

Governor's Commission on Strengthening Utah's Democracy

Dumke Legacy Hall, Hurst Center, Weber State University
Ogden, Utah

MINUTES

Thursday, September 24, 2009

3:00 – 6:00 pm

Commission Members Present: Acting Chair Kirk Jowers, Dan Jones, Dick Richards, Doug Wright, Ken Verdoia, Dee Rowland, Senator Scott Jenkins, Randy Dryer, LaVarr Webb, Representative Craig Frank, , Dave Hansen, Bruce Hough, Tom Love, Senator Scott McCoy

Commission Members Excused: Steve Starks, Representative Rebecca Chavez-Houck, Meghan Holbrook, Yvette D. Donosso, Frank Pignanelli

Commission Staff Present: Taylor Morgan

1. Welcome (3:00 – 3:05pm)

- a. Acting Chair Jowers welcomed the students, public, and representatives of the media in attendance. Mr. Jowers expressed a special thank you to Commissioner Dick Richards for hosting today's meeting. Additional thanks to Nancy Haansted, Nathan Clark, and Bev Rudd of Weber State University of making arrangements.
- b. Acting Chair Jowers welcome Lieutenant Governor Greg Bell to today's meeting. Mr. Jowers noted that Governor Herbert will speak to the Commission next Thursday, October 1, at 2:00 pm. Mr. Jowers also noted that Governor Herbert expressed his gratitude for the Commission's diligence and service, his interest in the Commission's findings and recommendations, and to confirm that, contrary to some press reports, had not prejudged any reported Commission recommendations.

2. Lieutenant Governor Greg Bell (3:05 – 3:30 pm)

- a. Lt. Governor Bell thanked Acting Chair Jowers and members of the Commission for their service. Mr. Bell noted that he was grateful to be at Weber State University, where he began his education, met his wife, and grew up. Mr. Bell expressed his tremendous admiration for Dick Richards and all that he has accomplished at Weber State and noted that he had served a Hinckley Institute internship through the University of Utah's Hinckley Institute even though he was a student at Weber State.

- b. We are all disappointed with the last voter turnout, stated Lt. Governor Bell. He went on, "I've heard arguments regarding strong support for Romney and tepid support for McCain. These are footnotes, if not complete explanations. My analysis shows fault lines between generations and what's happening with social media and other revolutionary technologies. For example, my oldest three children have landline phones but my youngest three children do not. Furthermore, what's happening with traditional media is a concern. Newspapers just don't seem to fit in the hands of today's young people."
- c. Mr. Bell asked, what can we do about it? We can lament it, but we have got to do something about it. We (the Lt. Governor's Office) are going to do public service announcements (PSA's) through traditional media, but we also have to be inventive. That's the hard thing as a public official. Even our statutes are keyed on traditional media. Is the Legislature going to let me twitter in a legitimate fashion to reach our market?
- d. We have to be nimble and responsive. Citizenship has a burden and a cost to it. The ethics initiative that is being supported by a group is 21 pages long. It raises a host of issues. Neutrally stated, it's not for "sound bite consumption." Everyone is in favor of higher ethics. When you look at the mechanisms and how they interface with the Legislature, it becomes very problematic. Will the electorate pay attention and read 21 pages, or at least a responsible digest of it? Or will this devolve to a 30-second sound bite war?
- e. I am committed as Lt. Governor to do all I can to maintain the integrity, neutrality, and fairness of Utah's elections. I will run this office professionally and in best interest of citizens. We will strive for fairness. My staff is excellent; they are experts.
- f. I want to clarify the duties of my office. There are some very prevalent misperceptions about my office's powers. First, if a legislator fails to file a report, then the statute imposes upon me the duty to give the candidate 14 days to make a correct filing. Then, if they don't file a corrected report, my remedy is to refer the matter to the attorney general. The offense is failing to abide by my informing them of the requirement to make filing. People call my office wanting me to make rulings on things which I have no authority to rule on. My office is a very ministerial office. We're not assumed to be constitutional lawyers. We're reasonably- intelligent people administering the law to the best of our ability.
- i. Acting Chair Jowers asked, "In our first meeting we had Lt. Governor Herbert as our first speaker. He and some of his staff said the most important thing we could do (as a Commission) would be to look into some "levers" that the Lt. Governor's office could use to enforce compliance. We have taken a rough stab at trying to create such an entity. We'll send them to you and your staff to receive your insight. We would appreciate your help to work through what could help your office fulfill its interests and mitigate the inherent complications.
 - ii. Commissioner Tom Love stated, "I'm fascinated by your discussion of young voters and new media. In April we had some very interesting presentations discussing these very things. Will you be open to thoughts and recommendations on using new media to increase voter turnout?"
 1. Lt. Governor Bell responded, "Fantastic. We absolutely need to be open. I was next to a car the other night. Four young women were all on cell phones. I thought, "you're with your friends, who are

you talking to?”

2. Commissioner LaVarr Webb stated, “On the issue of voter turnout, what is the balance? Should the goal be to get more people to vote or should it be to produce more informed voters who understand the issues and vote intelligently? How much emphasis should we place on making it easy to vote versus making the voters more informed?
 - a. Lt. Governor Bell responded, “The Legislature has had a very fascinating discussion about this. It is quantity v. quality. Regarding the ease of voting, I remember my dad hunting around the house in 1956 because he had to show he was a property owner. He had to prove residency and ownership. Back then, voter turnout was pretty high. Now, how hard is it to register? It’s just very simple and accessible to register to vote. Registration today is very easy, by comparison. Unless we go to voting at home on computers, it’s about as easy as we can make it.
- iii. Acting Chair Jowers thanked Lt. Governor Bell for his efforts and for taking time to address the Commission.

3. **Commission Business** (3:05 – 3:15 pm)

- a. Approval of Minutes – September 10th Meeting
 - i. **MOTION TO APPROVE MINUTES OF SEPTEMBER 10TH MEETING; by Commissioner Ken Verdoia; seconded by Commissioner Dick Richards; approved unanimously.**
 1. Commissioner Dee Rowland noted that “Ms. Melling” on page 7 should be changed to “Ms. Cooper.”

4. **Weber State University Student Ethics Committee** (3:15-3:45 pm)

- a. Presentation by Weber State University Students on Campaign Finance, Lobbying, & Elections
 - i. Acting Chair Jowers introduced students and thanked them for their hard work and for taking time to present before the Commission.
 - ii. Adam Gardiner, a student and member of the Weber State Student Ethics Committee (WSUSEC), described the formation of the organization. He explained that the group consists of four Republicans and four Democrats to ensure a bipartisanship. Mr. Bentley stated, “We had some good, heated debates. Regarding our report, one thing we tried to do was to go in every different direction we could find information. We decided that we had nothing to lose. We felt like we could say what we really thought. We interviewed legislators who sit on the ethics committee.”
 - iii. Chris Bentley, another student-member of the WSUSEC, stated “To highlight a few key things, as far as campaign finance goes, the Legislature passed a 30-day reporting rule. We were impressed by that. In our report, however, we recommended 5 days turnaround for reporting. We felt that it (this reporting) doesn’t impede on the legislators too much, but gives constituents more up-to-date information. We had a divisive

discussion regarding a dollar amount cap on individual donations. It was really hard for us.”

1. Commissioner Ken Verdoia interjected, “It’s been really hard for us, too!”
- iv. Mr. Bentley continued, “Ultimately, we didn’t come up with a dollar amount for a cap. In looking at other states, we realized that Utah is one of five states that does not have a cap. Other states have caps ranging from \$1,000 to \$4,000 for legislative and state-wide races. We’re pleased to see that your recommendations are similar to that.”
- v. Mr. Bentley then discussed the WSUSEC’s work on lobbying reform. He stated, “We were pleased that the Legislature passed a revolving door law. 87% of Utahns agree that there should be a ‘cooling-off period.’ We recommend two years. We felt that any gift of \$10 or more may be seen as a bribe, so we support passing legislation to ban gifts over \$10. We also recommend that gifts of \$5 or more be reported. Because meals may be the only time a lobbyist can meet with a legislator, we recommend that any meal be reported both by legislator as well as lobbyist.”
- vi. Mr. Bentley then described the WSUSEC’s work on elections. He stated, “On elections, we don’t make too many specific recommendations. We do believe that having ethical reforms and putting other pieces in place may encourage greater participation. There’s a deal of mistrust among constituents of the state. Even if it’s just perception, anything we can do to remove that negative perception will improve participation.”
- vii. In conclusion, Chris Bentley stated, “We learned that although we may not agree on everything, we do agree that government runs best when it’s fair, transparent, and ethical.
 1. Commissioner Tom Love congratulated the students on their work. He said, “Incredible work. I want to point out, on the lobbying legislation, there’s an exception or a loophole in place. I want to make sure you’re aware of that.”
 2. Commissioner Ken Verdoia stated, “My highest regard for your work. Dick (Commissioner Richards), this is the kind of work that inspires and propels your center here at Weber State University. I’d like to ask one of the students who has not yet had a chance to speak, what is your take away?
 - a. Ryan Jessen, Weber State University student and member of the WSUSEC, stated “I learned that politics are divisive. The cross-state comparison was very educational for me. Most of our recommendations came from looking at examples of what other states have been successful at.”
 - b. Meghan Froerer, Weber State University student and member of the WSUSEC, stated “At the onset, I thought that ethics reform was a serious problem at the Utah Legislature. After interviewing numerous legislators, I found that the appearance or perception is more of a problem.”
 - i. Commissioner Ken Verdoia replied, “That’s a good point. It’s this perception that negatively impacts public confidence in the State Legislature.”

- c. Ms. Froerer continued, “It’s not that our Legislature is completely unethical, it’s that we don’t have a framework set up to ensure that they are perceived to be ethical.”
- 3. Commissioner Doug Wright asked the students, “What are your gut feelings? You’ve mentioned that reform would get more people out to vote. What would motivate your peers to participate?”
 - a. Chris Bentley responded, “What motivates me is connecting with a candidate. Doing so has gotten me very excited. More candidates of both parties running will foster greater participation.”
 - b. Adam Gardiner added, “The majority of students I’ve talked to say they’re not involved because there’s not an avenue for them to participate. We know this is false. There’s always something that someone can do.”
 - i. Commissioner Dick Richards asked Mr. Gardiner, “What did you do about it?”
 - 1. Mr. Gardiner responded, “I ran for city council.”
- 4. Senator Scott Jenkins stated, “You suggest that ethics reform serves a symbolic purpose. My question is, is it fair to say that you can’t legislate ethics? How important is transparency? In your opinion, is the electorate smart enough to take advantage of transparency? Is that (transparency) enough?”
 - a. Adam Gardiner responded, “Yes, I think they are smart enough. I know that students are passionate about politics. It’s about advertising – getting the word out about available resources.”
- 5. Representative Craig Frank stated, “Thank you for your work. We appreciate your being so candid with us. After speaking with and interviewing a number of legislators, has your confidence in them changed positively or negatively?”
 - a. Ryan Jessen responded, “Interning at the Legislature allowed me to see that legislators are practical, everyday people.
 - b. Chris Bentley added, “Being a Democrat, I had a negative perception of the State Legislature. When I got to know some of the legislators and had a chance to meet with them, it made them real people in my eyes. That was valuable. Regardless of whether or not I agree with hem, I better understand their role.”
 - c. Adam Gardiner said, “I felt like my voice wasn’t being heard in Utah. Meeting with legislators raised my confidence. Before, I thought that they weren’t aware. I understand now, that they are.”
- 6. Acting Chair Kirk Jowers noted, “90% of our former Hinckley interns vote. The Legislature is not part-time, they are over-time. They must balance their very demanding role in government with personal careers and their families. Thank you for your comments.

I see the efforts of Legislators every day. Beyond fulfilling their government duties, they frequently serve the public in other, more hidden ways. Of course, we see legislators on this commission, but I know personally that they drive hundreds of miles to speak to a small group. I wish people could see more of that because it would significantly lessen voter cynicism.”

7. Commissioner Tom Love welcomed Senator Scott McCoy to the Commission meeting.

5. Discussion & Amendment(s) - Campaign Finance Proposal (3:45-4:30 pm)

- a. Acting Chair Jowers turned the time over to Commissioner Verdoia, as Commissioner Verdoia motioned to reserve the right to amend the “Dryer Campaign Finance Recommendation.”
 - i. Commissioner Verdoia stated, “I don’t want us to vote the same issue three different ways, three different times. I conducted some research into what legislators and state-wide officials received in campaign donations during the 2008 election cycle. My amendments are based on that research and analysis. My amendments consist of the following: amend the cap for state-wide races to \$5,000 per election cycle, the election cycle consists of convention, primary (if necessary), and general election; amend the cap on legislative races to \$2,500 per cycle; amend vendor bidding or holdings to \$100,000 in contracts; and eliminate prohibition of parties donating to candidates during the primary season.”
 1. Senator Scott McCoy asked Commissioner Verdoia regarding his justification for removing the prohibition (in the Dreyer Recommendation) of parties donating to candidates during primary.
 - a. Commissioner Verdoia responded that it may be inappropriate to extend reach into party operations during primary elections. “It’s to return a sense of discretion to the parties,” he stated.
 - ii. Commissioner Randy Dryer added, “We have three different proposals. When I made my initial proposal, I said we need to look at it holistically. There are two fundamental issues, the first of which is whether or not to have limits. We have already answered that. The second question is whether we place caps on elections or election cycles. That will lead to a discussion of aggregate limits. We must first decide those two key issues.”
 1. Commissioner Verdoia added, “I’m willing to table my amendments and set them aside if we have a better way to take this up.”
 - a. Commissioner Dryer responded, “Once we decide those two fundamental issues, then we can proceed. For example, there are many parts of Kirk’s (Acting Chair Jowers) proposal that I can support, but certain parts I cannot.”
 - b. Senator Scott McCoy added, “We may not be able to vote on amendments as a package. We may want to divide them

- in order to consider each individually.”
- c. Commissioner Doug Wright stated, “I’d like to hear Kirk’s (Acting Chair Jowers) thoughts on the amendments.”
 - d. Commissioner Verdoia stated, “I’d like to table my amendments.”
- iii. Acting Chair Jowers noted, “As you know, although I am sympathetic to reform, I voted against Randy’s (Commissioner Dryer) Recommendation. I feel that some of its provisions are too prohibitive and potentially counterproductive to our mission. I want more money in politics, but I feel that contribution limits are important. As the Weber State University students found, there is a perception that if a company can give 10 million dollars to a candidate, it can ‘buy’ that election. There’s a perception that people don’t engage as much because they feel that their \$100 donation, for example, is nearly worthless when a candidate can raise a much larger sum from a company. Accordingly, reasonable limits are something we should consider. Some have expressed concern that contribution limits are unconstitutional under the First Amendment. The United States Supreme Court has consistently upheld reasonable limits. The limits we have discussed are reasonable; therefore, constitutionality is not a concern.”
1. Commissioner Tom Love thanked Acting Chair Jowers for representing the Commission at the recent Legislative Interim Committee meeting.
 - a. Acting Chair Jowers replied, “It was a fun opportunity. I appreciate Representative Frank providing that opportunity. I can personally attest that the legislators are very interested in our findings and recommendations.”
- iv. Acting Chair Jowers stated, “My goal with this proposal is to honor the Commission’s majority of Commissioner Dryer’s proposal while adapting it sufficiently to draw a supermajority of the Commission into supporting the recommendation. My proposal is designed to be simple, be clearly constitutional, and draw more people into the political system. I understand how people might think that a \$5,000 contribution cannot corrupt an official, but they probably consider that a ten-million contribution might corrupt them, so it would probably also corrupt a legislator. Governor Huntsman limited himself to \$20,000 donations in his race. If you look across the state and country, there are several states that have limits far higher than what I present here. There are some states that have incredibly low limits, such as Massachusetts. I think those excessively low limits are destructive to increasing participation. I also acknowledge that Utah has never had limits and understand that there can be unintended consequences that accompany these types of reforms. Accordingly, I don’t think we should try to do everything in one bill, but go one step at a time. My amendments try to strike that balance of meaningful, but incremental reform. The first thing to note is that my limits are based on elections rather than cycles. Consequently, to compare apples to apples with Commissioner Dryer’s proposal, the limit for state-wide races could be as much as \$15,000 per election cycle.”
1. Commissioner Dave Hansen asked, “Must a candidate have an opponent at all three levels to qualify for the full amount?”

2. Commissioner Ken Verdoia asked, “Would a candidate be eligible to receive a contribution for an unopposed primary?”
 - a. Acting Chair Jowers responded, “I do not specify in the recommendation, so it is open for discussion. However, I drafted it with the federal system in mind. Thus, to answer your question, if a candidate had only two contested races, she could only raise funds for two elections—in this case, the convention and the general. He added, “For example, Attorney General Mark Shurtleff, now running for U.S. Senate, he should have three separate, segregated bank accounts. He may only draw from the convention account at this point and would only be able to use funds from the primary account if had to run in that election.”
 3. Senator Scott McCoy added, “If I am a nominee, and I don’t have a primary, why do I need primary contributions?”
 - a. Commissioner Bruce Hough responded that those primary contributions may be used to pay off a candidate’s campaign debt.
 4. Senator Scott McCoy asked, “Does your proposal consist of five thousand for convention, primary, and the general election?”
 5. Acting Chair Jowers responded affirmatively and clarified the proposal allowing a minimum of \$10,000 and a maximum of \$15,000.
- v. Further explaining his amended proposal, Acting Chair Jowers stated, “I’ve also eliminated aggregate limits and changed party limits to \$25,000. Again, I am not trying to take money out of politics. I believe, however, that \$10 from 3 million donors is far better than 30 million dollars from one contributor. I agree with Ken’s (Commissioner Verdoia) proposal to go to \$100,000 for state vendors. I also agree with eliminating the prohibition on parties from donating to candidates during a primary.”
1. Commissioner Randy Dryer responded, “I’m fine with major state vendors. I’m fine with letting the prohibition on parties donating during primaries go. Let me address the two substantive issues at hand: the issue of elections versus election cycles and the issue of aggregate amounts. I can support the increase from \$4,000 to \$5,000. So in a cycle, the limit is \$15,000. Let’s not forget about spouses. Essentially, we’re really talking about \$30,000. I’m ok with that if we have some aggregate limits. I’m concerned that without aggregate limits, the limits will be meaningless as there will be too many ways to circumvent. I present a hypothetical scenario: a wealthy lawyer wants to ensure a majority in the Republican Party. How would he do that? He can give the maximum contribution to 21 members of the State Senate, so that’s \$105,000. He could then donate the maximum to 53 members of Utah State House, which is another \$265,000. He could then give \$25,000 to the state Republican Party and \$25,000 to the county Republican Party and every other county. He could donate the maximum to Senate President Waddoups, the maximum to Senator Waddoups’ leadership PAC, the maximum to the Republican Party

breakfast, and so on. All these are before he even donated to various PAC's that will spring up as result of the lack of a total contribution aggregate limit. My point is that without an aggregate, under Acting Chair Jowers' proposal, this type of donating could be possible. I think if aggregates make sense to prevent corporations and labor unions from circumventing limits, it seems to me that it equally applies to individuals. Without aggregate limits, there's numerous ways to get around campaign donation caps. A lot of states that have limits have recognized this and have placed aggregate limits, as well. That's my reason my arguing for a total aggregate. I think we need to address the total aggregate cap.

- a. Senator Scott Jenkins asked, "Who will police this?"
 - i. Commissioner Dryer responded, "Once the rules are laid out, candidates and the media will enforce these limits. I believe we have a draft recommendation dealing with enforcement on our agenda later today."
- b. Senator Jenkins replied, "When the state had limits on construction contracts, it resulted in a 'shell game.' These limits will be a nightmare to keep up on."
 - i. Commissioner Dryer responded that the federal government has enforced campaign contribution limits for years, as have several other states. He noted that he was unaware of any states that have had problems enforcing their limits.
 1. Commissioner Dan Jones noted that the federal government has the FEC to enable enforcement.
- c. Commissioner Doug Wright added, "A candidate's opponents can dig up information. In that sense, it almost self-polices."
- d. Commissioner LaVarr Webb stated, "In your scenario, if someone is that motivated, even under your proposal, which would add in aggregate limits, couldn't that person still create various groups and still throw millions of dollars at the election process, possibly in an even less accountable way?"
 - i. Commissioner Dryer responded, "You raise a good point. Clearly the whole issue of independent expenditures is a serious question. We're talking about contributions, not expenditures. You're right in that if limits are too low, people may attempt to fund independent expenditures. However, for independent expenditures to be truly independent, they cannot coordinate with candidates. I do think we need greater transparency behind independent expenditures."
 1. Commissioner Webb noted that he agreed.

- e. Commissioner Ken Verdoia added, “Just because independent expenditures may become more of a force doesn’t mean we shouldn’t limit campaign donations. The lower the amount, the greater the likely hood that the highly motivated person will direct money toward independent expenditures. I believe the limits proposed are reasonable. In my research of the 2008 election cycle, I found that the vast majority – over 90% of all campaign contributions were well below the proposed \$2,500 legislative limit.
- f. Commissioner Dryer added, “If the Legislature adopted campaign contribution limits, I think it would drastically enhance the public’s perception.
 - i. Commissioner LaVarr Webb asked, “So we’re doing all this for public perception?”
 - 1. Commissioner Dryer responded, “I think perception is important. I don’t think our Legislature is corrupt. I think they are basically honest. That’s not why I’m proposing this. I believe there is an issue with public perception. Campaign contribution limits will help eliminate possibility, and perception, of corruption.”
- vi. Commissioner Doug Wright stated, “We have three issues to address: whether or not we should have an aggregate limit, whether those limits are based on elections or election cycles, then what the amounts of the limits should be.
- vii. Commissioner Ken Verdoia added, “Out of 1,000 contributions I examined; only 15 were over the proposed limits.
 - 1. Commissioner Dave Hansen stated, “We (The Utah Republican Party) have four donors at \$25,000 and only one over \$25,000. On the other hand, Utah Democrats have one major donor that gives quite a lot.”
 - 2. Senator Scott McCoy added, “The standout last year was the \$25,000 check from a hedge fund manager, written to his brother. That is an outlier. That’s the highest from any single person in the history of our state. I understand that candidates receive large donations. For example, I had a check for \$10,000 during my last election.”
 - 3. Commissioner Verdoia noted that the data dealing with campaign donations can be skewed. Regarding his study, he said “I saw a lot of grassroots fundraising. Legislative campaigns are funded primarily by donations of less than \$500.”
- viii. Commissioner Dee Rowland asked, “Will debating these three issues individually change anyone’s vote on the final recommendation?”
 - 1. Acting Chair Jowers asked, “Are any of those who voted against the original recommendation tempted to vote for it with higher limits and the other amendments discussed?”
 - a. Commissioner Dryer added, “If you’re (a Commissioner) is

- against limits under all circumstances, we may not need to spend too much time on discussion.”
- b. Acting Chair Jowers stated, “I would welcome a motion, but it’s worthwhile to have this discussion. As Randy (Commissioner Dryer) mentioned, there’s a recommendation on our agenda dealing with enforcement.”
 - i. Commissioner Dryer noted, “At some point, we need to decide whether or not to have an aggregate limit and whether we are dealing with elections or election cycles.”
 1. Acting Chair Jowers said, “I think we start with the aggregate limit. Then we’re left with those who would accept some limits.”
 - ix. Commissioner Webb asked, “Will any of these impact initiatives?”
 1. Senator Scott McCoy responded, “No, because initiatives deal with issues, not candidates.”
 - a. Acting Chair Jowers agreed and cited a Supreme Court case.
 - x. Commissioner Tom Love made a motion to “Take a straw poll on Acting Chair Jowers’ amendment.”
 1. Senator Scott McCoy noted, “We need to vote on one amendment at a time, rather than amend and then revote on an entire recommendation.”
 - xi. **MOTION TO AMEND DRAFT CAMPAIGN FINANCE PROPOSAL (DRYER) TO ELIMINATE PROHIBITION OF PARTY DONATION TO A CANDIDATE DURING A PRIMARY SEASON; by Commissioner Ken Verdoia; seconded by Commissioner Randy Dryer; no objections to roll-call vote.**
 1. **ROLL-CALL VOTE:**
 - a. Senator Scott McCoy - Yes
 - b. Representative Craig Frank – Yes
 - c. Commissioner Bruce Hough – Yes
 - d. Commissioner Tom Love – Yes
 - e. Commissioner Randy Dryer – Yes
 - f. Commissioner Dee Rowland - Yes
 - g. Commissioner Dick Richards – Yes
 - h. Acting Chair Kirk Jowers – Yes
 - i. Senator Scott Jenkins - Yes
 - j. Commissioner Dan Jones – Yes
 - k. Commissioner Doug Wright – Yes
 - l. Commissioner Dave Hansen – Yes
 - m. Commissioner LaVarr Webb - Yes
 - n. Commissioner Ken Verdoia- Yes
 - o. Commissioner Steve Starks – Absent
 - p. Representative Rebecca Chavez-Houck – Absent
 - q. Commissioner Meghan Holbrook – Absent
 - r. Commissioner Yvette D. Donosso – Absent
 - s. Commissioner Frank Pignanelli - Absent
 - i. **MOTION APPROVED UNANIMOUSLY**
 - xii. **MOTION TO AMEND DRAFT CAMPAIGN FINANCE**

PROPOSAL (DRYER) TO REVISE DEFINITION OF “MAJOR STATE VENDORS” AS VENDORS BIDDING FOR CONTRACTS OF \$100K OR MORE AND DEFINED TO INCLUDE OFFICERS, DIRECTORS, SPOUSES, AND THOSE WITH A 10% OWNERSHIP INTEREST; by Commissioner Ken Verdoia; seconded by Commissioner Doug Wright; no objections to roll-call vote.

1. ROLL-CALL VOTE:

- a. Senator Scott McCoy - Yes
- b. Representative Craig Frank - Yes
- c. Commissioner Bruce Hough – Yes
- d. Commissioner Tom Love – Yes
- e. Commissioner Randy Dryer – Yes
- f. Commissioner Dee Rowland - Yes
- g. Commissioner Dick Richards – Yes
- h. Acting Chair Kirk Jowers – Yes
- i. Senator Scott Jenkins - Yes
- j. Commissioner Dan Jones – Yes
- k. Commissioner Doug Wright – Yes
- l. Commissioner Dave Hansen – Yes
- m. Commissioner LaVarr Webb - Yes
- n. Commissioner Ken Verdoia - Yes
- o. Commissioner Steve Starks – Absent
- p. Representative Rebecca Chavez-Houck – Absent
- q. Commissioner Meghan Holbrook – Absent
- r. Commissioner Yvette D. Donosso – Absent
- s. Commissioner Frank Pignanelli - Absent

i. MOTION APPROVED UNANIMOUSLY

xiii. Commissioner Ken Verdoia asked, “Should we vote to change the per-election cycle limit for state-wide races from \$4,000 to \$5,000?”

- 1. Acting Chair Kirk Jowers noted that the Commission should vote on specific amendments but ultimately have a final vote on the final amended recommendation. It will include or will not include the various amendments as voted upon.
 - a. Commissioner LaVarr Webb noted that the Commission should vote on election versus cycles, the aggregate limit, and then all other potential amendments.

xiv. **MOTION TO ADOPT AMENDED CAMPAIGN FINANCE PROPOSAL (JOWERS) PROVISION THAT CONTRIBUTION LIMITS ARE APPLIED TO INDIVIDUAL ELECTIONS RATHER THAN ELECTION CYCLES; by Commissioner LaVarr Webb; seconded by Acting Chair Kirk Jowers; no objections to roll-call vote.**

1. ROLL-CALL VOTE:

- a. Senator Scott McCoy - No
- b. Representative Craig Frank - Yes
- c. Commissioner Bruce Hough – Yes
- d. Commissioner Tom Love – No
- e. Commissioner Randy Dryer – No
- f. Commissioner Dee Rowland - No

- g. Commissioner Dick Richards – Yes
- h. Acting Chair Kirk Jowers – Yes
- i. Senator Scott Jenkins - Yes
- j. Commissioner Dan Jones – Yes
- k. Commissioner Doug Wright – Yes
- l. Commissioner Dave Hansen – Yes
- m. Commissioner LaVarr Webb - Yes
- n. Commissioner Ken Verdoia - Yes
- o. Commissioner Steve Starks – Absent
- p. Representative Rebecca Chavez-Houck – Absent
- q. Commissioner Meghan Holbrook – Absent
- r. Commissioner Yvette D. Donosso – Absent
- s. Commissioner Frank Pignanelli - Absent

i. MOTION APPROVED 10-4

- xv. **MOTION TO ADOPT AMENDED CAMPAIGN FINANCE PROPOSAL (JOWERS) PROVISION ELIMINATING AGGREGATE LIMITS; by Commissioner LaVarr Webb;**
 - 1. **SUBSTITUTE MOTION TO AMEND AMENDED CAMPAIGN FINANCE PROPOSAL (JOWERS) TO INCLUDE \$50K AGGREGATE LIMIT ON CAMPAIGN CONTRIBUTIONS; by Senator Scott McCoy; seconded by Commissioner Dick Richards; no objections to roll-call vote.**

a. ROLL-CALL VOTE:

- i. Senator Scott McCoy - Yes
- ii. Representative Craig Frank - Yes
- iii. Commissioner Bruce Hough – Yes
- iv. Commissioner Tom Love – Yes
- v. Commissioner Randy Dryer – Yes
- vi. Commissioner Dee Rowland - Yes
- vii. Commissioner Dick Richards – Yes
- viii. Acting Chair Kirk Jowers – Yes
- ix. Senator Scott Jenkins - Yes
- x. Commissioner Dan Jones – Yes
- xi. Commissioner Doug Wright – Yes
- xii. Commissioner Dave Hansen – No
- xiii. Commissioner LaVarr Webb - No
- xiv. Commissioner Ken Verdoia - Yes
- xv. Commissioner Steve Starks – Absent
- xvi. Representative Rebecca Chavez-Houck – Absent
- xvii. Commissioner Meghan Holbrook – Absent
- xviii. Commissioner Yvette D. Donosso – Absent
- xix. Commissioner Frank Pignanelli - Absent

1. MOTION APPROVED 12-2

- xvi. Commissioner Randy Dryer discussed if the Commission should consider clarifying the Amended Campaign Finance Proposal’s provision regarding electioneering advertisements.
 - 1. Acting Chair Jowers noted that published media would include all print media.
- xvii. Senator Scott McCoy brought up the dollar-amount penalty imposed upon

those who fail to file on time or file incomplete reports. He stated, “I suggested it (the fine) be \$500 per week as a penalty for not filing a report.” Senator McCoy continued, “My concern is that I want someone to be motivated to file as soon as possible if they’ve missed the deadline. If there’s no immediate penalty – if they have 30 days, they’ll likely not be motivated until closer to 30 days.”

1. Commissioner Doug Wright asked if it was possible to divide penalties between state-wide and legislative races.
 2. Acting Chair Jowers told Senator McCoy, “I am comfortable with the amounts in my proposal. I feel like any greater penalties would be too great a burden on most legislative candidates. Nevertheless, you make a good point. There’s no incentive to correct sooner than 30 days and I am open to consideration of a friendly amendment to provide that incentive.”
 3. Commissioner Bruce Hough brought up the issue of timeliness versus accuracy. He asked, “If we have higher fines will it result in incorrect or incomplete filing done in a hurry to meet or beat a deadline?”
- xviii. Commissioner Randy Dryer expressed his belief that the contributions received within 5 days of an election, rather than 7 days, should be reported within 24 hours. Commissioner Dryer also expressed his view that the \$1,000 threshold for reporting in the Amended Campaign Finance Proposal be lowered.
1. **MOTION TO AMEND AMENDED CAMPAIGN FINANCE PROPOSAL (JOWERS) TO REQUIRE A CONTRIBUTION OF MORE THAN \$200 RECEIVED BY A CANDIDATE OR PARTY BE REPORTED ELECTRONICALLY. IF RECEIVED WITHIN 5 DAYS OF AN ELECTION, IT (THE CONTRIBUTION) MUST BE REPORTED WITHIN 24 HOURS OF RECEIPT; by Commissioner Randy Dryer; seconded by Commissioner Dee Rowland; no objection to roll-call vote.**
 - a. **ROLL-CALL VOTE:**
 - i. Senator Scott McCoy - Yes
 - ii. Representative Craig Frank - Yes
 - iii. Commissioner Bruce Hough – Yes
 - iv. Commissioner Tom Love – Yes
 - v. Commissioner Randy Dryer – Yes
 - vi. Commissioner Dee Rowland - Yes
 - vii. Commissioner Dick Richards – Yes
 - viii. Acting Chair Kirk Jowers – No
 - ix. Senator Scott Jenkins - Yes
 - x. Commissioner Dan Jones – Yes
 - xi. Commissioner Doug Wright – Yes
 - xii. Commissioner Dave Hansen – No
 - xiii. Commissioner LaVarr Webb - Yes
 - xiv. Commissioner Ken Verdoia - Yes
 - xv. Commissioner Steve Starks – Absent
 - xvi. Representative Rebecca Chavez-Houck – Absent

- xvii. Commissioner Meghan Holbrook – Absent
- xviii. Commissioner Yvette D. Donosso – Absent
- xix. Commissioner Frank Pignanelli - Absent

1. MOTION APPROVED 12-2

- xix. **MOTION TO ADOPT PREVIOUS THREE AMENDMENTS REGARDING ELECTION PERIOD, AGGREGATE LIMITS, AND DISCLOSURE THRESHOLD AS THE “JOWERS CAMPAIGN FINANCE PROPOSAL”;** by Senator Scott McCoy; seconded by Commissioner Doug Wright; no objection to roll-call vote.

1. ROLL-CALL VOTE:

- a. Senator Scott McCoy - Yes
- b. Representative Craig Frank - Yes
- c. Commissioner Bruce Hough – Yes
- d. Commissioner Tom Love – Yes
- e. Commissioner Randy Dryer – Yes
- f. Commissioner Dee Rowland - Yes
- g. Commissioner Dick Richards – Yes
- h. Acting Chair Kirk Jowers – Yes
- i. Senator Scott Jenkins - Yes
- j. Commissioner Dan Jones – Yes
- k. Commissioner Doug Wright – Yes
- l. Commissioner Dave Hansen – Yes
- m. Commissioner LaVarr Webb - Yes
- n. Commissioner Ken Verdoia - Yes
- o. Commissioner Steve Starks – Absent
- p. Representative Rebecca Chavez-Houck – Absent
- q. Commissioner Meghan Holbrook – Absent
- r. Commissioner Yvette D. Donosso – Absent
- s. Commissioner Frank Pignanelli - Absent

i. MOTION APPROVED UNANIMOUSLY

- xx. **MOTION TO ADOPT “JOWERS AMENDED CAMPAIGN FINANCE PROPOSAL” AS AMENDED AS COMMISSION’S FINAL RECOMMENDATION ON CAMPAIGN FINANCE, TO REPLACE THE “DRYER CAMPAIGN FINANCE PROPOSAL; ALSO ALLOWING ABSENT COMMISSIONERS UNTIL 5:00 PM MDT ON MONDAY, SEPTEMBER 28, 2009 TO VOTE;”** by Senator Scott McCoy; seconded by Commissioner Doug Wright; no objection to roll-call vote.

1. ROLL-CALL VOTE:

- a. Senator Scott McCoy - No
- b. Representative Craig Frank - No
- c. Commissioner Bruce Hough – No
- d. Commissioner Tom Love – No
- e. Commissioner Randy Dryer – No
- f. Commissioner Dee Rowland - No
- g. Commissioner Dick Richards – Yes
- h. Acting Chair Kirk Jowers – Yes
- i. Senator Scott Jenkins - No
- j. Commissioner Dan Jones – Yes

- k. Commissioner Doug Wright – Yes
- l. Commissioner Dave Hansen – No
- m. Commissioner LaVarr Webb - No
- n. Commissioner Ken Verdoia - Yes
- o. Commissioner Steve Starks – Absent
- p. Representative Rebecca Chavez-Houck – Absent
- q. Commissioner Meghan Holbrook – Absent
- r. Commissioner Yvette D. Donosso – Absent
- s. Commissioner Frank Pignanelli - Absent

i. MOTION FAILED 9-5

- xxi. **As the “Amended Campaign Finance Proposal” sponsored by Acting Chair Kirk Jowers failed in this meeting, the original “Campaign Finance Proposal” sponsored by Commissioner Randy Dryer, which was approved by a vote of 10-7 on September 10, 2009, remains the standing recommendation of the Governor’s Commission on Strengthening Utah’s Democracy in regard to campaign finance reform.**

6. Conclusion

- a. Next Meeting – October 1, 2009 - 2:00-5:00pm
Gould Auditorium, J. Willard Marriott Library, University of Utah
Salt Lake City, Utah.
- b. Acting Chair Jowers reminded Commissioners that Governor Herbert will address the Commission at 2:00 pm on October 1st.
- c. Acting Chair Jowers thanked the Commissioners for their time and attendance, as well as members of the audience and all those at Weber State University who made the meeting possible.