

AMELIA POWERS GARDNER

UTAH COUNTY CLERK/AUDITOR



Dear sponsors,

This letter is notice that the signatures submitted on March 2nd as gathered in conjunction with the petition to refer Utah County resolution 2019-221 were insufficient to meet the 21,976 threshold of valid signatures.¹

Here is a summary of findings from the petitions delivered to the office:

- 486 total signature packets totaling 22,909 raw signatures were submitted
 - This left an invalid loss tolerance cushion of 933 signatures (needed a validity rate of 96%)
- 314 packets were properly submitted after previously submitting images as required by law²
 - These 314 packets totaled raw signatures of 16,420 & valid signatures of 14,629 (a validity rate of 89%)
 - Invalid signatures totaled 1,791. This is 858 beyond the invalid loss tolerance to qualify
 - Of the 1,791 invalid signatures:
 - 73% were not a registered voter
 - 13% were not registered in Utah County
 - 10% were duplicate signatures having signed the referendum one or multiple times
 - 2% did not match any registered voter signature
 - 1% were circulators who signed their own petition in violation of 20A-7-605
 - 1% were unreadable
- Voter participation areas:
 - Because the total number of possible valid signatures fell beneath the total required threshold, submitted signatures were not analyzed for compliance with the voter participation area requirements under § 20A-7-601. However, the County may conduct such an analysis if needed.
- 172 packets were submitted in violation of state code (totaling 6,622 raw signatures):
 - 172 packets were submitted without previously submitting images as required (images were submitted for 152 of these packets after the deadline and after physical packets were delivered, images were never sent at all for 20 of these packets)

Background:

Sponsors Julie Blaney, et. al. applied for a referendum petition to refer to the voters of Utah County resolution 2019-221 passed by the Board of Commissioners on December 17th, 2019. Petitioners first attempted an application for referendum on December 18th with a later amendment to their application on December 23rd. Due to various errors and conflicting items in the submitted documents it was unclear precisely what type of petition the sponsors were seeking. After an agreed upon interpretation of the application, the county determined on January 7th that the resolution was referable and that petitioners could proceed with the referendum. After some agreed upon corrections to the language of the application materials, petitioners received the legally required petition packet design on January 17th so that they could begin gathering signatures

¹ Utah Code § 20A-7-601(2)c, requires sponsors to submit valid signatures totaling 8% of active voters in the county in order to qualify for the ballot. The applicable threshold for Utah County is 21,976.

² Utah Code § 20A-7-605(4) requires sponsors to submit images of signatures within seven days after the day the first signature of any packet was gathered. Additionally, sponsors “may not submit a signature packet to the county clerk unless the sponsors timely comply with the requirements of Subsection (4)(a) in relation to the signature packet.”

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with a due date for signed petitions of March 2nd. Under Utah Code § 20A-7-601(2)c, in order to qualify for the ballot, the petitioners needed to submit valid signatures equal to 8% of the active voters in the county. The applicable threshold for Utah County is 21,976.

On March 2nd at approximately 4:50 pm, the sponsors arrived at the Utah County Clerk's office to deliver 486 signature packets totaling a raw count of signatures of 22,909. While many of those packets were not eligible to be submitted under the code for various reasons, the clerk's office took possession of them so as not to further complicate or slow the process of the submission of packets. Given the total raw count of signatures turned in and the applicable threshold, this left a cushion for potential invalid signatures of only 933 before the referendum petition would have insufficient signatures to be eligible to be placed on the ballot.

Utah Code § 20A-7-606.3 outlines the process for verification of petition signatures. After following this process for 314 packets totaling raw signatures of 16,420, there were 14,629 valid signatures meaning that 1,791 signatures were invalid for one of the above listed reasons. This is well beyond the cushion of additional signatures collected rendering it impossible for the petition to include a sufficient number of valid signatures even if each of the 486 submitted packets complied perfectly with state code.

Had there been a sufficient number of signatures, and should the need arise in the future, the County reserves the right to investigate the following potential discrepancies and code violations related to certain packets and the impact on the total number of valid signatures:

- Circulator irregularities including:
 - packets where the individual who circulated the packet and signed the verification also signed a sheet included in the packet in violation of Utah Code § 20A-7-605(2)(b)
 - packets where minors circulated the packet in violation of Utah Code § 20A-7-605(2)(a)
 - packets where the actual witness of the signatures was not the same person who signed the circulator verification page in violation of Utah Code § 20A-7-612(2)
- Signature discrepancies including:
 - Individuals who may have signed on behalf of other individuals
- Timeliness of packet submission including:
 - Packet images that were submitted electronically after the 7-day deadline by crossing out signatures to claim an earlier date of the first signature in violation of Utah Code § 20A-7-605(4)
 - Packets with signatures added after electronic images were submitted in violation of Utah Code § 20A-7-605(4)
 - Packets delivered after the deadline prescribed Utah Code §20A-7-606(1)

If you have any concerns or questions, please feel free to reach out to our office.

Regards,
Utah County Elections

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