

Date: 2-22-21

## **Senate Government Operations and Political Subdivisions**

### **Bill: HB 211 Initiatives and Referenda Amendments**

Sponsor: Rep. Thurston

Floor Sponsor: Sen. Johnson

#### **UASD Position: Tracking**

This Bill: amends provisions relating to statewide and local initiatives and referenda.

Discussion: Rep. Thurston said that there was an amendment that corrected one error, and a substitute that corrected another error. The substitute is not available yet. Sen. Thatcher asked if the substitute had any substantive change. Rep. Thurston said it is purely technical. Sen. Vickers asked what the bill does. Rep. Thurston explained that the bill creates consistency across the state for initiatives and referenda on all levels. It also addresses legal issues, such as the requirement that sponsors have voted. The bill removes that requirement. Sen. Vickers asked if the bill makes it easier or harder to do a referendum. Rep. Thurston said it will be about the same. They have made it a little easier in some cases and a little harder in others, but they've erred toward the benefit of the citizens. Sen. Thatcher agreed. Ricky Hatch, Weber County Clerk/Auditor and chair of the Clerks Legislative Committee, spoke in support of the bill. The Lieutenant Governor's Office supports the bill as well. Amendment One was adopted.

Yeas: 5

Nays: 0

N/V: 3

**Outcome: HB 211 passed out of committee with a favorable recommendation.**

### **Bill: 1st Sub. HB 173 Vote Reporting Requirements**

Sponsor: Rep. Hall

Floor Sponsor: Sen. Thatcher

### **UASD Position: Tracking**

This Bill: addresses the information to be reported by election officials when tabulating election results.

Discussion: Rep. Hall explained that the bill requires county clerks to provide an estimate of how many ballots remain uncounted when they provide ballot updates. Ricky Hatch, Weber County Clerk/Auditor and chair of the Clerks Legislative Committee, said they'll do their best with the estimate but it may not be precise. The clerks are neutral on the bill.

Yeas: 6

Nays: 0

N/V: 2

**Outcome: 1st Sub. HB 173 passed out of committee with a favorable recommendation.**

### **Bill: 1st Sub. HB 96 Emergency Management Amendments**

Sponsor: Rep. Harrison

Floor Sponsor: Sen. McKell

### **UASD Position: Support**

This Bill: amends provisions of the Emergency Management Act related to emergency preparedness and response, and other duties of the Division of Emergency Management.

Discussion: Rep. Harrison explained that this legislation came out of a 2019 working group. It is supported by the Governor's Emergency Management Administration Council, the Utah Emergency Management Association, the Utah League of Cities and Towns, the Utah Association of Counties, the Utah Fire Chiefs Association, and the Utah Regional Coordination Council. The bill identifies the role of local, city, and county governments during emergencies. All municipalities and counties will be required to designate an emergency manager and develop an emergency operations plan. If a municipality doesn't want to create its own plan, it can operate under the county's plan. The state Disaster Recovery Restricted Account will be restored so the fund can slowly grow. The bill also requires that buildings built in federal flood planes

must meet minimum insurance standards. It expands the Emergency Management Administration Council by one year, and makes a technical change to the Utah Seismic Safety Commission. Sen. Vickers noted that the fiscal note shows the interest going into the Disaster Recovery Restricted Account, but it also says the revenue will decrease by the same amount. Is that going somewhere? Rep. Harrison explained that that's because it will go back into this account, rather than going into the general fund.

Yeas: 6

Nays: 0

N/V: 2

**Outcome: 1st Sub. HB 96 passed out of committee with a favorable recommendation.**

**Bill: 2nd Sub. HB 312 State Residency Amendments**

Sponsor: Rep. Teuscher

Floor Sponsor: Sen. McCay

**UASD Position: Tracking**

This Bill: makes changes to the Election Code regarding residency determinations for candidates.

Discussion: Rep. Teuscher explained that there is a gray area in the law pertaining to people running for office who leave the state or country intending to return. If you've left the state for more than six months, at filing you will have the opportunity to present evidence showing that you intended to return to the state. The bill increases the time when a candidate can be challenged by the Lieutenant Governor or a clerk. It also adds a perjury requirement to the declaration of candidacy for those who decide to run for office knowing they don't meet the qualifications. Ricky Hatch, Weber County Clerk/Auditor and chair of the Clerks Legislative Committee, explained that disproving residency is quite difficult and comes up in almost every election. The clerks support the bill.

Yeas: 6

Nays: 0

N/V: 2

**Outcome: 2nd Sub. HB 312 passed out of committee with a favorable recommendation.**

**Bill: 3rd Sub. HB 197 Voter Affiliation Amendments**

Sponsor: Rep. Teuscher

Floor Sponsor: Sen. Bramble

**UASD Position: Tracking**

This Bill: amends the Election Code relating to a voter's change of political party affiliation.

Discussion: Rep. Teuscher introduced the bill. In an even numbered year, the party-switching window from April to the primary election will be limited. Someone who is registered to a party cannot switch to a different party during that time. This is after the filing period and the precinct caucuses, but it is after the county and state conventions. Unaffiliated and new voters can still register to a party during this time. Sen. Thatcher said he planned not to pass the bill out of committee until he saw the third substitute. He appreciates that the bill only restricts voters who are currently registered to a party. Sen. Iwamoto said the final candidates aren't known until after the primary. Rep. Teuscher said that's true, the general election candidates haven't been determined yet, but we will know everyone who is running. Sen. Iwamoto expressed concern about how unaffiliated voters will know the details of primaries. Ricky Hatch, Weber County Clerk/Auditor and chair of the Clerks Legislative Committee, said the clerks are neutral on the bill. A community member said he worries that this bill is attacking people joining the Republican party who don't have the same fundamental beliefs as other Republicans. Sen. Iwamoto said all citizens pay for the elections, so everyone should be able to choose who they want to vote for. She opposes the bill. Rep. Teuscher said the general election is for everyone to vote. The primary election, however, is for members of a party to decide who they support.

Yeas: 4

Nays: 2

N/V: 2

**Outcome: 3rd Sub. HB 197 passed out of committee with a favorable recommendation.**

**Bill: SB 201 Public Notice Amendments**

Sponsor: Sen. Mayne

Floor Sponsor:

**UASD Position: TBD**

This Bill: modifies provisions relating to public notices.

Discussion: Sen. Mayne introduced the bill. Lincoln Schurtz spoke on behalf of the Utah Association of Counties and West Valley City in support of the bill. This bill pushes all notices to the state public notice registry website. The website will be required to provide an RSS feed, which will send the notices to local media outlets. He noted that it will be a multi-year effort since the bill does not cover all of the notices. Sen. Riebe asked if the website allows individuals to sign up for certain notices, rather than all of them. Mr. Schurtz said the website has that capability. The Utah Press Association is concerned about the language around storage unit notices. They are concerned about how email is used, and asked that “delivery confirmation” be stricken. Sen. Mayne said she will work with them on that.

Yeas: 6

Nays: 0

N/V: 2

**Outcome: SB 201 passed out of committee with a favorable recommendation.**

**Bill: 1st Sub. HB 270 Property Tax Valuation Amendments**

Sponsor: Rep. Hawkes

Floor Sponsor: Sen. Cullimore

**UASD Position: Tracking**

This Bill: modifies provisions of the Property Tax Act related to valuation and appeals.

Discussion: Rep. Hawkes said this is a clean-up bill with clarifications coming at the request of the Tax Commission. It helps taxpayers who have successfully appealed their property tax. Commissioner Rebecca Rockwell with the Utah State Tax Commission spoke in support.

Yeas: 6

Nays: 0

N/V: 2

**Outcome: 1st Sub. HB 270 passed out of committee with a favorable recommendation.**

### **Bill: 1st Sub. HB 70 Ballot Tracking Amendments**

Sponsor: Rep. Johnson

Floor Sponsor: Sen. Sandall

### **UASD Position: Tracking**

This Bill: makes changes to the Election Code regarding the tracking of certain ballots.

Discussion: Rep. Johnson introduced the bill. It allows someone to sign up for an email or text notification on the status of their ballot. Sen. Buxton asked about the fiscal impact. Rep. Johnson said there can be a fiscal note of a few thousand dollars, but some county clerks have already been developing this in their own counties. The Lieutenant Governor's Office feels that this can be done fairly quickly at a low cost. Sen. Vickers acknowledged that the fiscal note will increase in the second and third years. Ricky Hatch, Weber County Clerk/Auditor and chair of the Clerks Legislative Committee, spoke in support of the bill. There is a cost of about 1-3 cents per push notification, and related to updating software. The Lieutenant Governor's Office also supports it.

Yeas: 5

Nays: 0

N/V: 3

**Outcome: 1st Sub. HB 70 passed out of committee with a favorable recommendation.**

**Bill: HB 293 Open Meetings Amendments**

Sponsor: Rep. Petersen

Floor Sponsor: Sen. Johnson

**UASD Position: Tracking with Concern**

This Bill: amends provisions related to the posting of minutes of open meetings.

Discussion: Rep. Petersen introduced the bill. It ensures that all public entities post their agendas and minutes on the state public notice website. Sen. Vickers asked for examples of state bodies that are not public bodies or specified local public bodies. Rep. Petersen mentioned Utah Local Governments Trust and the Utah Association of Special Districts (UASD). Sen. Riebe said she'd like to see criteria for what minutes should entail, but this is a good first step. Rep. Petersen noted that there is a first substitute. LeGrand Bitter spoke on behalf of UASD. He explained that the first substitute allows an entity to post their minutes on their own website if they so choose, providing a link on the state website. The first substitute was adopted.

Yeas: 5

Nays: 0

N/V: 3

**Outcome: HB 293 passed out of committee with a favorable recommendation.**

**Bill: 1st Sub. HB 152 Ballot Information Amendments**

Sponsor: Rep. Stenquist

Floor Sponsor: Sen. McKell

**UASD Position: Tracking**

This Bill: makes changes to the Election Code regarding candidates' names on ballots.

Discussion: Rep. Stenquist explained that there's nothing in statute that clarifies what can be used on a ballot as someone's name. Elections officials have guidelines they use to prevent something offensive or vulgar, but a candidate doesn't even need to use their real name. The bill allows a candidate to demonstrate that they go by a shortened name or nickname, and put that name on the ballot. It would prohibit use of a deceptive name that the candidate isn't known by. Currently a candidate can include a campaign slogan in their name on the ballot. Sen. Riebe asked how someone would establish that everyone knows them by a nickname. Rep. Stenquist said there is some subjectivity. It is the same standard used for passports — if you can show by public document, such as a yearbook, that this is a common name that you go by, that would be sufficient. Sen. Buxton said there are people who have established themselves with slogans, such as "Frugal Dougall." Rep. Stenquist said if someone can demonstrate that they are known by that name, they can use it on the ballot. Nothing will prevent them from using the nickname as a campaign slogan. Sen. Iwamoto said she could see a nickname like that as swaying voters and giving the candidate an advantage. Sen. Riebe asked if a clause could be inserted into the bill that any nickname has to be a neutral term that doesn't provide a political advantage. Rep. Stenquist said there might be potential tweaks along those lines. Right now, there are no guidelines in statute so his intention is to put in some guidelines with latitude. Ricky Hatch, Weber County Clerk/Auditor and chair of the Clerks Legislative Committee, said the clerks don't have any opposition to the bill. Sen. Buxton asked if he could put his name as Chief Buxton on the ballot with a box around the X. Would the bill prevent that? Mr. Hatch said he doesn't know if the bill would prevent it, but it does provide guidelines to determine whether that would be acceptable. Sen. Hinkins asked if a candidate could force the clerks to put their picture on the ballot. Mr. Hatch said the state code is clear on the type of information, font size, etc., and photos are not permitted.

Yeas: 4

Nays: 2

N/V: 2

**Outcome: 1st Sub. HB 152 passed out of committee with a favorable recommendation.**