

Senate Government Operations and Political Subdivisions Committee

2/3/2025

Bill: HB 64 – Public Official Bonding Amendments

Sponsor: Representative James A. Dunnigan

Floor Sponsor: Senator Ronald M. Winterton

UASD Position: Tracking

This Bill amends provisions relating to bonds required for public officials and employees to protect against malfeasance or misfeasance in office and replaces the requirement to post a bond with a requirement to obtain crime insurance.

Discussion: Current state Statute requires that certain public officials be bonded. These public officials have a choice between getting a surety bond or crime insurance. A surety bond fronts the money to pay if a public official commits malfeasance. The public entity, such as a county, would have to repay the surety bond. These bonds act as a pre-arranged loan, with the expectation that funds will be returned to the lender. However, under the Governmental Immunity Act, it is virtually impossible for the lender to be repaid thus making it virtually impossible for a public official to obtain a surety bond. The CEO of the Utah County's Indemnity Pool presented with the sponsor. HB 64 removes the requirement for the bond because counties and cities almost always utilize crime insurance. Although the Bill gets rid of the bond option to protect against malfeasance or misfeasance in office, crime insurance will still be required for certain public officials. No one from the public commented.

Yeas: 6

Nays: 0

N/V: 1

Outcome: HB 64 passed out of the Committee with a favorable recommendation.

Bill: 2nd substitute HB 69 – Government Records and Information Amendments

Sponsor: Representative Stephanie Gricius

Floor Sponsor: Senator Calvin R. Musselman

UASD Position: Tracking

This Bill addresses access to, and disclosure of, certain government information and records.

Discussion: 2nd substitute HB 69 addresses county clerks' ability to access political information and creates a code of conduct for county clerks. It clarifies what voter information is considered public or private and what is considered necessary for specific duties. The Bill prohibits a government officer from accessing or using government records or information in a manner that is not related to a duty of the government officer. The intent is to prevent the weaponization of information that clerks may access. The Utah Association of Counties spoke in support of 2nd

substitute HB 69. Members of the public spoke in opposition to the Bill. The Utah County Clerk, who was the impetus for the sponsor to run this legislation, spoke in support of the Bill because he believes it “proves he was right”. Senators Thatcher and Blouin asked the Clerk a series of questions about why the Clerk chose to look up how an individual chose to cast their vote in the most recent election. The Utah County Clerk does not believe that the US Postal Service is a safe way to cast a ballot even though all evidence shows that it is a very safe and secure way to vote. He chose to make a political statement by looking up the mechanism by which a majority of the elected officials in his County voted. That action is the reason that this legislation is being run. The sponsor reminded the Committee that the Bill doesn’t change anything regarding audits or mechanisms to cast ballots in Utah.

Yeas: 4
Nays: 0
N/V: 3

Outcome: 2nd substitute HB 69 passed out of the Committee with a favorable recommendation.
