VOTE

VOTE.UTAH.GOV

UTAH VOTER INFORMATION PAMPHLET

Box Elder • Cache • Rich

GENERAL ELECTION • NOVEMBER 2, 2010

POLLS OPEN 7 AM TO 8 PM

EARLY VOTING • OCTOBER 19-29, 2010

STATE OF UTAH

OFFICE OF THE LIEUTENANT GOVERNOR

GREG BELL
LIEUTENANT GOVERNOR

September 8, 2010

Dear Utah Voters:

Thank you for taking the time to read the enclosed material as you learn more about the 2010 General Election in Utah.

The Lieutenant Governor's Office is pleased to present the 2010 Voter Information Pamphlet along with many new features available online at www.vote.utah.gov.

In addition to the information provided in these pages, you can visit www.vote.utah.gov and find more information about candidates and issues than ever before. It is our goal to make www.vote.utah.gov your destination for answers to any election-related question you might have.

For instance, at www.vote.utah.gov you can find out who is running for office in your district or who your current elected officials are and a little bit of information about them. You can also find a list of Early Voting locations in your county and where to vote on Election Day. Our website also provides an interactive voting machine demonstration to help you become familiar with the state's voting equipment.

As always, if you need assistance of any kind, my office stands ready to serve. You can call us at 1.800.995.VOTE (8683), email me at elections@utah.gov or stop by our office in the State Capitol.

I hope this information helps you become a more informed and involved voter.

Sincerely,

Greg Bell
Lieutenant Governor

Constitution Party
P.O. Box 1215
Bountiful, Utah 84010
801-544-4056
Website: http://www.utah-constitution-party.org/

Democratic Party
455 S. 300 E. Ste. #301
Salt Lake City, UT 84111
801-328-1212
Fax: 801-328-1238
Website: http://www.utdemocrats.org/

Libertarian Party
P.O. Box 526025
Salt Lake City, UT 84152
801-565-1988
Website: http://www.lputah.org/

Republican Party
117 E. South Temple
Salt Lake City, UT 84111
801-533-9777
Fax: 801-533-0327
Website: http://www.utgop.org/

FOR MORE INFORMATION

The following list of web sites, although not comprehensive, is provided to give voters the opportunity to become better informed.

NEWS MEDIA:

National

www.cnn.com
www.usatoday.com
www.foxnews.com

Local

www.deseretnews.com
www.sltrib.com
www.voteutah.org
www.kutv.com
www.ksl.com
www.abc4.com
www.myfoxutah.com
www.heraldextra.com

GOVERNMENT:

www.elections.utah.gov
www.fec.gov
www.eac.gov
www.vote.utah.gov

YOUTH VOTING SITES:

www.youthvote.org
www.rockthevote.org
www.declareyourself.com
pbskids.org/democracy

REGISTER TO VOTE:

www.voter.utah.gov

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CANDIDATES

The following pages list the candidates who are running for U.S. Senate, U.S. House of Representatives, Governor, Lieutenant Governor, Utah State Senate, Utah State House of Representatives, and State Board of Education.

The candidates for U.S. Senate, U.S. House of Representatives, Governor, and Lieutenant Governor were given the opportunity to submit a 100-word statement and a photograph. The Lieutenant Governor's Office has no editorial authority over these statements. All candidates appear in alphabetical order.

A list of candidates for the Utah State Senate, Utah State House of Representatives, and State Board of Education are provided to give voters the opportunity to contact the candidates in their area. If a candidate provided an e-mail address or website, it is also included. To find out which district you reside in, contact your county clerk's office, or, if you are registered to vote, visit vote.utah.gov.

U.S. SENATE

Scott N. Bradley
CONSTITUTION

A Utah native and business owner, Scott's past work experience includes management at AT&T, and university administration. He holds a Bachelor of Science, a Masters in Public Administration, and a PhD in Constitutional Law. Scott is the Founder and Chairman of the Constitution Commemoration Foundation, which seeks to foster increased understanding and application of the original intent of the Founders of our Constitution. He is the author of the book and DVD/CD lecture series "To Preserve the Nation."

Scott is running for the Senate to champion the Constitution and secure the Blessings of Liberty for ourselves and our posterity.

ScottBradleyForSenate.com

1496 East 2700 North
North Logan, UT 84341
(435) 753-8844
liberty1787@comcast.net
www.scottbradleyforsenate.com

Sam F. Granato
DEMOCRATIC

Sam Granato is a native Utahn and successful small business owner. Sam is concerned America is going in the wrong direction and – like a car that's trying to get back on the road – keeps overcorrecting by making extreme lurches from left to right. It's time for a steady, moderate hand at the wheel that will take Utahns safely down the road and into a brighter future.

Throughout his more than 20 years of public service, Sam has proven he can bring people together to find sensible solutions. Sam has the experience and integrity needed to serve the people of Utah.

1463 Brookshire
Salt Lake City, UT 84106
(801) 433-0940
info@voteforgranato.com
www.voteforgranato.com

Mike Lee
REPUBLICAN

Mike Lee is an across-the-board conservative and Constitutional law expert. Mike served as a law clerk to Supreme Court Justice Samuel Alito and was legal counsel to Governor John Huntsman.

Mike believes the federal government has become too big and too expensive. He will fight to reduce the size, cost and reach of government by balancing the budget, cutting taxes and lowering spending. He will also work to repeal President Obama's unconstitutional health care bill and replace it with common sense reform.

Mike Lee lives in Alpine with his wife Sharon and their three children, John, James and Eliza.

917 Quail Hollow Circle
Alpine, UT 84004
(801) 350-7814
mlee@mikelee2010.com
www.mikelee2010.com

U.S. CONGRESSIONAL DISTRICT 1

Rob Bishop
REPUBLICAN

Rob Bishop has consistently defended Utah's interests. As Utah House Speaker, Rob promoted a conservative agenda. As a teacher for 28 years, Rob knows about education and making a difference in people's lives.

In Congress, Rob has strengthened our national security, defended our military installations, cut taxes, and looked after our public lands. He has backed lean budgets and is a leader in the fight for a comprehensive national energy strategy.

Born in Kaysville, Rob Bishop attended Davis High and the University of Utah, and served a mission for his church. He and his wife, Jeralynn, have five children.

PO Box 2010
Brigham City, UT 84302
(801) 292-5577
votebishop@gmail.com
www.votebishop.com

Morgan Bowen
DEMOCRATIC

Like many of you, I am frustrated with career politicians who have stood by while the American economy has been recklessly driven off a cliff. We must take our country back from the Washington power brokers. We must move quickly to restore America's entrepreneurial spirit and get America working again. The way forward is through innovation, hard work, and frugality. Let's get America working again!

For 15 years Morgan was CEO of an international sustainable agricultural company. Today, Morgan teaches Seminary for the LDS Church. He and his wife Kristen Matheson Bowen, have six children and live in Hyde Park.

345 North 48 West
Hyde Park, UT 84318
(435) 760-4812
votebowen@gmail.com
www.votebowen.com

Kirk D. Pearson
CONSTITUTION

As I have served in the political process for the past few years, I have fought and defeated tax increases. America became the greatest nation in the world because of the governing principles established in our Constitution. The two major parties continue to ignore these principles. We do not need to change America. What we need is a Restoration of those Constitutional principles that made this nation great. My commitment will continue to be to the Constitution in the tradition of the Founding Fathers. visit www.kirk4congress.com

1316 East Canyon Rd
Lake Point, UT 84074
(801) 856-1471
kirk4congress@gmail.com

Jared Paul Stratton
LIBERTARIAN

Congress has no shortage of anger and partisanship but they are lacking what we need right now are good solutions. And we cannot expect any different from them if we don't start voting differently.

There are choices beyond picking a side and making an all-or-nothing gamble with our rights, solutions that don't dictate what is right but instead preserve liberty, uphold justice, and let us choose our values.
We need a voice that favors reason over rhetoric and represents all voters in our district.

The first solution I already have for you--vote Jared Paul Stratton.
Thank you.

Stratton2010.com

120 South 300 East
Apt 409
Salt Lake City, UT 84111
strattonshrugged@gmail.com

U.S. CONGRESSIONAL DISTRICT 2

Dave Glissmeyer
UNAFFILIATED

Utah voters have a choice. We need independent, unbiased and unbought ideas to surface and heard. Utahn's have a viable, valid 3rd choice this year.

As a local small business owner; I understand living on budget, understand the sacrifice and creativity required to keep the boat afloat during troubled times without tossing people overboard.

I have no large donors; big money never will have my ear. If you want to elect someone different, to speak for you against the status quo; I am your guy. If not, check the R or D and live with 2 years of broken promises.

250 North Alta Street
Salt Lake City, UT 84103
(801) 330-3078
dave@congressmandave.org
www.congressmandave.org

Wayne L. Hill
UNAFFILIATED

Wayne Hill is running as an unaffiliated independent candidate. Wayne is not tied to a party platform or agenda. He will be your voice and your vote. Wayne believes the parties have been stolen out from under us. WE, the decent, hard working, freedom loving Americans have not approved 44 czars, unions, or executive orders and appointments which have circumvented the Constitution and our rights.

The Obama and Bush administrations have overthrown our constitutional rights, with bailouts and unfunded liabilities. Honesty, love for this Country, desire to defend and preserve the God given Constitution, commitment to serve are Wayne's qualifications.

1450 North Dixie Downs Rd
#154
St. George, UT 84770
(435) 680-0200
whillhearing@gmail.com

Randall Hinton
CONSTITUTION

It's Time To Reclaim Our Children's Future!

We all make mistakes, but with a Federal Debt topping $13 Trillion Dollars and Unfunded Liabilities estimated to be higher than $109 Trillion we have reached a point where this mistake is too great to be passed along to future generations. Leadership in Washington must be willing to tackle the most Toxic and Radioactive of all issues, We cannot condemn our children to be slaves to our past excesses.

I am running to reclaim the future for my 5 beautiful children, and the future for those whom you love and care for.

P.O. Box 2472
St. George, UT 84771
(435) 258-6339
randall@randallhinton.com
www.hinton2010.com

Jim Matheson
DEMOCRATIC

Congressman Jim Matheson is a sixth-generation Utahn. Before his election to Congress in November 2000, Jim worked in the energy business for 13 years. Matheson's approach as a Congressman has been to put Utah first, ahead of politics or partisanship.

The initiatives he has pursued, such as removing radioactive waste adjacent to the Colorado River, preventing the resumption of nuclear weapons testing, and providing full education benefits to returning Utah Guard and Reservists came from listening to Utahns. Other priorities include banning the importation of radioactive waste from foreign countries and promoting job growth and investment in retraining and education.

1400 South Foothill Blvd
Suite 32
Salt Lake City, UT 84108
(801) 359-5474
jim@mathesonforcongress.com
www.mathesonforcongress.com

U.S. CONGRESSIONAL DISTRICT 2

Morgan Philpot
REPUBLICAN

In the Utah State Legislature, Morgan Philpot worked to balance Utah's budget and pass spending caps. In the U.S. House, he will work to balance the budget, lower taxes, and repeal the unconstitutional Obama-Pelosi health care law.

By comparison, Jim Matheson:
Voted to pass the Obama-Pelosi 's $789 billion stimulus bill; pushing America further into debt,
Stated he will "certainly oppose any efforts to repeal the [Obama-Pelosi healthcare] law," and
Voted for Nancy Pelosi to be Speaker of the House four times.

A vote for Morgan Philpot is a vote to put America's economy back on track.

792 West 450 North
American Fork, UT 84003
(801) 870-6493
morgan@jmphilpot.com
www.philpotforcongress.com

U.S. CONGRESSIONAL DISTRICT 3

Jason Chaffetz
REPUBLICAN

We have to change the way we do business in Washington, DC. The federal government is completely out of control. Massive spending, soaring deficits and crippling taxes are putting our country in serious jeopardy. I have always maintained that the best hope for Utah - and the United States of America - is to return to the core principles of fiscal discipline, limited government, accountability and a strong national defense.

I was elected to fight for conservative principles, and that's exactly what I've done. Big government is on the attack, and we need to fight back.

315 Westfield Circle
Alpine, UT 84004
jason@chaffetz.com
www.jasonforcongress.com

Karen Hyer
DEMOCRATIC

Karen Hyer lives in the Third District. She's a wife, mother and grandmother who offers unsurpassed real-life experience: she's been a teacher, researcher, author, businesswoman, farmer, rancher, and BYU professor of business ethics, public administration and law. She's also done substantial international service.

"My core values are conservative, but I'm an American first, not a professional politician. I'll have the political courage to fight government corruption, think outside the box, and work with others to find real solutions to our nation's challenges."

We need Karen to help grow our economy, ensure fiscal responsibility and bring ethics to government!

PO Box 1876
Provo, UT 84603
(801) 373-9636
info@hyerforcongress.com
http://www.hyerforcongress.com

Joseph L. Puente
UNAFFILIATED

The party system has failed this nation, betrayed the people of Utah and has become corrupted by special interests that manipulate laws so that a few people can benefit at the expense of average Americans. Joseph Puente is committed to finding solutions to problems by addressing their underlying causes instead of tackling their symptoms and advocates Citizen Funded Elections, a voluntary system in which candidates can demonstrate their commitment to the public by refusing to accept money from special interests in favor of small contributions from individuals with matching funds to enable effective campaigning without corporate sponsorship.

3739 South 645 East
South Salt Lake, UT 84106
(435) 262-0941
joepuente@live.com
http://www.joepuente.org

Jake Shannon
LIBERTARIAN

Jake Shannon is uniquely qualified to help end the onerous tax and monetary system strangling our economy.

With proven successes as an entrepreneur in startup venture formation and a quantitative background including experience as a Derivatives Specialist Manager at Financial Engineering Associates, Manager of Technical Oversight for Complex Instruments at Indymac Bank, and Metrics Modeling Manager for Financial Freedom Senior Funding, Mr. Shannon now seeks to bring his financial expertise to the U.S. Congress to defend the interests of Utah's families and small-business owners.

Legalize freedom and protect the Bill of Rights by electing Jake Shannon on November 2nd.

419 4th Avenue
Salt Lake City, UT 84103
(801) 635-4488
info@jakeshannon.com
http://www.JakeShannonforCongress.com

U.S. CONGRESSIONAL DISTRICT 3

Douglas Sligting
CONSTITUTION

As stated in the Declaration of Independence: “That to secure these rights (unalienable rights endowed by our Creator), governments are instituted among men, deriving their just powers from the consent of the governed.”

This means the only reason our government exists is to secure our God-given rights. Anything the government tries to do beyond securing our God-given rights is beyond its proper scope and unconstitutional. I understand that I don’t represent your will and wishes. I represent your God-given rights under our Constitution, and will not deviate from these principles if elected.

13179 South 2420 West
Riverton, UT 84065
(801) 253-7379
douglas@dentalbranding.com

UTAH GOVERNOR AND LIEUTENANT GOVERNOR

Farley M. Anderson
GOVERNOR
UNAFFILIATED

As an unaffiliated candidate not part of the good old boy network, my only party is the People of Utah. I have not and will not accept corporate contributions.

As your Governor,

- Laws will be enforced equally for everyone, including elected officials;
- Size and cost of government will be reduced;
- Utah will cease being a "sanctuary state" for illegal immigration;
- Individual and state sovereignty will be protected.

I am an entrepreneur, inventor, author, publisher, teacher, lecturer, husband and father of 11— I know how to do more with less.

www.independencemovement.org

Give party politics a needed time out. Vote unaffiliated!

417 East 8788 South
Paradise, UT 84328
(435) 245-0159
andersontribe10@yahoo.com
www.independencemovement.org

Steve Maxfield
LT. GOVERNOR
UNAFFILIATED

I am the best candidate for Lt. Governor.

Here's why:
In recent Supreme Court Cases, Lt. Governor Greg Bell and I represented opposite sides of citizen's rights:

Sevier Power v Hansen:
"Initiatives"
Ruling: The Legislature cannot take away fundamental rights protected by the Constitution.

Anderson v Bell:
"Ballot Access"
Ruling: Bell exceeded his authority in not accepting E-Signatures for Ballot access.

I'm a Husband and Father, entrepreneur, inventor, and citizen's advocate.

"*With a 20-year track record of defending fundamental rights of Utah citizens, Steve has done more to protect first amendment rights than anyone I know." Farley Anderson*

www.SteveMaxfield.com

P.O. Box 179
Kanosh, UT 84637
(801) 803-3289
steve@stevemaxfield.com

Peter Corroon
GOVERNOR
DEMOCRATIC

As leader of Utah's second largest government, I have a proven track-record of being a fiscal conservative, who focuses on running an open, honest and ethical government. As Governor, I will work hard to create well-paying jobs for our citizens, support local businesses, ensure every child has a quality education and preserve Utah's great quality of life.

My engineering background taught me to be a practical problem-solver. I focus on people and policies, not politics. Representative Sheryl Allen, a Republican, and I have decided to run together this year to represent all Utahns in a bi-partisan way.

770 East South Temple
Suite 100
Salt Lake City, UT 84102
(801) 953-0752
donald@votecorroon.com
www.votecorroon.com

Sheryl Allen
LT. GOVERNOR
DEMOCRATIC

I have represented Davis County residents in the Utah Legislature since 1994. My priorities include a strong focus on education, business, ethics reform and transparency in government.

I have a background in education and have served as Special Projects Director for the Davis School District, Co-Chair of the Utah International Trade Commission, Co-Chair of the Economic Development and Revenue Appropriations Committee.

I believe Peter Corroon is the best person for the job of governor and that's why I'm proud to be running as his lt. governor. It's a bipartisan approach to government in our great state of Utah.

770 East South Temple
Suite 100
Salt Lake City, UT 84102
(801) 295-8576
donald@votecorroon.com
www.votecorroon.com

UTAH GOVERNOR AND LIEUTENANT GOVERNOR

Gary R. Herbert
GOVERNOR
REPUBLICAN

I am honored to serve as Utah's 17th Governor.

My priorities for our great State include:

Continuing our successful Economic Development initiatives, attracting new business to Utah and helping our existing businesses to grow and prosper; Leading the state in the Responsible Development of our Energy Resources - Utah is uniquely positioned to play a critical role in helping the nation attain energy independence;
Ensuring that the majority of the State's budget continues to be used for Education;
Engendering Government Efficiency to make certain Utah taxpayers are well and properly served.

55 East 300 South
Salt Lake City, UT 84111
(801) 328-2010
Gary@GaryHerbert.com
www.GaryHerbert.com
Facebook & Twitter:
HerbertForUtah

Greg Bell
LT. GOVERNOR
REPUBLICAN

It has been a pleasure to serve as your Lt. Governor and to serve with Governor Herbert. Together we are working hard to:

1. Help businesses create jobs,
2. Improve public education, and
3. Responsibly develop Utah's natural resources for traditional & alternative energy.

Utah is a great place. We hope for your support as we work to make it even better.

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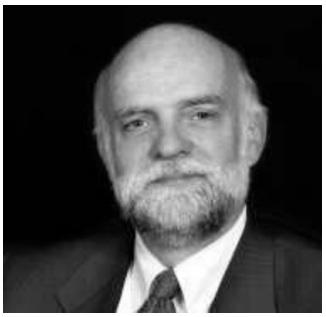
Facebook & Twitter:
HerbertForUtah



W. Andrew McCullough
GOVERNOR
LIBERTARIAN

As Governor, I will work for smaller government, lower taxes and more freedom in the functions of all government agencies. Utah suffers from diminished tax collections. We must make do with less.

I envision fewer children taken from their families, fewer people going to jail for possession of drugs, less censorship and less misuse of government power. Utah needs more freedom, and fewer "message bills".

I am an attorney with a practice concentrating on individual freedom issues. I know what needs to be done, and I can make a difference.

We need a real change.
www.andy4gov.org

6885 South State #200
Midvale, UT 84047
(801) 565-0894
wandrew@prodigy.net
www.andrewmccullough.org

Aric M. Cramer, Sr.
LT. GOVERNOR
LIBERTARIAN

I took the oath to support, obey and defend the Utah and U.S. constitutions more than two decades ago, and since then have championed Utahns' dignity, rights, progress, and liberties.

The Lieutenant Governor supervises elections. I advocate opening electoral processes to all Utahns; replacing the two-party system protecting the incumbent political cartel from meaningful competition with spoiler-free ranked choice voting and gerrymander-proof proportional representation. These reforms have improved voter engagement and elected official accountability where adopted in America's cities.

Study alternatives to the false choices presented to you by the establishment media. Please vote with courage, integrity, and your conscience.

150 North 200 East
Suite 101
St. George, UT 84770
(435) 627-1565
ariccramer@gmail.com
www.cramerlathamlawyers.com

UTAH STATE SENATE

UTAH STATE SENATE 2
Democratic
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847 E 17th Avenue
Salt Lake City, UT 84103
(801) 618-1946
benmcadams@gmail.com
www.benmcadams.com

UTAH STATE SENATE 2
Republican
Melvin Dean Nimer
464 Edith Avenue
Salt Lake City, UT 84111
(801) 657-9611
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UTAH STATE SENATE 3
Republican
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4765 Meadowview Road
Murray, UT 84107
(801) 599-9382
brinton417@gmail.com

UTAH STATE SENATE 3
Democratic
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Salt Lake City, UT 84106
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UTAH STATE SENATE 4
Republican
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2380 Summerspring Lane
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info@votegreer.com
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4571 Sycamore Drive
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patjones@djasurvey.com
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sam@votefidler.org
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UTAH STATE SENATE 7
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(801) 484-8873

UTAH STATE SENATE 7
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Salt Lake City, UT 84105
(801) 364-2451
www.rossromero.net

UTAH STATE SENATE 9
Democratic
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Sandy, UT 84092
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tyler@ayreslawfirm.com
www.ayreslawfirm.com

UTAH STATE SENATE 9
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PO Box 901136
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UTAH STATE SENATE 11
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dhogue@rep52.com
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UTAH STATE SENATE 11
Republican
Howard A. Stephenson
1038 E 13590 S
Draper, UT 84020
(801) 576-1022
howard@utahtaxpayers.org
www.howardstephenson.com

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Brent H. Goodfellow
3620 S 6000 W
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UTAH STATE SENATE 12
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www.thatcherforsenate.com

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linneabarney1@gmail.com

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ltdmd@comcast.net
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UTAH STATE SENATE 17
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UTAH STATE SENATE 17
Republican
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1209 Michelle Drive
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UTAH STATE SENATE 17
Constitution
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667 S 200 W
Brigham City, UT 84302
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UTAH STATE SENATE 18
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2155 Grant Avenue #125
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(801) 627-5577

UTAH STATE SENATE 18
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UTAH STATE SENATE 21
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UTAH STATE SENATE 21
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jerry@jjnursery.com

UTAH STATE SENATE 22
Republican
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jsa@theadamseb.com

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Constitution
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Kaysville, UT 84037
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dahansen2000@msn.com

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754 S 700 W
Layton, UT 84041
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charlie.parker@neumont.edu

UTAH STATE SENATE 26
Democratic
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B.

BALLOT ISSUES

Instructions for reading the Text of the Ballot Issues

(1) Underlined words and numbers represent new language being added or current language that is being moved from another section.
(2) Bracketed and lined-through words or numbers represent current language being deleted or current language that is being moved to another section.
(3) All other language is the current language, which is retained without change.

Example: (1) The members of the House of Representatives [, ~~after the first election~~,] shall be chosen biennially on even-numbered years by the qualified voters of the respective representative districts, on the first Tuesday after the first Monday in November [, ~~1896, and biennially thereafter~~].

Present Language: (1) The members of the House of Representatives, after the first election, shall be chosen by the qualified voters of the respective representative districts, on the first Tuesday after the first Monday in November, 1896, and biennially thereafter.

Proposed Revision: (1) The members of the House of Representatives shall be chosen biennially on even-numbered years by the qualified voters of the respective representative districts, on the first Tuesday after the first Monday in November.

(H.J.R. 8)

CONSTITUTIONAL AMENDMENT A

JOINT RESOLUTION REGARDING SECRET BALLOT

2009 GENERAL SESSION

SENATE: 21-8-0
HOUSE: 53-22-0

BALLOT TITLE

☐ **FOR**

☐ **AGAINST**

Shall the Utah Constitution be amended to specify that elections currently required to be by secret ballot include elections under state or federal law for public office, on an initiative or referendum, or to designate or authorize employee or individual representation?

IMPARTIAL ANALYSIS

Current provisions of the Utah Constitution
The Utah Constitution currently requires all elections to be by secret ballot. That requirement probably already applies to elections to select public officers and elections under state law on initiatives or referenda. However, because the scope of the requirement that "all elections" be by secret ballot is not defined in case law, it is unclear exactly which elections are included within the scope of the requirement.

Effect of Constitutional Amendment A
Constitutional Amendment A modifies the scope of the secret ballot requirement. Unless preempted by federal law, the Amendment requires specific types of elections to be by secret ballot.

The Amendment specifies that elections required to be held by secret ballot include elections under state or federal law for public office, on an initiative or referendum, or to designate or authorize employee or individual representation. An election to designate or authorize employee representation would probably include an election to determine whether or not to form a union or to determine union representation.

Effective Date
If approved by voters, Constitutional Amendment A takes effect January 1, 2011.

Fiscal Impact
Constitutional Amendment A will have no direct, measurable impact on state or local government costs or revenues.

ARGUMENT FOR

The secret ballot is a voting method in which your voting choices are confidential. The key aim is to ensure you can cast your vote free from intimidation or bribery.

America first used secret ballots to protect the rights of recently freed slaves after the Civil War. Voter intimidation during southern reconstruction was rampant; African American first-time voters being threatened with physical violence, even lynching, based on how they cast their publicly known ballots.

The secret ballot guarantees that your private opinion counts, not the person peering into your private voting booth. Open ballots are not truly free for people who disagree with the powerful.

Argument For (continued)

From the lynching of freed American slaves who dared to vote, to the purple-stained thumbs of voters in newly freed countries, the right to a secret ballot has been won through the spilled blood of freedom-loving patriots. It is the hallmark of a free society that must never be abridged.

Unfortunately the secret ballot is under attack right here in America. President Barrack Obama and big labor union bosses are on the verge of passing legislation called the “Employee Free Choice Act,” also known as “card check: If they succeed, card check will deny employees the right to cast a secret ballot in union organizing elections.

Rather than holding a monitored workplace election using secret ballots (as has been the case for decades) under Big Labor’s card check proposal the union would automatically be created in businesses (with more than ten employees) once the union collects "authorization cards" signed by a majority of the employees. Importantly, under card check, employees wouldn’t be able to sign an authorization card privately. Friends, co-workers and union bosses would know exactly who has signed and who hasn’t, and could use pressure and intimidation to coerce hold-outs to sign an authorization card.

No questions. No debate. No secret ballot. You're unionized.

The right to vote in private, free from coercion or intimidation, is one of the pillars of our nation and transcends partisanship.

This amendment to the Utah Constitution is simple and straight forward. It simply says that all elections, including elections for employee representation, shall be by secret ballot. By locking this right of secret ballots into the Utah Constitution, Utah will have taken strong and decisive action to guarantee that your right to a secret ballot shall not be infringed. Utah voters cast their votes free from fear of retribution from their government. You deserve the same right to be free of fear of retaliation from their union, their employer and their fellow employees.

If we do not stand up for the secret ballot today, what rights will we be fighting to hold onto tomorrow?

Vote FOR Constitutional Amendment A.

- Representative Carl Wimmer

- Senator Howard Stephenson

Argument Against

Utah’s Founding Fathers carefully crafted the Utah Constitution. We believe they got it right the first time. Amending our state Constitution should be undertaken cautiously and only when absolutely necessary and after sound deliberation. It should not be amended cavalierly or for cynical political purposes.

Since its ratification in 1896 the Utah Constitution has guaranteed that “All elections shall be by secret ballot.” Amendment A attempts to change the guarantee of election by secret ballot. There is no good reason to meddle with this established tradition now.

Amendment A is a classic example of a solution in search of a problem. The proponents of Amendment A argue that this proposed amendment is necessary to guarantee that our elections are conducted by secret ballot. This is simply not true and ignores the fact that the Utah Constitution as drafted by our state Founding Fathers included in Article IV, Section 8 the guarantee that “All elections shall be by secret ballot.” This simple and unambiguous rule has been the law of our land for more than a century. There is no doubt that our elections are conducted by secret ballot. Our secret ballot does not need saving. This right is secure under our current Constitution. In other words, if it isn’t broken, don’t fix it.

Sadly, Amendment A is nothing more than a “message” bill, imported to Utah from out-of-state. Amendment A is a misguided and cynical attempt to nullify a legislative proposal pending in Congress that seeks to modernize and reform one aspect of our labor laws. Amendment A’s proponents will suggest that the Employee Free Choice Act will do away with elections by secret ballot, but this is nonsense. In reality, Amendment A’s proponents know that federal law will likely

Argument Against (continued)

supersede this proposed amendment but they are more interested in using our Constitution to provoke a costly lawsuit than in maintaining the sanctity and integrity of the Utah Constitution. We should not let outsiders manipulate us and our state Constitution for their own political agenda.

Amendment A is also flawed in that the Utah Constitutional Revision Commission ("CRC") did not approve the amendment and Amendment A was rushed through the Utah Legislature without proper debate and deliberation. The CRC is the bipartisan body composed of citizens and legislators that is tasked with the responsibility of carefully studying and reviewing proposed constitutional amendments to ensure they are necessary and sound. The CRC was only given half an hour to review Amendment A and ultimately did not approve the amendment. In addition, Amendment A was not considered by the Utah Senate under the regular rules for debating and voting. Instead, Amendment A was rushed through after the rules were suspended. Amendment A was not given the appropriate deliberation and consideration that should be given to a proposal to amend our most important governing document. The Utah Constitution deserves a better process and more consideration.

We should all vote NO on Amendment A.

- Representative David Litvack
Minority Leader, Utah House of Representatives

- Senator Ben McAdams
Senator, Utah State Senate

Rebuttal to Argument For

Rest assured, our fundamental right to a secret election ballot is safe and secure. We all support our right to vote in secret - a right already guaranteed to us by the U.S. Constitution. The special interests behind this well-funded campaign to amend our Utah constitution claim to protect our secret ballot. In reality, their campaign is not about protecting voting rights, but rather, is about squelching signature petitions.

You are being asked to forever close the door on the democratic right of employees to collect signatures as a means of organizing and choosing a representative to be their voice in negotiations with their employer. If the Utah Constitution is rewritten to make signature gathering illegal, the only way left for employees to select representation is through a lengthy, red-tape laden process leading to a labor/management election.

In some cases, the labor/management process works. However, unlike most elections with which we are familiar, labor/management elections are easily manipulated. For example, current laws give employers the right to secretly monitor their employees' email accounts and phone conversations in order to know which employees support and intend to vote for organized representation. Corporations often even fire employees who they think may vote against the corporation's interests in a labor/management election.

Signature petitions are an important tool employee's need when the labor/management election process isn't working. Constitutional Amendment A will permanently revoke this right to employees' signature petitions. Vote NO on Constitutional Amendment A.

- Representative David Litvack
House Minority Leader

- Senator Ben McAdams
Utah State Senate

COMPLETE TEXT CONSTITUTIONAL AMENDMENT A

Utah Constitution Sections Affected:
AMENDS:
ARTICLE IV, SECTION 8
Be it resolved by the Legislature of the state of Utah, two-thirds of all members elected to each of the two houses voting in favor thereof:
Section 1. It is proposed to amend Utah Constitution Article IV, Section 8, to read:
Article IV, Section 8. [Election to be by secret ballot.]
(1) All elections*, including elections under state or federal law for public office, on an initiative or referendum, or to designate or authorize employee representation or individual representation,* shall be by secret ballot.
(2) Nothing in this section [~~shall~~] *may* be construed to prevent the use of any machine or mechanical contrivance for the purpose of receiving and registering the votes cast at any election[~~: Provided, That~~]*, as long as* secrecy in voting [~~be~~] *is* preserved.
Section 2. **Submittal to voters.**
The lieutenant governor is directed to submit this proposed amendment to the voters of the state at the next regular general election in the manner provided by law.
Section 3. **Effective date.**
If the amendment proposed by this joint resolution is approved by a majority of those voting on it at the next regular general election, the amendment shall take effect on January 1, 2011.

(S.J.R. 8)

CONSTITUTIONAL AMENDMENT B

RESOLUTION REGARDING ELIGIBILITY FOR LEGISLATIVE OFFICE

2009 GENERAL SESSION

SENATE: 28-0-1
HOUSE: 72-0-3

BALLOT TITLE

☐ **FOR**

☐ **AGAINST**

Shall the Utah Constitution be amended to:

- specify the residency requirements for a person appointed to fill a vacancy in the office of state senator or state representative; and
- prohibit a person appointed to the office of state senator or state representative from continuing to serve in that office if the person ceases to be a resident of the district for which the person was appointed?

IMPARTIAL ANALYSIS

Constitutional Amendment B modifies a provision of the Utah Constitution regarding eligibility requirements for the office of state senator or state representative. The Amendment requires a person appointed to fill a mid-term vacancy in one of those offices to be a resident of the state for three consecutive years immediately before appointment and a resident of the legislative district for six consecutive months immediately before appointment.

The Amendment also prohibits a person appointed to fill a vacancy in a legislative office from continuing to serve in office after ceasing to be a resident of the district for which the person was appointed.

Current provisions of the Utah Constitution
The Utah Constitution currently states that a person is not eligible for the office of state senator or representative unless the person meets certain requirements, including residency requirements. The residency requirements are that a person must be a resident of the state for three consecutive years immediately before the deadline for filing for office and a resident of the district from which the person is elected for six consecutive months immediately before the filing deadline. The requirement to be a resident of the state for three years is phrased in terms that may apply to both a person who is elected to office and a person who is appointed to fill a mid-term vacancy. The requirement to be a resident of the legislative district for six months is phrased in terms that apply only to a person who is elected to office.

The Utah Constitution also prohibits a person who is elected to a legislative office from continuing to serve in that office after ceasing to be a resident of the district from which the person was elected. This provision is phrased in terms that apply only to a person who is elected to office and not to a person who is appointed to fill a mid-term vacancy.

Effect of Constitutional Amendment B
Constitutional Amendment B specifically addresses residency requirements for a person who is appointed to fill a mid-term vacancy in a legislative office. The Amendment requires a person appointed to fill a vacancy to be a resident of the state for three consecutive years immediately before the person's appointment and a resident of the legislative district for six consecutive months immediately before the person's appointment.

The Amendment also prohibits a person appointed to fill a vacant legislative office from continuing to serve in that office if the person ceases to be a resident of the district for which the person was appointed.

Effective Date
If approved by voters, Constitutional Amendment B takes effect January 1, 2011.

Fiscal Impact
Constitutional Amendment B will have no direct, measurable impact on state or local government costs or revenues.

Argument For

Amendment "B" is designed to apply the same eligibility requirements, whether a person is *elected* or *appointed* to serve in a legislative office.

The current constitutional provision applies only to persons who are *elected* to the legislature. A person seeking election must meet two residency requirements. **First**, the person must have been a resident of Utah for at least three consecutive years immediately before the deadline for filing a declaration of candidacy. **Second**, also immediately before that deadline, the person must have been a resident of the legislative district for at least six consecutive months.

Amendment "B" simply imposes the same residency requirements on persons *appointed* to fill the unexpired term of a legislator who leaves office in mid-term. However, the crucial date is the date of *appointment* rather than the date of *filing* for election. A person appointed to fill a vacancy must have been a resident of Utah for at least three consecutive years immediately prior to the date of *appointment*. The person must also have been a resident of the legislative district that will be represented for at least six consecutive months immediately prior to the date of *appointment*.

Amendment "B" goes on to clarify that the *continuing residency requirement* within the district applies not only to a person *elected* but also to a person *appointed*. In either case, if a legislator ceases to reside in the legislative district, the eligibility to represent that district also ends.

CITIZENS SHOULD VOTE YES FOR THIS AMENDMENT. It is a common sense clarification required to make certain that state representatives and state senators live among the people whom they represent. The Utah Constitutional Revision Commission favorably recommended this amendment and adoption of this amendment was unanimously endorsed by both the Utah House of Representatives and the Utah State Senate.

- Former Senator Scott McCoy
- Representative Kay McIff

Argument Against

No argument submitted.

Complete Text Constitutional Amendment B

Utah Constitution Sections Affected:
AMENDS:
ARTICLE VI, SECTION 5
Be it resolved by the Legislature of the state of Utah, two-thirds of all members elected to each of the two houses voting in favor thereof:
Section 1. It is proposed to amend Utah Constitution Article VI, Section 5, to read:
Article VI, Section 5. [Who is eligible as a legislator.]
[~~No~~] *(1) A* person [~~shall be~~] *is not* eligible to the office of senator or representative [~~who~~] *unless the person* is [~~not~~]:
(a) a citizen of the United States;
(b) at least twenty-five years of age;
(c) a qualified voter in the district from which the person is chosen;
(d) a resident of the state for three consecutive years immediately prior to*:*
(i) the last date provided by statute for filing for the office*, for a person seeking election to the office; or*
(ii) the person's appointment to the office, for a person appointed to fill a mid-term vacancy; and
(e) (i) a resident of the district from which the person is elected for six consecutive months immediately prior to the last date provided by statute for filing for the office[~~. No~~]*; or*
(ii) a resident of the district for which the person is appointed to fill a mid-term vacancy for six consecutive months immediately prior to the person's appointment.

(2) A person elected *or appointed* to the office of senator or representative [~~shall~~] *may not* continue to serve in that office after ceasing to be a resident of the district from which elected *or for which appointed*.

Section 2. **Submittal to voters.**

The lieutenant governor is directed to submit this proposed amendment to the voters of the state at the next regular general election in the manner provided by law.

Section 3. **Effective date.**

If the amendment proposed by this joint resolution is approved by a majority of those voting on it at the next regular general election, the amendment shall take effect on January 1, 2011.

(H.J.R. 2)

CONSTITUTIONAL AMENDMENT C

RESOLUTION ON PROPERTY TAX EXEMPTION FOR WATER FACILITIES

2010 GENERAL SESSION

SENATE: 24-0-5
HOUSE: 70-0-5

BALLOT TITLE

☐ **FOR**

☐ **AGAINST**

Shall the Utah Constitution be amended to provide a property tax exemption to nonprofit entities for their:

- water rights and specified facilities used within the state to irrigate land, provide domestic water, or provide water to a public water supplier; and
- land occupied by and, under certain conditions, immediately adjacent to some of those facilities?

IMPARTIAL ANALYSIS

Constitutional Amendment C provides a property tax exemption for certain property owned by nonprofit entities if the property is used to irrigate land, provide domestic water, or provide water to a public water supplier. It also provides an exemption for land occupied by or adjacent to some of that exempt property, under certain circumstances.

Current provisions of the Utah Constitution

The Utah Constitution currently provides a property tax exemption for all government owned and some privately owned water rights and facilities used to produce, treat, store, and distribute water in the state. Privately owned water rights and facilities are exempt only if the owner of the water rights and facilities uses them to irrigate the owner's own land within the state. The Utah Constitution does not presently provide a property tax exemption for privately owned water rights and facilities used to provide water for purposes other than the irrigation of land owned by the owner of the water rights and facilities.

Effect of Constitutional Amendment C

Constitutional Amendment C makes water rights and certain facilities owned by nonprofit entities exempt from property taxes if the water rights and facilities are used within the state to irrigate land, provide domestic water, or provide water to a public water supplier. Under a bill that becomes effective if Constitutional Amendment C is approved by voters, domestic water is defined as water used for a residential or commercial use, including the outdoor watering of vegetation.

Constitutional Amendment C also provides an exemption for land that is occupied by an exempt reservoir, ditch, canal, or pipe if that land is owned by the same nonprofit entity that owns the reservoir, ditch, canal, or pipe. The Amendment also makes land exempt from property taxes if the land: is adjacent to an exempt reservoir, ditch, canal, or pipe; is owned by the same nonprofit entity that owns the reservoir, ditch, canal, or pipe; and is reasonably necessary for the maintenance of the reservoir, ditch, canal, or pipe or is reasonably necessary for supporting their operation.

Effective date

If approved by voters, Constitutional Amendment C takes effect January 1, 2011.

Fiscal impact

Constitutional Amendment C will reduce the property tax liability of certain water-providing nonprofit entities by an estimated cumulative amount of $400,000 per year. These tax savings could potentially translate into a cost saving for local water authorities that use water provided by the nonprofit entities. The reduction of the nonprofit entities' tax liability will not decrease local government revenue because the $400,000 tax burden will shift from the nonprofit entities to other taxpayers. The Amendment will have no direct, measurable impact on state government costs or revenues.

Argument For

Water is Utah's most important and precious public resource. The framers of our Utah Constitution appropriately exempted from property tax, the physical facilities needed to capture, store, treat and deliver water to cities, special districts, and farmers. The drafters of our Constitution correctly reasoned that an additional tax on these water facilities would only hinder the orderly development of Utah.

Recently the question has arisen regarding the taxation of water facilities of non-profit water companies that deliver culinary and irrigation water to their members. Many of these companies have been in existence for over a hundred years and are the only source of drinking water in their community.

Constitutional Amendment C exempts water facilities of non-profit companies from property tax. This exemption is appropriate and fair for two reasons. First, nearly all similar water facilities are already exempt from property taxes. Second, those served by non-profit water companies already pay property taxes on the increased value of their property due to the availability of the water service provided by the non-profit water company.
Without this exemption the members of these non-profit companies are subject to unfair double taxation that other culinary, domestic and agricultural users are not subject to.

This proposed amendment had six public hearings before being unanimously passed by both the Utah House and Senate. The Constitutional Revision Commission, the State Water Development Commission, and the Executive Water Task Force all voted unanimously to support this fair and equitable change to our Constitution.

We encourage you to vote For Constitutional Amendment C.

Respectfully,
-Representative Patrick Painter
House Chairman, State Water Development Commission
-Steve Urquhart
State Senator, District 29

Argument Against

No argument submitted.

Complete Text Constitutional Amendment C

Utah Constitution Sections Affected:
AMENDS:
ARTICLE XIII, SECTION 3
Be it resolved by the Legislature of the state of Utah, two-thirds of all members elected to each of the two houses voting in favor thereof:
Section 1. It is proposed to amend Utah Constitution Article XIII, Section 3, to read:
Article XIII, Section 3. [Property tax exemptions.]
(1) The following are exempt from property tax:
(a) property owned by the State;
(b) property owned by a public library;
(c) property owned by a school district;
(d) property owned by a political subdivision of the State, other than a school district, and located within the political subdivision;
(e) property owned by a political subdivision of the State, other than a school district, and located outside the political subdivision unless the Legislature by statute authorizes the property tax on that property;
(f) property owned by a nonprofit entity used exclusively for religious, charitable, or educational purposes;
(g) places of burial not held or used for private or corporate benefit;
(h) farm equipment and farm machinery as defined by statute; [~~and~~]

(i) water rights, reservoirs, pumping plants, ditches, canals, pipes, flumes, power plants, and transmission lines to the extent owned and used by an individual or corporation to irrigate land that is:
(i) within the State; and
(ii) owned by the individual or corporation, or by an individual member of the corporation[-]*; and*
(j) (i) if owned by a nonprofit entity and used within the State to irrigate land, provide domestic water, as defined by statute, or provide water to a public water supplier:
(A) water rights; and
(B) reservoirs, pumping plants, ditches, canals, pipes, flumes, and, as defined by statute, other water infrastructure;
(ii) land occupied by a reservoir, ditch, canal, or pipe that is exempt under Subsection (1)(j)(i)(B) if the land is owned by the nonprofit entity that owns the reservoir, ditch, canal, or pipe; and
(iii) land immediately adjacent to a reservoir, ditch, canal, or pipe that is exempt under Subsection (1)(j)(i)(B) if the land is:
(A) owned by the nonprofit entity that owns the adjacent reservoir, ditch, canal, or pipe; and
(B) reasonably necessary for the maintenance or for otherwise supporting the operation of the reservoir, ditch, canal, or pipe.
(2) (a) The Legislature may by statute exempt the following from property tax:
(i) tangible personal property constituting inventory present in the State on January 1 and held for sale in the ordinary course of business;
(ii) tangible personal property present in the State on January 1 and held for sale or processing and shipped to a final destination outside the State within 12 months;
(iii) subject to Subsection (2)(b), property to the extent used to generate and deliver electrical power for pumping water to irrigate lands in the State;
(iv) up to 45% of the fair market value of residential property, as defined by statute;
(v) household furnishings, furniture, and equipment used exclusively by the owner of that property in maintaining the owner's home; and
(vi) tangible personal property that, if subject to property tax, would generate an inconsequential amount of revenue.
(b) The exemption under Subsection (2)(a)(iii) shall accrue to the benefit of the users of pumped water as provided by statute.
(3) The following may be exempted from property tax as provided by statute:
(a) property owned by a disabled person who, during military training or a military conflict, was disabled in the line of duty in the military service of the United States or the State; and
(b) property owned by the unmarried surviving spouse or the minor orphan of a person who:
(i) is described in Subsection (3)(a); or
(ii) during military training or a military conflict, was killed in action or died in the line of duty in the military service of the United States or the State.
(4) The Legislature may by statute provide for the remission or abatement of the taxes of the poor.
Section 2. **Submittal to voters.**
The lieutenant governor is directed to submit this proposed amendment to the voters of the state at the next regular general election in the manner provided by law.
Section 3. **Effective date.**
If the amendment proposed by this joint resolution is approved by a majority of those voting on it at the next regular general election, the amendment shall take effect on January 1, 2011.

(H.J.R. 15)

CONSTITUTIONAL AMENDMENT D

RESOLUTION ON LEGISLATIVE ETHICS COMMISSION

2010 GENERAL SESSION

SENATE: 25-4-0
HOUSE: 70-3-2

BALLOT TITLE

☐ **FOR**

☐ **AGAINST**

Shall the Utah Constitution be amended to:

- establish a five-member legislative ethics commission whose members may not include sitting legislators or registered lobbyists;
- authorize the commission to conduct an independent review of complaints alleging unethical legislative behavior; and
- authorize the Legislature to provide for:
  - procedures and requirements for filing a complaint;
  - the qualifications, appointment, and terms of commission members; and
  - commission duties, powers, operations, and procedures?

IMPARTIAL ANALYSIS

Constitutional Amendment D establishes a five-member legislative ethics commission with authority to conduct an independent review of complaints alleging unethical legislative behavior.

Current provisions of the Utah Constitution
The Utah Constitution currently authorizes the Utah House of Representatives to punish a member of the House, and the Utah Senate to punish a member of the Senate, for "disorderly conduct." Although "disorderly conduct" is not defined in the Utah Constitution, the Legislature has interpreted that term to refer to a violation of the Legislature's Code of Official Conduct or to a legislator's improper conduct while acting as a legislator that would reflect discredit upon the House or Senate. The Utah Constitution also authorizes the House and Senate, with a two-thirds vote, to expel a member of its respective house for cause. The Utah Constitution does not specify the process that the House or Senate must use to decide whether to punish or expel a member but leaves it to each house to define that process.

Effect of Constitutional Amendment D
Constitutional Amendment D establishes a legislative ethics commission to participate in the process of evaluating complaints alleging unethical legislative behavior. Under the Amendment, the legislative ethics commission has authority to conduct an independent review to determine whether a complaint merits further consideration by the house of the member against whom the complaint is made. The decision whether to punish or expel a member of the Utah House of Representatives would remain with the House, and the decision whether to punish or expel a member of the Utah Senate would remain with the Senate.

The Amendment requires the legislative ethics commission to have five members. It prohibits a sitting legislator or registered lobbyist from being a member of the commission.

The Amendment also authorizes the Legislature to provide in its internal rules for:

1) the procedures and requirements for filing a complaint alleging unethical legislative behavior;
2) the qualifications, appointment, and terms of commission members; and
3) the duties, powers, operations, and procedures of the commission.

Constitutional Amendment D does not affect the authority of the House or Senate to establish internal rules to govern other aspects of the process of determining whether to punish or expel a member.

Effective date
If approved by voters, Constitutional Amendment D takes effect January 1, 2011.

Impartial Analysis (continued)

Fiscal impact
Costs to the state associated with Constitutional Amendment D will depend on the content of legislative rules allowed under the Amendment. Based on current legislative rules, costs could range from $700 per year to significantly higher, depending on the number of complaints filed and the nature of those complaints. Constitutional Amendment D will have no direct, measurable impact on state revenues or on local government costs or revenues.

Argument For

The Constitution of the State of Utah requires that, "Each house shall be the judge of the election and qualifications of its members, and may punish them for disorderly conduct." This provision, which can also be found in our inspired U.S. Constitution, is critical to maintaining a healthy government and ensuring appropriate checks and balances between each branch of government.

Constitutional Amendment D preserves that power and creates a Legislative Ethics Commission with the authority to independently review alleged unethical behavior in the Legislative Branch of government. This provision is patterned after the Judicial Conduct Commission, which has been well-tested and effective in the Judicial Branch.

Unfortunately, trust in government throughout the world is low. We have been fortunate in Utah to have honest, ethical government that is responsive to citizens. The leaders of this State, of both parties, have helped create a foundation of good management and fiscal discipline. It is important that we maintain principled, ethical institutions so that our economy can be strong and so that Utah remains the best place in the nation to raise a family, to work and to play.

Creation of this Ethics Commission will strengthen our legislative branch and see that breaches of ethics are properly handled. It allows for independent reviews of ethics complaints, but also provides a process to ensure that complaints have merit and are not submitted only for partisan political purposes.

Constitutional Amendment D ensures that legislative ethics complaints will be considered by an independent panel of distinguished Utahns. It does not allow sitting legislators or lobbyists to participate in this process.

Most Utahns clearly want their legislators to work cooperatively with one another to accomplish the work of the state. Although there have been, and always will be, disagreements over important policy matters, we are in full accord, as Republicans and Democrats, that ethics is not an issue over which we should fight. We have worked cooperatively with legislators of both parties to develop and submit this Ethics Commission amendment. It passed both the Senate and House in the 2010 legislative session with near-unanimous support.

This constitutional amendment will forever enshrine an Ethics Commission in the Constitution, helping ensure honorable behavior and good government in our state.

PLEASE VOTE FOR CONSTITUTIONAL AMENDMENT D.

--Representative David Clark
Speaker, Utah House of Representatives -
-Representative David Litvack – Minority Leader, Utah House of Representatives
--Senator John Valentine – Former President, Utah State Senate

Argument Against

Last session, I voted against the constitutional amendment regarding ethics reform and here are a couple of reasons why I believe the public should also vote AGAINST this ballot initiative.

1. First, the only reason this measure is on the ballot is because it was a political reaction to the Ethics Reform petition that was being circulated. This amendment was proposed to counter this initiative, so it would appear the legislature was addressing the voters' concerns, using "let's show them we're doing something" tactics.
2. Passing this initiative will not guarantee your elected official will truly represent you and be honest in their dealings with others and do what's best for the people.
3. Because a person's integrity is born from within, we as voters need to do a better job of knowing our candidates before we elect them, so we know we can trust them before they are sworn into an office of public trust.
4. Voting for this ballot initiative will not guarantee checks and balances, accountability, responsibility, or whether or not someone has integrity. Voting for this initiative will not guarantee that those we elect to office of public trust will be ethical and have moral integrity.

This proposal is not in the best interest of the voters of the State of Utah. As you cast your vote regarding this ballot initiative, please remember, ethics and integrity come from within. Use your integrity. Do the right thing and vote NO on this proposal.

Signed Rep. Neil Hansen

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Rebuttal to Argument For

Creation of this Ethics Commission will do nothing. The power of the ethics committee is now in the hands of the party leaders of the legislature on both sides. The way to get appointed to this committee is to show favoritism to those party leaders. There are no checks and balances in place. The only real way to have a good ethics committee is to allow all members of the legislature pick the members of the ethics committee by secret vote, This would take away, fear or favoritism, from the party leaders and would cure the problem. This would ensure the necessary checks and balances in the ethics committee. There's too much power given to the party leaders and this is what needs to change.

Therefore you should vote NO on Constitutional amendment D.

Representative Neil Hansen
House District # 09

- - - -

Rebuttal to Argument Against (continued)

Utahns are ethical people, and the makeup of the legislature tends to reflect that. Last year the Center for Competitive Politics rated government corruption in Utah seventh lowest out of 50 states. However, no state is perfect and no human infallible. We believe the Independent Ethics Commission is essential as we move forward, and we believe it should be given a permanent place in government by including it in the Utah Constitution.

Please vote yes on Amendment D. Thank you.

David Clark
Speaker of the House

John Valentine
State Senator

David Litvack
House Minority Leader

Complete Text Constitutional Amendment D

Utah Constitution Sections Affected:
AMENDS:
ARTICLE VI, SECTION 10
Be it resolved by the Legislature of the state of Utah, two-thirds of all members elected to each of the two houses voting in favor thereof:
Section 1. It is proposed to amend Utah Constitution Article VI, Section 10, to read:
Article VI, Section 10. [Each house to be judge of election and qualifications of its members -- Expulsion -- Legislative ethics commission.]
(1) Each house shall be the judge of the election and qualifications of its members, and may punish them for disorderly conduct, and with the concurrence of two-thirds of all the members elected, expel a member for cause.
(2) (a) There is established a legislative ethics commission with authority to conduct an independent review of each complaint alleging unethical legislative behavior, to determine whether the complaint merits further consideration by the house of the member against whom the complaint is made.
(b) (i) The commission shall consist of five members.
(ii) A commission member may not be a sitting legislator or a person who is registered as a lobbyist.
(c) The Legislature may by rule provide for:
(i) procedures and requirements for filing a complaint alleging unethical legislative behavior;
(ii) the qualifications, appointment, and terms of commission members; and
(iii) commission duties, powers, operations, and procedures.
Section 2. **Submittal to voters.**
The lieutenant governor is directed to submit this proposed amendment to the voters of the state at the next regular general election in the manner provided by law.
Section 3. **Effective date.**
If the amendment proposed by this joint resolution is approved by a majority of those voting on it at the next regular general election, the amendment shall take effect on January 1, 2011.

C.

JUDGES

Notice of Change:

Municipal judges are now voted on by voters in the entire county. Your ballot may contain judges from municipalities you do not reside in.

Merit Selection of Judges

The office of judge is unique in our society. A judge is a public servant holding an office of high public trust and so should answer to the public. However, the obligation of a judge is to resolve disputes impartially and to base decisions solely upon the facts of the case and the law. A judge, therefore, should be insulated from public pressure.

Merit selection of judges was developed as an alternative to requiring judges to run in contested elections. The Judicial Article of the Utah Constitution, revised effective July 1, 1985, establishes merit selection as the exclusive method of choosing a state court judge. As stated in the Utah Constitution: "*Selection of judges shall be based solely upon consideration of fitness for office without regard to any partisan political consideration*."

There are four steps in the Utah merit selection plan: nomination, appointment, confirmation and retention election. The nomination of judges is by a committee of lawyers and non-lawyers selected by the Governor. The judicial nominating commission nominates between three and seven of the best qualified candidates from among all applicants. The Governor appoints one of the nominees, who then must be confirmed by a majority of the Utah State Senate.

Judicial Retention Elections

Under the Utah Constitution, judges must stand for retention election at the end of each term of office. The public has the opportunity to vote whether to retain the judge for another term. Before a judge stands for retention election, he or she is evaluated by the Judicial Council. The Judicial Council is established by the Utah Constitution as the policy making body for the judicial branch of government and is required by its own rules and by statute to evaluate the performance of all judges. As a result of the evaluation, the Judicial Council certifies whether the judge is qualified for retention election. The results of individual evaluations are published in the voter information pamphlet.

Performance Evaluation Program

The judicial performance evaluation program is required by statute and developed by rule of the Judicial Council. The purpose of the program is two-fold:

- ◊ To provide each judge with information for his or her self improvement; and
- ◊ To provide the public with information upon which to make knowledgeable decisions regarding retention election.

The evaluation of each judge's performance is conducted every two to four years depending on when the judge is standing for retention election. An independent surveyor conducts a poll of lawyers appearing before each judge and asks the lawyer to anonymously evaluate the judge based on several criteria. In addition, a similar survey of jurors is conducted for district court judges. Before the close of a judge's term of office, the Judicial Council reviews the results of the attorney and juror polls and other standards of performance and determines whether the judge is qualified for retention.

Criteria for Performance Evaluation

(A) Integrity:
(1) avoidance of impropriety and appearance of impropriety;
(2) freedom from personal bias;
(3) ability to decide issues based on the law and the facts without regard to the identity of the parties or counsel, the popularity of the decision, and without concern for criticism;
(4) impartiality of actions;
(5) compliance with the Code of Judicial Conduct.

(B) Knowledge and understanding of the law:
(1) the issuance of legally sound decisions;
(2) understanding of the substantive, procedural, and evidentiary law of the state;
(3) attentiveness to the factual and legal issues before the court;
(4) the proper application of judicial precedents and other appropriate sources of authority.

(C) Ability to communicate:
(1) clarity of bench rulings and other oral communications;
(2) quality of written opinions with specific focus on clarity and logic, and the ability to explain clearly the facts of a case and the legal precedents at issue;
(3) sensitivity to impact of demeanor and other nonverbal communications.

(D) Preparation, attentiveness, dignity and control over proceedings:
(1) courtesy to all parties and participants; and
(2) willingness to permit every person legally interested in a proceeding to be heard, unless precluded by law.

(E) Skills as a manager:
(1) devoting appropriate time to all pending matters;
(2) discharging administrative responsibilities diligently;

(3) where responsibility exists for a calendar, knowledge of the number, age, and status of pending cases.

(F) Punctuality:
(1) the prompt disposition of pending matters;
(2) meeting commitments on time and according to rules of the court; and
(3) compliance with the case processing time standard established by the Council.

(G) Service to the profession and the public:
(1) attendance at and participation in judicial and continuing legal education programs;
(2) consistent with the Code of Judicial Conduct, participation in organizations devoted to improving the justice system;
(3) consistent with the highest principles of the law, ensuring that the court is serving the public and the justice system to the best of its ability and in such a manner as to instill confidence in the court system; and
(4) service within the organizations of the judicial branch of government and in leadership positions within the judicial branch of government, such as presiding judge, Judicial Council, Boards of Judges, and standing and ad hoc committees.

(H) Effectiveness in working with other judges, commissioners and court personnel:
(1) when part of a multi-judge panel, exchanging ideas and opinions with other judges during the decision-making process;
(2) critiquing the work of colleagues;
(3) facilitating the administrative responsibilities of other judges and commissioners; and
(4) effectively working with court staff.

Minimum Standards for Performance

The Judicial Council has established the following minimum standards for judicial performance. Some standards apply to all judges and some standards apply to judges of a specific court.

- ◊ A minimum score of 70% on at least 75% of the questions on the attorney survey.
- ◊ A minimum score of 70% on at least 75% of the questions on the juror survey.
- ◊ For justices of the Supreme Court, circulating no more than six principal opinions more than 6 months after submission.
- ◊ For judges of the Court of Appeals, circulating no more than six principal opinions more than 6 months after submission and achieving a final average time to circulation of a principal opinion of not more than 120 days after submission.
- ◊ For judges of the trial courts, no cases under advisement for more than 6 months and not more than an average of three cases per calendar year under advisement more than two months with no more than half of the maximum exceptional cases in any one calendar year.
- ◊ At least 30 hours of judicial education per year.
- ◊ Substantial compliance with the Code of Judicial Conduct.
- ◊ Physical and mental fitness for office.

If the Council finds the judge met the performance standards, it is presumed the Council will certify the judge for election. If the Council finds the judge did not meet the performance standards, it is presumed the Council will not certify the judge for election. A presumption against certification may be overcome by a showing of good cause to the contrary. A presumption in favor of certification may be overcome by:

(a) reliable information showing non-compliance with a performance standard; or

(b) formal or informal sanctions by the Supreme Court of sufficient gravity or number or both to demonstrate lack of substantial compliance with the Code of Judicial Conduct.

Attorney Survey Questions

A random sample of attorneys appearing before each judge was asked to rate the judge as “excellent,” “more than adequate,” “adequate,” “less than adequate,” and “inadequate” on the following questions. A favorable response is “excellent,” “more than adequate,” or “adequate.” To be certified the judge must receive a 70% favorable response rate to at least 75% of the following questions and an overall favorable response rate of at least 70%. There are no surveys for justice court judges.

Questions of Attorneys About Court of Appeals Judges

1) Behavior is free from impropriety and the appearance of impropriety.
2) Behavior is free from bias and favoritism.
3) Avoids ex parte communications.
4) Understands the rules of procedure and evidence.
5) Understands the substantive law.
6) Perceives legal and factual issues.
7) Maintains the quality of questions and comments during oral argument.
8) Demonstrates appropriate demeanor.
9) Opinions are scholarly and well written.
10) Overall, the performance of this justice or judge Is:

Questions of Attorneys About District and Juvenile Court Judges

1) Behavior is free from impropriety and the appearance of impropriety.
2) Behavior is free from bias and favoritism.
3) Avoids ex parte communications (contact with one party without the other parties present).
4) Understands the rules of procedure and evidence.
5) Perceives legal and factual issues.
6) Is prepared for hearings and trials.
7) Demonstrates appropriate demeanor.
8) Maintains order in the courtroom.
9) Gives parties a fair opportunity to present the case.
10) Oral and written decisions and orders are clear and well reasoned.
11) Issues orders and opinions without unnecessary delay.
12) Effectively uses pretrial procedures to narrow and define the issues.
13) Overall, the performance of this judge or commissioner is:

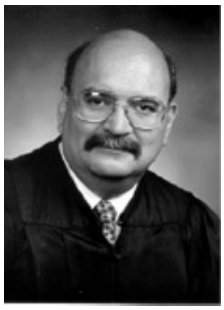
Juror Survey Questions

All jurors trying a case before a district court judge were asked to answer “yes” or “no” to each of the following questions. To be certified the judge must receive a 70% favorable response rate to at least 75% of the following questions and an overall favorable response rate of at least 70%. There are no jurors in the Supreme Court, Court of Appeals, or juvenile court, and some district court judges are assigned only cases for which there are no jury trials.

Questions of Jurors About District Court Judges

1) Did the judge conduct the trial in a fair and impartial manner?
2) Did the judge clearly explain court procedures?
3) Did the judge clearly explain the jury's responsibilities?
4) Did the judge treat people with patience, courtesy and respect?
5) Did the judge pay attention?
6) Did the judge, to the extent possible, conduct the trial without unexplained delays?
7) Did the judge allow sufficient recesses to attend to your personal needs?
8) Overall, is the judge a good judge?

Justices of the Supreme Court and judges of the Court of Appeals are statewide offices and appear on the ballots of every county. Judges of the district court and juvenile court appear on the ballots of the counties within their respective judicial districts. Judges of the justice court appear on the ballots of the counties or precincts of their court. All judges were certified by the Utah Judicial Council for retention in the 2010 General Election. The judges standing for this election are as follows:



Judge
William A. Thorne, Jr.
Court of Appeals
(All Counties)

Judge William Thorne, Jr. was appointed to the Utah Court of Appeals in May 2000 by Gov. Michael Leavitt. He was a judge in the Third Circuit Court for eight years and served in the Third District Court for six years. Judge Thorne received a B.A. from the University of Santa Clara in 1974 and a J.D. from Stanford Law School in 1977. Judge Thorne has served on numerous national organizations related to children, including among others, the Board of Directors for National CASA, the ABA Committee on the Unmet Legal Needs of Children, the PEW Commission on Children in Foster Care and is currently serving on the Board of Directors for the Evan B. Donaldson Adoption Institute. He is a former member of the Utah Judicial Council, the Board of Circuit Court Judges, and the Board of Directors for the National Indian Court Judges Association.

Judge Thorne's compliance with performance standards is as follows:

1) A favorable rating by at least 70% of the respondents on at least 75% of the attorney survey questions. See specific results below.
2) Had more than the maximum allowable cases held under advisement, but showed good cause why he should nevertheless be certified.
3) Had at least 30 hours of continuing judicial education annually during his term.
4) Mentally and physically fit for office.
5) In substantial compliance with the Code of Judicial Conduct.

Survey of Attorneys There were 84 respondents for Judge Thorne.

Question (See page 40 for questions)		**1**	**2**	**3**	**4**	**5**	**6**	**7**	**8**	**9**	**10**
Total Favorable	%	94	89	100	87	82	83	89	96	78	81
Excellent	%	59	55	67	41	37	35	43	57	32	42
More than Adequate	%	17	19	16	26	26	27	25	25	29	24
Adequate	%	18	15	17	20	19	22	21	14	17	15
Less than Adequate	%	2	5	0	5	6	10	6	2	13	13
Inadequate	%	4	6	0	8	12	7	5	1	9	6

Judge
Clint S. Judkins
District Court
First Judicial District
(Box Elder, Cache, Rich)

Judge Clint S. Judkins was appointed to the First Circuit Court in 1988 by Gov. Norman H. Bangerter. He became a judge in First District Court in July 1996. Judge Judkins received his law degree from the University of Utah College of Law in 1972. He was in private practice in Tremonton prior to his appointment to the bench. He served as the Tremonton City Attorney for 16 years. Judge Judkins served on the Indigent Defense Cost Committee and is past President of the Box Elder County Bar Association. He has been the Presiding Judge in the First Circuit and First District Courts and also served on the Board of Circuit Court Judges and the Board of District Court Judges. He has served on the Gender Fairness Committee and on the Commissioner Conduct Committee. Judge Judkins is Master of the Bench, Rex E. Lee American Inn of Court.

Judge Judkins's compliance with performance standards is as follows:

1) A favorable rating by at least 70% of the respondents on at least 75% of the attorney survey questions. See specific results below.
2) A favorable rating by at least 70% of the respondents on at least 75% of the juror survey questions. See specific results below.
3) Had fewer than the maximum allowable cases held under advisement.
4) Had at least 30 hours of continuing judicial education annually during his term.
5) Mentally and physically fit for office.
6) In substantial compliance with the Code of Judicial Conduct.

Survey of Attorneys There were 89 respondents for Judge Judkins.

Question (See page 40 for questions)		**1**	**2**	**3**	**4**	**5**	**6**	**7**	**8**	**9**	**10**	**11**	**12**	**13**
Total Favorable	%	87	83	94	90	85	94	81	97	89	87	94	88	87
Excellent	%	37	31	51	24	25	32	36	41	31	23	32	26	30
More than Adequate	%	32	32	29	41	38	39	32	40	40	31	36	36	38
Adequate	%	18	20	14	25	22	23	13	16	18	32	26	26	18
Less than Adequate	%	9	8	6	5	9	3	12	3	3	9	3	5	7
Inadequate	%	4	9	0	4	6	2	7	0	8	4	2	7	7

Survey of Jurors There were 12 respondents for Judge Judkins.

Yes	%	100	100	100	100	100	100	100	100
No	%	0	0	0	0	0	0	0	0

Judge
Dennis J. Barker
Newton & Amalga
Municipal Justice Court
(Cache County)

Judge Dennis Barker was appointed to the Newton Justice Court in November 1997 and the Amalga Justice Court in November 1998. He attended Ricks College from 1962 to 1964 and then University of Utah in 1964. He was in Banking for 8 years and Insurance for 10 years prior to becoming a dairy farmer for 17 years. During this time he has driven a school bus for 46 years. He is a graduate of the First and Second Legal Institutes. He continues to drive bus and serve on the bench.

Judge Barker's compliance with performance standards is as follows:

1) Had fewer than the maximum allowable cases held under advisement.
2) Had at least 30 hours of continuing judicial education annually during his term.
3) Mentally and physically fit for office.
4) In substantial compliance with the Code of Judicial Conduct.

Judge
Kevin R. Christensen
Box Elder County
Justice Court & Garland,
Tremonton & Willard
Municipal Justice Court
(Box Elder County)

Judge Kevin Christensen was appointed to the Box Elder County Justice Court in May 1996. He serves Box Elder County, Tremonton City, Brigham City, Garland City and Willard City. Judge Christensen is a graduate of Weber State University and the Gonzaga University School of Law. He was in private practice before being appointed to the bench. In addition to his judicial and family duties, Judge Christensen often speaks to various youth and civic groups about the structure and function of the court system. In 2006, Judge Christensen received the Scott M. Matheson Award for outstanding service to law-related education.

Judge Christensen's compliance with performance standards is as follows:

1) Had fewer than the maximum allowable cases held under advisement.
2) Had at least 30 hours of continuing judicial education annually during his term.
3) Mentally and physically fit for office.
4) In substantial compliance with the Code of Judicial Conduct.

No photograph
available

Judge
Wayne Cooper
Clarkston Municipal
Justice Court
(Cache County)

Judge Wayne Cooper was appointed a Justice Court Judge in February 1991. He serves Clarkston City, Cornish City and Trenton City. He attended Utah State University and Weber State University. He has worked in the aerospace industry as a financial analyst for the last 25 years. He is a graduate of the Legal Institute. He is currently serving as the district education director for the First Judicial District.

Judge Cooper's compliance with performance standards is as follows:

1) Had fewer than the maximum allowable cases held under advisement.
2) Had at least 30 hours of continuing judicial education annually during his term.
3) Mentally and physically fit for office.
4) In substantial compliance with the Code of Judicial Conduct.

Judge
Evan B. Hall
Lewiston Municipal
Justice Court
(Cache County)

Judge Evan Hall was appointed to the Lewiston Justice Court in January 1992. In 1967 he received a Bachelors degree from Utah State University with a major in Business Administration/Business Education and a minor in Physical Education. He taught school and coached in the Cache County School District for 31 years. He has served in various leadership positions in his church as well as in his community. He and his wife, Diane, are the parents of four sons and the grandparents to fifteen grandchildren.

Judge Hall's compliance with performance standards is as follows:

1) Had fewer than the maximum allowable cases held under advisement.
2) Had at least 30 hours of continuing judicial education annually during his term.
3) Mentally and physically fit for office.
4) In substantial compliance with the Code of Judicial Conduct.

Judge
David C. Marx
Hyde Park & North Logan
Municipal Justice Court
(Cache County)

Judge David Marx was appointed as a Justice Court Judge in June 1997. He serves North Logan City and Hyde Park City, as well as a pro tem judge for several courts in Cache and Box Elder counties. He earned a Bachelor of Science degree from Utah State University, a law degree from Concord Law School, and is a graduate of the Utah Legal Institute. Judge Marx served three years as the Justice Court district education director for the First Judicial District. In addition, he has served seven years on the Justice Court Board and currently serves as the chair of the board. Judge Marx received the Justice Court Service Award in 2007. In 2008, he was presented the Quality of Justice Award by the Utah Judicial Council.

Judge Marx's compliance with performance standards is as follows:

1) Had fewer than the maximum allowable cases held under advisement.
2) Had at least 30 hours of continuing judicial education annually during his term.
3) Mentally and physically fit for office.
4) In substantial compliance with the Code of Judicial Conduct.

Judge
Ross. K. McKinnon
Rich County Justice Court
(Rich County)

Judge Ross K. McKinnon was appointed Rich County Justice Court Judge in February 1993. Judge McKinnon is a lifetime resident of Rich County. He attended Utah State University and Weber State University before returning home to run the family ranch. He is now the owner and operator of McKinnon Ranch. He has been active in many civic organizations including Lions Club, City Council, Planning and Zoning Commission, Fair Board Chairman and various farming and ranching organizations.

Judge McKinnon's compliance with performance standards is as follows:

1) Had fewer than the maximum allowable cases held under advisement.
2) Had fewer than 30 hours of continuing judicial education and failed to attend the annual justice court judges' conference in one year during his term, but showed good cause why he should nevertheless be certified.
3) Mentally and physically fit for office.
4) In substantial compliance with the Code of Judicial Conduct.

Judge
Terry Moore
Smithfield & Wellsville
Municipal Justice Court
(Cache County)

Judge Terry Moore was appointed to the Smithfield Justice Court in April 1990 and the Wellsville Justice Court in March 1997. Judge Moore has a bachelors degree from the University of Utah. He has completed the Utah Legal Institute, attended the National Judicial College, and was one of six Utah Justice Court Judges to attend the Leadership Institute for Judicial Education. He has served three terms as District Education Director and appears regularly at local middle and high schools to provide information regarding Utah's justice courts.

Judge Moore's compliance with performance standards is as follows:

1) Had fewer than the maximum allowable cases held under advisement.
2) Had at least 30 hours of continuing judicial education annually during his term.
3) Mentally and physically fit for office.
4) In substantial compliance with the Code of Judicial Conduct.

Judge
Kevin L. Nelson
Mantua Municipal
Justice Court
(Box Elder County)

Judge Kevin L. Nelson earned a Bachelor of Science degree in Computer Information Systems from Weber State. He works full time as an auditor for America First Credit Union. Judge Nelson has been on the Mantua Justice Court bench since 1992. He has served on the Board of Justice Court Judges and the Judicial Council. He has also served on the Information Technology Committee and the Jury Improvement Committee. In 2002, he was given the Quality of Justice Award and in 2008 received the Justice Court Service Award. Judge Nelson meets or exceeds the annual judicial education requirements. Judge Nelson is faithful in the impartial and diligent performance of judicial duties. He has had a particular focus to help improve the courts through the use of technology.

Judge Nelson's compliance with performance standards is as follows:

1) Had fewer than the maximum allowable cases held under advisement.
2) Had at least 30 hours of continuing judicial education annually during his term.
3) Mentally and physically fit for office.
4) In substantial compliance with the Code of Judicial Conduct.

No photograph
available

Judge
Jack Stevens
Hyrum & Nibley
Municipal Justice Court
(Cache County)

Judge Jack L. Stevens has been involved in the Utah judicial system for 33 years. He currently serves three courts in Cache Valley. He was appointed as Nibley Justice Court Judge in January 1977. Judge Stevens has presided in the Hyrum Justice Court since January 2006 and also serves as Judge Pro-Tem in Logan Municipal Court. Additionally, Judge Stevens is a retired U.S. Army officer, having spent 25 years on active duty.

Judge Stevens's compliance with performance standards is as follows:

1) Had fewer than the maximum allowable cases held under advisement.
2) Had at least 30 hours of continuing judicial education annually during his term.
3) Mentally and physically fit for office.
4) In substantial compliance with the Code of Judicial Conduct.

D.

INSTRUCTIONS TO VOTERS

INSTRUCTIONS TO VOTERS

How to obtain a ballot for voting

1. Give your name and address to an election judge. You will also be required to show proof of identification and/or proof of residency.

2. If your name is on the official register and your right to vote has not been challenged, the election judge will give you one or more ballots.

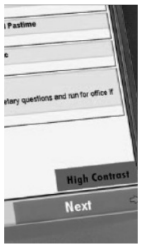
Learn how to use the electronic voting machine.

These step-by-step instructions will guide you through the voting process. For an electronic demonstration, please visit the website vote.utah.gov.

1. START

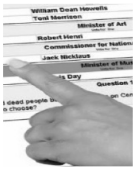
Insert voter access card. Push firmly until card clicks. Do not remove card until finished voting.

2. READ "INSTRUCTIONS" SCREEN



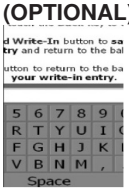
If needed, touch "Large Text" or "High Contrast" to improve readability.
Touch "Next" to continue.

3. VOTE FOR CANDIDATES/ISSUES



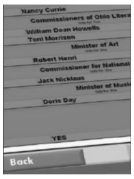
Touch the box next to your selection. An "X" will appear. To change or cancel your selection, touch the box again. The "X" will disappear. Touch "Next" to see the next page of the ballot or "Back" to see a previous page.

4. RECORD "WRITE-INS" (OPTIONAL)



Touching the box next to "Write-In" makes a keyboard appear. Type the name you wish to write-in. Touch "Record Write-In" to return to the ballot.

5. REVIEW YOUR BALLOT



A summary page will appear at the end of the ballot. Selections left blank or incomplete will be highlighted. Touch any selection to return to that page in the ballot and make changes.

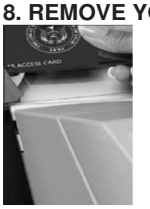
6. PRINT YOUR BALLOT

Touch "Print Ballot." Your ballot will print to the right of your screen for verification. To make changes, touch "Reject Ballot." Remember, any changes must be made before touching "Cast Ballot."

7. CAST YOUR BALLOT

Touch "Cast Ballot". The printed ballot will scroll to hide your selections. No changes can be made after touching "Cast Ballot."

8. REMOVE YOUR CARD



Return the card to a poll worker.

Voting for candidates of one party

If you want to cast a "straight party" vote for all the candidates of one party, touch the box next to that party on the first page of the ballot. The box next to that party's candidates will be automatically marked on the other pages of the ballot.

You may change your vote in a particular race to the candidate from another party or to a write-in candidate. To make the change, first touch the box next to the "straight party" candidate. The X will disappear. Then, touch the box next to the candidate for whom you wish to vote. An X will appear in the box.

If you did not cast a "straight party" vote on the first page of the ballot, you will see the "straight party" selection highlighted on the summary page. If you return to this selection and mark a party, your previously marked votes will not change. However, in any partisan races where you have not already marked a candidate, the candidate of the party you chose will be automatically marked.

Constitutional Amendments/Propositions

Constitutional amendments and propositions appear on the ballot in the form of a question. A vote "FOR" an amendment or proposition means that you want to answer "yes" to the question. A vote "AGAINST" an amendment or proposition means that you want to answer "no" to the question. To vote on constitutional amendments and/or propositions, read the ballot title provided on the ballot, decide whether you are "FOR" or "AGAINST" the amendment or proposition, and fill in the oval for the appropriate response.

Help marking your ballot

The voting machines have several features to help voters who are blind or visually impaired. These features include large text, high contrast display, and audio recordings. However, voters may still ask someone of their choice to help mark their ballots. The person helping must not be a candidate, the voter's employer, an agent of the voter's employer, or an officer or agent of the voter's union. The person helping cannot in any way request, persuade, or induce the voter to vote for or against any particular candidate or issue.

General Information

How do I register to vote?

- **Online:** Register to vote online at www.voter.utah.gov. You need to have a Utah Driver's License or Identification number.
- **Mail In:** Download and print a Utah Voter Registration Form (www.elections.utah.gov). Once completed, mail the form to your county clerk's office.
- **Phone Book:** There is also a voter registration form in The White Pages (located at the end of the blue section). This form can be photocopied. Once completed, it should be mailed to your county clerk's office.
- **Drivers License & State Agency Offices:** Registration forms are also available at State Agency Offices, including the Division of Driver Licenses, Division of Workforce Services, Utah State Department of Health, Women, Infant and Children (WIC) Offices, the Division of Services for People with Disabilities, the Department of Rehabilitation, and public colleges and universities.

When do I register to vote?

- **Postmark Deadline:** Voter registration forms must be postmarked or submitted online before October 4, 2010. To verify the status of your voter registration, please contact your county clerk's office.
- **Walk-in Registration:** If an individual misses the postmark deadline, they can walk in their application up to 15 days before the general election, October 18, 2010. The application must be turned into the county clerk's office. Registrations received after October 4th will not be eligible for Early Voting.

If Registered

Voter registration is valid for life, unless you move, change your name, or wish to affiliate with a different party. To change your voter registration status for any of the mentioned reasons, simply fill out a new voter registration form.

What are the requirements?

- **Age:** At least 18 years-old on or before the next election.
- **Citizenship:** A citizen of the United States.
- **Residency:** A resident of Utah for at least 30 days before the election. An applicant is considered a resident of Utah if he or she has his principal place of residence within Utah and intends to continue to reside within Utah indefinitely.

Where do I vote?

For polling locations contact your county clerk's office (page 53) or go to vote.utah.gov. Early voting locations are located on page 51.

Employee's Right to Time Off for Election

NOTE: This section does not apply to an employee who has three or more hours between the time polls open and close during which the employee is not employed on the job.

Each employer shall allow any voter to be absent from service or employment on election day for not more than two hours between the time the polls open and close.

Remember:

- The voter shall apply for a leave of absence before election day.
- The employer may specify the hours during which the employee may be absent.
- If the employee requests the leave of absence at the beginning or end of the work shift, the employer shall grant that request.
- The employer may not deduct from an employee's usual salary or wages because of the absence.

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Provisional Ballot

Provisional voting was mandated under the Help America Vote Act of 2002 (HAVA) to ensure that every eligible voter who is registered or who believes they are registered can cast a ballot in federal elections with the knowledge that a fair process will be followed to determine if the provisional ballot is eligible to be counted.

Voters previously registered in Utah who have moved within Utah, but have not reregistered at their new address, are allowed to vote at their new polling location. Provisional ballots also allow people who register through a Driver's License Agency or other public agency and whose name does not appear on the Official Register (for whatever reason) to vote at their new polling location.

Remember, a provisional ballot could be used if the voter's name is not found on the Official Register, if the poll worker is not satisfied that the voter has provided valid voter identification, if the voter does not have residence in the voting precinct, or under any other circumstance described in the Utah Code 20A-3-202.

All provisional voters will be asked for photo identification AND for proof of current residence at the polling place. This information allows us to ensure that provisional voters were in fact previously registered to vote and to ensure that people are voting in their correct precinct. If both conditions are met, the vote will be counted. If either condition is not met, the vote will not be counted.

Voters will have until the Monday after the election to present valid voter identification to the county clerk.

You can find the status of your provisional ballot directly on our website vote.utah.gov or by contacting your county clerk's office. You will need the unique identification number (six digit) printed on the detachable stub of the provisional ballot. You can call the Lieutenant Governor's office at (801) 538-1041 or (800) 995-VOTE and we will provide you with the status of your provisional ballot. Please allow for 10-14 days after each election for this information to be available.

Early Voting

Any person who is registered to vote may vote before the election date as permitted by Utah Code 20A-3-601. In order to be eligible to participate in early voting, voters must be registered to vote at least **30 days** prior to the election, October 4, 2010.

In order to vote during early voting, voters must present valid voter identification. This is either a form of identification that bears the name and photograph of the voter or two forms of identification that bear the name of the voter and provide evidence of the voter's residence.

The early voting period will begin on October 19 and will continue through October 29. The polls will be open for a minimum of four hours during each early voting day and will close at 5 p.m. on October 29. Every registered voter who arrives at the polls before the time scheduled for closing of the polls will be allowed to vote. Please view page 51 for details on times, dates, and locations or go to vote.utah.gov.

Absentee Voting

Voting by Absentee
Any person who is registered to vote may vote by absentee ballot.

Obtaining an absentee ballot
You may vote absentee by mail or in-person in the county clerk's office. This form is also available online at vote.utah.gov. All completed forms should be mailed to the following offices:

- Regular general and primary elections (held in even-numbered years). This application must be filed by mail or in-person in the office of the voter's county clerk.
- Municipal elections (held in odd-numbered years). This application should be filed by mail or in-person in the office of the voter's city clerk or recorder.

Deadline for applying for an absentee ballot

- For regular absentee voting, the ballot application must be received no later than the Friday before the election, October 29, 2010.
- For overseas and military voters the clerk should receive the application no later than 20 days before the election, October 13, 2010.
- Military voters using an absentee ballot in the office of their clerk or recorder, must apply for the ballot no later than the day before the election, November 1, 2010.

NOTE: The ballot is only valid if it is clearly postmarked before (not on) election day, and received in the county clerk's office before noon on the day of the official canvass.

FOR MORE INFORMATION

- Visit vote.utah.gov
- Contact your county clerk (see page 53)
- Contact the Office of the Lieutenant Governor at (801) 538-1041 or (800) 995-VOTE

EARLY VOTING LOCATIONS

Any person who is registered to vote may vote before the election date as permitted by Utah Code 20A-3-601. In order to be eligible to participate in early voting, voters must be registered to vote at least 30 days prior to the election, or October 4, 2010.

In order to vote during early voting, voters must present valid voter identification. This is either a form of identification that bears the name and photograph of the voter or two forms of identification that bear the name of the voter and provide evidence of voter's residence. The early voting period will begin on October 19 and will continue through October 29. The polls will be open for a minimum of four hours during each early voting day and will close at 5 p.m. on October 29.

Box Elder	Box Elder County Courthouse 01 South Main St. Brigham City	Monday-Friday (starting October 19- 29) 8:00 am to 5:00 pm
	Tremonton Senior Center 510 W 1000 N Tremonton	October 26-27, 8:00 am to 5:00 pm
Cache	Cache County Administration Bldg. 179 North, Room 109 Logan	Monday-Friday (starting October 19-28) 8:00 am to 5:30 pm October 29, 8:00 am to 5:00 pm
	Hyrum Library 50 West Main Street Logan	October 25-28 9:00 am to 4:00 pm
	Old Smithfield City office Building 69 North Main Smithfield	October 25-28 9:00 am to 4:00 pm
	USU Taggart Student Center Utah State University Logan	October 25-28 9:00 am to 4:00 pm
Rich	Rich County Clerk's Office 20 South Main Randolph	Monday-Friday (starting October 19-28) 9:00 am to 4:00 pm October 29, 9:00 am to 5:00 pm

State of Utah
Mail-in Voter Registration Form

Voter Instructions

NOTICE: In order to be allowed to vote you must present valid voter identification to the poll worker before voting, which must be a valid form of photo identification that shows your name and photograph, or, (2) two different forms of identification that show your name and current address.

You may use this form to:

- Register to vote in Utah
- Change your name or address on your voter registration record
- Affiliate with a party or change your party affiliation

To register to vote in Utah, you must:

- Be a citizen of the United States
- Have resided in Utah at least 30 days immediately before the next election
- Be at least 18 years old on or before the next election

Mail-in registration instructions:

- Complete all required information
- If you have registered to vote with a different name or address, complete the change of information section
- **One of the following is required: a Utah Driver License number, a Utah State Identification number, or the last four digits of your Social Security number. If you do not have a Utah Driver License or a Utah State Identification card, please write "None" in the space designated for a Utah Driver License or Utah State Identification and fill in your Social Security number**
- Read the voter declaration and citizenship affidavit and sign and date below
- Mail the form to your county clerk's office (addresses are on the back of this form)

Deadline for submitting this form:

- By Mail: This form must be postmarked at least 30 days before an election to be eligible to vote in that election
- Walk In: This form must be delivered in person to your county clerk at least 15 days before the election to be eligible to vote in that election

PLEASE NOTE
If you are qualified and the information on your form is complete, your county clerk will mail confirmation of your voter registration to you

For more Information
Contact your county clerk (see back of this form)
Or the Lieutenant Governor's Office at
Elections.utah.gov or 1-800-995-VOTE

In accordance with Utah code section 20A-2-401, the penalty for willfully causing, procuring, or allowing yourself to be registered to vote if you know you are not entitled to vote is up to one year in jail and a fine of up to $2,500.

Reason(s) for completing this form (optional) □ New Registration □ Party Affiliation Change □ Address Change □ Name Change	Are you a citizen of the United States? □ Yes □ No Will you be at least 18 years on or before election day? □ Yes □ No **Qualifications:** *If you check no in response to either of these questions do not complete this form*

Last Name	First Name	Middle Name

Name at Birth (if different than above)	Place of Naturalization (if applicable)	Date

Physical Address (required, principal place of residence, no P.O. Box)	County	City	State	Zip Code
Mailing Address (if different from physical)	County	City	State	Zip Code

Phone Number (optional)	Date of Birth (required, month/day/year)	Place of Birth (required, state or county)	Last Four Digits of Social Security #

Utah Driver License or Identification number	**Political Party:** (optional) □Constitution □Democratic □Libertarian □Republican □Unaffiliated (no party preference) □Other (please specify) _____
Would you like to be a permanent absentee and receive your ballot by mail on an on-going basis? (read declaration) □ Yes □ No	I am a person with a disability (optional) □ Yes □ No

If previously registered and/or changing personal information, also fill out this section.

Name on Previous Registration_____ Address on Previous Registration_____ City_____ State _____ Zip_____

Read and Sign below

Voter Declaration: I do swear (or affirm), subject to penalty of law for false statements, that the information contained in this form is true and that I am a citizen of the United States and a resident of the State of Utah, residing at the above address. I will be at least 18 years old on or before the next election and I will have resided in Utah for 30 days immediately before the next election. I am not a convicted felon currently incarcerated for commission of a felony.
Citizenship Affidavit: I hereby swear and affirm, under penalties for voting fraud set forth below in Utah Code Section 20A-2-401, that I am a citizen and that to the best of my knowledge and belief the information above is true and correct.
Vote By-Mail (only if requested): I am a qualified elector, residing at the address above and I am applying for an official absentee ballot to be sent to me and voted by me at each election in which am eligible to vote.

Signature **Date (Month/Day/Year)**

OFFICE USE ONLY	Type of ID	Voting Precinct	Voting ID #	Form Type: By Mail

COUNTY CLERKS

Paul B. Barton
Beaver County Clerk
(435) 438-6463
Fax (435) 438-6462
P.O. Box 392
Beaver, UT 84713-0392

LuAnn Adams
Box Elder County Clerk
(435) 734-3351
Fax (435) 723-7562
01 South Main Street
Brigham City, UT 84302-2599

Jill Zollinger
Cache County Clerk
(435) 755-1460
Fax (435) 755-1980
179 No. Main Street
Suite 102
Logan, UT 84321

Robert P. Pero
Carbon County Clerk/Auditor
(435) 636-3224
Fax (435) 636-3210
120 East Main
Price, UT 84501-3057

Vickie McKee
Daggett County Clerk/Treasurer
(435) 784-3154
Fax (435) 784-3335
P.O. Box 219
Manila, UT 84046-0219

Steve Rawlings
Davis County Clerk/Auditor
(801) 451-3213
Fax (801) 451-3421
P.O. Box 618
Farmington, UT 84025-0618

Diane Freston
Duchesne County Clerk
(435) 738-1228
Fax (435) 738-5522
P.O. Box 270
Duchesne, UT 84021-0270

Brenda Tuttle
Emery County Clerk
(435) 381-5106
Fax (435) 381-5183
P.O. Box 907
Castle Dale, UT 84513-0907

Camille Moore
Garfield County Clerk/Auditor
(435) 676-8826
Fax (435) 676-8239
P.O. Box 77
Panguitch, UT 84759-0077

Diana Carroll
Grand County Clerk/Auditor
(435) 259-1321
Fax (435) 259-2959
125 East Center
Moab, UT 84532-2492

David I. Yardley
Iron County Clerk
(435) 477-8340
Fax (435) 477-8847
P.O. Box 429
Parowan, UT 84761-0429

Patricia Ingram
Juab County Clerk/Auditor
(435) 623-3410
Fax (435) 623-5936
160 North Main
Nephi, UT 84648-1412

Karla Johnson
Kane County Clerk/Auditor
(435) 644-2458
Fax (435) 644-2052
76 North Main
Kanab, UT 84741-0050

Norma Brunson
Millard County Clerk
(435) 743-6223
Fax (435) 743-6923
765 South Highway 99
Fillmore, UT 84631-5002

Stacy Lafitte
Morgan County Clerk/Auditor
(801) 845-4011
Fax (435) 829-6176
P.O. Box 886
Morgan, UT 84050-0886

Valeen H. Brown
Piute County Clerk/Auditor
(435) 577-2840
Fax (435) 577-2433
P.O. Box 99
Junction, UT 84740-0099

Becky Peart
Rich County Clerk/Auditor
(435) 793-2415
Fax (435) 793-2410
20 South Main
P.O. Box 218
Randolph, UT 84064-0218

Sherrie Swensen
Salt Lake County Clerk
Elections Division
(801) 468-8683
Fax: (801) 468-3473
2001 South State Street
#S1100
Salt Lake City, UT 84190

Norm Johnson
San Juan County Clerk/Auditor
(435) 587-3223
Fax (435) 587-2425
P.O. Box 338
Monticello, UT 84535-0338

Sandy Neill
Sanpete County Clerk
(435) 835-2131
Fax (435) 835-2135
160 North Main
P. O. Box 100
Manti, UT 84642-0100

Steven C. Wall
Sevier County Clerk
(435) 893-04001
Fax (435) 893-0496
P.O. Box 607
Richfield, UT 84701-0607

Kent H. Jones
Summit County Clerk
(435) 336-3204
Fax (435) 336-3030
P.O. Box 128
Coalville, UT 84017-0128

Marilyn K. Gillette
Tooele County Clerk
(435) 843-3140
Fax (435) 882-7317
47 South Main
Tooele, UT 84074-2194

Michael W. Wilkins
Uintah County Clerk
(435) 781-5361
Fax (435) 781-6701
147 East Main
Vernal, UT 84078-2643

Bryan E. Thompson
Utah County Clerk/Auditor
(801) 851-8128
Fax (801) 851-8122
100 East Center, Rm. 3100
Provo, UT 84606-3106

Brent R. Titcomb
Wasatch County Clerk
(435) 654-3211
Fax (435) 657-3328
25 North Main
Heber City, UT 84032-1827

Kim Hafen
Washington County Clerk
(435) 634-5712
Fax (435) 634-5763
197 East Tabernacle
St. George, UT 84770-3473

Ryan Torgerson
Wayne County Clerk
(435) 836-1300
Fax (435) 836-2479
P.O. Box 189
Loa, UT 84747-0189

Alan D. McEwan
Weber County Clerk/Auditor
(801) 399-8400
Fax (435) 399-8300
2380 Washington Blvd
Suite 320
Ogden, UT 84401-1456

VALID VOTER IDENTIFICATION

Present <u>One</u> (1) of the following forms of ID that bears the name and photograph of the voter:

- Currently valid Utah Driver's License
- A currently valid identification card issued by:
  -The State of Utah
  - A branch, department, or agency of the United States
- A currently valid Utah permit to carry a concealed weapon
- A valid United States passport
- A currently valid United States military identification card
- One of the following identification cards, whether or not the card includes a photograph of the voter
  - A valid tribal identification card
  - A Bureau of Indian Affairs
  - A tribal treaty card

<u>OR</u>

Present <u>Two</u> (2) of the following forms of identification that bears the name of the voter and provides evidence that the voter resides within the voting precinct:

- Current utility bill or a legible copy (dated within 90 before the election)
- A bank or other financial account statement, or legible copy
- A certified birth certificate
- A valid social security card
- A check issued by the state or the federal government, or legible copy thereof
- A paycheck from the voter's employer, or a legible copy
- A valid Utah Hunting or Fishing license
- A currently valid United States military I.D. card
- Certified naturalization documentation
- A valid license issued by an authorized agency of the United States
- A certified copy of court records showing the voter's adoption or name change
- Valid Medicaid card, Medicare card, or Electronic Benefits Transfer Card
- A currently valid identification card issued by:
  - A local government within the State of Utah
  - An employer for an employee
  - A college, university, technical school, or professional school located within the State of Utah
- A current Utah vehicle registration

Note: If a valid form of identification listed under Section A above does not contain a photograph of the voter, then one other form of identification listed in Section B must be included.

Voters who do not present proper identification at the polls, may vote using a provisional ballot, however the provisional ballot will not count unless they provide valid voter identification to the election official within 5 days after the election.

In the case that one's income falls below the federal poverty guideline issued by the U.S. department of Health and Human Services, he or she can receive a free identification card from the driver license division.

Notes

Notes

STATE OF UTAH

OFFICE OF THE LIEUTENANT GOVERNOR

I, Greg Bell, Lieutenant Governor of the State of Utah, hereby certify that the measures contained in this pamphlet will be submitted to the voters of Utah at the election to be held throughout the state on November 2, 2010, and that this pamphlet is complete and correct according to law.

In testimony whereof, I have hereunto set my hand, and affixed the Great Seal of the State of Utah this 8th day of September, 2010 at Salt Lake City, Utah.

GREG BELL
Lieutenant Governor

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