



OFFICE OF THE
STATE AUDITOR

News Release
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State Auditor's Statement on HB 257-Related Complaints

Salt Lake City, UTAH

The following is a statement from State Auditor John Dougall:

Recently, the Utah Legislature rushed to pass HB 257 (Sex-Based Designation for Privacy, Anti-Bullying, and Women's Opportunities), codified at Utah Code Section 63G-31 (Statute). Among other things, the Statute requires the Office of the State Auditor (Office) to "establish a process to receive and investigate alleged violations of [the Statute] by a government entity." On May 1, in compliance with this statutory mandate, the Office launched an online complaint form, similar to its traditional online hotline reporting form. This form allows members of the public to report alleged violations of the Statute by government entities. Perhaps unsurprisingly given the Statute's controversial topic and the hurried nature of its passage, many members of the public misunderstood the obligations of this Office. As such, the Office has received a significant number of frivolous complaints and not a single legitimate complaint. So, in response, I wish to correct a couple of apparent misperceptions.

First, the Office only investigates alleged violations of the Statute by government entities. For example, we are required to investigate an allegation that a government entity has failed to adopt a compliance plan that addresses the government's duties under the Statute. We act only in response to allegations and will not initiate any investigation at random. Further, we will not investigate the actions of any private individuals, nor will we investigate or determine anyone's sex or gender. We are not required – and have no desire – to intrude on the most intimate aspects of a person's life. In this vein, we remind the public that under both the Statute and Utah Criminal Code, an individual has a reasonable expectation of privacy in a "privacy space." If we receive lewd or voyeuristic images, we will promptly refer those to law enforcement.

Second, the Office created the complaint form to comply with a statutory mandate – a role we did not request. Indeed, no auditor sets out to become a bathroom monitor. Unfortunately, neither Rep. Birkeland, nor any other legislator consulted with this Office regarding this newly mandated obligation placed on the Office under this bill. Like many in the public, we learned about our role under this bill shortly before the bill was rushed to final passage.

I recognize that many Utahns feel trampled by an invasive and overly aggressive Legislature that too often fails to seek input from those most affected. Constituents unhappy with this Statute will not effect change by misdirecting their anger toward the Office and its dedicated employees. The Legislature crafted these public policies, and only the Legislature can revise them. Concerned citizens should directly contact the bill sponsor, Rep. Birkeland, and other legislators at le.utah.gov.

About the Office of the State Auditor

The Office of the State Auditor provides Utah taxpayers and government officials with an independent assessment of financial operation, statutory compliance, and performance management for state and local government.

Specific activities of the Office include performing financial audits, conducting Federal funds compliance audits, providing local government oversight, conducting agency and program performance audits, performing fraud and compliance audits, and operating the State Auditor Hotline for citizens to report suspected financial issues or improprieties. These capabilities strengthen Utah State Government and help taxpayers have confidence in the integrity of Utah's government agencies.

The Office also provides interactive graphical tools to help taxpayers and policymakers gain greater insight into governmental financial activities. These tools include the Transparent Utah Public Finance website (transparent.utah.gov) as well as the award-winning Project KIDS public education analysis dashboards (auditor.utah.gov/kids).

The State Auditor is a Constitutional Officer of the State of Utah, elected directly by the state's citizens every four years. The role of the State Auditor is authorized in Article VII, Section 15 of the Utah Constitution. For more information, see auditor.utah.gov.

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