

GOVERNOR'S COMMISSION ON STRENGTHENING UTAH'S DEMOCRACY

Timpanogos Room, Utah Valley University Library

MINUTES

THURSDAY, APRIL 16, 2009

Commission Members Present: Tom Love, Dan Jones, Bruce Hough, Randy Dryer, Ken Verdoia, Kirk L. Jowers, LaVarr Webb, Dick Richards, Doug Wright, Dee Rowland (for Most Reverend John C. Wester), Steve Starks, Dave Hansen, Yvette D. Donosso

Commission Members Absent: Frank R. Pignanelli, Senator Scott Jenkins, Meghan Holbrook

Commission Staff Present: Taylor D. Morgan, Kate Mecham

The Meeting Proceeded as Follows:

1. **Welcome** (3:05 – 3:10pm)
 - a. Acting Commission Chairman Kirk Jowers welcomed Commissioners, presenters, and the public in attendance.

2. **Commission Business** (3:10 – 3:45 pm)
 - a. Approval of Minutes – March 28th Meeting
 - i. Motion to approve the minutes made by Commissioner Verdoia, seconded by Commissioner Hansen, approved unanimously.
 - b. Update on Proposed Procedural Roadmap and Commission Procedures
 - i. Roll-call voting
 1. Commissioner Verdoia asked the Commission to postpone discussion of roll call voting until Commissioner Hough is present. The Commission agreed in unanimity.
 2. Upon the arrival of Commissioner Hough, the Commission pursued its discussion.
 - a. Commissioner Hough explained that he sees both sides of the issue, and that he didn't feel that there was definitive closure on the discussion of the roll-call vote. Mr. Hough noted that because the Commission is not an elected body, but rather an appointed body, the Commission might be more effective by holding a "secret ballot," per say. He commented that each Commissioner should feel comfortable voicing their individual and personal opinion.
 - b. Commissioner Verdoia expressed his view that the Commission need not use a roll-call vote for business

matters, but only for official Commission proposals and recommendations.

3. Commissioner Randy Dryer moved that any “substantive actions of the Commission” be recorded by a roll-call vote. Motion seconded by Commissioner Hough, approved unanimously.
- c. Collaboration with Utah Press Association and Utah Broadcasters Association – Commissioner Ken Verdoia
- i. Commissioners Ken Verdoia, Doug Wright and Lavarr Webb met with Dale Zabriskie of the Utah Broadcasters Association (UBA) and Joel Campbell of the Utah Press Association (UPA) to discuss collaborative opportunities based on the Commission’s agenda and desire for public input.
 1. The UBA is interested in partnering with the Commission to publicize recommendations and activities.
 - a. As for a monthly call in program, the UBA proposes hosting a call-in show on June 25th for a discussion on current issues.
 - b. Another opportunity in September would involve a larger studio setting with a live audience where the Governor could interact and respond to issues for public television and radio. This meeting would be designed to fit between the Commissions meetings already scheduled for September.
 2. Joel Campbell of the Utah Press Association outlined a process for using university students to produce articles profiling Commission study areas and/or policy recommendations for publication by UPA members throughout the state.

3. Voter Participation in Utah (3:45 – 4:45 pm)

- a. Presentation by Professors J. Quin Monson (BYU) and Thad Hall (University of Utah): “Elections in Utah: A Perspective with Data.”
 - i. Professor Monson presented the first slide – a chart indicating political party affiliation between 1982 and 2008.
 - ii. Professor Monson discussed the three main factors that affect voter turnout:
 1. Age and education
 2. Structure
 3. Election-specific dynamics
 - iii. Professor Monson then discussed specifics of voter turnout in Utah between 1980 and 2008
 1. Voter turnout has dropped from approximately 65% in 1980 to approximately 50% in 2008. Turnout increased in Presidential Election years.
 2. Turnout equals number voting for highest office on ballot divided by voting age population.
 - iv. In general, Utah voters are pleased with new equipment and are confident in the voting process in Utah, though specific results vary are affected by political party affiliation and interaction with poll workers.

1. Over 81% of Republicans, almost 62% of Independents, and less than 40% of Democrats are “very confident that their vote will be counted accurately” in Utah.
- v. Municipal elections present challenges to voting.
 1. Most municipalities are very small
 - a. 103 are smaller than 1,000 citizens
 - b. 164 are smaller than 5,000 citizens
 2. Addressing Municipal Elections
 - a. Need for experimentation with reforms
 - i. Vote by mail
 - ii. Vote centers
 - iii. Merging with state elections
 - iv. Letting counties administer
- vi. Early voting
 1. Early voting does not increase turnout; it makes voting more convenient for those who already plan to vote – most often partisan voters.
- vii. Issues of Reform
 1. Voter Identification
 - a. Public support for ID (74%)
 - b. ID laws are systematically problematic to implement
 - c. Low public concern about voter fraud
 - i. 6% of Republicans and 12% of Democrats worry about in-person voter fraud.
 - ii. 41% of Republicans and 27% of Democrats worry about absentee voting fraud.
 2. Voter Centers
 - a. Requires rethinking polling places and voter registration.
 - i. Increased turnout in Colorado, especially among those less likely to vote - 2.6% turnout improvement.
- b. Commission Discussion
 - i. Commissioner Dave Hansen asked Professor Monson which drives turnout in elections – the candidate at the top of the ticket or the efforts of the party.
 1. Mr. Monson responded that it is difficult to separate those two factors.
 - ii. Commissioner Dick Richards noted that Utah has not always been a Republican state, but that it was once a Democratic state. Mr. Richards noted that corruption may have changed party affiliation in Utah.
 1. Commissioner Wright noted that he believes the change was also issue driven, given cases such as Roe v. Wade.
 - iii. Commissioner Hough asked if the growth of the Latino population has affected political trends in Utah.
 1. Mr. Monson responded that he doesn’t believe it has. Mr. Monson pointed to Colorado as an example of increasing immigrant population with negligible impact on voting.
 - a. Commissioner Hough noted that races in Colorado have become more competitive recently. Mr. Hough

- another. In Utah, most county clerks post signs indicating that voters should be required to state their names before voting.
2. Commission Verdoia asked why the public is so supportive of being asked to show identification before voting.
 - a. Mr. Hall responded that most voters view proving their identity before voting as a common-sense measure.
 - b. Mr. Monson referred to slide which indicates that most concern over voter fraud is centered around absentee voting, rather than showing identification at polling stations on Election Day.
- viii. Commissioner Hough asked if early voting increases voter turnout.
1. Mr. Hall responded that early voting does not increase voter turnout; it merely makes voting more convenient for those who already plan to vote – most likely partisans.
 2. Commissioner Richards if early voting allows people to vote more than once.
 - a. Mr. Monson answered that current technology limits instances of double-voting.
 3. Dee Rowland, representing the Most Reverend John C. Wester, asked if mail-in voting increases turnout.
 - a. Mr. Hall responded that it does not, but that it makes voting for current voters more convenient, as with early voting.
 4. Commissioner Jones noted that the decrease in Utah voting has not been impeded by early voting.
- ix. Commissioner Hansen noted that moving Utah’s elections to years other than Presidential Elections might increase attention for Utah campaigns and candidates.
1. Commissioner Verdoia asked about the cost of such a policy.
 - a. Mr. Monson responded that because municipalities hold elections each year, the cost of moving statewide elections to the off year would simply involve transitioning cost from municipalities to the state.
- x. Commissioner Hansen asked why have same day registration instead of just doing away with voter registration altogether.
 - a. Mr. Monson answered that the basic goal is to prevent people from voting twice.

Break (4:45 – 4:50 pm)

4. Elections Legal Summary (4:50 - 5:35 pm)

- a. Presentation by Doug Larson (Michael O. Leavitt Center for Politics & Public Service, SUU and Larson Legal Services)
 - i. Utah’s major political parties select nominees for state office through a preprimary convention system, under which party leaders at a state convention may either select a nominee or choose

two candidates that compete for the party nomination in a subsequent primary.

1. The fourth Tuesday in June of each even-numbered year is designated as the day to hold regular primary elections. Under state law, a political party may choose to allow independent voters and other parties' members to vote in its primary election.
- ii. On March 20, 2009, Governor Huntsman signed into law H.B. 126, Voter Identification for Elections.
 1. The 2009 state law goes beyond the federal HAVA statute, which requires photo identification at the polls only for first-time voters who do not provide verification with registration form. Now, all voters must provide identification at polling places.
 2. The bill cuts the number of accepted forms of identification from 25 to 6.
 3. The bill also allows voters who forget their identification to cast a provisional ballot, giving them five days to show the county clerk their driver's license or other accepted form of identification.
- iii. Many people want to vote and intend to do so, but are unable to when they arrive at the polls because they are not registered.
 1. The time period between registration and Election Day impacts voter turnout.
 2. Many people simply do not know the process well enough.
- iv. Eight states—Idaho, Iowa, Maine, Minnesota, Montana, New Hampshire, Wisconsin and Wyoming—have election-day registration where voters may register and vote on Election Day.
 1. In North Carolina, voters may concurrently register and vote during an approximately two-week early voting period.
 2. Ohio's Secretary of State also instituted a same-day early registration/absentee voting option during the 2008 campaign after the U.S. District Court and the Ohio Supreme Court ruled that Ohio voters do not have to wait 30 days after registering before they can cast absentee ballots.
 3. Several other states have similar early registration/absentee ballot voting.
 - a. North Dakota has no voter registration requirement at all. Those states with the highest turnout and registration rates are the states with the shortest deadlines. In this year's legislative cycle, 16 states have legislation pending that would implement election-day registration.
 - b. New Hampshire, on the other hand, has a bill pending that would repeal its existing election-day registration program.
- v. Utah follows the NDR Act of 1993, also known as the "Motor Voter Act."
 1. The Act dictates that public offices, such as the DMV, have voter registration forms available for patrons. In addition, voter registration forms are available in many locations.

- a. Utah has done much to facilitate availability of registration forms.
 - vi. Utah does not allow online voter registration.
 - 1. Currently, Salt Lake County allows the transfer of voter registration information via the internet into an electronic holding table maintained by the county clerk's office.
 - a. The form itself must be downloaded, printed, signed, and delivered to the county clerk before registration is complete.
 - b. The printed form contains a barcode that retrieves the registration information from the holding table and sends it to the registration database.
 - i. The electronic transfer of information saves time on data input.
 - c. Utah also offers public access portals including a registration lookup and polling place locator on the Lieutenant Governor's website.
 - i. Utah keeps a statewide registration database that is intended to reduce fraud. The database is connected to the Department of Corrections for verification of convicted felons, who are ineligible to vote while completing a sentence, probation, or parole.
 - vii. Early-voting advocates say that early voting increases voter satisfaction and allows for flexibility.
 - 1. Early voting may increase turnout in non-federal elections.
 - 2. Other positives are that it gives additional flexibility and time to handle registration problems and make real time adjustments to voter demand and reduce polling place problems.
 - 3. On the other hand, early voting usually has more administrative costs associated with it and more labor to run the polls is needed.
 - 4. Moreover, there is no evidence that turnout increases in federal elections, and the election process is dragged out over weeks or months.
 - viii. Military voting
 - 1. Is driving online voter registration and voting.
- b. Commission Deliberation
 - i. Commissioner Wright asked if there are many voters who affiliate with the Republican Party only for purposes of voting in the closed primary, then become unaffiliated the next day.
 - 1. Mr. Larson responded that he has not yet seen any data on that particular issue.
 - ii. Commissioner Jowers asked what Utahns must do to maintain voter registration.
 - 1. Mr. Larson responded that nothing is required to maintain current registration, unless one moves or wants to change party affiliation.
 - a. Commissioner Jones noted that county clerks do not purge records of inactive voters.

- iii. Commissioner Verdoia commented that the large percentage of young voters that fail to register is disturbing. Particularly disturbing is the high number of those that don't register in the first place. Mr. Verdoia noted that young people may be more responsive to online registration and voting.
 - 1. Mr. Larson responded in the affirmative.
- iv. Commissioner Jowers asked about automatic registration for young people under 18 years old.
 - 1. Mr. Larson answered that if, for example, a 16 year old got his or her driver's license, that individual would not be registered to vote or entered into the motor-voter pool.
- v. Commissioner Webb stated that registering to vote is a choice.
 - 1. Mr. Larson responded that some states are considering automatic registration with an opt-out for those who choose not to vote. Additionally, Mr. Larson noted that, currently, all 17-year olds should receive a voter registration form from the Lt. Governor's office in the mail.
 - a. Commissioner Hough noted that registering young voters can be challenging, as high school students are likely to move away from home to go to school, and would thus have to re-register.
 - b. Commissioner Hough asked if it was possible to verify if high school seniors are receiving voter registration forms or not.
 - i. Commissioner Hansen responded that he is confident that they are indeed being sent out.
- vi. Commissioner Starks asked whether or not we are making registering to vote "too easy."
 - 1. Commissioner Love responded that he believes it is not too easy to vote, and that government could do more to utilize current technology to make registering to vote more accessible. He referred to varying deadlines and locations for registration as being intimidating and challenging.

5. Commission Deliberation (5:00 – 5:25 pm)

- a. Governor's Letter to the Commission
 - i. Acting Commission Chair Jowers discussed the focusing nature of Governor Huntsman's recent letter to the Commission.
 - 1. Mr. Jowers noted that the Utah Legislature will now appoint representatives to the Commission.
 - a. Senator Scott Jenkins and Representative Craig Frank have accepted their invitations to join the Commission.
 - b. The Democratic representatives have yet to be determined.
 - ii. Commissioner Jowers noted that the letter caused mixed emotions because the Commission had invested so much effort on ethics and redistricting. Nevertheless, one of the Commission's most significant challenges was its extremely broad mandate. With a more specific and narrow mandate as dictated by the Governor's

letter, the Commission can now move forward and be even more effective with its remaining goals.

1. Commissioner Love commented that the Commission serves at the behest of the Governor.
 - a. Despite the importance of following the Governor's request, Mr. Love noted that he is disappointed that the subjects of redistricting and ethics have been removed.
 2. Commissioner Wright stated that the public is very concerned about both issues which the Governor has removed from the Commission's mandate.
 3. Commissioner Hough added that the narrower mandate enables the Commission to work on issues upon which it can have an actual impact.
 - a. Commissioner Love added that the Commission can make recommendations, but that they may indeed have no effect at all without the Governor's endorsement.
 - i. Mr. Hough responded that the legitimacy of any Commission recommendation depends upon its compelling nature.
 4. Mr. Love stated that he hopes and believes that the Commissions work will be productive and effective, as all involved are committing significant time and resources.
- iii. Commissioner Jowers explained how the Governor's letter will require the Commission's schedule to be adjusted to remove the topics of redistricting and ethics.
1. The changes were noted in a revised proposed meeting schedule, which will be posted to the Commission's website.
 - a. The revisions include moving the "lobbying" sub-topic discussion to May 21, eliminating the August 20 meeting, and removing the subjects of redistricting and ethics from remaining meetings.
 - b. The Commission will now pursue limiting options and proposals, with the help of Commission attorneys, before the May 21 meeting.
 - i. The discussion concluded with the Commissioners being tasked to send recommendations to Taylor Morgan, to be reviewed by Matthew Sanderson and Commissioner Jowers.
 1. Those recommendations will then be compiled for the May 21 meeting.
 - c. Commissioner Hough moved to approve the proposed revised meeting schedule.
 - i. Commissioner Dryer asked that the schedule be amended to keep the August 20th meeting as a "TBD" meeting to be used as the Commission needs.
 - ii. Motion to approve the amended proposed meeting schedule, (originally made by

Commission Hough) seconded by
Commissioner Love; approved unanimously.

6. Public Comment (6:05 – 6:15 pm)

- a. Nancy Cooper, of the League of Women Voters, commented on the importance of engaging young people in elections.
 - i. Nancy discussed her interaction with young voters. She distributed a DVD to Commissioners, which features classroom instruction for young voters.
- b. Annie Farnsworth asked a clarifying question about the Commission's scope and how young attorneys can get involved.
- c. Ms. Brandt, of the League of Women Voters, commented that there are two separate voting blocs or societies in Utah – Salt Lake County and the Wasatch Front, and rural Utah.
- d. Michael Packer of Sandy urged the Commission to beware a focused mandate.
 - i. Mr. Packer noted that the key phrase is “strengthening Utah’s democracy,” and that the process of doing so can be messy.
 - ii. He asked the Commission to consider improving participation by looking at promoting town hall meetings and ensuring more informative and comprehensive information on major ballot initiatives and candidates.

7. Conclusion (6:15 – 6:20 pm)

- a. Next Meeting – Thursday, May 21, 2009, 3:00 to 5:30 pm, Zions Bank Basketball Center.