Date

Example of contact

Sherrie Swenson

Salt Lake County Clerk

2001 South State Street, S2-200

Salt Lake City, UT 84114

Dear Ms. Swenson,

I am writing to appeal your office’s denial of our request for a fee waiver for a GRAMA request seeking the voter registration rolls for Salt Lake County and the record of which of those voters voted in Salt Lake County. I sought a fee waiver because this request, as discussed in more detail below, “primarily benefits the public rather than a person.” 63G-2-203(4)(a). Additionally, this fee should be waived because: (1) it does not reflect the actual amount of time your staff will need to produce responsive documents, and (2) for the voter registration rolls, you are proposing to charge us, a group working to improve our voting system, the same amount as a private business. As discussed in more detail below, I am asking you to reverse your office’s decision and waive the fee. In the interest of time, I also am submitting a check for $700.00 so that the search can commence while you decide this appeal.

***Background***

As background, I am chairman of a committee that is evaluating the Salt Lake County voting system to determine what vulnerabilities we have and what improvements can be made to protect the integrity of our elections. One of the members of my committee submitted a GRAMA request for the:

* Salt Lake County voter registration list for all 2020 elections;
* List of voters that voted in all 2020 elections in Salt Lake County.

Exhibit A. Your office responded by asking us to pay $700 for both lists. As discussed further below, the denial of the fee request was improper because the information being sought clearly “primarily benefits the public rather than the person.” The public has an interest in making sure that the voter rolls are accurate. In addition, the fee is high and far more than what is necessary to “recover the actual cost and expenses incurred by the governmental entity in providing the requested record of record series.” *See* Utah Code 63G-2-203(7)(b). For the reasons discussed below, I ask that you reverse the decision of your office to deny our fee waiver request. In the alternative, I ask that you reduce the fee to one that reflects the actual cost of producing this information in an electronic form.

***Analysis***

Being able to have groups outside of the government check the voter rolls to ensure they are accurate primarily benefits the public. Utah has a mail-in election system with the option to vote in person. The vast majority of Salt Lake County residents vote by either mailing their ballots in or dropping them into a ballot drop box. With this type of system, it is critical that the voter rolls in Salt Lake County be kept up to date. This means that: (1) voters who die need to be removed; (2) voters who move need to have their registrations updated (if they live in Utah) or removed (if they move out of state); (3) inactive voters are removed in accordance with policies put out by the Lieutenant Governor; (4) individuals who are incarcerated have been removed from the voter rolls pursuant to Section 20A-2-101(2)(b). Voters have an interest in checking the voter rolls to make sure that they are being kept up to date. In addition, we have a right to see who voted in 2020 so we can cross check that data with a list of voters who we determine may have been ineligible to vote but were allowed to vote. In other words, we are not planning on using this list for any sort of commercial purpose or for our own purposes. Our only goal is to use is to improve our voting system (*i.e.*, to benefit the public).

An additional reason to waive the fee for the voter registration rolls is that you are trying to charge us the same fee that you charge a business to get the voter registration rolls. I was in your office on July 22, 2021, and noticed a sign informing the public that they can purchase a copy of the voter registration rolls for $350—the same price you are trying to charge us for this information. We are not asking for this information to use it for a commercial purpose or for any personal purpose. Our sole purpose, as discussed above, is to further the public good by ensuring that our voter rolls are accurate.

In addition, the fee you seek seems high considering it is required to be “used to recover the actual cost and expenses incurred by the governmental entity in providing the requested record of record series.” *See* Utah Code 63G-2-203(7)(b). My understanding is that your office has one database or spreadsheet that contains the voter rolls and record of which elections the voter voted in from 2002 to the present. Your office’s sign allowing anyone to buy a copy of the voter registration rolls for $350 suggests that this data is easy to access. Moreover, one of your primary duties is to maintain the voter registration rolls for Salt Lake County. Thus, it seems unlikely that it will take a significant amount of time for your office to retrieve the requested data. Finally, we seek an electronic record of the data so that we can search it so there should be no charge for copying fees. In sum, because this request primarily benefits the public, I ask that you reverse the decision and waive the fee for these requests. In the alternative, I ask that you reduce the fee to one that reflects the actual cost of retrieving and producing this data in an electronic form.

I look forward to your response. Feel free to reach out if you have any questions or need anything else to make your decision. Thank you.

Sincerely,

Name

Address

Phone

Email