caucus meetings.

Ms. M. Gay Taylor, General Counsel, Office of Legislative Research and General Counsel, indicated that caucuses are exempt from the legislation because they are considered political bodies and not public bodies.

Mr. Joel Campbell, Society of Professional Journalists, spoke in favor of recording closed meetings. He expressed concerns that some public entities do not (1) adequately reflect the issues being discussed at their meetings on their agendas, (2) have available written minutes, or (3) notify the media of meetings. He suggested educating public entities about the Open and Public Meetings Act.

MOTION: Rep. Cosgrove moved to adopt "Open Meetings Law Amendments" as a committee bill.

The Committee discussed concerns that written minutes alone are not always an adequate reflection of the discussion and action that takes place in public meetings, expressing that a recording should be made and maintained for these meetings.

Rep. Cosgrove indicated his support for this legislation, but withdrew his motion to allow continued discussion of the legislation at a future meeting.

4. Electronic Signatures

Sen. Hillyard provided a brief history on electronic signatures. He indicated that the federal E-SIGN legislation preempts the current state statute and that there may no longer be a need for it.

Ms. Kathy Berg, Utah Division of Corporations and Commercial Code, Department of Commerce, indicated that the memorandum from Pat Fry distributed prior to the meeting is a good argument for repealing the electronic signatures statute.

Mr. Gary Ott, Salt Lake County Recorder, concurred that the E-signatures statute should be repealed now that federal legislation has addressed the issue.

MOTION: Sen. Hellewell moved to have Sen. Hillyard work with staff to draft legislation to repeal the statute. The motion passed unanimously.

5. Government Records Access and Management Task Force -- Update II

Mr. Weeks briefed the Committee on the progress of the GRAMA Task Force. He explained draft legislation titled "Amendments to Government Records Access and Management Act" that the Task Force considered at its September 20, 2005 meeting.

6. Other Items / Adjourn

MOTION: Sen. Goodfellow moved to adjourn the meeting. The motion passed unanimously.

Chair Aagard adjourned the meeting at 10:43 a.m.