

Senate Government Operations and Political Subdivisions Committee

February 14th, 2025

Bill: 1st substitute SB 164 – Modifications to Election Law

Sponsor: Senator Wayne Harper

Floor Sponsor: Representative Paul Cutler

UASD Position: Tracking

This Bill modifies provisions relating to elections.

Discussion: Senator Harper spoke to the 1st substitute of the Bill, which was adopted by the Committee. He explained that this Bill stems from last year's election audit and aims to improve election processes from the initial candidate filing to the final vote count. As presented by the sponsor, the Bill enhances election security and transparency, especially regarding candidate petitions and ballot handling. It requires county clerks to collaborate with local post offices to ensure efficient ballot processing. He added that the language allows poll watchers to observe the signature verification process while prohibiting them from disclosing sensitive information. The Bill mandates audits of signature verifications, establishes a threshold for verifying extra signatures beyond the required number, and introduces new rules for tracking, submitting, and storing signature packets. In summation the sponsor stated that within the Bill the Director of Elections is granted rulemaking authority to enforce these procedures.

Senator Sandall inquired about how county clerks would coordinate with post offices, particularly in rural areas. The sponsor referred to lines 174–184, which outline the requirements for this coordination. Brian McKenzie, representing the County Clerks of Utah, clarified that clerks already visit post offices in person to manage election processes and postmark deadlines and expressed support for this approach. Senator Sandall expressed concerns about how the process might be more challenging for clerks in less centralized or rural areas. Mr. McKenzie acknowledged that, while he didn't see it as an overwhelming burden, adjusting the language to better accommodate smaller or more remote post offices could help ensure easier compliance. Senator Sandall remained unsure about the feasibility of the process for rural clerks and urged further clarification. The sponsor agreed to refine the language to address these concerns. Senator Vickers echoed similar concerns, and the sponsor assured the Committee that they would work on a solution. Mr. McKenzie reaffirmed support for the Bill, noting that while this Bill is similar to other transparency focused election Bills, this one takes a more comprehensive approach by addressing multiple aspects of the process. No further discussion ensued.

Yeas: 3

Nays: 0

N/V: 4

Outcome: 1st substitute SB 164 passed out of the Committee with a favorable recommendation.

Bill: 1st substitute SB 163 – Government Records Amendments

Sponsor: Senator Wayne Harper

Floor Sponsor: Undeclared

UASD Position: Tracking

This Bill amends provisions relating to the Government Records Access and Management Act.

Discussion: Senator Harper explained that this Bill updates requirements for local political subdivisions regarding the adoption and implementation of the Government Records Access and Management Act (“GRAMA”). The Bill as stated by the sponsor, improves transparency, enhances training on record retention and reporting, and updates conditions for fees charged for record requests. It also criminalizes the intentional destruction of records to avoid disclosure in response to a pending record request and modifies the membership of the state records committee. The sponsor noted that the 1st substitute incorporates elements from the previous election audit that were drafted in SB 164. He feels that these provisions fit better within this Bill. Additionally, the Bill clarifies that under the Family Educational Rights and Privacy Act (“FERPA”), federal law supersedes state law, meaning FERPA records must be handled under the Freedom of Information Act, not GRAMA.

Senator Winterton asked if the Bill would make it more difficult for people to file GRAMA requests. The sponsor assured the Committee that it was not his intent to complicate the process. Senator Blouin inquired about how this Bill aligns with Senator McKell’s similar legislation and whether they had considered a coordinating clause. The sponsor admitted they had not yet discussed it but agreed that a coordinating clause would be necessary if both Bills pass. The Utah Media Coalition spoke in favor of the Bill. A couple of attorneys with experience representing clients affected by GRAMA requests spoke in favor of the legislation. No further discussion ensued.

Yeas: 4

Nays: 0

N/V: 3

Outcome: 1st substitute SB 163 passed out of the Committee with a favorable recommendation.
