
BEFORE THE STATE RECORDS COMMITTEE OF THE
STATE OF UTAH

KATHY DOPP,

DECISION AND ORDER

Petitioner,

vs.

SUMMIT COUNTY,

Case No. 07-02

Respondent.

By this appeal, Kathy Dopp seeks access to records of Summit County election summary data. The State Records Committee, having reviewed the materials submitted by the parties, and having heard oral argument and testimony on February 8, 2007, now issues the following Decision and Order.

STATEMENT OF REASONS FOR DECISION

1. The Government Records Access and Management Act (“GRAMA”) specifies that “all records are public unless otherwise expressly provided by statute.” Utah Code Ann. § 63-2-201(2). Records that are not public are designated as either “private,” “protected,” or “controlled.” See Utah Code Ann. §§ 63-2-302, -303 and -304.

2. Summit County denied Ms. Dopp the records she seeks on the grounds that said records are “election returns” which are not subject to GRAMA but rather governed by the “Election Code” Title 20A Chapters 1 and 4 Utah Code Ann. Furthermore, Summit County determined that pursuant to Utah Code Annotated 63-2-201 (6) (a), access to these records is “exempt,” governed or limited pursuant to another state statute, and is therefore governed by the specific provisions of that statute, not by GRAMA. The County determined that the State Records Committee does not have jurisdiction in the immediate matter. Summit County denied Ms. Dopp access to the records she seeks as they are directed to be sealed under the election code.

3. The Committee is persuaded that all the records requested by the requestor are “election returns” as defined by Utah Code Annotated §20A-1-102(28) and access to them and their disposition is governed by Utah Code Annotated § 20A-4-202(2)(c) and (d) and their release may not be ordered under GRAMA pursuant to Utah Code Ann. §63-2-201 (6)(a).

ORDER

THEREFORE, IT IS ORDERED THAT Summit County’s determination regarding the classification of these records as exempt is affirmed. The appeal of Kathy Dopp is denied.

RIGHT TO APPEAL

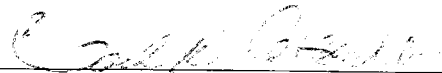
Either party may appeal this Decision and Order to the District Court. The petition for review must be filed no later than thirty (30) days after the date of this order. The petition for

judicial review must be a complaint. The complaint and the appeals process are governed by the Utah Rules of Civil Procedure and Utah Code Ann. § 63-2-404.

The court is required to make its decision de novo. In order to protect its rights on appeal, a party may wish to seek advice from an attorney.¹

Entered this 14th day of February, 2007.

BY THE STATE RECORDS COMMITTEE



Carl R. Albrecht, Chairperson
State Records Committee


¹This notice is required by Utah Code Ann. § 63-2-403(12)(d).

CERTIFICATE OF MAILING

I hereby certify that I mailed a true and correct copy of the foregoing Decision and Order, postage prepaid, this 14th day of February, 2007, to the following:

KATHY DOPP
P.O. Box 680192
Park City, Utah 84068

DAVID L. THOMAS
JAMI R. BRACKIN
SUMMIT COUNTY ATTORNEY'S
OFFICE
60 North Main Street
P.O. Box 128
Coalville, Utah 84017


Susan Mumford
Executive Secretary