

STATE OF UTAH

OFFICE OF THE LIEUTENANT GOVERNOR



MEMORANDUM

TO: All Staff in the Office of the Lieutenant Governor

FROM: Deidre M. Henderson, Lieutenant Governor

Ryan Cowley, Utah Director of Elections

Joe Pyrah, Chief of Staff

DATE: February 27, 2024

SUBJECT: 2024 Election Protocols

Under Utah Code the Lieutenant Governor serves as the “chief election officer of the state” ([UCA 67-1a-2\(1\)\(c\)](#)) with “direct authority over the conduct of elections for federal, state, and multicounty officers” ([UCA 67-1a-2\(2\)\(a\)\(ii\)](#)). As the chief election officer, the Lieutenant Governor is charged to “render all interpretations and make all initial decisions about controversies or other matters arising under” Utah election law ([UCA 20A-1-402](#)). Under typical circumstances, when a controversy or complaint arises regarding an election the Lieutenant Governor consults directly with her staff and the Assistant Attorney General assigned to the office, if necessary, and makes a decision about the matter.

The first priority in this office is to ensure that all elections are run freely and fairly, and to maintain public trust in the administration and outcome of each election. This year, Lieutenant Governor Henderson is running for a second term as Lieutenant Governor, again as running mate with Governor Spencer J. Cox. With her running as a candidate in a statewide election which she, as Lieutenant Governor, will oversee, it is critical that the office avoid any actual or perceived bias, and any appearance of a conflict of interest should a complaint arise that involves the Cox-Henderson campaign or the gubernatorial race.

To that end, if a complaint or election controversy arises that has any connection to the Cox-Henderson campaign, the gubernatorial race, or Lieutenant Governor Henderson or Governor Cox as candidates, rather than Lieutenant Governor Henderson responding to the

matter in the first instance, the Director of Elections (director) will defer questions to a neutral third party who will review the matter and make a recommendation to Lieutenant Governor Henderson. While the Lieutenant Governor cannot abdicate her statutory responsibility to make a decision, she can defer to a neutral third party for an objective recommendation.

For the 2024 election cycle, former Lieutenant Governor Greg Bell has agreed to work with the Office of the Lieutenant Governor in an advisory capacity as a resource who can review any election complaint or controversy outlined above. Having served as Utah's chief election officer himself, Mr. Bell is well respected and will apply years of experience to the advisory role. Mr. Bell will not be compensated should we need his services, although he may be reimbursed for travel or other related expenses if necessary.

In the event the office receives a complaint regarding the Cox-Henderson campaign, the gubernatorial race, or Governor Cox or Lieutenant Governor Henderson as candidates, the director will handle the complaint as any other complaint would be handled, except Mr. Bell will be consulted in the process. The process will be as follows:

- Inform the director that the complaint was received.
- The director will review the issue to determine if it is a simple matter on which the law is clear, or if the matter requires further review.
- If the matter requires further review, the director will inform legal counsel and Mr. Bell of the complaint.
- The office will notify the campaign of the complaint, and give the campaign an opportunity to respond, as with any complaint about any campaign.
- The director will review the complaint, any response, and other available information with legal counsel.
- The director and counsel will share the complaint, response, and all other applicable information with Mr. Bell for his review.
- The director and counsel will act as resources to Mr. Bell as he reviews the issue and prepares his recommendation.
- Mr. Bell will provide a written recommendation to the Lieutenant Governor as to how the issue should be handled. This recommendation will be made public.
- Once the written recommendation is received, the Lieutenant Governor may consult with Mr. Bell, the director, counsel, and other staff regarding the matter.
- Lieutenant Governor Henderson will render a decision on the matter as per Utah Code §20A-1-402.

As stated previously, the first priority of the office is to ensure that all campaigns are conducted fairly, and there is absolutely no bias in how the office administers and supervises elections. The Cox-Henderson campaign will not be treated differently or given any privilege or accommodation that would not be extended to every other campaign. With these procedures in place the office will be objective, transparent, and fair, and will continue to build public confidence in the integrity of Utah elections.