

**MINUTES OF THE
HOUSE GOVERNMENT OPERATIONS STANDING COMMITTEE
ROOM W010, WEST OFFICE BUILDING, STATE CAPITOL COMPLEX
JANUARY 28, 2005**

MEMBERS PRESENT: Rep. Douglas C. Aagard, Chair
 Rep. Gregory H. Hughes, Vice Chair
 Rep. Craig W. Buttars
 Rep. Stephen D. Clark
 Rep. Neil A. Hansen
 Rep. Neal B. Hendrickson
 Rep. Eric K. Hutchings
 Rep. John G. Mathis
 Rep. Aaron Tilton
 Rep. Mark Wheatley

MEMBERS ABSENT: Rep. DeMar "Bud" Bowman

STAFF PRESENT: John Cannon, Managing Policy Analyst
 Sylvia Newton, Committee Secretary

Note: A list of visitors and copy of handouts are filed with committee minutes.

Rep. Hughes called the meeting to order at 2:07 p.m.

MOTION: Rep. Buttars moved to approve the minutes of the January 26, 2005 meeting.
 The motion passed unanimously with Rep. Clark, Rep. Hendrickson, and Rep.
 Aagard absent for the vote.

**S.B. 79 Extension of Sunset Date on Resource Development Coordinating Committee
(Sen. B. Evans)**

Sen Evans introduced S.B. 79 and explained it to the committee.

Spoke in favor of the bill: John Harja, Department of Natural Resources

Rep. Hughes relinquished the chair to Rep. Aagard.

MOTION: Rep. Hansen moved to pass the bill out favorably. The motion passed
 unanimously with Rep. Clark and Rep. Hughes absent for the vote.

MOTION: Rep. Hansen moved to place S.B. 79 on the Consent Calendar. The motion passed
 unanimously with Rep. Clark and Rep. Hughes absent for the vote.

H.B. 90 Search and Rescue Advisory Board - Amendments (Rep. J. S. Adams)

Rep. Adams introduced H.B. 90 and explained it to the committee.

Spoke to the bill: Thomas Clay, citizen

MOTION: Rep. Buttars moved to pass the bill out favorably. The motion passed unanimously with Rep. Clark and Rep. Hughes absent for the vote.

MOTION: Rep. Buttars moved to place H.B. 90 on the Consent Calendar. The motion passed unanimously with Rep. Clark and Rep. Hughes absent for the vote.

H.B. 211 Integrity of Election Results Amendments (Rep. J. Dougall)

Rep. Dougall introduced H.B. 211 and explained it to the committee.

MOTION: Rep. Hendrickson moved to amend the bill as follows:

1. *Page 1, Lines 13 through 16:*

13 ▶ amends the Election Code to require that voting equipment be capable of
 producing
14 an ~~{unalterable,}~~ auditable ~~{record}~~ , voter verified paper trail of votes
 cast in order to be certified for use;

15 ▶ amends the duties of the chief election officer to require that any voting
 equipment

16 purchased be capable of producing an ~~{unalterable,}~~ auditable ~~{record}~~ ,
 voter verified paper trail of votes cast;

2. *Page 3, Lines 80 through 82:*

80 (xiii) produce ~~{an unalterable record}~~ voter verified paper trail of each
 vote recorded by the voting equipment that

81 would permit a third party to inspect and verify the votes cast for the purposes of auditing
 and

82 insuring the integrity of the elections process; and

The motion to amend the bill passed unanimously with Rep. Clark and Rep. Hughes absent for the vote.

MOTION: Rep. Hutchings moved to amend the bill as follows:

1. Page 1, Line 22 through Page 2, Line 28:

22 ▶ amends the Election Code to require the lieutenant governor to provide the
public
23 with an opportunity to review and comment on new voting equipment systems
24 before new voting equipment systems are purchased; and
25 {→ ~~amends the Election Code and the duties of the chief election officer to
permit the
26 use and purchase of automatic voting equipment that permits a voter, at a time
27 subsequent to casting a vote, to verify that the vote was properly recorded, provided
28 that the voter's rights are preserved, and }~~}

2. Page 3, Lines 71 through 72:

71 (ix) permit each voter , including those with disabilities, to
independently verify and correct the voter's selections before the voter casts
72 the ballot;

3. Page 3, Line 88 through Page 4, Line 91:

88 {~~⊖ The lieutenant governor may purchase an automated voting system that
has the
89 ability to permit an individual voter, at any time after casting a ballot and before the
board of
90 canvassers certifies the election results, to verify that the voter's vote was properly
recorded;
91 provided that the voter's rights, including the right to a secret ballot, are
preserved.~~}

The motion to amend the bill passed unanimously with Rep. Hughes absent for the vote.

MOTION: Rep. Buttars moved to amend the bill as follows:

Page 3, Line 80: Before "voter verified paper trail", insert "a"

The motion to amend the bill passed unanimously with Rep. Hughes absent for the vote.

Spoke to the bill: Lloyd Carr, Carr Printing Company
Michael Cragun, Director, Elections Office
Brent Gardner, Utah Association of Counties

Rep. Aagard relinquished the chair to Rep. Hughes.

Spoke to the bill: Thomas Clay, citizen, software developer
Clarity Sanderson, Utah Democratic Party Caucus
Fraser Nelson, Disability Law Center
Jason Yocum, Chief Deputy Clerk, Salt Lake County
Tom Stutz, citizen
Alan Ernstsens, citizen

MOTION: Rep. Hansen moved to pass the bill out favorably.

SUBSTITUTE

MOTION: Rep. Hutchings moved to amend the bill as follows:

1. Page 3, Lines 80 & 81: After "the voting equipment" delete "that would permit a third party to inspect and verify the votes cast"
2. Page 3, Line 81: After "for the purposes of" delete "auditing and"

MOTION: Rep. Clark moved to call the question. The motion passed unanimously with Rep. Wheatley absent for the vote.

The substitute motion to amend the bill failed with Rep. Hendrickson, Rep. Hutchings, and Rep. Mathis voting in favor of the motion and Rep. Wheatley absent for the vote.

MOTION: Rep. Clark moved to adjourn. The motion passed with Rep. Hansen voting in opposition to the motion and Rep. Wheatley absent for the vote.

Rep. Hughes adjourned the meeting at 3:33 p.m.