Date: 2-23-21

House Political Subdivisions Committee

Bill: 2nd Sub. SB 92 Elections Amendments

Sponsor: Sen. Harper

Floor Sponsor: Rep. Thurston

UASD Position: Tracking

This Bill: amends provisions relating to election law.

Discussion: Sen. Harper introduced the bill. Rep. Christianssen asked about the amendments to the provisions related to permissible uses of campaign funds. Sen. Harper said that starts on line 674. Line 678 outlines categories that campaign funds can be used for. Line 691 provides a catch-all category, but candidates will have to provide details. Rep. Musselman asked about lines 624-628. Sen. Harper said line 693 shows that they did not change the rule-making authority. Rep. Teuscher asked about lines 625-692. It comes up with definitions for categories of expenditures, correct? Sen. Harper said yes. Rep. Teuscher asked if it's fair to say that there aren't substantive changes to what is allowed as a campaign expense. Sen. Harper noted that there are a number of clarifications. If your campaign buys paper clips, that can be listed as office supplies. Justin Lee with the Lieutenant Governor's Office said they plan to put a drop-down menu on the form for campaign expense categories. There is a slight fiscal note, but they will be able to absorb the cost. They discussed how to divide up items purchased together that fall into different categories. Rep. Musselman referred to lines 1140-1141 — when a Venmo account is tied to a campaign account, is that dealt with? Sen. Harper said that is in the bill. It clarifies when Venmo transactions and direct deposits need to be reported. Rep. Dunnigan noted that if you are given a check, you need to report it within 31 days. They discussed the timing for reports for a PayPal donation. Ryan Call spoke on behalf of an accounting firm. They recommend utilizing categories that are well-known in the campaign finance world, such as advertising, campaign event expenses, donations, petition expenses, polling expenses, and more. The bill's categories also do not satisfy the strict scrutiny requirement from the courts. He recommends that they keep the current language in statute that defines and requires detail. The bill should also include a definition of the term address. The Disability Law Center supports the bill, particularly the study investigating accessibility and voting. Sen. Hinkins explained that these categories were carefully chosen. Rep. Musselman said he appreciates the plain language categories and definitions. Rep. Teuscher and Rep. Bennion also spoke in support of the bill.

Yeas: 10

Nays: 0

N/V: 0

Outcome: 2nd Sub. SB 92 passed out of committee with a favorable recommendation.

Bill: HB 174 Municipal Instant Runoff Voting Amendments

Sponsor: Rep. Robertson

Floor Sponsor:

UASD Position: Tracking

This Bill: amends provisions relating to municipal instant runoff voting.

Discussion: Rep. Robertson introduced the bill. It introduces additional methods for elections with many candidates. It builds on the existing pilot program that allows cities to choose ranked choice voting. An instant runoff saves cost and voter pain. The bill approves two new methods. Approval method allows a voter to select as many candidates as they like. Whoever has the greatest number of approval votes is elected. Star voting allows a voter to give each candidate a star rating. The candidates with the two highest scores then go into an instant runoff, where the candidate who has the higher approval wins. Rep. Burton asked about educating the public on these methods. Rep. Robertson said he hopes this bill will be discussed in the press. They're also putting together a campaign explaining these alternative voting methods. There is no express funding toward education. Rep. Musselman asked if this is specifically for municipalities. Rep. Robertson confirmed that. Rep. Musselman said on first reading, the methods seem complicated. He asked about whether the process is complicated. Rep. Robertson said simplicity is important in voting methods. Most of the complexity pertains to recounts and ties. The implementation will be simple. Rep. Musselman shared a text he received that says star voting obscures actual vote counts and makes it easier to tamper with elections. Rep. Robertson said any system can be cheated. The key is to keep it open, visible, transparent, and auditable. This doesn't allow any additional opportunities for fraud or cheating.

Rep. Weight asked if county clerks would be managing these elections. Rep. Robertson said cities can choose who manages their elections. They can do it themselves, or contract with county clerks. This bill doesn't address that. Rep. Weight asked about feedback from county

clerks. Rep. Robertson said Utah County has weighed in. They are very interested in this. He hasn't heard much from other county clerks on the bill. One county clerk expressed concerns about voter confusion. However, Rep. Robertson said that's not a concern because the voters in a city will all be using the same voting method. Rep. Weight asked if either of these processes has been piloted. Rep. Robertson said approval voting has been piloted in several cities outside of Utah. It has been successful. Star voting is relatively new. It is being piloted in an Oregon municipality right now. That's why this is a pilot program, with a sunset date in the bill. Someone noted that star voting seems more complex, but allows for intensity of preference. He also asked about step two in the counting process. Does the voter cast another ballot, or is that determination made from the first ballot? Rep. Robertson said the beauty of the approval method is its simplicity. It does lack precision. The current plurality system is the most easily gamed of any voting methods. From a mathematical perspective, star voting is the most precise. As far as step two in the counting process, the scoring process eliminates all but two candidates. Then all ballots are reviewed again to see which candidate is preferred on each ballot. Rep. Bennion asked if our machines are set up to use these methods. Rep. Robertson said the machines most commonly used in Utah have approval voting as an option. Star voting is not yet an option in the machines. It would take about a year to implement it.

Rep. Dunnigan asked about the approval method. What if everyone chooses all the candidates? Rep. Robertson said that would be a tie. The bill provides for a coin flip in case of a tie. Rep. Dunnigan asked what happens if a city chooses one of these methods and the county clerk doesn't want to do it. Rep. Robertson said he believes cities are responsible for their own elections. They can manage them however they choose. This bill does not address what would happen if a county said no. Cities are responsible for implementing their choice. Utah Ranked Choice Voting opposes the bill. They worry it will muddy the water of the existing ranked choice voting pilot program. Ricky Hatch, Weber County Clerk/Auditor and chair of the Clerks Legislative Committee, said that clerks are cautious when it comes to pilot programs with the general voting public. They are concerned about voter confusion. The committee adjourned because floor time was starting.

Yeas:

Nays:

N/V:

Outcome: The bill was held in committee.