

**IRON COUNTY COMMISSION MEETING**  
**JULY 8, 2024**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. July 8, 2024, in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Michael Bleak	Commission Chair
Paul Cozzens	Commissioner
Marilyn Wood	Commissioner - Excused
Jonathan T. Whittaker	County Clerk

Also present:

Karsten Reed	County Assessor
Lucas Little	County Auditor
Shalon Shaver	County Corrections
Sam Woodall	County Deputy Attorney
Jennifer Bradbury	County HR Director
Mike Worthen	County Natural Resource
Reed Erickson	County Planner
Bruce Anderson	County Public Works Director
Carri Jeffries	County Recorder

Others in attendance:

Carol Barker	Maile Wilson-Edwards	Jeff Richards
Susan Sepe	Bruce Washburn	

**SYNOPSIS**

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**INVOCATION**

An invocation was offered by Ryan Riddle.

**PLEDGE OF ALLEGIANCE**

Those assembled were led in the pledge of allegiance by George Colson.

**APPROVAL OF MINUTES**

Paul Cozzens made a motion to approve the minutes of the Iron County Commission meeting held on June 24, 2024. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Absent.

**APPROVAL OF CLAIMS FOR PAYMENT**

Paul Cozzens made a motion to approve Claims for Payment from June 24, 2024 to July 8, 2024. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Absent.

**DEPARTMENTAL REPORTS**

**Jami Evans, Iron County Fair Director**, reported that there had been a great deal of learning and growth with her new position and new hires. They had purchased a new software which should help streamline events. Jami reported that the remodel of the fair building and other upgrades were coming along nicely. The 2024 fair theme would be “Treasure Your Memories.” She discussed upcoming events and mentioned that they had been seeking additional sponsorship for the fair. There had been \$76,600 committed so far, and they had set a goal for \$100,000. Jami mentioned the planned Color Country OHV event in the fall. Marilyn Wood thanked Jami and the fair staff for doing such a great job with minimal resources.

**Ryan Riddle, Iron County Fire Warden**, reported on training, prevention, fuels mitigation, and fire statistics. Interest continued to be low for volunteering. They held several basic and advanced courses for fire resources in the area, primarily providing training to the local fire departments. Our numbers continue to dwindle. He issued 457 permits between January 1st and July 9<sup>th</sup>. Permits allowed for burning of nuisance materials on private property. Ryan was working with various unincorporated communities to develop community wildfire protection plans. They had installed 10 additional permanent signs in the prevention campaign to help inform the public of burn permits when burn-permits are required or if there are fire restrictions. They also use 4 electronic message boards. They treated 170 acres for fuels mitigation, using both slash piles to be burned in winter and wood chipping efforts. Efforts continued regarding the mowing of grasses, brush, and small-diameter growth along roadways. They are seeing a significant reduction in our roadside starts associated with mowing. They applied for \$2.1M in grants and were awarded \$1.2M. In particular, there was a Catastrophic Wildfire project funding request for a fuels mitigation project northwest of Brian Head. From July 1st to current, there had been had a total of 94 fires with 69.89 acres burned. The largest was last year on BLM ground at 37 acres. Cost breakout just over \$226,000 was paid by the federal agencies, the state paid just under \$40,000 and the county's cost was zero. He reported that the operating budget was on track this year. Ryan expressed grave concern due to the very dry conditions with no precipitation in sight. This summer would be a real test for his organization.

**Dennis Johnson, Iron County TV Coordinator**, noted that Iron County had 7 sites, 60 transmitters, and 15 microwave sites. Dennis reviewed the buildings, towers, and generators with the commissioners. They discussed maintenance needs. Paul Cozzens asked whether there were still issues at the Frisco site. Dennis Johnson noted that 2024 was not as heavy a winter as the 2023 winter. If the Frisco site were to go down, all television in Iron County would cease, because it is routed through that site.

**Paul Cozzens, Iron County Commissioner**, reported that he attended a meeting to discuss impact fees. He noted that storm water is now the big challenge regarding impact fees, because so many fields are now gone, with roofs, roads, and other hard surface that cause sheet flow during a flood event. The Central Iron County Water Conservancy District (CICWCD) held their annual Water Festival on June 29<sup>th</sup>. It is a fun event that teaches adults and children alike about water conservation. Paul expressed that the CICWCD does a great job. There would be the groundbreaking of a water park, using the Coal Creek diversion in the Cedar City West Canyon Park. He was continuing to make progress in his work with Cedar City to acquire water services for the new Jail building.

**Michael Bleak, Iron County Commissioner**, reported that had been out of town, but also had the opportunity to attend the meeting regarding impact fees. Michael had participated in the post-election audit with Parowan Police Chief Addison Adams. They performed a hand check of batches of mail ballots as assigned by the Lieutenant Governor's Office. They verified the unique serial number printed on each ballot with the Cast Vote Record in the election software, verified the cast vote record matched, and verified each unique ballot.

**PUBLIC COMMENTS**

Patti Truax, a resident of unincorporated Iron County, mentioned UCA 17-34-1 regarding municipal services. She noted that the code allows for 3 methods of funding municipal services, a tax, a fee, or providing funds to a municipal services district. She expressed that some of the unacceptable uses of the Municipal Services Tax in Iron County are roads, new victims advocates, weed control, search and rescue, highway patrol, predator control on Parowan and Cedar Mountain only, and recreational subsidies to Cedar City, Enoch City and Parowan City. Ms. Truax expressed that the tax should only be used for Sherrif and code enforcement. She expressed that the other uses of the Municipal Services Tax should be eliminated.

**DISCUSSION AND APPROVAL OF AN AGREEMENT BETWEEN UTAH INDIGENT DEFENSE COMMISSION AND IRON COUNTY TO PROVIDE TITLE IV-E FEDERAL FUNDING**

Candace Reid, Iron County Public Defense Coordinator, explained that this was the annual renewal of the Indigent Defense Commission (IDC) grants. These grants covered Candace's salary, as well the other attorneys, the social worker, and the Title IV-E funding which helps subsidize the juvenile court public defenders. Paul Cozzens made a motion to approve an agreement with the IDC for Title IV-E federal funding. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Absent.

**DISCUSSION AND APPROVAL OF CONTRACT FOR IRON COUNTY ADMINISTRATIVE PUBLIC DEFENDER SERVICES FOR CANDACE REID**

Paul Cozzens made a motion to approve a contract for administrative public defender services with Candace Reid. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Absent.

**DISCUSSION AND POSSIBLE APPROVAL OF FIFTH DISTRICT PUBLIC DEFENDER CONTRACT FOR FRANKLIN KATSCHKE**

Paul Cozzens made a motion to approve a public defender contract with Franklin Katsche. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Absent.

**DISCUSSION AND POSSIBLE APPROVAL OF PARENTAL DEFENSE SERVICES SOCIAL WORKER CONTRACT FOR FIFTH DISTRICT FOR ANGELICA JUDD**

Paul Cozzens made a motion to approve a parental defense services social worker contract for the Fifth District with Angelica Judd. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Absent.

**DISCUSSION AND POSSIBLE APPROVAL OF RENEWED CONTRACTS FOR MENTAL HEALTH PROVIDERS CONTRACTED WITH THE IRON COUNTY CHILDREN'S JUSTICE CENTER WITH CJC CLIENT SESSIONS COVERED THROUGH THE VOCA GRANT. PROFESSIONAL SERVICE AGREEMENT CONTRACTS FOR MENTAL HEALTH PROFESSIONAL THERAPIST, A MINDFUL LIFE COUNSELING SERVICES AND PEACE, BALANCE & JOY CONSULTING**

Wendy Jessen, Iron County CJC Director, explained that this was a renewal from last year and was primarily unchanged. She noted that she requested a rate increase in those contracts and the Victims of Crime Act (VOCA) approved that rate. So instead of the \$100 an hour, the rate increased to \$117, which is in line with what crime victim reparations through the And also, she negotiated to get a no-show or late cancellation fee. Largely, they are going to try to bill the client for that, so they have an incentive to attend the counseling appointments. Paul Cozzens made a motion to approve the renewed contracts for mental health providers contracted with the Iron County Children's Justice Center with CJC client sessions covered through the VOCA grant. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Absent.

**DISCUSSION AND POSSIBLE APPROVAL OF GRANT FUNDS FROM DPS PERTAINING TO NEW LEGISLATION REGARDING PROVIDING MENTAL HEALTH FOR FIRST RESPONDERS, WHICH INCLUDES VICTIM ADVOCATES, FORENSIC INTERVIEWERS, PROSECUTORS, AND CIVILIAN EMPLOYEES OF A FIRST RESPONDER AGENCY WHO HAS BEEN AUTHORIZED TO VIEW OR OTHERWISE ACCESS INFORMATION CONCERNING CRIMES, ACCIDENTS, OR OTHER TRAUMATIC EVENTS**

Wendy Jessen, Iron County CJC Director, explained that this item would be is discussion of possible approval of grant funds from DPS pertaining to new legislation regarding providing mental health for first responders which includes victim advocates, forensic interviewers, prosecutors, and civilian employees of a first responder agency who has been authorized to view or otherwise, access information concerning crimes, accidents, or other traumatic events. The grant, in the amount of \$30,600 would be to cover the Children's Justice Center staff and also the county attorney's office. It would cover only one year, roughly one-hour mental health checks on an annual basis. It would also cover one critical incident, wherein a first responder would benefit from a session 12 to 24 hours after an incident. Wendy noted that she would work with Susan Carter to establish the protocols for the sessions. This would be a requirement for Iron County to provide in the future. Paul Cozzens made a motion to approve grant funds from DPS pertaining to new legislation regarding providing mental health for first responders, which includes victim advocates, forensic interviewers, prosecutors, and civilian employees of a first responder agency who has been authorized to view or otherwise access information concerning crimes, accidents, or other traumatic events. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Absent.

**DISCUSSION AND POSSIBLE APPROVAL OF A PROPOSED COUNTY CODE AMENDMENT (ORDINANCE 2024-5) AN ORDINANCE REGARDING COUNTY LIVESTOCK TRAILS. THIS ORDINANCE WILL BE INCLUDED IN IRON COUNTY CODE §17.30, AS §17.30.090; AND PROVIDING FOR AN EFFECTIVE DATE. PUBLIC HEARING PREVIOUSLY HELD ON JUNE 10, 2024**

Reed Erickson explained that the amendment to Iron County Ordinance 2024-5 regarding Iron County livestock trails was that reasonable efforts be made to contact and work with law  
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enforcement to post the signs when they're moving livestock on county roads. Reed noted that Iron County had already made signs for this purpose, which had been used by ranchers. The livestock men and women expressed their appreciation for the support and the signs. Today's agenda item would be for action, but not a public hearing. Because of Ordinance 2024-5, as well as the active map available through Iron County Geographical Information System (GIS), the trails could depend not just on the 1966 Revised Statute 2477 (RS-2477), but have a current, defined by Iron County, map of livestock trails in Iron County. Paul Cozzens made a motion to approve the Amended Iron County Ordinance 2024-5, Regarding County Livestock Trails. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Absent.

**REVIEW AND POSSIBLE APPROVAL OF MEMORANDUM OF UNDERSTANDING FOR THE ADMINISTRATION OF THE CEDAR CITY STORYBOOK CAVALCADE CHILDREN'S PARADE**

Jami Evans discussed a Memorandum of Understanding (MOU) with the commissioners, wherein Iron County would take over the Cedar City Storybook Cavalcade Children's Parade. Jami explained that, due to the theme of the Iron County Fair this year, which was "Treasure the Memories," she had reached out to the Storybook Parade to ask whether they could use their ship float. They replied that they were no longer even doing the Storybook Parade, due to a lack of volunteers. In subsequent discussions with Commissioner Wood, and the Storybook personnel, they determined that it would be a good idea for the Iron County Fair to take over the parade. The Storybook Cavalcade Parade is a benefit to the community, and people were disappointed when it was not held last year. Paul Cozzens asked if the plan was for Iron County to take over the parade. Jami Evans replied that it was and that they had met with Cedar City Mayor Garth Green and everyone agreed it should stay in Cedar City. Cedar City agreed to continue to store the floats used in the parade. Paul Cozzens asked whether the Utah Counties Indemnity Pool (UCIP) would cover Iron County's liability for the parade. Jon Whittaker replied that they likely would, but that he would verify. Traffic control, the length of the commitment, and ownership were also discussed. Paul Cozzens made a motion to table the MOU to give time for additional consideration. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Absent.

**DISCUSSION AND POSSIBLE APPROVAL OF A PARTIAL SUBDIVISION VACATE AND AMEND FOR LOTS 18 & 19, RAINBOW MEADOWS RANCHOS, UNIT A – TO COMBINE INTO A SINGLE LOT RENUMBERED 19A – LOCATED IN THE NE¼ NW¼ OF SECTION 30, T36S, R8W, SL&M, IRON COUNTY, UT**

Reed Erickson explained that, while the Zoning Administrator or Planner were now authorized to approve subdivision plats because of the ordinance passed last year, these requests to vacate and amend to combine lots now seemed a bit trivial to bring before the commissioners. He suggested that an additional ordinance be drafted and considered to also allow for administrative approval of this type.

Reed Erickson explained that this vacate and amend action was to combine two lots into a single lot in the Rainbow Meadows Ranchos subdivision, near Brian Head Peak. In particular, the challenge for the owner was to stay within the setbacks of both lots. The new lot would be renumbered as 19A. Paul Cozzens made a motion to approve the partial subdivision vacate and amend for Lots 18 and 19 Rainbow Meadows Ranchos, Unit A to be combined into a single lot renumbered 19A as explained. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Absent.

**DISCUSSION AND POSSIBLE APPROVAL OF A PARTIAL SUBDIVISION VACATE AND AMEND FOR LOT 1, BLOCK G, WESTVIEW ESTATES SUBDIVISION, PHASE 4 – TO COMBINE INTO A SINGLE LOT RENUMBERED 1 – LOCATED IN THE SE¼ NW¼ OF SECTION 19, T36S, R11W, SL&M, IRON COUNTY, UT. (APN: D-1213-6-1)**

Reed Erickson explained that this item was to dedicate Lot 1, Block G, Westview Estates Subdivision, Phase 4, as open space. The lot was owned by the homeowners association, who wanted to have it dedicated as a park and as common area within the subdivision. This change would not obligate Iron County in any way. It would simply be a common area, that the subdivision could convert to a park, and the homeowners association would continue to own and maintain the parcel. Paul Cozzens made a motion to approve the partial subdivision vacate and amend for Lot 1, Block G, Westview Estates Subdivision, Phase 4, Lot 1. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Absent.

**CANVASS OF THE JUNE 25, 2024 PRIMARY ELECTION**

Jon Whittaker explained, that under Utah Code Annotated (UCA) 20A-4-301(c), it requires that if one of the county legislative body fails to attend the meeting of the Board of County Canvassers, the remaining members shall replace the absent member by appointing in the order named, County Treasurer, County Assessor, County Sheriff. Because the Treasurer and Assessor could not make it, Sheriff Carpenter graciously consented to sit in on today's Canvass. Jon continued, referring to the election code about the board of canvassers: After each election, the county clerk will present the canvas to the legislative body for certification. Each county legislative body is the board of canvassers for the county. The board of canvassers shall meet to canvas the returns at the usual place of the meeting of the county legislative body at a date and time determined by the county clerk that is no sooner than seven days after the election and no later than 14 days after the election. Today is day 13. Before the Board of Canvassers convenes, the election officer shall count the ballots, prepare the summary of all ballots counted and all ballots not counted with an explanation regarding the reason the ballots were not counted and make available to the Board of Canvassers for inspection of all ballots, registers, books, forms, and forms related to the election. The Board of Canvassers shall canvass the election returns by publicly reviewing the summary reports prepared by the election officer and any ballots. The Board of Canvassers shall, once having begun the canvas, continue until it is completed.

Jon Whittaker then reviewed the Summary and Canvass reports with the Board of Canvassers. Jon then discussed the fundamental role of voter roll maintenance in elections. The Clerk's Office works on voter roll maintenance 365 days per year. He then discussed the Logic and Accuracy test performed before each election. In that test, the election equipment is put through its paces, logging in, tabulating test ballots, and making sure the results are correct. As a matter of fact, an error was found, but it was with the hand count we checked the machines against.

Shaneal Bess, Iron County Chief Deputy Clerk, then explained the signature audit that was performed. 100% of the ballots have their signature checked against the signature on file with the voter's registration. Shaneal explained that the signature audit was now something performed during the signature verification process, instead of after. We do a signature audit on 1% of all signatures before the ballots are removed from the envelopes. Before a Clerk Deputy can verify signatures, they must take and pass signature training each year. She then showed the Board of Canvassers her signature verification certificate. Since Shaneal is the one auditing the signatures, she is unable to verify voter signatures. Also, because when a deputy is verifying signatures, they are not permitted to perform any other tasks, we have two dedicated deputies for signature verification. If their phone rings, they are not allowed to pick it up, if someone comes to the counter, they are not allowed to help. If they need to eat lunch, they must wait for a break in verifying signatures. In practice, Shaneal audited far more signatures than 1%, because she would audit about 4 signatures in a batch of 50. She would then audit batches throughout the day. To audit the signatures, she would pull a completed batch, then pull up the voter's registration, and compare the affidavit with the signature on file. If a deputy feels that a signature does not match, it takes two deputies to reject the signature. If there is a concern about a

signature, it is not simply rejected. We are able to review all of the signed registrations on file, any property records that have been recorded, even marriage licenses and other county documents that have been signed.

Jon Whittaker then explained the post-election audit. This was now done before the canvass. This change in the timing of the post-election audit, was a recent change. Mike Bleak, and Addison Adams, the Parowan City Police Chief performed the audit. We are required to audit 1% of tabulated ballots, so the Lieutenant Governor's Office assigned two random batches of 50 ballots to audit. Micheal Bleak explained that they compared the image on the screen to the ballot in their hand, and to the "cast vote record," which is how the software counted the votes. Micheal reported that the audit showed that the image, the cast vote record, and the physical ballot all matched on 100% of the ballots they audited. He then explained that they found an adjudicated ballot, on which the voter had marked 2 ovals and made their intention clear. They were able to verify that the adjudication matched the voter's intent. Finally, Commissioner Bleak explained that, when tabulated, a unique serial number is sprayed on the side of the ballot. That number is the same number as the cast vote record number. He had participated in the audit for years, and he had never seen a discrepancy in all that time.

Jon Whittaker reviewed some of the key statistics with the Board of Commissioners. Of note was that the State School Board Republican Primary was only in the Kanarrville and Beryl precincts, as it was part of a larger district. Ken Robinson won the Iron County Commission Race against Maile Wilson-Edwards. There were 19,928 active voters. There were 9,384 counted ballots by mail or Dropbox, 404 in person. UOCAVA, the overseas or disabled voters, 12 were counted and then there were 38 provisional voters, leading to the total of 9826. Jon noted that the number of votes cast matched the number of voters given voting credit in the statewide election software, yet another safeguard and double-check on the count. The reconciliation happens multiple times each day when verifying signatures, or checking in ballots, to catch and track down any discrepancy sooner. The number of envelopes with a signature not matching was 19, number of unsigned envelopes was 11, number of challenge back batch ballots for any other curable reasons was 9, 3 had no affidavit, 6 were signed by someone else. The total number of challenge ballots not cured was 39. The total number of ballots that were returned after the postmark deadline 491. The total number of rejected by mail ballots that were not counted is 497. The number of provisional ballots was 43, with 38 of those counting, with 5 not counting.

Jon Whittaker then relayed a thought experiment. Erwin Schrödinger in 1935 came up with a hypothesis that if you put a cat in the box with a vial of poison and there's some trigger for the poison that you can assume that the cat is both dead and alive because you don't know if the poison has been triggered or if the cat has died. This was the situation with quite a number of ballots that came back with a postmark that was too late. There were a large number of ballots that were postmarked on June 25<sup>th</sup>, or election day, which is one day too late. However, they were intermixed with ballots that had both the mechanical June 25 postmark *and* a manual stamp from a day or two *before*. In other words, they all came together with the same mechanical postmark, but *some* were able to be counted and the others could be assumed to also be in possession of the United States Postal Service (USPS). In terms of Schrödinger's Cat, the ballots both count and should not be counted. Unfortunately, under the law, they are not allowed to be counted because the law for mailed ballots is that the postmark *must* be before election day.

On Thursday, June 27th, over 400 ballots came in with a late postmark, June 25th and that was a very high number. They were intermixed with hand stamped envelope showing a validate and the mechanical 25th postmark. Jon Whittaker then displayed examples of ballot envelopes with both the late mechanical postmark and the on-time manual, or ball stamp, postmark.

Jon Whittaker then explained that, in addition to the postmark, there is an ultra-violet bar code that is sprayed on the back of mail that, among other things, gives the exact date and time that parcel first entered a USPS machine. In conversations with USPS contacts and other county clerks, Jon learned about the bar code, and that, if a parcel was in Las Vegas to be processed *before* the time when it could have been dropped in a mailbox in Iron County, perhaps he could argue that that ballot should be counted. Lannie Chapman, the Salt Lake County Clerk, was in



possession of an ultra-violet scanner, and was willing to lend it. Therefore, Jon drove to Salt Lake City and back, and he and Chief Deputy Clerk, Shaneal Bess, scanned the ballots. Unfortunately, the earliest time stamp showing on any of the ballot envelopes was June 25 at 6:00 p.m. It was at that point that, under the law, Jon determined that they could not be counted. Ultimately, the decision and responsibility to count or not count such ballots falls upon the county clerk.

Paul Cozzens asked Jon Whittaker if he would be willing to read an email that he wrote to other county clerks whose mail is routed through Las Vegas, the Lieutenant Governor's Office, and to contacts within the USPS. Jon agreed to read the letter, but expressed regret at having written it in anger, and that discretion is the better part of valor.

Chad Dotson explained that as the Iron County Attorney, explained that he is often called upon to advise commissioners, elected officials, and department heads. As the county's attorney, he needs to apply the law to facts, and that's the same with criminal prosecution, and making decisions. In this case, unfortunately, the statute is pretty clear. Those ballots do not have a postmark before election day. Chad noted that there were some voters who reached out and said that they would sign a sworn affidavit that they in fact placed their ballot in the mail prior to Election Day. Chad expressed that there would be value in that in as much as it highlights the scope and the scale of the issue. Because two things can be true at once. There is an issue that needs to be addressed whether that be our process with the USPS in Iron County and how things are received whether they go to Vegas or not whether their hand stamps or not. He expressed that, perhaps, the legislature should make some changes. He noted that it is also true that the law is clear and that those ballots that are not clearly marked before election day, unfortunately, cannot count. And so, if there are affidavits, I think that it helps again highlight the issue, the scope and scale so that we can hopefully address this issue for future elections. He concluded by advising that affidavits do not cure or overcome the burden that the plain language of the statute puts on the clerk for purposes of this election.

There was a question regarding whether the ballot envelopes that had both an earlier postmark as well as the too late Las Vegas postmark counted. Jon Whittaker explained that, because they had evidence of a postmark before election day, those ballots were processed and counted.

Jon Whittaker noted that, out of frustration, he wrote a letter as noted above. He elaborated, saying that since last fall, the mail had been routed through Las Vegas for most of the 847 three-digit zip codes. There had been concern, and the USPS leadership had attended the clerk/auditor meetings in the spring and gave assurances that the postmarks were timely. He was frustrated at not being able to count the questionable ballots and he wrote the letter:

*Good Afternoon.*

*On this email are all of my contacts with the USPS, the Utah Lieutenant Governor's Office key staff, Iron County Attorney staff, and county elections staff and clerks for the 847 three-digit zip codes.*

*I am livid!!*

*In spite of repeated assurances, I once again, have a large number of returned ballots that are not able to be counted by Utah law:*

*In the mail today were 429 by mail Iron County ballots. Of those, 14 will be able to be counted. 415 will not. Utah law requires that a ballot envelope be stamped with a date before the election, so in this case, June 24th. I am upset because nearly all of the ballot envelopes that will not be counted are mechanically stamped June 25th at the Las Vegas sort center. Most damning is that on all of the countable ballot envelopes, there is both the mechanical Las Vegas stamp, plus another stamp with an earlier date. Either a hand stamp at a local post office, or a mechanical stamp from another place.*



*Because both the ballot envelopes that are going to be rejected, as well as those that will count all have the June 25th cancellation stamp, I can only assume that at least some of those that bear the June 25th date were mailed on the 24th and should therefore be counted. However, because of the maddening 340 mile journey all mail must take to the Vegas sort center and back, they were likely stamped after midnight, even though they entered the mail stream on the 24th. This is unacceptable!!*

*Also, even if I felt it were appropriate to violate Utah Election Code (It's not, by the way) and count some or all of the ballots in these envelopes, how would I know which were stamped after midnight due to a system that is too big to care, but also too inefficient to function properly, and those which were actually mailed after the deadline?*

*When I stand before the Board of Commissioners and present the Canvass of the Election Results, it is a sacred thing to me. I stand and present the results, my procedures, the turnout, any problems, and how it went. This time, I feel that over 400 voices were silenced for no good reason.*

*This has been a worry for some time, with similar evidence from earlier elections.*

*I am demanding that this issue be addressed. Not only for ballots and election mail, but for better service for all 847 zip codes. I am talking proper sleeves, I am talking better priority for Utah mail, I am talking more proactive communication from Vegas to 847 postmasters and staff. I have visited with local postmasters who are quietly frustrated at the poor service from the Las Vegas sort center. They might not say it, but I will: You must give equal priority to Utah mail; especially election mail; You must properly staff and equip your teams so that an appropriate level of service can be provided; Local postmasters must have a clear chain of command through which to escalate questions and problems.*

*In this era of distrust in core American institutions, your performance has been sub-par. Utah is an all-by-mail state for elections, and the Lieutenant Governor's Office, as well as clerks' offices around the state regularly defend the USPS. But you must make yourself defensible! My ability and willingness to defend the USPS is waning. Step up! You are failing us in something as simple as a timely postmark.*

*This is not something trite. If confidence is lost for elections, the USPS, and other key institutions, we will eventually tear apart the fabric of our society. Your incompetence in this regard damages both your reputation and ours (as Utah election officials).*

*If I do not see some concrete policy and procedural steps from the USPS on this matter, I will have no choice but to modify my instructions to voters, reflecting a loss in confidence in the USPS's ability to perform its duty. I will also pursue legal action, such as I am able, to compel better performance.*

Jon Whittaker then explained that the remainder of the letter was procedural.

Paul Cozzens thanked Jon Whittaker for reading the letter and noted Jon's emotions and concern for elections and this issue. Paul expressed that the Clerk's office takes elections very seriously and does a wonderful job. He noted that, as deliberations ensue today, in no way were his comments meant to criticize the Clerk's Office, because he feels they do their best and it's really hard. Especially as time goes on, it is becoming more and more difficult for clerks and their offices with the criticism and the microscope that's on them.

Jon Whittaker interjected to finish his initial presentation by discussing the opportunity cost of not certifying the election. There were roughly 400 or so suspect ballots versus 9,826

counted votes being silenced if the certification was not approved. Jon Whittaker expressed that it was a difficult situation, but that it was a very stark contrast to certifying versus not.

Jon Whittaker reported on the planned corrective action regarding delayed postmarks. First, the ballot instructions would include a message to not delay in the mailing of ballots once voted. Also, if he ended up being unable to gain any confidence in the postmark issue, he would instruct voters to either get a hand postmark within 5 days or drop their ballot in a drop box instead of mailing it. Another corrective action would be that he would be installing 24 hour drop boxes around the county. There would be outdoor drop boxes in Cedar City, in the parking garage next to the utility drop box; in Enoch City, at the city offices next to the utility drop box; and in Parowan at the courthouse near the 100 East driveway. He noted that he would be meeting with the USPS to demand correction. Jon expressed that there were many creative and dedicated people that worked for the USPS, some of whom were very helpful when he called. It hurt him that the USPS was receiving such criticism. Finally, he recommended that the commissioners, as the board of canvassers, certify the election. Ultimately, the law requires that ballot envelopes be postmarked before election day. The law does not say anything about when a ballot is mailed. Jon expressed that he hated the situation, and his actions reflect that. He wrote a petulant letter to the USPS, he drove to Salt Lake City and back, hoping to make the ballots be able to count. Jon noted that both he, and the board of canvassers are bound by law. Not certifying would put 9,800 voices in risk in favor of the 400 he was unable to count because of postmark.

Blaine Nay, a citizen of Cedar City, asked that because there were some very close races, if we cannot trust the USPS, then why are we using them?

Brad Green, a resident of Cedar City, noted those individuals that stood and discussed the security of elections, but noted that no one from the USPS spoke. He expressed that the election was interfered with because of the delay in postmark. He did not believe it was not appropriate nor moral to certify this election.

Camille Topham explained that she dropped her ballot in the mail on June 23<sup>rd</sup> as her family was traveling to Colorado in an Enoch City post box. She has been using by mail ballots from the beginning, and though that perhaps her family were the only ones, but she saw Commissioner Cozzens' Facebook posts. She wondered whether the ballots traveling out of state was an opportunity for fraud.

Jon Whittaker replied that there would be 24 hour drop boxes from now on. He agreed that it was a reasonable assumption that there be a timely postmark applied. That is why he wrote the aforementioned letter to the USPS.

Stephanie Hill mentioned this issue would be need to be addressed, but that she was involved with an organization called Take Action for Freedom. She and that organization felt there were some major discrepancies between voter rolls and ballots. As they canvassed voters they discovered that there were differences. They had tried to get Utah to move away from voting by mail and back to in-person voting. Voting is one of the most important things we do in this country, and to have even one vote dismissed would not be acceptable.

Tiffany Matthews, a resident of Cedar City, explained that she was taking a youth group boating and dropped her ballot in the mail on Monday morning before they left. She later got a letter stating the postmark was too late. Integrity in elections is important.

Dixon Tiffany, a resident of Cedar City, expressed that he was completely against by mail voting. Mr. Tiffany expressed that he would like a return to in-person voting. He expressed that there had been too many issues in the last decade that have messed up in this country.

LaJuana Robinson, a resident of Paragonah Town, reported that she dropped her ballot in the blue receptacle on June 23<sup>rd</sup> at about 1:00 p.m., before the 2:50 p.m. pick up time. She assumed that the ballot envelope would be stamped in Parowan and be counted. Mrs. Robinson wished that there would be a 24 hour drop box in Parowan.

Shaneal Bess, Iron County Chief Deputy Clerk, noted that it is important to know the pick-up times for each blue mail receptacle.

Paul Cozzens noted, that when Jon Whittaker explained that there were 429 ballots returned late he was alarmed and very concerned. The next day Paul was in the barber chair, and his barber said he and his wife's ballots did not count. Another individual reported that they

dropped their ballot in the mail on June 24<sup>th</sup>, and their ballot did not count. After this Paul made a Facebook post inquiring about the issue. He then visited folks that reached out to him and presented them with an affidavit saying they mailed their ballots before election day. Paul then noted that he had been a business man for years, and recalled mailing his quarterly sales tax reports, before it was digital, and never had a problem with the postmark.

Quoting Lieutenant Governor Diedre Henderson, saying a canvas is a public meeting conducted by election officials and county commissioners to review the election. He quoted her saying, "Discrepancies are thoroughly evaluated and resolved "to ensure all valid votes are accurately reflected. "The overall purpose of a canvas is to ensure "the accuracy and integrity of each election." Paul then related conversations with Speaker of the House Mike Shultz, invoking Lieutenant Governor Diedre Henderson noting that county clerks might have wiggle room on the late postmark issue.

Paul Cozzens then recalled the 2022 election where many ballots went missing. He noted that it was nearly 20,000 ballots and that nearly half of the voters were not able to get their ballots that election. He brought that issue up in the legislature and nothing happened. He reflected on Dixon Tiffany, who has voted for 55 years. Paul wondered whether the lieutenant governor might be able to postpone the statewide canvass. He hoped it could be delayed until all 415 voters with a possibly delayed postmark might be contacted. Paul expressed that Mrs. Topham's story was very compelling. He expressed, that under these circumstances that he could not see how they could canvass this election.

Sheriff Ken Carpenter explained that he had communicated with Iron County Attorney, Chad Dotson, who explained that the state law is very clear that it has to be postmarked prior to election day. Ken was not sure how to get around that. He asked Jon Whittaker what would happen if the election were not certified today. As it was unprecedented, Jon replied that the law says, "The Board of Canvassers shall, once having begun the canvass, continue until it is completed. Jon explained that if the election were failed to be certified, typically it has been because of obvious fraud or damage to ballots or interference. This is a terrible situation, but it's none of those things. Jon was unsure of what would happen. There have been examples in Arizona where the Board of Canvassers was compelled to certify, but he was unsure how this situation would play out. Likely, the Attorney General's office would sue to enforce and compel the Board of Canvassers to follow the statute and certify the election. Sheriff Carpenter expressed that if there was indeed wiggle room, it might be prudent to pause the canvass. Perhaps the Iron County Attorney's Office could look for any ambiguities or wiggle room under the law.

Sheriff Ken Carpenter expressed sympathy for those voters whose ballots did not count due to a failing of the Federal Government. He mused whether failing to certify the election would do anything to fix the issue. Ken expressed that the value of the affidavits Commissioner Cozzens mentioned would be to use them when discussing the issue with legislators. He expressed that his fear was that by failing to certify we lose out on the other 9384 people that whose votes did count.

Chad Dotson said that his legal opinion was that the right thing to do would be to certify the election.

Mike Bleak noted his background in law enforcement, as well as the many times he has sworn to uphold the constitution. He noted his experience as an officer, an investigator, and as a detective. Mike noted that in the course of that work, you gather evidence, you gather affidavits, you gather information in an effort to put a case together. That process takes time. He expressed that there was a compelling case to be made to the legislature, but that change would not be today. Mike noted that he did not know any way around honoring the law as it stands today, respecting the law and following the law. He noted that Iron County officials have successfully made their case to the legislature in the past. In conversation with Jon Whittaker, he noted that this problem has happened before, and in other counties.

Paul Cozzens made noted that he typically does not allow for Rated R movies in his house, but has made exceptions with the movies *Saving Private Ryan* and *Patriot*. He noted that his daughters, both of whom were adopted from China, would still be living under communism.

He wanted them to appreciate the sacrifices made for the freedoms we enjoy today. Paul invoked the Boston Tea Party, when colonists dumped tea into Boston Harbor in protest of taxation without representation. They broke the law. Commissioner Cozzens then read this statement:

*“As an elected official, I believe there is no duty more sacred than ensuring the security and integrity of our elections. I cannot, in good conscience, vote to certify an election when hundreds of ballots were marked late by the Postal Service. The Utah Election Code states, if it clearly appears to the election officer and board of canvassers that certain matters are omitted or that clerical mistakes exist in election returns received, the election officer shall correct the omissions and mistakes. Legitimately registered voters acting in good faith with a clear intent to submit their ballots on time, have substantially complied with our voting laws. These voters are willing to sign a sworn, notarized affidavit, and many already have, attesting that they did comply with election law. So when we talk about laws, there's two laws that we're looking at here. The right to vote has been paid for by the blood of hundreds of thousands who have come before us. Silencing these voices dishonors their sacrifices and undermines the democratic process. Therefore, I will not vote to certify this election until we have a clear path forward without silencing the voices of those who did their duty and mailed their ballots on time.”*

Sheriff Ken Carpenter asked whether it would be possible to put this process on hold to have the opportunity to speak with the Lieutenant Governor's office and the Attorney General's office and see if there might be any way forward. Ken also asked if there was one more day to certify the election. Jon Whittaker replied that they could put the process on hold and that they had until 5:00 p.m. on Tuesday, July 9<sup>th</sup>. Sheriff Ken Carpenter (as a member of the Iron County Board of Canvassers replacing Commissioner Marilyn Wood who was away) made a motion to put this process on hold to have the opportunity of talking with the state representatives to see if there would be a path forward to count the 400 votes with late postmarks. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Ken Carpenter, Aye; Paul Cozzens, Aye.

Jon Whittaker noted that he would make public notice for a Special Meeting the next day, and make the other arrangements.

### **PERSONNEL**

Jennifer Bradbury, Iron County Human Resource (HR) Director, presented the creation of a new position, Part-Time Law Clerk, effective August 5<sup>th</sup>, the new hire of Dallin Brooks as a Part-Time Law Clerk for the Attorney's Office, effective August 5<sup>th</sup>. The promotion of Charles Day from Full-Time Deputy 2 to Full-Time Deputy 3, Effective July 7<sup>th</sup> in the Sheriff's Office. The promotion of Skyler Davis from Full-Time Deputy 2 to Full-Time Deputy 3, Effective August 4<sup>th</sup> in the Sheriff's Office. Paul Cozzens made a motion to approve these personnel changes as presented. Second by Michael Bleak. Voting; Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Absent.

Personnel item C, 1 regarding additional grades within the Clerk's Office was tabled at a request by Jon Whittaker, Iron County Clerk.

### **NON-DELEGATED ITEMS**


#### **Closed Session:**

#### **DISCUSSION REGARDING ONGOING LITIGATION, THIS PORTION OF THE MEETING MAY BE CLOSED PURSUANT TO UCA 52-4-205(1) (c), “STRATEGY SESSIONS TO DISCUSS PENDING OR REASONABLY IMMINENT LITIGATION”**

Paul Cozzens made a motion to move into a closed session pursuant to UCA §52-4-205 (1) (c) – “Strategy Sessions to discuss pending or reasonably imminent litigation.” Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Absent; Marilyn Wood, Absent.

STATE OF UTAH       )  
                                      ) s.s.  
COUNTY OF IRON    )

I, Michael Bleak, Chairman of the Iron County Utah Commission, hereby certify that the purpose of the closed session convened was conducted in accordance with UCA § 52-4-205(c) for discussion regarding ongoing litigation.

  
Signed: Michael Bleak, Chairman

  
Attest: Jonathan Whittaker, County Clerk



**END OF CLOSED SESSION**

Michael Bleak, Iron County Commission Chair, declared the closed session ended and the return to the open Iron County Commission meeting.

**ADJOURNMENT**

Michael Bleak, Iron County Commission Chair, declared adjournment.

  
Signed: Michael Bleak, Chair

  
Attest: Jonathan T. Whittaker, County Clerk

