

Swallow headlines spark question: Should Utah attorney general be elected or appointed?

By Dennis Romboy, Deseret News

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Utah Attorney General John Swallow speaks with reporters after appearing on the Doug Wright show in Salt Lake City Tuesday, May 14, 2013. (Jeffrey D. Allred, Deseret News)

SALT LAKE CITY — Should the attorney general in Utah be appointed or elected?

State lawmakers held a lively debate about that question Wednesday, including some testy exchanges between an outspoken Democrat and a colorful Republican.

"I think the question here is, 'Do we want the best lawyer or the best politician as the state's chief law enforcement officer?'" said Sen. Todd Weiler, R-Woods Cross, who initiated the discussion. "I know this is a big

deal to take this away from the people, but I'm absolutely convinced it's the best policy for the state of Utah."

Rep. Janice Fisher, D-West Valley City, disagreed.

"What about the voice of the people? We the people need input into this," she said.

Weiler brought the idea to the Government Operations Interim Committee to gauge its interest in drafting a bill for the 2014 Legislature to consider. It would also take a voter-approved constitutional amendment to make the attorney general an appointed position.

His proposal was prompted in part by the allegations leveled at Attorney General John Swallow the past few months.

The committee also discussed changing the way the state investigates election law violations, which arose from a complaint filed against Swallow.

Legislators rushed to change the law on the last day of the 2013 session because it allowed the attorney general to investigate himself. They now want to address other potential conflicts that could arise under the current statute and remove vague and confusing language.

"It is obvious this statute is in need of some fine tuning," said Rep. Jack Draxler, R-North Logan.

The committee didn't take a position on Weiler's proposal. But he said after the meeting that he intends to move ahead with legislation that would allow the governor to appoint the attorney general

with legislative confirmation.

Seven states currently appoint an attorney general. The governor makes the appointment in five of those states, the state supreme court in one and the legislature in one.

Weiler said having the attorney general running around asking for large sums of money in an election campaign is not good for Utah.

Although he said he's a proponent of not fixing things that aren't broken, "I'm here to say it might be broken. I think some of the things we've seen in the headlines suggest that."

He was referring to the accusations against Swallow and his predecessor Mark Shurtleff that among other things include alleged promises of protection from prosecution for some campaign contributors. Weiler also noted Swallow amassed more than \$1 million in his campaign, while in comparison the state treasurer only raised \$23,000.

The discussion sparked some sharp words from Sen. Jim Dabakis, D-Salt Lake City, and Sen. Scott Jenkins, R-Plain City.

Dabakis said lawmakers are closing their eyes to the reasons for the issue coming up: Swallow. He said he hopes to "tear away the codes of silence" regarding the embattled attorney general.

The Legislature needs to hold hearings on ethics standards and should examine the role money and influence plays in the attorney general's office, said Dabakis, who also is the Utah Democratic Party chairman.

Dabakis' comments set a fire under Jenkins.

"I'm sick and tired of hearing you bloviate on some many of these issues and do nothing," he said. "I'm saying buck up here and let's see what you have to offer."

Jenkins told Dabakis to "put your money where your mouth is" and propose some legislation.

After the meeting, Dabakis said the Republican-controlled Legislature is dancing around the Swallow issue and how it would affect the state.

"But nobody is actually supposed to say Swallow," he said. "The elephant was tiptoeing in the room and somebody needed to say the reason we're talking about these bills is the whole John Swallow mess."

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