

## Chapter 1a Lieutenant Governor

### **67-1a-1 Intent of Legislature.**

It is the intent of the Legislature to emphasize the significant responsibilities and duties assigned to the lieutenant governor of the state. As the second highest official of the state, the lieutenant governor is next in command of the executive department in the event of death, removal, resignation, or disability of the governor. The assignment of important responsibilities to the lieutenant governor is essential to the continuity of state government and for the effective use of funds appropriated to the office of lieutenant governor.

Amended by Chapter 9, 2001 General Session

### **67-1a-2 Duties enumerated.**

(1) The lieutenant governor shall:

- (a) perform duties delegated by the governor, including assignments to serve in any of the following capacities:
  - (i) as the head of any one department, if so qualified, with the consent of the Senate, and, upon appointment at the pleasure of the governor and without additional compensation;
  - (ii) as the chairperson of any cabinet group organized by the governor or authorized by law for the purpose of advising the governor or coordinating intergovernmental or interdepartmental policies or programs;
  - (iii) as liaison between the governor and the state Legislature to coordinate and facilitate the governor's programs and budget requests;
  - (iv) as liaison between the governor and other officials of local, state, federal, and international governments or any other political entities to coordinate, facilitate, and protect the interests of the state;
  - (v) as personal advisor to the governor, including advice on policies, programs, administrative and personnel matters, and fiscal or budgetary matters; and
  - (vi) as chairperson or member of any temporary or permanent boards, councils, commissions, committees, task forces, or other group appointed by the governor;
- (b) serve on all boards and commissions in lieu of the governor, whenever so designated by the governor;
- (c) serve as the chief election officer of the state as required by Subsection (2);
- (d) keep custody of the Great Seal of Utah;
- (e) keep a register of, and attest, the official acts of the governor;
- (f) affix the Great Seal, with an attestation, to all official documents and instruments to which the official signature of the governor is required; and
- (g) furnish a certified copy of all or any part of any law, record, or other instrument filed, deposited, or recorded in the office of the lieutenant governor to any person who requests it and pays the fee.

(2)

- (a) As the chief election officer, the lieutenant governor shall:
  - (i) exercise general supervisory authority over all elections;
  - (ii) exercise direct authority over the conduct of elections for federal, state, and multicounty officers and statewide or multicounty ballot propositions and any recounts involving those races;

- (iii) assist county clerks in unifying the election ballot;
  - (iv)
    - (A) prepare election information for the public as required by statute and as determined appropriate by the lieutenant governor; and
    - (B) make the information under Subsection (2)(a)(iv)(A) available to the public and to news media on the Internet and in other forms as required by statute or as determined appropriate by the lieutenant governor;
  - (v) receive and answer election questions and maintain an election file on opinions received from the attorney general;
  - (vi) maintain a current list of registered political parties as defined in Section 20A-8-101;
  - (vii) maintain election returns and statistics;
  - (viii) certify to the governor the names of those persons who have received the highest number of votes for any office;
  - (ix) ensure that all voting equipment purchased by the state complies with the requirements of Subsection 20A-5-302(2) and Sections 20A-5-402.5 and 20A-5-402.7;
  - (x) conduct the study described in Section 67-1a-14;
  - (xi) during a declared emergency, to the extent that the lieutenant governor determines it warranted, designate, as provided in Section 20A-1-308, a different method, time, or location relating to:
    - (A) voting on election day;
    - (B) early voting;
    - (C) the transmittal or voting of an absentee ballot or military-overseas ballot;
    - (D) the counting of an absentee ballot or military-overseas ballot; or
    - (E) the canvassing of election returns; and
  - (xii) perform other election duties as provided in Title 20A, Election Code.
  - (b) As chief election officer, the lieutenant governor may not assume the responsibilities assigned to the county clerks, city recorders, town clerks, or other local election officials by Title 20A, Election Code.
- (3)
- (a) The lieutenant governor shall:
    - (i)
      - (A) determine a new city's classification under Section 10-2-301 upon the city's incorporation under Title 10, Chapter 2a, Part 2, Incorporation of a City, based on the city's population using the population estimate from the Utah Population Estimates Committee; and
      - (B)
        - (I) prepare a certificate indicating the class in which the new city belongs based on the city's population; and
        - (II) within 10 days after preparing the certificate, deliver a copy of the certificate to the city's legislative body;
    - (ii)
      - (A) determine the classification under Section 10-2-301 of a consolidated municipality upon the consolidation of multiple municipalities under Title 10, Chapter 2, Part 6, Consolidation of Municipalities, using population information from:
        - (I) each official census or census estimate of the United States Bureau of the Census; or
        - (II) the population estimate from the Utah Population Estimates Committee, if the population of a municipality is not available from the United States Bureau of the Census; and
      - (B)

- (I) prepare a certificate indicating the class in which the consolidated municipality belongs based on the municipality's population; and
  - (II) within 10 days after preparing the certificate, deliver a copy of the certificate to the consolidated municipality's legislative body;
- (iii)
- (A) determine a new metro township's classification under Section 10-2-301.5 upon the metro township's incorporation under Title 10, Chapter 2a, Part 4, Incorporation of Metro Townships and Unincorporated Islands in a County of the First Class on and after May 12, 2015, based on the metro township's population using the population estimates from the Utah Population Estimates Committee; and
  - (B) prepare a certificate indicating the class in which the new metro township belongs based on the metro township's population and, within 10 days after preparing the certificate, deliver a copy of the certificate to the metro township's legislative body; and
- (iv) monitor the population of each municipality using population information from:
- (A) each official census or census estimate of the United States Bureau of the Census; or
  - (B) the population estimate from the Utah Population Estimates Committee, if the population of a municipality is not available from the United States Bureau of the Census.
- (b) If the applicable population figure under Subsection (3)(a)(ii) or (iv) indicates that a municipality's population has increased beyond the population for its current class, the lieutenant governor shall:
- (i) prepare a certificate indicating the class in which the municipality belongs based on the increased population figure; and
  - (ii) within 10 days after preparing the certificate, deliver a copy of the certificate to the legislative body of the municipality whose class has changed.
- (c)
- (i) If the applicable population figure under Subsection (3)(a)(ii) or (iv) indicates that a municipality's population has decreased below the population for its current class, the lieutenant governor shall send written notification of that fact to the municipality's legislative body.
  - (ii) Upon receipt of a petition under Subsection 10-2-302(2) from a municipality whose population has decreased below the population for its current class, the lieutenant governor shall:
    - (A) prepare a certificate indicating the class in which the municipality belongs based on the decreased population figure; and
    - (B) within 10 days after preparing the certificate, deliver a copy of the certificate to the legislative body of the municipality whose class has changed.

Amended by Chapter 352, 2015 General Session

**67-1a-2.2 Residences in more than one district -- Lieutenant governor to resolve.**

- (1) If, in reviewing a map generated from a redistricting block assignment file, the lieutenant governor determines that a single-family or multi-family residence is within more than one Congressional, Senate, House, or State Board of Education district, the lieutenant governor may, by January 31, 2012, and in consultation with the Automated Geographic Reference Center, determine the district to which the residence is assigned.
- (2) In order to make the determination required by Subsection (1), the lieutenant governor shall review the block assignment file and other Bureau of the Census data and obtain and review other relevant data such as aerial photography or other data about the area.

- (3) Upon making the determination authorized by this section, the lieutenant governor shall notify county clerks affected by the determination and the Automated Geographic Reference Center created under Section 63F-1-506.

Enacted by Chapter 9, 2011 Special Session 3

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**67-1a-2.5 Fees of lieutenant governor.**

In addition to the fees prescribed by Title 16, Chapter 6a, Utah Revised Nonprofit Corporation Act, and Title 16, Chapter 10a, Utah Revised Business Corporation Act, the lieutenant governor shall receive and determine fees pursuant to Section 63J-1-504 for the following:

- (1) for a copy of any law, resolution, record, or other document or paper on file in the lieutenant governor's office, other than documents or papers filed under Title 16, Chapter 6a, Utah Revised Nonprofit Corporation Act, and Title 16, Chapter 10a, Utah Revised Business Corporation Act;
- (2) for affixing certificate and the Great Seal of the state, except on documents filed under Title 16, Chapter 6a, Utah Revised Nonprofit Corporation Act, and Title 16, Chapter 10a, Utah Revised Business Corporation Act;
- (3) for each commission signed by the governor, except that no charge may be made for commissions to public officers serving without compensation;
- (4) for each warrant of arrest issued by the governor and attested by the lieutenant governor upon the requisition of any other state or territory;
- (5) for recording miscellaneous papers or documents;
- (6) for filing any paper or document not otherwise provided for; and
- (7) for searching records and archives of the state, except that no member of the Legislature or other state or county officer may be charged for any search relative to matters appertaining to the duties of the member or officer's office or for a certified copy of any law or resolution relative to the member or officer's official duties passed by the Legislature.

Amended by Chapter 183, 2009 General Session

**67-1a-3 Employment of personnel.**

The lieutenant governor, with the approval of the governor, may employ personnel necessary to carry out the duties and responsibilities of his office.

Enacted by Chapter 68, 1984 General Session

**67-1a-5 Budget proposal.**

The lieutenant governor shall prepare and submit to the governor a proposed budget to be included in the budget submitted by the governor to the Legislature for the fiscal year following the convening of the Legislature in annual general session.

Amended by Chapter 21, 1985 General Session

**67-1a-6 Designation as secretary of state -- Duties.**

- (1) When required by local, state, federal, or international law, the lieutenant governor is hereby designated the secretary of state of Utah and shall perform the duties and functions required by

- such laws, including attesting or certifying documents, recording or filing laws, documents, and other papers; and receiving appointments for service of legal process as provided by law.
- (2) Any reference in the laws of the state to the office of the secretary of state is a reference to the office of lieutenant governor.

Enacted by Chapter 68, 1984 General Session

**67-1a-6.5 Certification of local entity boundary actions -- Definitions -- Notice requirements -- Electronic copies -- Filing.**

- (1) As used in this section:
- (a) "Applicable certificate" means:
    - (i) for the impending incorporation of a city, town, local district, conservation district, or incorporation of a local district from a reorganized special service district, a certificate of incorporation;
    - (ii) for the impending creation of a county, school district, special service district, community reinvestment agency, or interlocal entity, a certificate of creation;
    - (iii) for the impending annexation of territory to an existing local entity, a certificate of annexation;
    - (iv) for the impending withdrawal or disconnection of territory from an existing local entity, a certificate of withdrawal or disconnection, respectively;
    - (v) for the impending consolidation of multiple local entities, a certificate of consolidation;
    - (vi) for the impending division of a local entity into multiple local entities, a certificate of division;
    - (vii) for the impending adjustment of a common boundary between local entities, a certificate of boundary adjustment; and
    - (viii) for the impending dissolution of a local entity, a certificate of dissolution.
  - (b) "Approved final local entity plat" means a final local entity plat, as defined in Section 17-23-20, that has been approved under Section 17-23-20 as a final local entity plat by the county surveyor.
  - (c) "Approving authority" has the same meaning as defined in Section 17-23-20.
  - (d) "Boundary action" has the same meaning as defined in Section 17-23-20.
  - (e) "Center" means the Automated Geographic Reference Center created under Section 63F-1-506.
  - (f) "Community reinvestment agency" has the same meaning as defined in Section 17C-1-102.
  - (g) "Conservation district" has the same meaning as defined in Section 17D-3-102.
  - (h) "Interlocal entity" has the same meaning as defined in Section 11-13-103.
  - (i) "Local district" has the same meaning as defined in Section 17B-1-102.
  - (j) "Local entity" means a county, city, town, school district, local district, community reinvestment agency, special service district, conservation district, or interlocal entity.
  - (k) "Notice of an impending boundary action" means a written notice, as described in Subsection (3), that provides notice of an impending boundary action.
  - (l) "Special service district" has the same meaning as defined in Section 17D-1-102.
- (2) Within 10 days after receiving a notice of an impending boundary action, the lieutenant governor shall:
- (a)
    - (i) issue the applicable certificate, if:
      - (A) the lieutenant governor determines that the notice of an impending boundary action meets the requirements of Subsection (3); and

- (B) except in the case of an impending local entity dissolution, the notice of an impending boundary action is accompanied by an approved final local entity plat;
- (ii) send the applicable certificate to the local entity's approving authority;
- (iii) return the original of the approved final local entity plat to the local entity's approving authority;
- (iv) send a copy of the applicable certificate and approved final local entity plat to:
  - (A) the State Tax Commission;
  - (B) the center; and
  - (C) the county assessor, county surveyor, county auditor, and county attorney of each county in which the property depicted on the approved final local entity plat is located; and
- (v) send a copy of the applicable certificate to the state auditor, if the boundary action that is the subject of the applicable certificate is:
  - (A) the incorporation or creation of a new local entity;
  - (B) the consolidation of multiple local entities;
  - (C) the division of a local entity into multiple local entities; or
  - (D) the dissolution of a local entity; or
- (b)
  - (i) send written notification to the approving authority that the lieutenant governor is unable to issue the applicable certificate, if:
    - (A) the lieutenant governor determines that the notice of an impending boundary action does not meet the requirements of Subsection (3); or
    - (B) the notice of an impending boundary action is:
      - (I) not accompanied by an approved final local entity plat; or
      - (II) accompanied by a plat or final local entity plat that has not been approved as a final local entity plat by the county surveyor under Section 17-23-20; and
  - (ii) explain in the notification under Subsection (2)(b)(i) why the lieutenant governor is unable to issue the applicable certificate.
- (3) Each notice of an impending boundary action shall:
  - (a) be directed to the lieutenant governor;
  - (b) contain the name of the local entity or, in the case of an incorporation or creation, future local entity, whose boundary is affected or established by the boundary action;
  - (c) describe the type of boundary action for which an applicable certificate is sought;
  - (d) be accompanied by a letter from the Utah State Retirement Office, created under Section 49-11-201, to the approving authority that identifies the potential provisions under Title 49, Utah State Retirement and Insurance Benefit Act, that the local entity shall comply with, related to the boundary action, if the boundary action is an impending incorporation or creation of a local entity that may result in the employment of personnel; and
- (e)
  - (i) contain a statement, signed and verified by the approving authority, certifying that all requirements applicable to the boundary action have been met; or
  - (ii) in the case of the dissolution of a municipality, be accompanied by a certified copy of the court order approving the dissolution of the municipality.
- (4) The lieutenant governor may require the approving authority to submit a paper or electronic copy of a notice of an impending boundary action and approved final local entity plat in conjunction with the filing of the original of those documents.
- (5)
  - (a) The lieutenant governor shall:

- (i) keep, index, maintain, and make available to the public each notice of an impending boundary action, approved final local entity plat, applicable certificate, and other document that the lieutenant governor receives or generates under this section;
  - (ii) make a copy of each document listed in Subsection (5)(a)(i) available on the Internet for 12 months after the lieutenant governor receives or generates the document;
  - (iii) furnish a paper copy of any of the documents listed in Subsection (5)(a)(i) to any person who requests a paper copy; and
  - (iv) furnish a certified copy of any of the documents listed in Subsection (5)(a)(i) to any person who requests a certified copy.
- (b) The lieutenant governor may charge a reasonable fee for a paper copy or certified copy of a document that the lieutenant governor provides under this Subsection (5).

Amended by Chapter 350, 2016 General Session

**67-1a-6.7 Certification of local entity name change.**

- (1) As used in this section:
- (a) "Approving authority" means the person or body authorized under statute to approve the local entity's name change.
  - (b) "Center" has the same meaning as defined in Section 67-1a-6.5.
  - (c) "Certificate of name change" means a certificate issued by the lieutenant governor certifying a local entity's change of name.
  - (d) "Local entity" has the same meaning as defined in Section 67-1a-6.5.
  - (e) "Notice of an impending name change" means a notice, as described in Subsection (3), that provides notice of a local entity's impending name change.
- (2) Within 10 days after receiving a notice of an impending name change, the lieutenant governor shall:
- (a) issue a certificate of name change;
  - (b) send the certificate of name change to the approving authority of the local entity whose name is being changed; and
  - (c) send a copy of the certificate of name change to:
    - (i) the State Tax Commission;
    - (ii) the state auditor;
    - (iii) the center; and
    - (iv) the county assessor, county surveyor, county auditor, and county attorney of each county in which any part of the local entity is located.
- (3) Each notice of an impending name change shall:
- (a) be directed to the lieutenant governor;
  - (b) contain the current name of the local entity;
  - (c) state the name to which the local entity intends to change;
  - (d) identify each county in which any part of the local entity is located; and
  - (e) contain a statement, signed and verified by the approving authority, certifying that all requirements applicable to the name change have been met.
- (4)
- (a) The lieutenant governor shall:
    - (i) keep, index, maintain, and make available to the public each notice of an impending name change, certificate of a name change, and other document that the lieutenant governor receives or generates under this section;

- (ii) make a copy of each document listed in Subsection (4)(a)(i) available on the Internet for 12 months after the lieutenant governor receives or generates the document;
  - (iii) furnish a paper copy of any of the documents listed in Subsection (4)(a)(i) to any person who requests a paper copy; and
  - (iv) furnish a certified copy of any of the documents listed in Subsection (4)(a)(i) to any person who requests a certified copy.
- (b) The lieutenant governor may charge a reasonable fee for a paper copy or certified copy of a document that the lieutenant governor provides under this Subsection (4).

Enacted by Chapter 350, 2009 General Session

**67-1a-7 Use and custody of great seal.**

Except as otherwise provided by law, the lieutenant governor, or the lieutenant governor's designee, is authorized to use or affix the Great Seal of this state to any document whatever and only in pursuance of law, and is responsible for its safekeeping. Any person who illegally uses the Great Seal of this state, or such seal when defaced, is guilty of a felony.

Enacted by Chapter 68, 1984 General Session

**67-1a-8 Form and contents of great seal.**

The Great Seal of the State of Utah shall be 2-1/2 inches in diameter, and of the following device: the center a shield and perched thereon an American eagle with outstretching wings; the top of the shield pierced by six arrows crosswise; under the arrows the motto "Industry"; beneath the motto a beehive, on either side growing sego lilies; below the beehive the figures "1847"; and on each side of the shield an American flag; encircling all, near the outer edge of the seal, beginning at the lower left-hand portion, the words "The Great Seal of the State of Utah," with the figures "1896" at the base.

Enacted by Chapter 68, 1984 General Session

**67-1a-10 Commission on Civic and Character Education -- Membership -- Chair -- Expenses.**

- (1) There is created within the lieutenant governor's office the Commission on Civic and Character Education.
- (2) The commission consists of seven members appointed as follows:
  - (a) the lieutenant governor, as chief election officer of the state, or a designee;
  - (b) one member of the House of Representatives, appointed by the speaker of the House;
  - (c) one member of the Senate, appointed by the president of the Senate;
  - (d) one member of the State Board of Education, appointed by the chair;
  - (e) one member of the State Board of Regents, appointed by the chair;
  - (f) one member of the public with expertise in the area of civic and character education appointed by the other members of the commission to serve for a two year term; and
  - (g) one justice of the Supreme Court or one appellate court judge appointed by the Supreme Court.
- (3)
  - (a) The lieutenant governor shall serve as chairperson or if the lieutenant governor is unable to serve, the commission shall annually elect a chairperson from its membership.
  - (b) The commission shall hold meetings as needed to carry out its duties. A meeting may be held on the call of the chair or a majority of the commission members.

- (c) Three commission members are necessary to constitute a quorum at any meeting and, if a quorum exists, the action of a majority of members present shall be the action of the commission.
- (4)
  - (a) An appointed commission member shall be appointed for a two-year term or until their successors are appointed.
  - (b) When a vacancy occurs in the appointed membership for any reason, the replacement shall be appointed for the unexpired term.
- (5)
  - (a) A member who is not a legislator may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses as allowed in:
    - (i) Section 63A-3-106;
    - (ii) Section 63A-3-107; and
    - (iii) rules made by the Division of Finance according to Sections 63A-3-106 and 63A-3-107.
  - (b) Compensation and expenses of a member who is a legislator are governed by Section 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.
- (6) The duties of the lieutenant governor's office shall include leadership of the commission.
- (7) The funding of the commission shall be a separate line item to the lieutenant governor's office in the annual appropriations act.

Amended by Chapter 387, 2014 General Session

**67-1a-11 Commission on Civic and Character Education -- Duties and responsibilities.**

The commission shall:

- (1) promote supportive coalitions and collaborative efforts to develop public awareness, and training regarding the provisions of Section 53A-13-109 in recognition that the cultivation of a continuing understanding and appreciation of representative democracy in Utah and the United States among succeeding generations of educated and responsible citizens is important to the nation and state; and
- (2) provide leadership to the state's continuous focus on civic and character education in the public schools and institutions of higher education and make recommendations to local school boards and school administrators.

Enacted by Chapter 142, 2006 General Session

**67-1a-12 Authority to administer oaths.**

The lieutenant governor and personnel employed under Section 67-1a-3, who are designated by the lieutenant governor, may administer oaths when necessary in the performance of official duties.

Enacted by Chapter 5, 2008 General Session

**67-1a-13 Certification restrictions.**

The lieutenant governor may not certify a signature of a notary or county recorder on:

- (1) a document that is not properly notarized, if notarization is required; or
- (2) a document regarding:
  - (a) allegiance to a government or jurisdiction;
  - (b) sovereignty;

- (c) in itinere status or world service authority; or
- (d) a claim similar to a claim listed in Subsections (2)(a) through (c).

Enacted by Chapter 333, 2010 General Session

**67-1a-14 Study of signing a petition online -- Report.**

- (1) As used in this section, "petition" means a petition to:
  - (a) qualify a ballot proposition for the ballot under Title 20A, Chapter 7, Issues Submitted to the Voters;
  - (b) organize and register a political party under Title 20A, Chapter 8, Political Party Formation and Procedures; or
  - (c) qualify a candidate for the ballot under Title 20A, Chapter 9, Candidate Qualifications and Nominating Procedures.
- (2) The lieutenant governor, in consultation with a county clerk and municipal clerk, shall study a way that a registered voter may sign a petition on the Internet and receive information about the petition on the Internet.
- (3) The study shall evaluate:
  - (a) how to sign a petition on the Internet using a holographic signature that is in an electronic format maintained by a government agency;
  - (b) the security, development, ownership, management, format, and content of a secure Internet portal or website on which a registered voter may sign a petition;
  - (c) the security measures necessary to:
    - (i) verify the identity of a registered voter who signs a petition on the Internet; and
    - (ii) insure the integrity of a signature;
  - (d) changes to the process of collecting, verifying, and certifying a signature, if the signature is collected on the Internet;
  - (e) whether verification is necessary for signatures collected on the Internet;
  - (f) which election official should be responsible for the certification of signatures collected on the Internet;
  - (g) whether signatures on a petition should be public information;
  - (h) the removal process of a signature collected on the Internet;
  - (i) what percentage of signatures should be collected on the Internet or in person, statewide or by Senate district;
  - (j) what information regarding the petition should be available on the secure Internet portal or website, including who may submit the information and by what deadline information should be submitted;
  - (k) the time the lieutenant governor, county clerk, or municipal clerk may spend certifying a petition if a registered voter is allowed to sign a petition on the Internet;
  - (l) the processes, if any, that exists in other states to allow a registered voter to sign a petition on the Internet; and
  - (m) any other issue related to allowing a registered voter to sign a petition on the Internet.

Amended by Chapter 348, 2016 General Session