

## It's time to 'get down to what's real': Utah bill to end default mail-in voting fails in raucous hearing

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*Rep. Phil Lyman, R-Blanding, testifies about his bill, HB371, in the House Government Operations Standing Committee at the Capitol in Salt Lake City on **Wednesday**. The bill, which failed to advance from the committee, would have returned Utah to in-person voting by default rather than mail-in voting, among other changes to election processes. (Scott G Winterton, Deseret News)*

SALT LAKE CITY — A bill that would have returned Utah to in-person voting by default failed to advance from committee on Wednesday after opponents argued that it could disenfranchise voters and had few discernible security benefits.

HB371, sponsored by Rep. Phil Lyman, R-Blanding, was heard in the House Government Operations Committee before an at times rambunctious crowd of supporters who filled five separate overflow rooms. Committee vice chairman Rep. Norm Thurston, R-Provo, had to repeatedly remind them to refrain from outbursts.

Lyman said his bill was a necessary step to protect Utah elections from fraud and reinstate voter faith in elections. From a security standpoint, "our elections are pretty wide open," he said — a claim that lacks evidence and Utah election officials contest.

Although the bill would require voters to specifically request an absentee ballot be mailed to them, Lyman said the key provision in the bill was one that would require an independent audit after each election. He falsely claimed that precincts in Salt Lake and San Juan counties saw voter turnout as high as 200-300% in recent years and said that matching voter rolls to mail-in ballots "becomes really problematic."

"In essence, what we're doing ... is we're blanketing communities with ballots assuming that the people that we're sending them to are legitimate on the voter rolls, whether they requested it or not," he said.

Utah Lt. Gov. Deidre Henderson talks with Utah Director of Elections Ryan Cowley as they listen to a hearing on HB371 in the House Government Operations Standing Committee at the Capitol in Salt Lake City on Wednesday. (Photo: Scott G Winterton, Deseret News)

Ryan Cowley, director of elections for Lt. Gov. Deidre Henderson's office, pushed back on the call for an independent audit, saying that their office already conducts routine checks on elections across the state. He argued that having an independent audit would actually result in less accountability because that independent contractor would not be an elected official.

Cowley said his office is tracking 35 election bills during the session this year, yet this is the only one they oppose.

"We don't take that lightly," he said.

When it comes to mail-in voting, Cowley read a quote from Henderson during a committee hearing last week, saying "I'm concerned about any legislation that would make it harder for people to exercise the right to vote. There's absolutely no evidence that Utah's vote-by-mail system isn't safe and secure. What's more, the public loves it."

Ricky Hatch, clerk auditor for Weber County, admitted that there are rare mistakes made in the counting and processing of ballots, but he said the "current process already contains extensive and significant safeguards," adding that "there are no gaping holes" in Utah's election security.

Mail-in voting actually gives county clerks the opportunity to catch and correct potential issues earlier, Hatch said, rather than waiting until the day of the election to start tabulating votes.

"There is no such thing as a perfect (election system) out there," Hatch said. "And we have had errors in the past with both a vote-by-mail system as well as with in-person voting. ... We work quickly as elected officials to fix them correctly under the law, and in a manner that's fair to the voters and the candidates."

Danny Harris of AARP Utah made the point that mail-in ballots allow for a more informed electorate by giving voters the chance to read about candidates and initiatives after perusing the ballot. He said the chance to discuss issues around the kitchen table is another benefit that absentee ballots provide to voters.

Pernell Halona, a council delegate from the Navajo Nation, speaks on HB371 in the House Government Operations Standing Committee at the Capitol in Salt Lake City on Wednesday. (Photo: Scott G Winterton, Deseret News)

Navajo Nation Council Delegate Parnell Halona also spoke in strong opposition to the bill, saying it would make it harder for Navajo Nation residents to vote. Nikila Venugopal spoke on behalf of the ACLU of Utah, arguing that it could disenfranchise a variety of voters, including elderly voters, rural voters and those with disabilities.

Rep. Jennifer Dailey-Provost, D-Salt Lake City, cited a Deseret News/Hinckley Institute poll that found 81% of Utahns said they're "confident" that officials will conduct a fair election in 2022. She questioned passing a bill that "throws up so many barriers" to vote when such a high number of Utahns seem pleased with the current process.

Lyman had the support of several members of the public, including former Utah lawmaker Steve Christiansen — who resigned abruptly last fall. Christiansen couldn't name any instances of voter fraud in Utah, but claimed tens of thousands of "phantom ballots" were recorded in the 2020 election in states like Arizona and Wisconsin.

Former Rep. Steve Christiansen, right, talks with a group of people before a hearing on HB371 in the House Government Operations Standing Committee at the Capitol in Salt Lake City on Wednesday. (Photo: Scott G Winterton, Deseret News)

When pressed by Rep. Cory Maloy, R-Lehi, to provide evidence of fraud in Utah, Christiansen said the bill would help uncover proof.

Lyman also failed to produce evidence of gaps in Utah's election security, but expressed concern about ensuring ballots are only sent "to people who they know exist." Several public commenters who spoke in favor of the bill made their own claims about receiving multiple ballots or receiving a ballot meant for someone else.

David Burton, an IT professional, said he knew of multiple people who intentionally signed their ballots with their left hands to see if officials would void the ballots. He said they were all accepted.

Teena Horlacher, former head of the Davis County Republican Party, said she saw broad support for in-person voting while gathering signatures for the "Secure Vote Utah" ballot initiative — which would have replaced vote by mail with in-person polling. The group fell far short of the necessary 138,000 signatures to qualify for the ballot, but Horlacher said that roughly "9 out of 10" people signed the petition when she took it door to door.

House Government Operations Standing Committee Chair Rep. Cory Maloy, R-Lehi, asks a question of Rep. Phil Lyman, R-Blanding, as he speaks to his bill, HB371, as the committee meets at the Capitol in Salt Lake City on Wednesday. (Photo: Scott G Winterton, Deseret News)

Maloy told Lyman he appreciated what the bill was trying to do, but said he's "not convinced that we lack integrity, and I'm not convinced that we have widespread fraud in the state of Utah."

"There's a lot of misinformation out there, and I really think it's time we get down to what's real and what's not real," Maloy said, adding, "Utah has an election process that is not perfect, but is pretty darn good." After more than an hour and a half of debate, the committee declined to advance the bill on a 7-3 vote. Lyman was joined by Rep. Mike Petersen, R-North Logan, and Rep. Walt Brooks, R-St. George in voting for the bill.

### **Other election security bills advance**

Earlier on Wednesday, the House passed HB387, which would standardize how various counties report ballot totals and specify provisions for access for poll watchers. The bill is an effort to increase transparency and security, according to sponsor Rep. Mark Strong, R-Bluffdale, who compared the bill to wearing "a belt and suspenders."

"If you wear a belt and suspenders, you're really not going to lose your pants," he said during a committee hearing on Tuesday.

The bill is endorsed by Lt. Gov. Deidre Henderson and is headed to the Senate for further consideration.

