

1 **Proposal to Amend Utah Constitution - Secretary of State**

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Lisa Shepherd

Senate Sponsor:

2 **LONG TITLE**

3 **General Description:**

4 This joint resolution of the Utah Legislature proposes to amend the Utah Constitution to
5 establish a Secretary of State.
6

7 **Highlighted Provisions:**

8 This resolution proposes to amend the Utah Constitution to:

- 9 ▶ create the constitutional office of the Secretary of State;
- 10 ▶ establish the qualifications, the term of office, and the duties of the Secretary of State;
- 11 ▶ provide for compensation of the Secretary of State;
- 12 ▶ provide the manner in which a vacancy in the office of Secretary of State is filled; and
- 13 ▶ make conforming changes.

14 **Other Special Clauses:**

15 This resolution directs the lieutenant governor to submit this proposal to voters.

16 This resolution provides a contingent effective date of January 1, 2027 for this proposal.

17 **Utah Constitution Sections Affected:**

18 AMENDS:

19 **Article VII, Section 1**

20 **Article VII, Section 2**

21 **Article VII, Section 3**

22 **Article VII, Section 10**

23 **Article VII, Section 18**

24 ENACTS:

25 **Article VII, Section 22**

26
27 *Be it resolved by the Legislature of the state of Utah, two-thirds of all members elected to each*
28 *of the two houses voting in favor thereof:*

29 Section 1. It is proposed to amend Utah Constitution, Article VII, Section 1, to read:

30 **Article VII, Section 1 . [Executive Department officers -- Terms, residence, and**

31 **duties.]**

32 (1) The elective constitutional officers of the Executive Department shall consist of
 33 Governor, Lieutenant Governor, State Auditor, State Treasurer, ~~and~~ Attorney General,
 34 and Secretary of State.

35 (2) Each officer shall:

36 (a) hold office for, except as provided in Subsection (3)(b), four years beginning on the
 37 first Monday of January next after their election;

38 (b) during their terms of office reside within the state; and

39 (c) perform such duties as are prescribed by this Constitution and as provided by statute.

40 (3)(a) The election of the first Secretary of State after the adoption of Article VII,
 41 Section 22, shall occur at the general election in 2028.

42 (b) The term of the Secretary of State elected in 2028 is two years beginning on the first
 43 Monday of January next after the election. Each subsequent term is four years
 44 beginning on the first Monday of January next after the election.

45 Section 2. It is proposed to amend Utah Constitution, Article VII, Section 2, to read:

46 **Article VII, Section 2 . [Election of officers -- Governor and Lieutenant**
 47 **Governor elected jointly.]**

48 (1) The officers provided for in Article VII, Section 1 shall be elected by the qualified
 49 voters of the state at the time and place of voting for members of the Legislature. The
 50 candidates respectively having the highest number of votes cast for the office voted for
 51 shall be elected. If two or more candidates have an equal and the highest number of
 52 votes for any one of the offices, the two houses of the Legislature at its next session shall
 53 elect by joint ballot one of those candidates for that office.

54 (2) In the election the names of the candidates for Governor and Lieutenant Governor for
 55 each political party shall appear together on the ballot and the votes cast for a candidate
 56 for Governor shall be considered as also cast for the candidate for Lieutenant Governor.

57 Section 3. It is proposed to amend Utah Constitution, Article VII, Section 3, to read:

58 **Article VII, Section 3 . [Qualifications of officers.]**

59 (1) To be eligible for the office of Governor or Lieutenant Governor a person shall be 30
 60 years of age or older at the time of election.

61 (2) To be eligible for the office of Attorney General a person shall be 25 years of age or
 62 older, at the time of election, admitted to practice before the Supreme Court of the State
 63 of Utah, and in good standing at the bar.

64 (3) To be eligible for the office of State Auditor, ~~or~~ State Treasurer, or Secretary of State a

65 person shall be 25 years of age or older at the time of election.

66 (4) No person is eligible to any of the offices provided for in Article VII, Section 1 unless at
67 the time of election that person is a qualified voter and has been a resident citizen of the
68 state for five years next preceding the election.

69 Section 4. It is proposed to amend Utah Constitution, Article VII, Section 10, to read:

70 **Article VII, Section 10 . [Governor's appointive power -- Governor to appoint to**
71 **fill vacancy in other state offices -- Vacancy in the office of the Lieutenant Governor.]**

72 (1)(a) The Governor shall nominate, and by and with consent of the Senate, appoint all
73 State and district officers whose offices are established by this Constitution, or which
74 may be created by law, and whose appointment or election is not otherwise provided
75 for.

76 (b) If, during the recess of the Senate, a vacancy occurs in any State or district office, the
77 Governor shall appoint some qualified person to discharge the duties thereof until the
78 next meeting of the Senate, when the Governor shall nominate some person to fill
79 such office.

80 (2) If the office of State Auditor, State Treasurer, ~~[or]~~ Attorney General, or Secretary of
81 State be vacated by death, resignation, or otherwise, it shall be the duty of the Governor
82 to fill the same by appointment, from the same political party as the removed person;
83 and the appointee shall hold office until a successor shall be elected and qualified, as
84 provided by law.

85 (3)(a) A vacancy in the office of Lieutenant Governor occurs when:

86 (i) the Lieutenant Governor dies, resigns, is removed from office following
87 impeachment, becomes Governor under Article VII, Section 11, ceases to reside
88 within the State, or is determined, as provided in Subsection (3)(b), to have a
89 disability that renders the Lieutenant Governor unable to discharge the duties of
90 office for the remainder of the Lieutenant Governor's term of office; or

91 (ii) the Lieutenant Governor-elect fails to take office because of the Lieutenant
92 Governor-elect's death, failure to qualify for office, or disability, determined as
93 provided in Subsection (3)(b), that renders the Lieutenant Governor-elect unable
94 to discharge the duties of office for the Lieutenant Governor-elect's full term of
95 office.

96 (b)(i) Except when the disability of a Lieutenant Governor is determined under
97 Article VII, Section 11, Subsection (6) because the Lieutenant Governor is acting
98 as Governor under Article VII, Section 11, Subsection (5), the disability of a

99 Lieutenant Governor or Lieutenant Governor-elect shall be determined by a
100 written declaration stating that the Lieutenant Governor or Lieutenant
101 Governor-elect is unable to discharge the powers and duties of the office.

102 (ii) The written declaration under Subsection (3)(b)(i) shall be transmitted to the
103 Supreme Court and shall be signed by:

104 (A) the Governor; or

105 (B)(I) the Lieutenant Governor, if the Lieutenant Governor is the subject of the
106 declaration; or

107 (II) the Lieutenant Governor-elect, if the Lieutenant Governor-elect is the
108 subject of the declaration.

109 (iii) If the Lieutenant Governor or Lieutenant Governor-elect, as the case may be,
110 disputes a declaration transmitted by the Governor under Subsection (3)(b)(i), the
111 Lieutenant Governor or Lieutenant Governor-elect may, within ten days after the
112 declaration is transmitted to the Supreme Court, file a petition requesting the
113 Supreme Court to determine whether a disability exists as stated in the Governor's
114 declaration.

115 (iv) In determining whether a disability exists, the Supreme Court shall follow
116 procedures that the Court establishes, unless the Legislature by statute establishes
117 procedures for the Supreme Court to follow in determining whether a disability
118 exists.

119 (v) A determination of disability under this Subsection (3)(b) is final and conclusive.

120 (c)(i) If a vacancy in the office of Lieutenant Governor occurs, the Governor shall,
121 with the consent of the Senate, appoint a person as Lieutenant Governor, to serve:

122 (A) except as provided in Subsection (3)(c)(i)(B), the remainder of the unexpired
123 term; or

124 (B) until the first Monday in January of the year following the next regular general
125 election after the vacancy occurs, if an election is held for Governor and
126 Lieutenant Governor under Article VII, Section 11, Subsection (4).

127 (ii) The person appointed as Lieutenant Governor under Subsection (3)(c)(i) shall be
128 from the same political party as the Governor.

129 (iii) Neither the President of the Senate nor the Speaker of the House of
130 Representatives may, while acting as Governor under Article VII, Section 11,
131 Subsection (5), appoint a person as Lieutenant Governor to fill a vacancy in that
132 office.

133 Section 5. It is proposed to amend Utah Constitution, Article VII, Section 18, to read:

134 **Article VII, Section 18 . [Compensation of state and local officers.]**

135 (1) The Governor, Lieutenant Governor, State Auditor, State Treasurer, Attorney General,

136 Secretary of State, and any other state officer as the Legislature may provide, shall

137 receive for their services a fixed and definite compensation as provided by law.

138 (2)(a) The compensation provided for in Subsection (1) shall be in full for all services

139 rendered by those officers in any official capacity or employment during their terms

140 of office.

141 (b) An officer may not receive for the performance of any official duty any fee for

142 personal use, but all fees fixed by the Legislature for the performance by any of them

143 of any official duty shall be collected in advance and deposited with the appropriate

144 treasury.

145 (c) The Legislature may provide for the payment of actual and necessary expenses of

146 those officers while traveling in the performance of official duties.

147 Section 6. It is proposed to enact Utah Constitution, Article VII, Section 22, to read:

148 **Article VII, Section 22 . [Duties.]**

149 The Secretary of State shall:

150 (1) oversee and generally supervise, as provided by statute, all elections, and functions

151 relating to elections, in the state, except that the Legislature may, by statute, grant

152 authority relating to elections to another state official when the Secretary of State has a

153 conflict of interest in the exercise of that authority; and

154 (2) perform other duties as may be provided by statute.

155 Section 7. **Submittal to voters.**

156 The lieutenant governor is directed to submit this proposed amendment to the voters of

157 the state at the next regular general election in the manner provided by law.

158 Section 8. **Contingent effective date.**

159 If the amendment proposed by this joint resolution is approved by a majority of those

160 voting on it at the next regular general election, the amendment shall take effect on January 1,

161 2027.