

- Individuals are still signing electronically - as opposed to signing with a "wet signature" and transmitting that electronically in conjunction with the "packet"
- There is confusion on the 7-day submittal requirement. It is being interpreted that it's 7 days from the "page completion" and not 7-days from the first signature. Which is also not accurate.

Any thoughts on how we can get the word out to the petitioners and other interested parties. I think the sooner the better, or we are going to have some upset people :/

Let me know if/when we can coordinate. I can be reached any time at 801-712-4891

Thanks so much.

--

Sincerely,
Lincoln Shurtz, Director of Government Affairs
Utah Association of Counties
801-712-4891

On Tue, Apr 7, 2020 at 11:09 AM Lincoln Shurtz <lincoln@uacnet.org> wrote:

Good Morning Sherrie:

Hey, there were a few more questions arising from the referendum order. Here is just a quick outline. Is there a chance we can get some additional clarity to ensure folks are doing this appropriately? Any thoughts?

1. **What is a "Packet"?** Both the Governor's Executive Order of April 3, 2020 ("Order") and the Memorandum from the Director of Elections dated April 3, 2020 ("Memorandum") reference a "packet". In its physical form in Section 20A-7-604 the "packet" included: 1) the "referendum petition"; 2) a copy of the law being referred; and 3) signature sheets for up to a maximum of 50 signatures. The Order, of course, suspends the physical binding/in-person distribution of the "packet" for understandable safety reasons in this emergency. The current online "packets" from the Sponsors have a signature sheet for 7 names. Query, is that 7-name signature page equal to a "packet" and that matters because of the next questions?
2. **When do "Packets" have to be turned in?** Section 605(4) provides that a "packet" has to be turned in within 7 days of its first signature and any signature on a Packet after that date is invalid. Since the Sponsors have chosen to have what seem to be Packet of 7 names each it seems logical that each electronic Packet must be turned in within 7 days after the first signature on each 7-name Packet and any signature more than 7-days after the first signature on that 7-name Packet would be invalid.
3. **What has to be turned it with a "Packet"?** When a physical Packet was turned it had to have the copy of the law and the information packet with it. The Memorandum still requires that the "voter" needs to return a full copy of the referendum packet, which includes the signed signature page and a copy of the law that is the subject of the referendum". The Sponsors are telling people on their YouTube video and their online instructions that the signatories (i.e., "voters") only have to send in the signature pages and not the "Petition" or the "law". The Memorandum is correct that the Order does not suspend this requirement of the entire Packet being returned. Again, this is necessary to be sure that the signatories are actually signing with knowledge of what they are signing about. The Sponsors should be informed of this error and they should have to fix it for all the signatures they have erroneously obtained to date.

Here's the link to the bill, if you'd like to look at it: <https://le.utah.gov/~2021/bills/static/SB0201.html>

Thanks,

R.

Ricky Hatch, CPA, CPO

Clerk/Auditor

Weber County

2380 Washington Blvd., Suite 320 | Ogden UT | 84401 USA

E: rhatch@WeberCountyUtah.gov | P:801.399.8613 | M:801.668.0909

#WinninginWeber

--
Marla R. Young, Box Elder County Clerk
1 South Main St. Suite 10
Brigham City, Utah 84302
435-734-3355

--
Brian Raymond

Daggett County Clerk
435-784-3154 Office
www.daggettcounty.org

www.visitflaminggorge.com

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Dear Standards Board Member,

As a member of the EAC Standards Board, you previously received a copy of proposed modifications to the Voluntary Voting System Guidelines (also known as "VVSG 2.0"). These recommended modifications were sent to you on behalf of Commissioner Christy McCormick, the Designated Federal Officer for the Standards Board, and the Standards Board Executive Board.

VVSG 2.0 was unanimously approved by the Technical Guidelines Development Committee (TGDC) on September 12, 2017, and sent to United States Election Assistance Commission Executive Director Brian Newby on October 17, 2017, by the Director of the National Institute of Science and Technology (NIST), who chairs the TGDC.

As the next step in the statutory process for approving modifications to the VVSG, the Standards Board had scheduled a meeting last month to consider VVSG 2.0 and make its own recommendations to the EAC. That meeting was cancelled and the next meeting of the full membership of the Standards Board will now be rescheduled by the EAC, in coordination with the Standards Board Executive Board. We hope that the date and location of this meeting can be announced later this month.

However, the unfortunate cancellation of the January meeting does provide more opportunity to you for review VVSG 2.0 and submit your own comments.

A spreadsheet listing each specific VVSG 2.0 Guideline is attached to this email (and is the same spreadsheet provided to you earlier with the initial transmission of the VVSG 2.0, but contains comments previously submitted). Please use this spreadsheet to set forth any additional comments on the specific guidelines so that they can be compiled for presentation to the other members of the Standards Board and to the EAC.

While the next Standards Board meeting will be the proper forum for our consideration of VVSG 2.0 by the full membership of the body, we will also have the opportunity to present initial *individual* comments received from members to the EAC at a meeting of that body tentatively scheduled for Tuesday, February 13, 2018. As Chair of the Executive Board, I will present all of your comments received as of that date for the record, but plan to emphasize that prior consideration and approval of these proposals by the full membership of the Standards Board is essential for compliance with the letter and spirit of the law providing for the proper sequence of timing of the public comment period on VVSG 2.0.

To provide individual comments for presentation at the February 13 EAC meeting, please respond to my email and copy Brian Newby, at bnewby@eac.gov. The EAC Testing and Certification staff will compile the comments for the meeting.

I understand that the EAC hopes to initiate the required 90 day comment period and consider incorporating the comments it receives into VVSG 2.0, and that the final version of VVSG 2.0 can be presented to the Commissioners for a vote this summer.

If you have questions about the VVSG 2.0 modification process, or concerning specific parts of that proposal, please email or call me at 317-233-0929, or email or call Brian Hancock, Director of Testing and Certification, at bhancock@eac.gov or 202-459-7861.

Brad King
Chair

Brian D. Newby
Executive Director

I am sending a note on behalf of Commissioner Christy McCormick, the Designated Federal Officer for the Standards Board.

As we have this past year, we are building a calendar of meetings and events for 2018, and we want to be sure we include information from your state.

We will be following up at next month's Standards Board meeting with a similar request, but so we have a head start, could you please send us the conference dates and locations for your state association of local election officials? In particular, if you would like an EAC Commissioner to speak at the event, please designate that as well.

You can reply to this email with any pertinent events and dates. We will ask again in a month, but we want to especially capture those in the first half of 2018.

Thank you for any quick reply--in the meantime, Happy Holidays, and I wish you a peaceful close to 2017.

Sincerely,

Brian D. Newby
Executive Director
US Election Assistance Commission
202-734-0639

Thursday, January 25, 2018, cont.

9:45 a.m. – 11:45 a.m.	VVSG Brian Hancock, Director of Testing & Certification, EAC Ryan Macias, Certification Specialist, EAC Greg Riddlemoser, VVSG Committee
11:45 a.m. – 1:15 p.m.	Lunch <i>Elections & Disaster Recovery: FL, N. Cal., Houston, Puerto Rico, USVI Panel</i>
1:15 p.m. – 3:00 p.m.	VVSG Cont.; Consideration of Resolution 2018-1
3:00 p.m. – 3:15 p.m.	Break/Refreshments
3:15 p.m. – 4:45 p.m.	Election Security Panel
4:45 p.m. – 5:00 p.m.	Miscellaneous Announcements & Business Recess Friday, January 26, 2018
<i>Dinner</i>	<i>on your own</i>
7:30 p.m.	Executive Board meeting Approval of past minutes Committee reports Review of committee members Review of member interest surveys

Friday, January 26, 2018

7:30 a.m. – 8:00 a.m.	Breakfast
8:00 a.m. - 8:15 a.m.	Housekeeping
8:15 a.m. - 9:15 a.m.	Committee Meeting Breakouts VVSG EAC Clearinghouse EAVS USPS Bylaws <i>Open mic with EAC Commissioners</i>
9:15 a.m. – 9:45 a.m.	Committee Reports
9:45 a.m. – 10:00 a.m.	Overview of EAC Mission & Objectives for 2018 & Beyond (EAC Video) Brian D. Newby, Executive Director, EAC

Whereas, The Executive Board has recommended that the membership of the Standards Board consider this recommendation at the next annual meeting of the Standards Board required under Section 215(a)(2) of HAVA; and

Whereas, after thorough and diligent review of the proposed modifications by the membership of the Standards Board;

Now, therefore, be it Resolved, by the Election Assistance Commission Standards Board, that:

SECTION 1. The United States Election Assistance Commission Standards Board recommends to the United States Election Assistance Commission that the proposed modifications to the Voluntary Voting System Guidelines recommended by the Technical Guidelines Development Committee on September 12, 2017, be adopted by the Commission.

SECTION 2. The United States Election Assistance Commission Standards Board further recommends that these modifications be designated as “Voluntary Voting System Guidelines 2.0” to reflect the comprehensive nature of the modifications.

SECTION 3. The United States Election Assistance Commission Standards Board further recommends that the United States Election Assistance Commission, in its consideration of the recommended modifications, take into account the following:

- (1) The schedule and procedures to implement “Voluntary Voting System Guidelines 2.0” should be as efficient as possible to ensure a smooth transition to the new Guidelines.
- (2) The role of the entire membership of the Standards Board under HAVA should be respected and preserved with regard to the implementation and modification of more

Dear Standards Board Members,

The Commission has been informed by Standards Board Chairman Edgardo Cortes that as of today he will no longer be the Commissioner of Elections in Virginia, and therefore will no longer be able to serve on the EAC Standards Board. According to the Standards Board Bylaws, in the event of a vacancy before the completion of the Chair's term, the Vice Chair will serve as the Chair (Bylaws Article VI, section 2 (d)). Currently, Brad King serves as the Vice-Chair and will now serve as the Chair of the Standards Board. Brad has graciously accepted this untimely challenge, and will serve as the Chair for our upcoming meeting in Miami in less than two weeks. As an outstanding former Chair of the Board, we know he is more than up to this challenge.

Our sincere thanks and appreciation to Edgardo for serving as the Chair since he was elected to the position last April, and for all his contributions to the Standards Board and the EAC over the past few years. We will miss him and wish him well in his next endeavor!

I look forward to seeing you all in Miami soon. Safe travels!

Christy

Christy A. McCormick | Commissioner

U.S. Election Assistance Commission

Also, please note the following updates as we prepare for the meeting in less than two weeks: January 24-26, 2018 in Miami:

1. The latest agenda for the meeting is attached as an FYI.
2. For that meeting, you should have received your travel instructions. If you haven't, please reply to me immediately.
3. Also attached is a proposed resolution related to the Voluntary Voting System Guidelines that is being presented by Mr. King.
4. Lastly, many of you may have read or heard about the possibility of a Federal Government Shutdown unless Congress approves additional funding beyond January 19. Such a thing would have an impact upon our meeting, but I was on a federal budget call this afternoon, and at this point, we are told that the Office of Management and Budget is NOT expecting a shutdown. Should circumstances change, we will provide information accordingly, but at this time, we do not expect any impact to our meeting.

We look forward to seeing you in Miami. In the meantime, I hope you have a terrific holiday weekend!

Brian D. Newby
Executive Director

Thank you,

Justin Lee
Deputy Director of Elections
Office of the Lieutenant Governor
State of Utah
801.538.1129
justinlee@utah.gov

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We have received some feedback on the proposed schedule to count ballots and release election results. We have had a few concerns about counting and releasing on Fridays.

The first concern is that some counties are not generally open on Friday. Since we are shooting for consistency across the state it would not make much sense to count and release results on a day when some counties are not working. If there is a close multi-county race and some of the counties release updated results but some counties do not because they are closed that will not please candidates, officeholders or the press.

The first Friday after the November General Election, November 11, is also Veterans Day, which is generally a holiday when the counties and our office are not open.

The other issue that has been raised is that Friday afternoon is not considered a good time for press coverage/public attention. Because the public does not generally consume news coverage on Friday evenings or Saturdays like they do the rest of the week, Friday afternoon is considered a poor time to release any story or press release. I'm also not sure how many of us want to be doing interviews later on Friday afternoon into the evening.

With these concerns about offices being open, consistency of releasing results and looking for the best coverage I wonder if Thursday is a better day for releasing results than Friday.

Please let me know your thoughts.

Thanks,

Justin

Justin Lee
Deputy Director of Elections
Office of the Lieutenant Governor
State of Utah
801.538.1129
justinlee@utah.gov

On Wed, Jun 1, 2016 at 11:10 AM, Justin Lee <justinlee@utah.gov> wrote:
Dear County Clerks,

During the 2016 Legislative General Session the legislature passed H.B.21, Election Revisions. This bill requires that after election day, results be released each day up through the canvass for any absentee or provisional ballots counted on a given day. Election results only need to be released on days that ballots are counted but there is no requirement that ballots be counted every day.

We know that there are many things that have to be done after election day including gathering and processing election equipment and materials from polling locations, reconciling poll books and

Salt Lake City, Utah 84114

(801)538-1041

----- Forwarded message -----

From: **Tom Vaughn** <tvaughn@le.utah.gov>

Date: Wed, Dec 30, 2015 at 10:27 AM

Subject: 2016FL0436_003 - 2016FL0436 (Protected) version 3 - Disposition of Ballots - Eliason, S.

To: "mjthomas@utah.gov" <mjthomas@utah.gov>, Steve Eliason <seliason@le.utah.gov>

Mark:

Representative Eliason would like you and the clerk's association to review this and get back to us with comments.

2016FL0436_003 - 2016FL0436 (Protected) version 3 - Disposition of Ballots - Eliason, S.

Thomas R. Vaughn
Associate General Counsel
Office of Legislative Research and General Counsel

Notice: The attached draft legislation is a protected record under the Government Records Access and Management Act, Title 63G, Chapter 2, Utah Code Annotated, and under the Utah Legislature Policies and Procedures for Handling Records Requests. The legislative sponsor intends this draft legislation to remain protected. Release of this draft legislation or disclosure of its content carries criminal penalties.

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Salt Lake City, Utah 84114
(801)538-1041

On Mon, Jan 4, 2016 at 5:43 PM, Hatch,Ricky <rhatch@co.weber.ut.us> wrote:

Thanks, everyone, for the feedback so far.

Mark & Justin - Is it possible to get some numbers from VISTA on how many ballots were rejected in the past few elections? Even better would be how many ballots were rejected by date, and when we followed up with the voter.

This data will give more basis to our request to use VISTA to track & automatically email these notices, where possible, and will also help with the fiscal note for increased postage & staff handling. Finally, if we can show that we are already responding within reasonable time limits, the justification for the bill goes away.

Scott made a good suggestion to draft a set of goals for improving VBM. If anyone would like to take a first stab at this, please let me know.

Thanks again,

R.

--

Carpe Diem

From: Rozan Mitchell [mailto:RMitchell@slco.org]
Sent: Monday, January 04, 2016 3:59 PM
To: Hatch,Ricky; vsugleg@utah.gov
Cc: Arie Van De Graaff (arie@uacnet.org); mjthomas@utah.gov; justinlee@utah.gov
Subject: RE: Please review this bill & provide feedback- Disposition of Ballots - Eliason, S.

Everyone,

As for Salt Lake County I see some fiscal impact on the State that should be considered. In order for us to turn this around within one business day we would need some changes to VISTA. Things like another category that would be "needs a second review". We have temps doing first passes and any rejected signature has to be reviewed by a permanent staff. The clock can't start ticking until the second review has occurred. We would need an enhancement in VISTA to generate the email as Scott described. I do like that idea. Also, for those that need a letter sent, we need VISTA to generate those for us. I think that would be some significant time from the VISTA team.

Is this a band aid bill? Isn't the real problem outdated signatures? How do we get more current signatures from voters so that we don't have to reject them? Perhaps voter outreach to get voters to remember to sign the affidavit. We are working on an envelope redesign to help make the signature more prominent. Most of our rejects are because they forget to sign the affidavit. How do we fix that?

Rozan Mitchell

Salt Lake County Clerk, Election Director

From: Hatch,Ricky [mailto:rhatch@co.weber.ut.us]
Sent: Thursday, December 31, 2015 12:37 PM
To: vsugleg@utah.gov

One of the sponsor's arguments is that "government has a monopoly on marriage." This isn't completely accurate. Yes, government has a monopoly on the marriage licensing process, but definitely NOT on the marriage ceremony business. This bill, as currently written, forces Clerks into the marriage ceremony business.

It is important to keep our terminology consistent. I recommend that we refer to heterosexual marriages as "traditional marriages" and same-sex marriages as "same-sex marriages." This is widely accepted terminology.

FYI – this bill seems to be on a fast track, and is viewed as a companion bill to SB296, another anti-discrimination / religious rights bill. The Eagle Forum and Sutherland Institute fully support it. Equality Utah, Alliance for a Better Utah, and the ACLU want it amended more before moving forward, but seem hopeful that it can also become acceptable to them. Here's the link to the bill:
<http://le.utah.gov/~2015/bills/static/SB0297.html>

Please share your thoughts. If you'd prefer to call, please do so.

I apologize to those Clerks who have not yet received any emails on this bill. It appears that the countyclerks Listserve that I used earlier Friday isn't current.

Sorry for the loooong email!

Thanks,

R.

--

Ricky D. Hatch, CPA

Weber County Clerk/Auditor

Office – 801.399.8613

Mobile – 801.668.0909

Of course, the devil's in the details, and we'll let everyone know once we have amended language to review.

A big thank you to Curtis Koch, for attending the hearing on Friday, and for being an early and forceful voice in this discussion. And thank you Adam for your work and representing our concerns so well.

R.

--
Carpe Diem

From: Bryan Thompson [mailto:BryanT@utahcounty.gov]

Sent: Monday, March 09, 2015 2:51 PM

To: Hatch,Ricky; Ryan Torgerson

Cc: gmcmullin@beaver.utah.gov; myoung@boxeldercounty.org; jill.zollinger@cachecounty.org; seth.oveson@carbon.utah.gov; Curtis Koch (ckoch@co.davis.ut.us); brenda@co.emery.ut.us; pati@co.juab.ut.us; mgillette@co.tooele.ut.us; mwilkins@co.uintah.ut.us; btitcomb@co.wasatch.ut.us; vmckee@daggettcounty.org; dfreston@duchesne.utah.gov; normab@email.utcourts.gov; Lincoln Shurtz (legislative.insight@gmail.com); dcarroll@grandcountyutah.net; slafitte@hotmail.com; valeenb@hotmail.com; david@ironcounty.net; clerkkj@kane.utah.gov; Ilene Roth (recorder@mail.manti.com); gcclerk@mountainwest.net; njohnson@sanjuancounty.org; sneill@sanpeteounty-ut.gov; scwall@sevier.utah.gov; SSWENSEN@SLCO.ORG; kentjones@summitcounty.org; Adam Trupp (adam@uacnet.org); Arie Van De Graaff (arie@uacnet.org); dmay@utah.gov; jaclynburt@utah.gov; justinlee@utah.gov; mjthomas@utah.gov; kim.hafen@washco.utah.gov; ryan@wco.state.ut.us

Subject: Re: SB297-Marriage bill impacting Clerks-please provide input ASAP

We never have preformed marriages outside of business hours or offsite as a matter of practice. In terms of issuing marriage licenses I have always been and will continue to be very accommodating. If one of the parties is unable to come into the office during business hrs (usually due to military leave restrictions, or students flying home to get married on the weekend) I will meet that person after hours or on the weekend at an agreed upon location to witness the signature and issue the license. I have always left it up to the couple to arrange for their own officiant in these circumstances and so far in 8 years no one has ever complained.

Bryan

>>> Ryan Torgerson <ryan@wayne.utah.gov> 3/9/2015 1:33 PM >>>

I would like to see language in the bill to prevent us from having to solemnize marriages on weekends. The bill says that we have to be reasonably available to solemnize a legal marriage for which a marriage license has been issued. A lot of the time people want me to marry them on weekends and away from the office. Is this something that we can establish in our policies? Is it considered unreasonable to be asked to be available on weekends? If we refuse to do marriages on weekends and away from the office are we going to be in trouble? Do any of you perform marriages on weekends and away from the office?

Ryan Torgerson
Wayne County Clerk/Auditor

On Fri, Mar 6, 2015 at 8:59 PM, Hatch,Ricky <rhatch@co.weber.ut.us> wrote:

SB297 came out Thursday, passed through Committee on Friday, and will be discussed in the Senate early next week. It addresses anti-discrimination, allowing for some religious exemptions. It also impacts our offices.

I apologize to those Clerks who have not yet received any emails on this bill. It appears that the countyclerks Listserve that I used earlier Friday isn't current.

Sorry for the loooong email!

Thanks,

R.

--

Ricky D. Hatch, CPA

Weber County Clerk/Auditor

Office – 801.399.8613

Mobile – 801.668.0909

--

Sandy Neill
Sanpete County Clerk

SB297 came out Thursday, passed through Committee on Friday, and will be discussed in the Senate early next week. It addresses anti-discrimination, allowing for some religious exemptions. It also impacts our offices.

This email summarizes how SB297 impacts Clerks, and suggests some possible amendments. PLEASE PROVIDE YOUR INPUT!

Here's how it impacts County Clerks:

- County Clerks will be required to provide couples with access to a marriage officiant.
- Clerks could not force an employee to solemnize a marriage, if doing so would go against that employee's sincere religious or deeply held beliefs.
- Other government officials who have authority to solemnize marriages would be required to either 1) agree to solemnize all marriages, regardless of whether they are traditional or same-sex, OR 2) agree not to solemnize any marriages, except for family members. "All in or all out."

The bill's intent is: if a couple wants to get married, and cannot find someone to officiate, the Clerk must provide them with access to an officiant. That officiant could be the Clerk, an employee, or any individual who is authorized to solemnize marriages (i.e., pastor, spiritual leader, judge, mayor, etc.). The officiant must be "reasonably available," which was described by the bill's sponsor as "on call."

The main issue of concern to us is whether Clerks should be forced into the marriage ceremony business. State code allows Clerks to choose whether or not to solemnize marriages. This bill forces Clerks to either solemnize marriages or to designate someone to solemnize marriages. I doubt any Clerk wants to be forced to solemnize marriages, even if they choose to solemnize - this choice should remain with the Clerk. However, the bill appears to provide Clerks with the ability to provide access to an officiant without being forced to be an officiant, and that is through the "designee" language.

The bill's sponsor said he is willing to work with Clerks to address our concerns. The bill says that the Clerk must establish a "policy to ensure that the Clerk or the Clerk's designee is reasonably available to solemnize."

Here are some possible amendments that might satisfy all parties:

1. **The Clerk provides a contact list of "designated officiants" to applicants.** These officiants must agree to comply with state code governing marriages, and to be "reasonably available" to solemnize marriages. The couple can then contact their desired designated officiant, and schedule the ceremony directly with

A court might interpret that to mean only during some reasonable office hours but since it includes designees, not just your staff, "reasonable" might include evenings and weekends. The evenings and weekend approach is supported by the introductory language on page 1: "This bill ... requires a county clerk to require a designee to be readily available to solemnize a marriage." I think that is why the sponsor supposedly said "on call."

You can make an argument that it should be only during office hours or during some office hours, but the readily available language is problematic.

One amendment might be to get rid of the objectionable introductory language on page 1 and change 17-20-4 to read:

"Establish policies so that the county clerk or a county clerk designee is reasonably available during the clerk's office hours to solemnize a legal marriage for which a marriage license has been issued."

This limits it to reasonable office hours and allows the clerk to substitute a designee during those office hours. Otherwise the problem for you is finding designees who are "readily available."

Paula K. Smith

Please let me know if you think this amendment can be made.

Thank you,

Sherrie Swensen
Salt Lake Clerk

From: Adam Trupp [mailto:adam@uacnet.org]
Sent: Monday, March 09, 2015 2:36 PM
To: Sanpete County Clerk
Cc: Ryan Torgerson; Hatch,Ricky; brenda@co.emery.ut.us; bititcomb@co.wasatch.ut.us; clerkkj@kane.utah.gov; david@ironcounty.net; dcarroll@grandcountyutah.net; dfreston@duchesne.utah.gov; dmay@utah.gov; Maloy Dodds; jaclynburt@utah.gov; jill.zollinger@cachecounty.org; justinlee@utah.gov; kentjones@summitcounty.org; kim.hafen@washco.utah.gov; mgillette@co.tooele.ut.us; mjthomas@utah.gov; mwilkins@co.uintah.ut.us; myoung@boxeldercounty.org; njohnson@sanjuancounty.org; normab@email.utcourts.gov; pati@co.juab.ut.us; ryan@wco.state.ut.us; scwall@sevier.utah.gov; seth.oveson@carbon.utah.gov; slafitte@hotmail.com; sneill@sanpetecounty-ut.gov; Sherrie Swensen; valeenb@hotmail.com; vmckee@daggettcounty.org; Bryan Thompson (BryanT@utahcounty.gov); gmcmullin@beaver.utah.gov; Curtis Koch (ckoch@co.davis.ut.us); Ilene Roth (recorder@mail.manti.com); Arie Van De Graaff (arie@uacnet.org); Lincoln Shurtz (legislative.insight@gmail.com)
Subject: Re: SB297-Marriage bill impacting Clerks-please provide input ASAP

Everyone,

I appreciate the feedback on this legislation. I have been in discussions on the language today and there are some additional amendments. I recognize there are some uncertainties about it so let me tell you this much:

1. This bill will go forward and will (almost certainly) pass this session;
2. It is intended to create a requirement that the State provide a mechanism to enable all legal marriages to be solemnized through public processes;
3. The clerks are a key provision of the process they want developed;
4. This bill is an attempt to clearly provide protection to religious institutions that do not want to perform marriage that are legal under civil law (which is, after all, a constitutional issue)
5. It is not intended to require an elected official to conduct all marriages.

I apologize to those Clerks who have not yet received any emails on this bill. It appears that the countyclerks Listserve that I used earlier Friday isn't current.

Sorry for the loooong email!

Thanks,

R.

--

Ricky D. Hatch, CPA

Weber County Clerk/Auditor

Office – 801.399.8613

Mobile – 801.668.0909

--

Sandy Neill
Sanpete County Clerk

- Clerks could not force an employee to solemnize a marriage, if doing so would go against that employee's sincere religious or deeply held beliefs.
- Other government officials who have authority to solemnize marriages would be required to either 1) agree to solemnize all marriages, regardless of whether they are traditional or same-sex, OR 2) agree not to solemnize any marriages, except for family members. "All in or all out."

The bill's intent is: if a couple wants to get married, and cannot find someone to officiate, the Clerk must provide them with access to an officiant. That officiant could be the Clerk, an employee, or any individual who is authorized to solemnize marriages (i.e., pastor, spiritual leader, judge, mayor, etc.). The officiant must be "reasonably available," which was described by the bill's sponsor as "on call."

The main issue of concern to us is whether Clerks should be forced into the marriage ceremony business. State code allows Clerks to choose whether or not to solemnize marriages. This bill forces Clerks to either solemnize marriages or to designate someone to solemnize marriages. I doubt any Clerk wants to be forced to solemnize marriages, even if they choose to solemnize - this choice should remain with the Clerk. However, the bill appears to provide Clerks with the ability to provide access to an officiant without being forced to be an officiant, and that is through the "designee" language.

The bill's sponsor said he is willing to work with Clerks to address our concerns. The bill says that the Clerk must establish a "policy to ensure that the Clerk or the Clerk's designee is reasonably available to solemnize."

Here are some possible amendments that might satisfy all parties:

1. **The Clerk provides a contact list of "designated officiants" to applicants.** These officiants must agree to comply with state code governing marriages, and to be "reasonably available" to solemnize marriages. The couple can then contact their desired designated officiant, and schedule the ceremony directly with them.. The Clerk may choose to be on the list, or to put an employee on it, or both, or neither. I know Utah & Weber Counties (and probably a few others) already provide a list of judges who solemnize. This option may involve some extra work to keep the list current.

2) Also, if we can just provide a list, what if any given day or weekend no one on the list is available due to scheduling conflicts, vacation, or sickness, etc. are we still responsible to come up with other alternatives. I guess what I'm asking is, under this new bill to what extent will be required to identify someone to preform a marriage? I totally recognize my responsibility to as a County Clerk to issue a marriage license, but what is our additional scope of responsibility going to be? To see that a marriage is preformed? Preforming marriage ceremonies is a traditional service that many Clerks have provided, but under current code we are given the option.

As has been mentioned by others, our offices carry a lot of responsibilities, especially with the majority of us as Clerk/ Auditors, and the trend toward putting more responsibilities on our offices (transparency reporting, ever changing GASB reporting requirements, initiatives and referendum signature verification, and signature requirements for candidate ballot inclusion under SB54, to name a few). I just don't want us to come out on the other side of this finding out that there are increased expectations, when I personally feel everything is working just fine, and I 'm not aware of any complaints or problems that need to be addressed.

Bryan

Everyone,

I appreciate the feedback on this legislation. I have been in discussions on the language today and there are some additional amendments. I recognize there are some uncertainties about it so let me tell you this much:

1. This bill will go forward and will (almost certainly) pass this session;
2. It is intended to create a requirement that the State provide a mechanism to enable all legal marriages to be solemnized through public processes;
3. The clerks are a key provision of the process they want developed;
4. This bill is an attempt to clearly provide protection to religious institutions that do not want to perform marriage that are legal under civil law (which is, after all, a constitutional issue)
5. It is not intended to require an elected official to conduct all marriages.

That being said, I think the bill will provide a new requirement for Clerks but also will provide a lot of room to determine what will be done in any county. The fact is that the policy that will be created can be defined by local realities so long as they fit within the intent of the law. Meaning, if you have some people designated in your county who will perform all legal marriages then you can set some limitations (of the type Sandy refers to). What you cannot do, is to refuse to perform marriages or fail to have someone available to perform a legal marriage under reasonable circumstances.

The question is, can we do this? I have said we can find a way to do it.

The bill is still being amended. My goal is to give you as much room to move as possible while enabling the goal of the bill which is to create a civil mechanism for marriages that are legal.

I will keep you up to date as things develop.

Adam

On Mar 9, 2015, at 2:03 PM, Sanpete County Clerk <sancoclerk@gmail.com> wrote:

One way to do this is to see how much, on average) you paid your newspaper vendor(s) over the past 3 or so years. Not perfect, but probably good enough for an estimate.

As a reference, Weber Co. pays our newspaper approximately \$30K per year, on average.

Here's the link to the bill, if you'd like to look at it: <https://le.utah.gov/~2021/bills/static/SB0201.html>

Thanks,

R.

Ricky Hatch, CPA, CPO
Clerk/Auditor
Weber County
2380 Washington Blvd., Suite 320 | Ogden UT | 84401 USA
E: rhatch@WeberCountyUtah.gov | P:801.399.8613 | M:801.668.0909
#WinninginWeber

Before I call him back, I'd like to know if he has contacted anyone else, and if so, how your discussion went.

Thanks,
R.

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#WinninginWeber

jdnielson@sanjuancounty.org; fellmeth@sanjuancounty.org; jfranc@sanjuancounty.org; datapro@manti.com; sneill@sanpetecountyutah.gov; scwall@sevier.utah.gov; bacrowther@sevier.utah.gov; mhoward@summitcounty.org; kentjones@summitcounty.org; krobinson@summitcounty.org; rjudd@summitcounty.org; mgillette@tooeleco.org; mwilkins@uintah.utah.gov; tbruckner@uintah.utah.gov; bryant@utahcounty.gov; scottch@utahcounty.gov; danenej@utahcounty.gov; btitcomb@co.wasatch.ut.us; Kim Hafen <Kim.Hafen@washco.utah.gov>; Cami Scholzen <Cami.Scholzen@washco.utah.gov>; Melanie Abplanalp <Melanie.Abplanalp@washco.utah.gov>; ryan@wayne.utah.gov; 'Cowley,Ryan' <rcowley@co.weber.ut.us>; 'Taylor,Lynn' <ltaylor@co.weber.ut.us>; 'Hastings,Jessica' <jhastings@co.weber.ut.us>; 'Wade,Daniel' <DWade@co.weber.ut.us>; dbrenchley@utah.gov; justinlee@utah.gov; lincoln@uacnet.org; bryan@uacnet.org

Subject: RE: Get Gephardt news piece - are you getting lots of calls?

Believe it or not----getting our fair share in Morgan. ARG!

Thanks,
Stacy

From: Hatch,Ricky [mailto:rhatch@co.weber.ut.us]

Sent: Wednesday, August 29, 2018 9:55 AM

To: Hatch,Ricky <rhatch@co.weber.ut.us>

Cc: Sasha Clark <sasha@thediciogroup.com>; gingermcmullin@beaver.utah.gov; tmcnullin@beaver.utah.gov; dwsmit@beaver.utah.gov; tkotter@boxeldercounty.org; myoung@boxeldercounty.org; lpurdum@boxeldercounty.org; jill.zollinger@cachecounty.org; kim.gardner@cachecounty.org; dianna.schaeffer@cachecounty.org; seth.oveson@carbon.utah.gov; alexis.horsley@carbon.utah.gov; braymond@daggettcounty.org; kpallesen@daggettcounty.org; nsteib@daggettcounty.org; ckoch@daviscountyutah.gov; hvoordekers@co.davis.ut.gov; bmckenzie@daviscountyutah.gov; jevans@duchesne.utah.gov; brendat@emery.utah.gov; camille.moore@garfield.utah.gov; gcroads@gmail.com; dcarroll@grandcountyutah.net; janasmith@grandcountyutah.net; djessen@ironcounty.net; jwhittaker@ironcounty.net; christene@ironcounty.net; crobinson@ironcounty.net; alainal@juabcounty.com; jant@juabcounty.com; elections@kane.utah.gov; clerkkj@kane.utah.gov; bonnieg@co.millard.ut.us; mrowley@co.millard.ut.us; slafitte@morgan-county.net; lhhyde@morgan-county.net; swilkerson@morgan-county.net; kgleave@piute.utah.gov; bpeart@richcountyut.org; sswensen@slco.org; rholbs@slco.org; stingley@slco.org; cajohnson@slco.org; rmitchell@slco.org; ptueller@slco.org; jdnielson@sanjuancounty.org; fellmeth@sanjuancounty.org; jfranc@sanjuancounty.org; datapro@manti.com; sneill@sanpetecountyutah.gov; scwall@sevier.utah.gov; bacrowther@sevier.utah.gov; mhoward@summitcounty.org; kentjones@summitcounty.org; krobinson@summitcounty.org; rjudd@summitcounty.org; mgillette@tooeleco.org; mwilkins@uintah.utah.gov; tbruckner@uintah.utah.gov; bryant@utahcounty.gov; scottch@utahcounty.gov; danenej@utahcounty.gov; btitcomb@co.wasatch.ut.us; kim.hafen@washco.utah.gov; cami.scholzen@washco.utah.gov; melaniea@washco.utah.gov; ryan@wayne.utah.gov; Hatch,Ricky <rhatch@co.weber.ut.us>; Cowley,Ryan <rcowley@co.weber.ut.us>; Taylor,Lynn <ltaylor@co.weber.ut.us>; Hastings,Jessica <jhastings@co.weber.ut.us>; Wade,Daniel <DWade@co.weber.ut.us>; dbrenchley@utah.gov; justinlee@utah.gov; lincoln@uacnet.org; bryan@uacnet.org

Subject: Get Gephardt news piece - are you getting lots of calls?

Our office is getting a lot of phone calls and visits because of a Get Gephardt story that aired last night regarding tax relief. <https://kutv.com/news/get-gehardt##/>

Turns out he said that veterans can qualify (didn't mention the disability requirement), and that the deadline to apply is September 4th.

Please let me know if you have received more calls and/or visits, or if it's just folks in Weber County. We're working on a statement that we'll put on our website/FB page/Twitter to help clarify. Will share with the group once it's written. I've called KUTV to see if they could make the corrections to their website as well.

Carpe Diem
Ricky Hatch, CPA, CPO
Clerk/Auditor
Weber County
2380 Washington Blvd., Suite 320 | Ogden UT | 84401 USA
E: rhatch@WeberCountyUtah.gov | P:801.399.8613 | M:801.668.0909
#WinninginWeber

From: Tom Vaughn <TomVaughn@le.utah.gov>
Sent: Tuesday, July 6, 2021 10:18 AM
To: Cowley, Ryan <rcowley@co.weber.ut.us>; Jani Iwamoto <jiwamoto@le.utah.gov>
Cc: Sherrie Swensen <SSwensen@slco.org>; Hatch, Ricky <rhatch@co.weber.ut.us>; Cameron Diehl <cdiehl@ulct.org>; Justin Lee <justinlee@utah.gov>
Subject: [EXTERNAL] RE: Please Review: Local Election Amendments

CAUTION: This email originated from outside Weber County. Do not click links or open attachments unless you know the sender and are expecting the link or attachment. **Think Before You Click!**

Ryan:

I'm ok with that if everyone else is.

<image002.jpg>

From: Cowley, Ryan <rcowley@co.weber.ut.us>
Sent: Friday, July 2, 2021 3:01 PM
To: Jani Iwamoto <jiwamoto@le.utah.gov>
Cc: Tom Vaughn <TomVaughn@le.utah.gov>; Sherrie Swensen <SSwensen@slco.org>
Subject: RE: Please Review: Local Election Amendments

Thank you for including me on this new language. It is coming along really well. I do have minor change that will clarify the intent of the bill. I talked it over with Sherrie, and she is on board with the change.

Line 64 – I think this would still prohibit a city from cancelling their election if there is a school bond or county question on the ballot, even if a race is uncontested. Adding the word municipal before ballot proposition would resolve this concern. Line 64 could say: "no municipal ballot propositions have qualified for placement on the ballot; and" The ballot proposition would still appear on the ballot (the county legislative body would still call a special election), but it would allow the municipality to cancel their election.

Have a fun and safe 4th of July!

Ryan Cowley
Elections Director - MPA, CERA
801-399-8036

Weber County
2380 Washington Blvd
Ogden, UT 84401
www.weberelections.com

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Think Before You Click!

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vsugleg+unsubscribe@utah.gov.

In 2016, Davis County was also a by mail county. We took the lessons learned in 2014 and the municipal (by mail) elections of 2015 and put together our election plan. We had 18 polling locations, and projected about 15% of our participating voters would choose to vote at these polling locations. We had 14.9% show up at our polling locations. Our longest wait time was about 45 minutes at one of our polling locations during the evening rush hours; this was due to the fact that about 25% of the voters at that location were provisional.

I share this experience because two things happened in Davis County since 2014. First we learned to better prepare and anticipate what may happen in a by mail election. Second our voters learned what it means to participate in a by mail election.

Election administrators and voters need the time to learn and make necessary adjustments. We do not need an arbitrary polling location to voter ratio set in code that will tie the hands of the professionals who understand the process best.

Impact to Davis:

If this bill were to pass as is it would require one polling location for every 10,000 eligible voters; we need to remember that “inactive” voters are also eligible. This would only mean one additional polling location for Davis County for a county election, but for municipal elections it would mean a total of 27 polling locations. That would be 9 more polling locations than what we used during the 2016 presidential election in which we had a record turnout for Davis County of 88.2%. This doesn't seem like a wise use of resources.

Best Regards,

Curtis Koch
Clerk/Auditor
Davis County Government
p. (801) 451-3491
c. (801) 543-9778

On Mon, Jan 9, 2017 at 8:32 AM, Hatch,Ricky <rhatch@co.weber.ut.us> wrote:
Please look at the attached bill from Senator Thatcher and provide your feedback.
Thanks!

R.

Sent via the Samsung Galaxy S®6 active, an AT&T 4G LTE smartphone

----- Original message -----

Here's how it impacts County Clerks:

- County Clerks will be required to provide couples with access to a marriage officiant.
- Clerks could not force an employee to solemnize a marriage, if doing so would go against that employee's sincere religious or deeply held beliefs.
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The main issue of concern to us is whether Clerks should be forced into the marriage ceremony business. State code allows Clerks to choose whether or not to solemnize marriages. This bill forces Clerks to either solemnize marriages or to designate someone to solemnize marriages. I doubt any Clerk wants to be forced to solemnize marriages, even if they choose to solemnize - this choice should remain with the Clerk. However, the bill appears to provide Clerks with the ability to provide access to an officiant without being forced to be an officiant, and that is through the "designee" language.

The bill's sponsor said he is willing to work with Clerks to address our concerns. The bill says that the Clerk must establish a "policy to ensure that the Clerk or the Clerk's designee is reasonably available to solemnize."

Here are some possible amendments that might satisfy all parties:

1. **The Clerk provides a contact list of "designated officiants" to applicants.** These officiants must agree to comply with state code governing marriages, and to be "reasonably available" to solemnize marriages. The couple can then contact their desired designated officiant, and schedule the ceremony directly with them. The Clerk may choose to be on the list, or to put an employee on it, or both, or neither. I know Utah & Weber Counties (and probably a few others) already provide a list of judges who solemnize. This option may involve some extra work to keep the list current.
2. **The Clerk designates someone as an officiant for a day, with specific authority only to perform the wedding that is being requested.** Massachusetts currently does this. Note, the designated officiant is only designated, not deputized. The process of designating would likely be providing a preprinted designation form with the officiant's name. It does not require personal action by the Clerk. Couples could bring their own officiant, who can be designated by the Clerk. This allows couples to have Grandma/best friend/boss/etc. solemnize, which would likely make the ceremony more personal and meaningful than if a stranger were to solemnize.
3. If the bill's sponsor insists that an officiant be "on call," and that ceremonies be performed on site, we may wish to point out that many counties do not perform "walk-in" ceremonies, but rather **require appointments**. Weddings are often disruptive to the Clerk's office (and often other office) functions. The Post Office and some counties require appointments for passports (often because of staffing considerations). It seems reasonable to require appointments for weddings, or to designate certain days/times when ceremonies can be solemnized on site.
4. Another option would make the wedding ceremony optional, but that idea seems not to have much traction right now.

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4. Another option would make the wedding ceremony optional, but that idea seems not to have much traction right now.

One of the sponsor's arguments is that "government has a monopoly on marriage.." This isn't completely accurate. Yes, government has a monopoly on the marriage licensing process, but definitely NOT on the marriage ceremony business. This bill, as currently written, forces Clerks into the marriage ceremony business.

It is important to keep our terminology consistent. I recommend that we refer to heterosexual marriages as "traditional marriages" and same-sex marriages as "same-sex marriages." This is widely accepted terminology.

FYI – this bill seems to be on a fast track, and is viewed as a companion bill to SB296, another anti-discrimination / religious rights bill. The Eagle Forum and Sutherland

2. It is intended to create a requirement that the State provide a mechanism to enable all legal marriages to be solemnized through public processes;
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That being said, I think the bill will provide a new requirement for Clerks but also will provide a lot of room to determine what will be done in any county. The fact is that the policy that will be created can be defined by local realities so long as they fit within the intent of the law. Meaning, if you have some people designated in your county who will perform all legal marriages then you can set some limitations (of the type Sandy refers to). What you cannot do, is to refuse to perform marriages or fail to have someone available to perform a legal marriage under reasonable circumstances.

The question is, can we do this? I have said we can find a way to do it.

The bill is still being amended. My goal is to give you as much room to move as possible while enabling the goal of the bill which is to create a civil mechanism for marriages that are legal.

I will keep you up to date as things develop.

Adam

On Mar 9, 2015, at 2:03 PM, Sanpete County Clerk <sancoclerk@gmail.com> wrote:

Our office performs marriages on weekends and away from the office if it fits our schedule. We charge a minimum of \$50 for the ceremony when it is during off hours or away from the office. Some locations in the county (up in the mountains) take more time to get to, so we let them know the fee could be higher. If we perform a ceremony in our building during business hours, we charge \$20.

Couples need to plan in advance. This is just one part of a marriage celebration. They wouldn't expect a bakery to have a cake ready with no notice. They wouldn't want to walk into a jewelry store and grab the first ring they see whether it fits or not. Why should we make a law that says we will always have someone available without notice to perform a ceremony? We have a very small staff, and my full-time deputy clerk and I both perform ceremonies. What happens if we are short-staffed, and have a busy schedule? How many back up people in the community would we need to have to be sure one of them is available?

When people call to see who can perform marriages, we give them the information for our judges, mayors, our office, and explain that the local clergy can also perform ceremonies. Then we have them make their own arrangements.

On Mon, Mar 9, 2015 at 1:33 PM, Ryan Torgerson <ryan@wayne.utah.gov> wrote:

I would like to see language in the bill to prevent us from having to solemnize marriages on weekends. The bill says that we have to be reasonably available to solemnize a legal marriage for which a marriage license has been issued. A lot of the time people want me to marry them on weekends and away from the office. Is this something that we can establish in our policies? Is it considered unreasonable to be asked to be available on weekends? If we refuse to do marriages on weekends and away from the office are we going to be in trouble? Do any of you perform marriages on weekends and away from the office?

Ricky D. Hatch, CPA

Weber County Clerk/Auditor

Office – 801.399.8613

Mobile – 801.668.0909

Ryan Torgerson
Wayne County Clerk/Auditor

On Fri, Mar 6, 2015 at 8:59 PM, Hatch,Ricky <rhatch@co.weber.ut.us> wrote:

SB297 came out Thursday, passed through Committee on Friday, and will be discussed in the Senate early next week. It addresses anti-discrimination, allowing for some religious exemptions. It also impacts our offices.

This email summarizes how SB297 impacts Clerks, and suggests some possible amendments. PLEASE PROVIDE YOUR INPUT!

Here's how it impacts County Clerks:

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