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ACLU OF UTAH RELEASES REPORT ON OGDEN ELECTION IRREGULARITIES

Report details reported incidents of electioneering, over-reaching voter challenges and provisional ballot issues, concluding that legislative changes and increased oversight are necessary.

April 25, 2008 – SALT LAKE CITY – The American Civil Liberties Union of Utah released a report today detailing the results of an investigation into election irregularities surrounding the Ogden 2007 municipal election.

The ACLU of Utah received numerous complaints from Ogden elections following the November 6 election, alleging inappropriate use of voter challenges, denial of provisional ballots, voter intimidation and electioneering at polling places.

“The individuals who contacted our office had serious concerns that their right to vote was compromised,” says Marina Lowe, ACLU of Utah Staff Attorney. “They arrived at the polling place, ready to vote, and were shocked when they were turned away, or when they discovered later that their provisional ballot went uncounted. The right to vote is one of our most fundamental liberties; these individuals felt that their access to that right was unfairly compromised.”

In response to these complaints, the ACLU of Utah conducted an investigation that included interviews with Ogden voters, meetings with election officials in Ogden, and interviews with two of the mayoral candidates, Susan Van Hooser and sitting mayor Matthew Godfrey.

The report concludes that while the letter of the law may not have been fully abridged, the spirit of the election was certainly violated by inappropriate actions, including unnecessary voter challenges and poll worker error. The report also details that 146 voters were challenged, 1646 provisional ballots were cast, and of those 478 were rejected. 180 of the 478 rejected votes were not counted because the voter was not registered, but the remaining 298 were discounted due to technical or other error.

The ACLU of Utah recommends legislative reform, enhanced election oversight and standardized, higher quality training for election officials. The organization also encourages civic groups to participate in the process in order to assure transparency and voter confidence.

“Looking back, it becomes clear that this situation is about fairness in the process,” Lowe says. “People can accept the outcome of an election – even if it does not favor their candidate – if they feel that the procedures are implemented in a fair and neutral manner. In this case, many voters did not feel that they were treated fairly; as a result, there persists a great sense of injustice among these voters, who still are distressed by the feeling that their votes simply did not count, and for no good reason.”

The ACLU of Utah ultimately decided against filing legal action in response to the received complaints. Instead, the organization worked proactively with local legislators, election officials and coalition partners to draft legislation to cure some of the problems that led to these voting irregularities.

The ACLU of Utah advocated for a bill to tighten up the state’s laws regarding voter challenges; the bill did not pass, but the organization plans to promote its passage again during the 2009 Legislative Session. County clerks throughout the Wasatch Front, as well as other elected officials, supported the bill, saying it would assist them in running efficient, fair elections.

The ACLU of Utah also hosted a presentation at the Capitol during the 2008 Session about Election Day Registration, an election system that allows voters to register and cast a ballot at the polls when they arrive to vote. This system eliminates the need for provisional ballots and has been implemented successfully in Idaho, Wyoming, Maine, Minnesota, Wisconsin, New Hampshire, Iowa, Montana and North Carolina. The ACLU of Utah would like Utah to consider implementation of this system, as a way to eliminate the types of incidents that marred the Ogden election in November 2007.

To obtain a copy of “Assuring Voter Confidence: An Analysis of Election Irregularities in the 2007 Ogden Mayoral Election,” or to speak with a member of the ACLU of Utah staff, please direct all inquiries by email to aclu@acluutah.org or by phone to 801-521-9862, ext. 101.

The ACLU of Utah is the Utah affiliate of the national ACLU. Chartered in 1958 and located in Salt Lake City, the ACLU of Utah operates with the help of a dedicated staff of two full-time and four part-time employees. Through public education, legal advocacy, litigation, and lobbying at both the state and local levels, the ACLU of Utah seeks to protect the constitutional rights of all Utahns. Like the national ACLU, the ACLU of Utah’s work is based on those principles outlined in the Bill of Rights, and our priorities include freedom of speech, expression, and association; freedom of religion, including the separation of church and state; the right to privacy; safe prison and jail conditions; and equal protection and due process of our laws.

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