

**State Plan Committee on Election Reform**  
**January 16, 2003**  
Minutes of Meeting

**Attending:**

Bill Gibson, Division of Services for the Blind and Visually Impaired  
Leslie Gertsch (guest of Bill Gibson)  
Sandy Peck, League of Women Voters  
Thom Roberts, Attorney General's Office  
Olene S. Walker, Lieutenant Governor  
Amy Naccarato, State Elections Office  
Todd Taylor, Utah Democratic Party  
Dan Eastman, Utah State Senate  
Scott Hogenson, representing Weber County Clerk's Office  
Robert Pero, Carbon County Clerk  
Fraser Nelson, Disability Law Center  
Liz McCoy (guest of Fraser Nelson)  
Nick Floros, representing Salt Lake County Clerk's Office  
Mike Vu, representing Salt Lake County Clerk's Office

Katie Foutz, State Elections Office staff (minutes)

**Absent:**

Scott Simpson, Utah Republican Party  
Loraine Pace, Utah State House of Representatives  
Kim Jackson, Utah County Clerk  
Steve Rawlings, Davis County Clerk

**Introduction**

Lieutenant Governor Walker explained that the keys of this federal legislation are:

1. uniformity
2. a statewide voting system
3. more responsibility at the state level
4. accountability (performance measures, complaint procedures)

**Punch Card Buyout**

Lieutenant Governor Walker explained the following points:

- ▶ Utah is eligible for 28 million if the bill is fully funded. If we do not accept money for the punch card buyout, we still must comply with Title III.
- ▶ It has become clear that the object of the legislation is to get rid of punch cards (All other states are replacing the punch card except Oregon because they conduct most elections by mail.)
- ▶ The state has to declare up front whether they're going to do the buyout. If we do not

- complete the buyout on time, we have to give the money back.
- ▶ For most rural counties, two new voting machines per precinct may be enough, but more will be needed in urban areas. There are roughly 1900 precincts. There is an advantage to statewide purchasing in that we can get a lower price.
  - ▶ Optical scan and paper ballot counties are not eligible for the buyout. These 6 counties are small, but the \$4000 per precinct to replace the equipment will not be available.
  - ▶ One of the concerns with the DRE's is the need for programming and maintenance. The 4 largest counties (Salt Lake, Utah, Davis and Weber) can probably do their own programming "in-house". There are 6 counties that could choose to do their own or work with the staff person at the state. These are Tooele, Washington, Cache, Summit, Box Elder and Iron. The remaining counties will need technical support from the state.

### Committee Discussion

Robert Pero, County Clerk for Carbon County, indicated that most of his small, rural precincts could get by with 2 machines. However, in his larger areas like Price City, he estimated that he would need 5 machines in the polling precinct.

The committee discussed the different types of equipment available to replace punch cards. The Lt. Governor explained that the optical scan machines are not accessible to persons with disabilities and they would not comply with the one unit per polling place to accommodate such persons.

The committee expressed concern that any new equipment be made available to the public for them to try out well before election day. These could be placed in malls and other areas where there are a lot of people.

### **Administrative Complaint Proceedings**

A diagram of a possible scenario for an Administrative Complaint proceeding was distributed. (See attached.)

The Lt. Governor explained that this complaint procedure only covers the issues listed in Title III (accessibility issues, voting problems on election day, etc.) She noted that the first step in the process is for the voter to call the election officer in the county or state and try to get the problem resolved. She estimated that 98% of the complaints can be resolved immediately.

Fraser Nelson from the Disability Law Center stated that many of the accessibility complaints would probably be regarding the physical polling place. Amy Naccarato indicated that the county clerks had to survey their polling places by May 15 for accessibility and then report to the Lt. Governor. By inspecting them and correcting the problem beforehand, many of these complaints will be eliminated. Amy also mentioned that there was money available under Health and Human Services to take care of the physical accessibility issues. She will talk with Frase about this at a later time.

The Lt. Governor explained that the federal statute mandates the actual complaint procedure begin with a notarized statement, but there are no other guidelines in place.

There was some discussion about whether the complaint should be forwarded to a committee to make a ruling on the complaint or referring the complaint to some other place. Thom Roberts from the Attorney General's office suggested that the committee could actually do both. The committee could conduct a hearing through correspondence by getting letters from the aggrieved party and the defending party and responding to both in writing. The benefits of the committee conducting a public hearing are that it could be a place to present evidence and then the committee could make a decision. If further actions is needed to resolve the issue, it could be referred to and administrative hearing or to the courts.

Many expressed a desire to make the process as simple as possible to cut down on the cost of convening meetings and hearings. The group recommended a committee be appointed to deal with the complaints. The committee could handle all aspects of the complaint procedure except for mediation and court proceedings, in which case the committee could refer the complaint directly to one of these. For example: committee receives complaint, refers to mediation with deadline of 3-4 weeks, if grievance comes back refer to court or other...until district court.

The group agreed it should consist of 2 political party representatives, 2 county clerks (one urban and one rural), the state elections office, and 2 advocacy representatives (one from the visually impaired community and one from the more physical access aspect).

Fraser Nelson expressed some concern that the Disability Law Center would be advocating for people with complaints and making decisions on the committee.

## **Performance Measures**

The Lt. Governor explained that while we don't have to list the performance measures in the state plan, we did need to have them and it would be wise to make them very specific. The following were suggested performance measures to help the state track its progress:

- ▶ Complaints before and after the provisional ballot.
- ▶ Number of provisional ballots issued.
- ▶ Statewide database: accuracy of the data, complete voter history, # of duplicates.
- ▶ Number of inaccessibility polling places and the number corrected.
  - ▶ Satisfaction of visually impaired with the equipment. (Bill offered to send out surveys to his constituency).
  - ▶ Website accessibility, voter pamphlet in Braille.
- ▶ Training of judges before and after new equipment (standardized training)
- ▶ Number of clerks certified.
- ▶ Number of machines replaced.
- ▶ Number of households that receive a voter information pamphlet in the mail.

## **Oversight of Federal Funds**

The Lt. Governor stated that this committee will determine whether or not the state participates in the punch card buyout and how to allocate the funds. We will have to abide by state purchasing requirements (bid).

The following numbers were given as examples of how the funds could be allocated:

- ▶ 5 million ongoing county loan fund to replace equipment- low interest or no interest
- ▶ 2 million for judge training
  - ▶ Money for training judges and uniform salary - state to fund baseline pay (\$25) with the stipulation that judges should be trained
- ▶ 15 -18 million for equipment buyout, maintenance
- ▶ 5 million perpetual loan fund
- ▶ 8 million training, accessibility, recruiting, etc.
- ▶ Require counties to put so much in the fund each year to keep money in the fund.

The committee recommended that the Lt. Governor's Office put together a proposed budget and present it at the next meeting for discussion.

### **Other**

The Lt. Governor explained that the state plan will not be "set in stone" but it will be reviewed and updated annually.

It was suggested that the county clerks survey their polling places for adequate power supply at the same time they survey their polling places for accessibility. It is important that they know if the polling places can accommodate electronic equipment.

Sandy Peck said that the national League of Women Voters is recommending a "Voter's Bill of Rights" for every polling place. Fraser Nelson suggested that all materials at the polling place be for "low literacy" and she offered the services of her office to make this happen.

**Motion: Bill Gibson moved that the state apply for the punch card buyout. The motion was seconded by Robert Pero. The vote was unanimous in favor.**

The next meeting will be held in late February or early March. Committee members asked that meeting not be held on a Wednesday. The meeting was adjourned at 10:35 a.m.