

# Utah Election Integrity and Local Municipalities' Decisions

In the State of Utah, a concerning picture is emerging as the pieces of new voting processes come to light. As the powers, limitations, and solutions from the state, county, city, and independent non-profits are taking their place, it is becoming evident that local municipalities may hold the key to ensuring freedom in Utah—and possibly across the country. This may sound hyperbolic, but the reality may be that safeguarding Utah's most sacred and precious right—the vote— may come down to local municipalities jealously guarding their election process at the cost of attention, time, and possibly money.

One piece happened in 2014, as Senate Bill 54 was passed and allowed for an alternate candidate nomination process—outside of the caucus system—through voter signature collection. One argument for the legislation is that it allows for an alternate path to the ballot bypassing the party, and one major criticism is that it opens the door to big money as signature collectors can be paid to collect the signatures for a candidate. SB 54 allows for a candidate to get on a primary ballot and to win with a plurality of votes, instead of a majority—opening the door to multiple candidates on a primary ballot, as demonstrated in the 2020 gubernatorial race.

The next piece was when the Utah legislature enacted the Municipal Alternative Voting Methods Pilot Project in 2018. The current pilot program the State of Utah has allows for multiple voting methodologies—including ranked choice voting (RCV). This pilot program, funded by Big Money Global Power Elites (who have designated Utah as one of three beta test sites for electronic voting), allowed for different voting methods and is being used by Bluffdale, Cottonwood Heights, Draper, Elk Ridge, Genola, Heber, Lehi, Magna, Midvale, Millcreek, Moab, Nibley, Payson, River Heights, Riverton, Salt Lake City, Sandy, South Salt Lake, Springville, Vineyard, and Woodland Hills for the purpose of using ranked choice voting. The common—although erroneous—argument in favor of the pilot program for alternate voting methodologies is that most voters have had the experience of encountering the ethical dilemma of having to vote for “the lesser of two evils” because their preferred candidate was not among the front runners, and a vote for them would essentially be “throwing your vote away.” Whether a proponent or opponent of ranked choice voting, instant run-off voting, or preferential voting, the fact is that all alternate forms of voting that use multiple rounds—unless small and can be counted by hand—require a computer program to do the calculations.

Another major piece of the new voting system came last year on May 12, 2020, after Sen. Weiler and Rep. Harrison sponsored House Bill 36: Election Amendments, and Utah code 20A-3a-202 became effective, making Utah one of only five states that require all-mail elections—the others being Colorado, Hawaii, Oregon and Washington. HB 36 usurped a local municipality's ability to choose for their residents the best voting distribution form and made mailing ballots a requirement—as a result, citizen identification moved from ID to signature verification machine owned by the counties. HB 36 passed both the Utah House and Senate without one vote of dissension representing local municipalities' right to choose.

Next, the non-profit FairVote came on the Utah scene endorsing ranked choice voting and in August of 2020 they published Governor Herbert's support of this voting method. Being touted as bipartisan and a voice for The People, FairVote boasts financial contributors like the Rockefeller Foundation, The Hewlett family, and George Soros. FairVote has two goals: ranked choice voting and a national popular vote (elimination of the electoral college). Stan Lockhart, Amelia Powers Gardner (former Utah County Clerk and current Utah County Commissioner), and Josh Daniels (current Utah County Clerk) have spoken in favor of and proposed ranked choice voting to multiple local municipalities in Salt Lake and Utah County, and have all been given awards from FairVote for their efforts to progress ranked choice voting in Utah.

With the implementation of RCV, companies like: VOATZ, National Cybersecurity, Tusk Strategies, and others have offered voting solutions. Companies that are assisting the voting process in Utah are connected to the same money and similar organizations who have interest in Blockchain and digital identification. And it appears that in order to accomplish RCV and a national popular vote, centralized voting would have to be accomplished.

The piece that is currently being decided by cities around the State of Utah is whether cities retain the power to run their own elections, or delegate that power to their county. Centralization of voting administration appears to be the direction these voting pieces are pointing. In the Antifederalist No. 17, Federalist Power Will Ultimately Subvert State Authority, Robert Yates states that, "When the people once part with power, they can seldom or never resume it again but by force. Many instances can be produced in which the people have voluntarily increased the powers of their rulers; but few, if any, in which rulers have willingly abridged their authority. This is a sufficient reason to induce you to be careful, in the first instance, how you deposit the powers of government."

Prior to May 2020, when cities ran their own elections the costs for a city like Highland, Utah were around \$10,000. In 2019, subcontracting with the county, the county charged around \$18,000 to run their elections for them—this included the mailer, postage, signature

verification, etc. This year, the city of Highland has received the projections, per round of one ballot per voter, for the 2021 elections and the cost will be around \$30,000. The county has informed the city that if they hold a primary election then the cost will double because two mailers will have to be sent out—drastically increasing their election costs to around \$60,000. And what is their suggested proposal to cut their budget costs? The city can choose to eliminate a primary election and use ranked choice voting. Then their cost will only be \$30,000. For a city to increase their election expenses within 2 years by 200%, many councils are left considering the financial options of adopting the alternative county managed voting systems out of necessity more than out of conviction that these systems are better alternatives for their residents. It appears that cities are giving away the administration of their own elections, and as a result, the verification process—and it's costing them more.

These multiple pieces, noted above, come together to show that between the state, proposed legislation, non-profit organizations, counties, county clerks, and city councils there may be a broader picture here. If cities delegate voting to the counties, it raises some serious questions like: Can the cities ever take back the administration of elections once they've given the power to the counties? Does it matter if ranked choice voting is a viable method if it comes with risk to election integrity? Since ranked choice voting requires a computer algorithm, how can the public ensure election integrity? What's the electronic equivalent of poll-watchers? Could the state take the power from the county and consolidate all elections, setting up the consequent usurpation of the federal government to do the same to the state? Can a recount occur with a computer program, or would multiple programs be needed to cross-check each other—who owns those programs and what are their political motivations? Do government officials have the technical knowledge to sit in judgment of what capabilities computers, algorithms, and programs do and do not have and to what extent they can be gamified (hacked)? Is tech always better, or—like was recently found with education—should some systems be administered in-person as much as possible and locally? Is the vote sacred enough to spend time and money to ensure its integrity?

Angel Gurria, a member of the Global Coalition Against Corruption and the OECD Secretary General, said that, "Integrity, transparency, and fight against corruption have to be part of the culture: they have to be thought of as fundamental values." With mail-in voting and a concerning push by outside ranked choice voting forces visiting every one of our cities in the State of Utah, it brings up many questions about election transparency—at a time when election integrity is already in question. It appears that if cities want to ensure the integrity of their elections there are more unanswered questions that arise by delegating those powers than by safeguarding them within the local municipalities.

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