

SALT LAKE COUNTY

*2001 S State Street, N1-100
Salt Lake City, UT 84114*



Meeting Minutes

Tuesday, November 22, 2022

4:00 PM

The meeting will commence at the conclusion of the Council Meeting.

Room N1-110

Board of Canvassers

1. Call to Order

Board Member Stringham stated Board Member DeBry was excused, so there was not a full Board of Canvassers.

Ms. Bridget Romano, Deputy District Attorney, stated according to Statute 20A-4-301, when one member of the Board of Canvassers is not present, they shall be replaced by another elected official, in a specific order, the first being the County Treasurer. Wayne Cushing, County Treasurer, joined the Board of Canvassers, completing the Board.

Present: Board Member Aimee Winder Newton
Board Member Arlyn Bradshaw
Board Member Ann Granato
Board Member Dave Alvord
Board Member Dea Theodore
Board Member Laurie Stringham
Board Member Richard Snelgrove
Board Member Jim Bradley
Wayne Cushing

Excused: Board Member Steve DeBry

2. Public Comment

The following citizens spoke about concerns with the voting system, including the manual and computerized processes, the security of the system, vote by mail, and the audit process. Reasons given were: a report of Salt Lake and Utah Counties' election integrity indicated their systems were substandard; the Lieutenant Governor selected the ballot location and machines to audit; Council Members who did not attend the audit process were not in a position to certify the vote; the logic and accuracy testing allowed a person with administrative privileges to add votes with the script in the thumb drive; there were findings of inaccurate voting records, including for the curing process; there was a discrepancy in the 2020 election data that the Salt Lake County GOP Election Integrity Committee discovered from a spreadsheet the Clerk's Office provided to it indicating more than 32,000 ballots could not be attributed to registered voters and data the Clerk's Office relied on when disputing that; the poll watching area was very narrow making it difficult to see what was going on, and poll watchers were made to feel uncomfortable; at least one employee engaged in political activity; one employee who helped run the election was also on the ballot; there was a lack of transparency; and some were concerned with the length of time it took to count the votes. Citizens also asked the following questions:

- How many signatures were rejected by machine when used to verify signatures on ballots?
- How many signatures required manual verification?
- How many signatures had to go through the signature procurement process, and of those, how many could not be cured?
- How many ballot envelopes were opened manually?
- How many ballots were duplicated, and how many ballots were duplicated without poll watchers present?
- How many ballots were adjudicated, how many were adjudicated per race, and how many were adjudicated without poll watchers present?
- What is the control implementation and verification with regard to harvesting, particularly around nursing homes and other vulnerable populations?
- Did employees of the Clerk's Office review video footage from cameras on ballot drop boxes to prevent ballot harvesting and taking advantage of vulnerable populations?
- How many people had administrative privileges to use the script in the thumb drive, and did the person who added votes know votes could be added with the script?
- What is the reason for the access-based control, and were there other controls in implementation verification for those people who had that access?
- Who decided to buy the in-person voting machines that allowed the ability for someone to add votes using a script and elevated privileges?
- Can votes be added in a similar manner to tabulators used to count mail in votes, and what are the controls in place with that?
- Why did Salt Lake County allow someone to run an election when their name was on the ballot, and what controls were put in place to deal with the appearance of impropriety of having someone whose name was on the ballot working on and running the election?
- Why did Salt Lake County report its data in a manner that was different and less detailed than Utah County's when under Utah Code Section 20A-3A-405, Salt Lake County is supposed to report certain statistics on certain days, once it starts processing ballots?
- What private organizations were hired to recruit poll workers, and how many poll workers did each private organization recruit?
- What is the partisan makeup of the poll workers?
- Can the Clerk's Office provide data it relied on in the 2020 election when disputing the Salt Lake County GOP Election Integrity Commission's data?
- Does the taped yellow brick road for poll watchers comply with the Americans with

Disabilities Act?

- Can Salt Lake County model its poll watching program after Utah County to make it more inviting and collaborative?
- Did an employee with the Clerk's Office who was engaging in political activity during working hours work in any aspect of this election?

Mr. Samuel Fisher

Ms. Janet Haskell

Ms. Laurie Karlik

Mr. Dave Ferdinand

Ms. Stephanie Pena

Mr. Steve Aste

Mr. Don Smith

Mr. Chris Null, Chair, Salt Lake County Republican Party

Mr. Kael Weston thanked the Clerk's Office for its professionalism and transparency and stated the toxicity of election questioning and conspiracy theories needed to stop. He wanted people to continue to want to work in these election jobs, not run away from them.

Ms. Danielle Ahn, Senior Policy Advisor, Council Office, stated it is a fundamental and basic right for people to ask questions about the process, and it was upsetting to be called a conspiracy theorist or besmirched for asserting one's rights. She thanked everyone for coming out and speaking, and thanked Sherrie Swensen for her work, dedication, and service.

Mayor Jennifer Wilson stated the Clerk had a legal requirement to get the results certified by today, and it did so balancing speed and accuracy with the resources it had.

3. Discussion Items

THIS BEING THE TIME heretofore set to canvass the official election results for the 2022 General Election.

Ms. Sherrie Swensen, County Clerk, stated the canvassing time is set forth in State statute, and staff worked long hours and weekends to make sure every eligible ballot was counted in that two-week time frame. The Clerk's Office did put out notices to hire temporary employees, but it did not get a good response due to the difficult labor market,

so it had to reach out to other offices to help it get this done by the deadline. She responded to the questions, with the following answers:

- A total of 357,416 by-mail ballots were returned, 51,000 of those ballots were dropped on the day before Election Day and 99,000 on Election Day, and 330,183 voted in person on or before Election Day.
- Turnout for this mid-term election was 65 percent.
- The number of signatures requiring manual signature verification was 116,616.
- The number of ballots that had to go through the signature curing process was 6,501, with 3,653 signatures uncured.
- The Clerk's Office has an extractor to open ballots, but it was down one day, on which day the ballots had to be manually opened. However, that process still preserved security and secrecy of the ballot.
- There were 882 ballots replicated, and replication is done by teams of two. Most of those ballots are emailed from overseas. That is the only way they can be run through the scanners.
- With regard to ballot harvesting, she had no way to track how many ballots were sent to people in nursing homes, nor did she have the authority to determine whether someone was competent to vote.
- Her office did not review footage from the surveillance cameras at the drop boxes to determine whether ballot harvesting had taken place because that would have required 12,000 hours of surveillance for which staff did not have time. However, that is saved and stored. The law precludes someone from depositing ballots for another voter except under certain circumstances, i.e. if they are a postal worker or reside in the same household as the voter and the voter has a medical situation.
- The selection of the voting machines was done by the Clerk's entire management team, which made a unanimous decision. That was also put before the Technical Advisory Board, which also made the unanimous decision this was the best system for Salt Lake County. The machines are certified by the Election Assistance Commission and the Lieutenant Governor's Office, and it is a rigid certification process.
- The Clerk's duties are set by State statute to oversee elections. The Clerk's Office complied with all posting requirements according to the statute, including new requirements this year.
- The Clerk's Office did not secure poll workers from a private organization, with the exception of asking the League of Women Voters if it could provide poll workers when it was in dire need, and the League of Women Voters did send about 20 people to help for several days. Poll workers were people wanting to serve, many of whom have served for years, some of whom were appointed by caucuses. She did not know

the partisan makeup of poll workers.

- The Salt Lake County GOP asked for a report months after the 2020 election, and it was given a report that was a snapshot in time on Election Day 2020. It was her understanding that was compared to a database about eight months after the election, at which time voters could have moved, passed away, or been removed for inactivity or suspended, so it could not have reflected accurate numbers.
- Registered voters in Utah have a statutory right to watch the polls; however, the ballot center is very limited, so the Clerk's Office reached out to the Fire Marshall to see what needed to be done to secure the area and accommodate the number of poll watchers expected, and he recommended not allowing people to sit in the aisles in the event someone needed to get out in an emergency and creating a walkway. The walkway was not set up to be unwelcoming or unfriendly. She did not know what Utah County did for its poll watchers. She also did not know what processes poll watchers observed; she did not keep track of them.
- The question about employees engaging in political activities was forwarded to Human Resources and handled by it. If the Council wanted more information on that, she could provide it in a closed meeting.

Board Member Alvord stated he was concerned about the ability to use a script and asked the Clerk to speak on that. He also encouraged the Clerk's Office to talk to Utah County about its findings regarding machines that do not have the capability of running that script.

Ms. Swensen stated the logic and accuracy test is a script that tests the machine to make sure every candidate and every ballot on that machine is running accurately before it is deployed to a vote center. That is run using an administrative card with a secure number. If test votes were left on a voting machine, that voting machine could not be opened, even by a poll worker; it would be inoperable. Another safety net is when a poll worker opens a machine, they run a zero report on the tape, and two poll workers sign off on that.

3.1 Canvass of the November 8, 2022, Election

[22-1123](#)

Attachments: [Staff Report](#)

Ms. Sherrie Swensen, County Clerk, submitted the results for the 2022 General Election to be certified by the Board of Canvassers. The list is made part of these minutes by reference.

Ms. Bridget Romano, Deputy District Attorney, stated once the Board of

Canvassers has satisfactorily reviewed the summary report and declared each candidate who received the highest number of votes and any ballot proposition or measure that obtained more yes than no votes, it can certify the final vote totals and ballot counts and sign a final vote report.

Mr. Mitchell Park, Legal Counsel, Council Office, stated in years past, the Board has certified the votes in one motion.

A motion was made by Board Member Bradshaw, seconded by Board Member Winder Newton, to accept the Canvass report from the Clerk verifying the vote totals provided on the list are accurate, and approve this agenda item. The motion carried by the following votes:

Aye: Board Member Winder Newton
 Board Member Bradshaw
 Board Member Granato
 Board Member Alvord
 Board Member Theodore
 Board Member Stringham
 Board Member Snelgrove
 Board Member Bradley
 Cushing

Excused: Board Member DeBry

4. Other Board Business

5. ADJOURN for RDA

The meeting was adjourned at 5:20 PM.

LANNIE CHAPMAN, COUNTY CLERK

By _____
DEPUTY CLERK

By _____
CHAIR, BOARD OF CANVASSERS

