

UTAH PRIMARY » JUNE 25

3 vie to be GOP attorney general nominee

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The Salt Lake Tribune

After a decade in office, Attorney General Sean Reyes announced in December he would not seek reelection in 2024, creating an opportunity for Republicans to enter the race — and four of them did. One was eliminated at the GOP's state convention, leaving three on the ballot for the June 25 primary: Rachel Terry, who is the director of the Utah Division of Risk Management; former GOP Chairman and state legislator Derek Brown; and attorney Frank Mylar.

The winner of the Republican June 25 primary will face Democratic nominee Rudy Ruita, Libertarian candidate W. Andrew McCullough, unaffiliated candidate Austin Hepworth, and United Utah Party candidate Michelle Quist in the November general election.

The Salt Lake Tribune submitted the same set of questions to each candidate asking about issues readers said were important to Utah. Their questions and answers that appear below — with the candidates listed in alphabetical order — may have been edited slightly for length, style or grammar.

Question #1 » Utah's last three attorneys general have left the office amid controversy. What would you do as attorney general to restore and maintain high standards of ethics and transparency?

Derek Brown » I have great faith in the value that the attorney general's office provides our state and the depth of knowledge of the attorney general's staff and investigators. The office needs robust resources, greater transparency and active management to ensure that the citizens of Utah trust the office and the attorney general.

I will ensure that there is transparency in my actions, that every dollar spent will be disclosed, that meetings related to my duties as attorney general will be made public and that the decisions I make will be available for scrutiny. As I did when I previously held office, I will make myself available to my constituents, as well as my fellow elected officials, county and district attorneys, law enforcement officials and the press.

Finally, I will do my best to implement any changes suggested by the pending audit to maintain the highest ethical standards possible in the office.

Frank Mylar » I do not accept money from large corporations and lobbyists and large donations from political action committees. I come to the office not "owed" by anyone. That is the most important starting point. Also, I will have an ombudsman to take citizen complaints about the office, as well as a hotline for citizens who have legal concerns about state government and how we can help them. There will be a requirement to get answers to people and have follow-up so that their complaints do not go into a black hole. I will also make my work calendar public and will make clear when I am traveling on official business, for politics or for personal reasons. I will not charge the state for political or personal travels, etc.

Rachel Terry » Transparency is at the heart of trust. I will have a constituent services team to receive and respond to questions and concerns. I will also have town halls and provide information so the public knows what the attorney general's office is doing. I will make my calendar public. I will not only improve the relationship with the public, I will improve the relationship between the attorney general and all stakeholders in the state, such as legislators, schools, universities, advocacy groups, counties, cities and others.

I will focus solely on the work of the attorney general's office. I have been a practicing attorney for 20 years and spent 7 years working in



Derek Brown » Former Republican Party chair and legislator



Rachel Terry » The state's risk management director



Frank Mylar » Utah attorney

the attorney general's office listening to be the most significant cases in the past decade. I will be Utah's attorney general, not politician general. I'm running to focus on the people's work — and nothing else.

Question #2 » Utah Attorney General Sean Reyes' office is investigating Tim Ballard and Operation Underground Railroad. Will your office continue that investigation?

Brown » I find the reports about Tim Ballard and Operation Underground Railroad extremely concerning. I hope that the pending investigation can establish what really happened and ideally bring some relief to the victims. I applaud the actions taken by the Office of the Attorney General since these issues first came to light and would anticipate completing the investigation and then carefully analyzing the results to decide on further action to be taken.

Mylar » I did not think the attorney general's office was investigating Tim Ballard, who was a friend of the A.G. Any time I am a "friend" of an investigation target, I would recuse the office and have another agency handle the investigation. But if there is an active investigation, it must be followed through and there is no reason to stop it. I will tell the investigators to seek the truth.

Terry » I will not interfere with any investigations currently open in the attorney general's office.

Question #3 » Is there a circumstance in which your office would NOT defend a school district's decision to ban a book from a school library? If there is, what would that circumstance be?

Brown » While Utah law does not specifically ban books, it does restrict sensitive materials from children, including books that include prurient or sexual content. The role of the attorney general is to defend state law and, to the extent the laws passed by the Legislature are challenged, I will defend them and protect the children in our schools.

It is important to understand that each school district has their own legal counsel that advises them on how to appropriately remove sensitive materials when found in libraries and classrooms so that they can comply with Utah law. The Utah attorney general's office has some of the best attorneys in the state, and I would make the office's resources available to school districts to assist their attorneys in appropriately following state law and ensuring that age-appropriate materials are available to students.

Mylar » Of course, depending upon what they are banning and their reasons, I have litigated many First Amendment cases, including pornography cases. There are reasons to legally ban books, especially for minors. Minors do not have the free access to pornography that the general public has. There is no justifiable reason to allow minors access to harmful materials, including pornographic words and pictures. You can also, similarly, ban pornography from prisoners.

Minors, like prisoners, do not have the same absolute right to view pornography as free adult citizens, and the books in a school library should reflect this. I will never just blindly support the actions of a school district or school.

Terry » The attorney general's office does not represent school districts unless they are sued for claims covered by the Utah Division of Risk Management. Those cases are limited to claims for money damages arising from employment, civil rights and personal injury cases. I have personally represented several school districts in civil rights claims and also worked with school districts as the current director of the Utah Division of Risk Management.

As attorney general, I will work with school districts to help them understand and comply with both state and federal law and also help them respond to parents' concerns. If a school district is sued for money damages, the attorney general's office will represent them in that litigation.

Question #4 » Yes/No: Do you support and would you continue the state's ongoing litigation against Meta and other social media companies?

(Note: While the following questions are asked as a yes-or-no format, since in most cases each candidate provided a short explanation, those answers are included below.)

Brown » We have recently discovered that some social media companies have known about the addictive nature of their products. Unless these companies are willing to take proactive steps to limit the negative impact on our most vulnerable citizens — our children — I will both continue the lawsuit against Meta and other companies and fight to defend Utah's new social media laws. Our children's future is too important to not do all we can to continue this fight.

Mylar » I cannot answer that yes or no until I have an insider's view of the cases. I need to understand what they are trying to accomplish and whether it is reasonable and can be achieved. I cannot just answer yes or no when I am not the attorney general and not working on that case.

Terry » Yes. It is well established that social media is harming children. Not only does social media impact their mental health, it also allows individuals and corporations to prey on our children. I have worked on numerous cases involving sexual abuse of children. In most of those cases, social media was used to facilitate the abuse. I am concerned that another candidate in this race, Derek Brown, has lobbied on behalf of Facebook — demonstrating what I consider to be a clear conflict of interest with the state's ongoing litigation. I have never been a lobbyist for social media companies and do not have any conflicts of interest on this issue.

Question #5 » Yes/No: Should attorney general candidates be allowed to accept unlimited campaign contributions from any donor?

career politicians are addicted to spending.

The growing federal bureaucracy is ripe for cuts. The government needs to go on a diet with across-the-board cuts. Force bureaucrats to identify excess spending and propose smaller budgets. Congress should tell them how much to cut. I support constitutional spending caps of 18% of gross domestic product.

Brown » I believe in defending and upholding the law, and the concept that no one is above the rule of law. State candidates should comply with state election law, including all of the statutes that govern the receipt and reporting of campaign contributions.

Mylar » No. My competitors have received large donations from various entities. One received over \$100,000 from a PAC. That is just distorting the democratic process. In an ideal world there would be limits to make the playing field fair so that candidates cannot "buy" their way into office.

Terry » Utah allows unlimited campaign donations and those donations are disclosed — but I will not accept contributions with individuals and companies engaged in open litigation against the state.

Question #6 » Yes/No: As attorney general, will you make public your calendar of official meetings?

Brown » Utahns deserve to know what their attorney general is doing. As I have said on many occasions, even though it is not required by state law, I will make my public calendar available.

Mylar » Yes.

Terry » Yes.

Question #7 » In March, the attorney general's office joined a brief before the U.S. Supreme Court arguing that former President Donald Trump should be immune from criminal prosecution. Do you agree the president should be immune from prosecution?

Brown » Although the Constitution does not discuss civil or criminal immunity for the President, there is relevant Supreme Court case-law on the matter. While rare, when the issue of presidential immunity is an issue, the relevant acts should have a strong nexus to the president's Article II powers.

Whether this principle applies to the current prosecution of Trump can only be determined in light of facts found by the court. However, I strongly believe that this should not be a political question. I am concerned at the alacrity with which some prosecutors would attack a former president in a way that may end up politicizing our legal system. Our laws should be equally applied, and never leveraged against political opponents for gain.

Mylar » This is a funny question. It seems the real question is whether the attorney general should join in on the issue.

I do believe there are reasons for presidential immunity, and that applies to Democrats as well as Republicans. But I have not reviewed the case. I am busy litigating numerous cases in my private practice. I cannot opine on a suit I have never seen or read anything about. That would be irresponsible as an attorney. So I have to pass the biggest tax cut in state history because we had our fiscal house in order and worked to

Terry » The decision before the Supreme Court raises important questions that speak to how we understand justice. Is any individual above the law? Is it possible for those who use justice system to lose objectivity and use positions of public trust to target citizens with whom they disagree? My role as the Attorney General will be to uphold the ruling of the Supreme Court, regardless of my position.

Question #8 » What would be your top priorities as attorney general?

Brown » My three top objectives as attorney general are as follows: 1) Defend Utah's rights and uphold the law, especially for the most vulnerable, including children and victims of crime; 2) Fight against federal expansion and overreach, including access to Utah's public lands; and 3) Strengthen and improve the attorney general's office with improved management and more resources for our attorneys, investigators and staff.

However, none of these objectives can be achieved without first earning and keeping public trust. As I have done throughout my professional career, I will work to build relationships of trust with stakeholders and the public through transparency, consistent communication, and quality legal work.

Mylar » 1. Protect girls' women's spaces and bathrooms. This also means fighting the recent Title IX rule sent out by the President Joe Biden. These updates gut the original reasons for Title IX, in protecting girls and women dating back to 1979. There are safety, privacy and religious freedom issues involved for the girls' women that are being overstepped.

2. Stop New York and others from "dumping" illegal aliens into our state. This is plain wrong and harming Utah and must stop. The situation at the southern border is unacceptable and it is affecting Utah. I will coordinate with law enforcement to assist in dealing with coming into our state and will send them back to the state from where they came. I will work with the Legislature to achieve these ends.

3. Fight federal encroachment of our lands and our agencies. The U.S. Department of Justice should not be running our schools or our prisons and jails, as they are trying to do now. Further, ranchers, recreational pursuits and maintaining roads and enforcing state laws should not be obstructed by the federal government. Huge portions of land should be decided to the state and should not be under federal control. I am talking about land that is not part of National Parks, etc., but the land that is really not that pretty and there is no reason the federal government should own and control it.

Terry » I have two top priorities: First, improving the transparency and accountability for the attorney general's office. I will have a constituent services team to receive and respond to questions and concerns. I will also have town halls and provide information so the public knows what the attorney general's office is doing. I will make my calendar public. I will not only improve the relationship with the public, I will improve the relationship between the attorney general and all stakeholders in the state, such as legislators, schools, universities, advocacy groups, counties, cities and others.

Second, fighting federal overreach in public lands, education and energy. Right now, the federal government is locking down public lands so they cannot be used for agriculture, energy production or recreation. This fight will impact the economy and cultural heritage not only for our rural counties, but also for the entire state. Utah's current housing affordability challenges cannot be solved if the entirety of the state's population is forced to live along urban corridors to find work. Because our rural economies and culture depend upon the land, we need to fight the federal government in order to make sure that Utahns continue to have access to Utah's land and its resources.

Senate

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Congress to vote on that proposal. This includes a closer look at Social Security and Medicare.

Trent Stiggs » Reducing spending. We can start with abolishing the federal Department of Education, ending funding to the UN and getting back to process in regards to

budgeting in Congress.

Jason Walton » As a strong fiscal conservative, I believe the answer is never increasing taxes. America's fiscal problem is a spending problem. The federal government needs to rein in reckless spending right now so future American generations have the opportunity to succeed. America needs a balanced budget amendment because

budgeting in Congress.

Brad Wilson » We have a spending problem, not a revenue one. The only way we're going to get spending under control at the federal level is by passing a balanced budget amendment to the U.S. Constitution that will force career politicians to live within their means the way that we do every single day. In Utah, I was able to pass the biggest tax cut in state history because we had our fiscal house in order and worked to

be good stewards of our state money. It's that kind of fiscal responsibility we need more of in Washington. There's waste, fraud and abuse in every layer of government that we need to slash immediately. Look no further than the "COVID" legislation and the "Inflation Reduction Act" that were filled with waste on Green New Deal projects and handouts to golf courses and luxury resorts. Those are easy places to start.