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	VOTER INFORMATION WEBSITE
2	2007 GENERAL SESSION
,	STATE OF UTAH
Ļ	Chief Sponsor: Wayne A. Harper
<b>.</b>	Senate Sponsor: Michael G. Waddoups
,	LONG TITLE
}	General Description:
)	This bill modifies the Election Code and the Lieutenant Governor Chapter by
	establishing the Statewide Electronic Voter Information Website Program administered
	by the lieutenant governor.
2	Highlighted Provisions:
	This bill:
	• establishes the Statewide Electronic Voter Information Website Program
,	administered by the lieutenant governor in cooperation with the county clerks;
)	• requires the lieutenant governor to develop and implement a website that includes
,	all information currently provided in the voter information pamphlet and to include
}	information on local races, candidates, and ballot propositions;
	<ul> <li>requires local election officials to submit information to the lieutenant governor for</li> </ul>
	each ballot label under the election official's direct responsibility so the information
	may be placed on the website;
,	<ul> <li>provides certain deadlines for submitting the election information;</li> </ul>
	<ul> <li>provides for the lieutenant governor's review of submitted information;</li> </ul>
Ļ	<ul> <li>requires certain frequently asked voter questions and answers to be included on the</li> </ul>
	website;
	<ul><li>provides a deadline for the website to be ready for use;</li></ul>
	<ul> <li>allows the expansion of the information to include other elections;</li> </ul>
	<ul> <li>requires the filing clerk to inform qualified candidates of the program;</li> </ul>
	► amends the duties of the lieutenant governor to provide election information to the

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public by providing it on the Internet; and
<ul><li>makes technical changes.</li></ul>
Monies Appropriated in this Bill:
None
Other Special Clauses:
None
<b>Utah Code Sections Affected:</b>
AMENDS:
<b>20A-9-201</b> , as last amended by Chapter 226, Laws of Utah 2006
20A-9-203, as last amended by Chapters 28 and 226, Laws of Utah 2006
67-1a-2, as last amended by Chapter 5, Laws of Utah 2005, First Special Session
ENACTS:
<b>20A-7-801</b> , Utah Code Annotated 1953
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58	of ballot propositions submitted to the voters.
59	(3) Except as provided under Subsection (6), the website shall include:
60	(a) all information currently provided in the Utah voter information pamphlet under
61	Title 20A, Chapter 7, Voter Information Pamphlet, including a section prepared, analyzed, and
62	submitted by the Judicial Council describing the judicial selection and retention process;
63	(b) all information submitted by election officers under Subsection (4) on local office
64	races, local office candidates, and local ballot propositions; and
65	(c) other information determined appropriate by the lieutenant governor that is
66	currently being provided by law, rule, or ordinance in relation to candidates and ballot
67	questions.
68	(4) (a) An election official shall submit the following information for each ballot label
69	under the election official's direct responsibility under this title:
70	(i) a list of all candidates for each office;
71	(ii) if submitted by the candidate to the election official's office on or before August 20
72	<u>at 5 p.m.:</u>
73	(A) a statement of qualifications, not exceeding 200 words in length, for each
74	<u>candidate;</u>
75	(B) the following biographical information if desired by the candidate, current:
76	(I) age;
77	(II) occupation;
78	(III) city of residence;
79	(IV) years of residence in current city; and
80	(V) email address; and
81	(C) a single web address where voters may access more information about the
82	candidate and the candidate's views; and
83	(iii) factual information pertaining to all ballot propositions submitted to the voters,
84	including:
85	(A) a copy of the number and ballot title of each ballot proposition;

86	(B) the final vote cast for each ballot proposition, if any, by a legislative body if the
87	vote was required to place the ballot proposition on the ballot;
88	(C) a complete copy of the text of each ballot proposition, with all new language
89	underlined and all deleted language placed within brackets; and
90	(D) other factual information determined helpful by the election official.
91	(b) The information under Subsection (4)(a) shall be submitted to the lieutenant
92	governor no later than one business day after the deadline under Subsection (4)(a) for each
93	general election year and each municipal election year.
94	(c) The lieutenant governor shall:
95	(i) review the information submitted under this section prior to placing it on the
96	website to determine compliance under this section;
97	(ii) refuse to post information submitted under this section on the website if it is not in
98	compliance with the provisions of this section; and
99	(iii) organize, format, and arrange the information submitted under this section for the
100	website.
101	(d) The lieutenant governor may refuse to include information the lieutenant governor
102	determines is not in keeping with:
103	(i) Utah voter needs;
104	(ii) public decency; or
105	(iii) the purposes, organization, or uniformity of the website.
106	(e) A refusal under Subsection (4)(d) is subject to appeal in accordance with
107	Subsection (5).
108	(5) (a) A person whose information is refused under Subsection (4), and who is
109	aggrieved by the determination, may appeal by submitting a written notice of appeal to the
110	lieutenant governor within ten business days after the date of the determination. A notice of
111	appeal submitted under this Subsection (5)(a) shall contain:
112	(i) a listing of each objection to the lieutenant governor's determination; and
113	(ii) the basis for each objection.

114	(b) The lieutenant governor shall review the notice of appeal and shall issue a written
115	response within ten business days after the notice of appeal is submitted.
116	(c) An appeal of the response of the lieutenant governor shall be made to the district
117	court, which shall review the matter de novo.
118	(6) (a) The lieutenant governor shall ensure that each voter will be able to conveniently
119	enter the voter's address information on the website to retrieve information on which offices,
120	candidates, and ballot propositions will be on the voter's ballot at the next general election or
121	municipal election.
122	(b) The information on the website will anticipate and answer frequent voter questions
123	including the following:
124	(i) what offices are up in the current year for which the voter may cast a vote;
125	(ii) who is running for what office and who is the incumbent, if any;
126	(iii) what address each candidate may be reached at and how the candidate may be
127	contacted;
128	(iv) for partisan races only, what, if any, is each candidate's party affiliation;
129	(v) what qualifications have been submitted by each candidate;
130	(vi) where additional information on each candidate may be obtained;
131	(vii) what ballot propositions will be on the ballot; and
132	(viii) what judges are up for retention election.
133	(7) By not later than March 1, 2008, the lieutenant governor shall have the Statewide
134	Electronic Voter Information Website Program ready for use in the next election in accordance
135	with this section.
136	(8) As resources are made available and in cooperation with the county clerks, the
137	lieutenant governor may expand the electronic voter information website program to include
138	the same information as provided under this section for special elections and primary elections.
139	Section 2. Section <b>20A-9-201</b> is amended to read:
140	20A-9-201. Declarations of candidacy Candidacy for more than one office or of
141	more than one political party prohibited with exceptions General filing and form

142	requirements.
143	(1) Before filing a declaration of candidacy for election to any office, a person shall:
144	(a) be a United States citizen; and
145	(b) meet the legal requirements of that office.
146	(2) (a) Except as provided in Subsection (2)(b), a person may not:
147	(i) file a declaration of candidacy for, or be a candidate for, more than one office in
148	Utah during any election year; or
149	(ii) appear on the ballot as the candidate of more than one political party.
150	(b) A person may file a declaration of candidacy for, or be a candidate for, President or
151	Vice President of the United States and another office, if the person resigns the person's
152	candidacy for the other office after the person is officially nominated for President or Vice
153	President of the United States.
154	(3) If the final date established for filing a declaration of candidacy is a Saturday or
155	Sunday, the filing time shall be extended until 5 p.m. on the following business day.
156	(4) (a) (i) Except for presidential candidates, before the filing officer may accept any
157	declaration of candidacy, the filing officer shall:
158	(A) read to the prospective candidate the constitutional and statutory qualification
159	requirements for the office that the candidate is seeking; and
160	(B) require the candidate to state whether or not the candidate meets those
161	requirements.
162	(ii) Before accepting a declaration of candidacy for the office of county attorney, the
163	county clerk shall ensure that the person filing that declaration of candidacy is:
164	(A) a United States citizen;
165	(B) an attorney licensed to practice law in Utah who is an active member in good
166	standing of the Utah State Bar;
167	(C) a registered voter in the county in which he is seeking office; and
168	(D) a current resident of the county in which he is seeking office and either has been a

resident of that county for at least one year or was appointed and is currently serving as county

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attorney and became a resident of the county within 30 days after appointment to the office.

- (iii) Before accepting a declaration of candidacy for the office of district attorney, the county clerk shall ensure that, as of the date of the election, the person filing that declaration of candidacy is:
  - (A) a United States citizen;

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- (B) an attorney licensed to practice law in Utah who is an active member in good standing of the Utah State Bar;
  - (C) a registered voter in the prosecution district in which he is seeking office; and
- (D) a current resident of the prosecution district in which he is seeking office and either will have been a resident of that prosecution district for at least one year as of the date of the election or was appointed and is currently serving as district attorney and became a resident of the prosecution district within 30 days after receiving appointment to the office.
- (iv) Before accepting a declaration of candidacy for the office of county sheriff, the county clerk shall ensure that the person filing the declaration of candidacy:
  - (A) as of the date of filing:
- (I) is a United States citizen;
  - (II) is a registered voter in the county in which the person seeks office;
- (III) (Aa) has successfully met the standards and training requirements established for law enforcement officers under Title 53, Chapter 6, Part 2, Peace Officer Training and Certification Act; or
  - (Bb) has passed a certification examination as provided in Section 53-6-206; and
- 191 (IV) is qualified to be certified as a law enforcement officer, as defined in Section 192 53-13-103; and
  - (B) as of the date of the election, shall have been a resident of the county in which the person seeks office for at least one year.
  - (b) If the prospective candidate states that he does not meet the qualification requirements for the office, the filing officer may not accept the prospective candidate's declaration of candidacy.

198	(c) If the candidate states that he meets the requirements of candidacy, the filing officer
199	shall:
200	(i) provide the candidate with a copy of Section 20A-7-801 regarding the Statewide
201	Electronic Voter Information Website Program and inform the candidate of the submission
202	deadline under Subsection 20A-7-801(4)(a);
203	[(i)] (ii) provide the candidate with a copy of the pledge of fair campaign practices
204	described under Section 20A-9-206 and inform the candidate that:
205	(A) signing the pledge is voluntary; and
206	(B) signed pledges shall be filed with the filing officer;
207	[(ii)] (iii) accept the candidate's declaration of candidacy; and
208	[(iii)] (iv) if the candidate has filed for a partisan office, provide a certified copy of the
209	declaration of candidacy to the chair of the county or state political party of which the
210	candidate is a member.
211	(d) If the candidate elects to sign the pledge of fair campaign practices, the filing
212	officer shall:
213	(i) accept the candidate's pledge; and
214	(ii) if the candidate has filed for a partisan office, provide a certified copy of the
215	candidate's pledge to the chair of the county or state political party of which the candidate is a
216	member.
217	(5) Except for presidential candidates, the form of the declaration of candidacy shall be
218	substantially as follows:
219	"State of Utah, County of
220	I,, declare my intention of becoming a candidate for the office of
221	as a candidate for the party. I do solemnly swear that: I can qualify to hold that
222	office, both legally and constitutionally, if selected; I reside at in the City or
223	Town of, Utah, Zip Code Phone No; I will not knowingly violate any law
224	governing campaigns and elections; and I will qualify for the office if elected to it. The
225	mailing address that I designate for receiving official election notices is

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-	Subscribed and sworn before me this(month\day\year).
	Notary Public (or other officer qualified to administer oath.)"
	(6) (a) Except for presidential candidates, the fee for filing a declaration of candidacy
i	S:
•	(i) \$25 for candidates for the local school district board; and
	(ii) 1/8 of 1% of the total salary for the full term of office legally paid to the person
1	nolding the office, but not less than \$5, for all other federal, state, and county offices.
-	(b) Except for presidential candidates, the filing officer shall refund the filing fee to
<b>:</b>	any candidate:
	(i) who is disqualified; or
	(ii) who the filing officer determines has filed improperly.
	(c) (i) The county clerk shall immediately pay to the county treasurer all fees received
1	From candidates.
	(ii) The lieutenant governor shall:
	(A) apportion to and pay to the county treasurers of the various counties all fees
1	received for filing of nomination certificates or acceptances; and
	(B) ensure that each county receives that proportion of the total amount paid to the
]	ieutenant governor from the congressional district that the total vote of that county for all
(	candidates for representative in Congress bears to the total vote of all counties within the
(	congressional district for all candidates for representative in Congress.
	(d) (i) Each person who is unable to pay the filing fee may file a declaration of
(	candidacy without payment upon a prima facie showing of impecuniosity as evidenced by an
í	affidavit of impecuniosity filed with the filing officer.
	(ii) The filing officer shall ensure that the affidavit of impecuniosity is printed in
5	substantially the following form:
	"Affidavit of Impecuniosity

254	Individual Name
255	Address
256	Phone Number
257	I,(name), do solemnly [swear] [affirm] that, owing to my
258	poverty, I am unable to pay the filing fee required by law.
259	Date Signature
260	Affiant
261	Subscribed and sworn to before me on (month\day\year)
262	
263	(signature)
264	Name and Title of Officer Authorized to Administer Oath
265	(7) Any person who fails to file a declaration of candidacy or certificate of nomination
266	within the time provided in this chapter is ineligible for nomination to office.
267	Section 3. Section <b>20A-9-203</b> is amended to read:
268	20A-9-203. Declarations of candidacy Municipal general elections.
269	(1) (a) A person may become a candidate for any municipal office if the person is a
270	registered voter and:
271	(i) the person has resided within the municipality in which that person seeks to hold
272	elective office for the 12 consecutive months immediately before the date of the election; or
273	(ii) if the territory in which the person resides was annexed into the municipality, the
274	person has resided within the annexed territory or the municipality for 12 months.
275	(b) In addition to the requirements of Subsection (1)(a), candidates for a municipal
276	council position under the council-mayor or council-manager alternative forms of municipal
277	government shall, if elected from districts, be residents of the council district from which they
278	are elected.
279	(c) In accordance with Utah Constitution Article IV, Section 6, any mentally
280	incompetent person, any person convicted of a felony, or any person convicted of treason or a
281	crime against the elective franchise may not hold office in this state until the right to hold

elective office is restored under Section 20A-2-101.5.

(2) (a) Except as provided in Subsection (2)(b) or (2)(c), each person seeking to become a candidate for a municipal office shall file a declaration of candidacy in person with the city recorder or town clerk during office hours and not later than 5 p.m. between July 15 and August 15 of any odd numbered year and pay the filing fee, if one is required by municipal ordinance.

- (b) (i) As used in this Subsection (2)(b), "registered voters" means the number of persons registered to vote in the municipality on the January 1 of the municipal election year.
- (ii) A third, fourth, or fifth class city that used the convention system to nominate candidates in the last municipal election as authorized by Subsection 20A-9-404(3) or used the process contained in this Subsection (2)(b) in the last municipal election or a town that used the convention system to nominate candidates in the last municipal election as authorized by Subsection 20A-9-404(3) or used the process contained in this Subsection (2)(b) in the last municipal election may, by ordinance, require, in lieu of the convention system, that candidates for municipal office file a nominating petition signed by a percentage of registered voters at the same time that the candidate files a declaration of candidacy.
- (iii) The ordinance shall specify the number of signatures that the candidate must obtain on the nominating petition in order to become a candidate for municipal office under this Subsection (2), but that number may not exceed 5% of registered voters.
- (c) Any resident of a municipality may nominate a candidate for a municipal office by filing a nomination petition with the city recorder or town clerk during office hours but not later than 5 p.m. between July 15 and August 15 of any odd numbered year and pay the filing fee, if one is required by municipal ordinance.
- (d) When August 15 is a Saturday or Sunday, the filing time shall be extended until 5 p.m. on the following Monday.
- (3) (a) Before the filing officer may accept any declaration of candidacy or nomination petition, the filing officer shall:
  - (i) read to the prospective candidate or person filing the petition the constitutional and

310	statutory qualification requirements for the office that the candidate is seeking; and
311	(ii) require the candidate or person filing the petition to state whether or not the
312	candidate meets those requirements.
313	(b) If the prospective candidate does not meet the qualification requirements for the
314	office, the filing officer may not accept the declaration of candidacy or nomination petition.
315	(c) If it appears that the prospective candidate meets the requirements of candidacy, the
316	filing officer shall:
317	(i) provide the candidate with a copy of Section 20A-7-801 regarding the Statewide
318	Electronic Voter Information Website Program and inform the candidate of the submission
319	deadline under Subsection 20A-7-801(4)(a);
320	[(i)] (ii) provide the candidate with a copy of the pledge of fair campaign practices
321	described under Section 20A-9-206 and inform the candidate that:
322	(A) signing the pledge is voluntary; and
323	(B) signed pledges shall be filed with the filing officer; and
324	[(iii)] (iii) accept the declaration of candidacy or nomination petition.
325	(d) If the candidate elects to sign the pledge of fair campaign practices, the filing
326	officer shall:
327	(i) accept the candidate's pledge; and
328	(ii) if the candidate has filed for a partisan office, provide a certified copy of the
329	candidate's pledge to the chair of the county or state political party of which the candidate is a
330	member.
331	(4) The declaration of candidacy shall substantially comply with the following form:
332	"I, (print name), being first sworn, say that I reside at Street, City of,
333	County of, state of Utah, Zip Code, Telephone Number (if any); that I am a
334	registered voter; and that I am a candidate for the office of (stating the term). I request
335	that my name be printed upon the applicable official ballots. (Signed)
336	Subscribed and sworn to (or affirmed) before me by on this
337	(month\day\year).

338	(Signed)	(Clerk or other officer qualified to administer oath)"	
339	(5) (a) In all first and second class cities, and in third, fourth, or fifth class cities that		
340	have not passed the ordinance authorized by Subsection (2)(b) and in towns that have not		
341	passed the ordinance authorized by Subsection (2)(b), any registered voter may be nominated		
342	for municipal office by submitting a petition signed by:		
343	(i) 25 residents of	the municipality who are at least 18 years old; or	
344	(ii) 20% of the res	idents of the municipality who are at least 18 years old.	
345	(b) (i) The petition	shall substantially conform to the following form:	
346		"NOMINATION PETITION	
347	The undersigned re	esidents of (name of municipality) being 18 years old or older	
348	nominate (name of nomine	ee) to the office of for the (two or four-year term, whichever is	
349	applicable)."		
350	(ii) The remainder	of the petition shall contain lines and columns for the signatures of	
351	persons signing the petition and their addresses and telephone numbers.		
352	(6) (a) In third, for	urth, and fifth class cities that have passed the ordinance authorized	
353	by Subsection (2)(b), and	in towns that have passed the ordinance authorized by Subsection	
354	(2)(b), any registered votes	r may be nominated for municipal office by submitting a petition	
355	signed by the same percen	tage of registered voters in the municipality as required by the	
356	ordinance passed under au	thority of Subsection (2)(b).	
357	(b) (i) The petition	shall substantially conform to the following form:	
358	"NOMINATION F	PETITION	
359	The undersigned re	esidents of (name of municipality) being 18 years old or older	
360	nominate (name of nomine	ee) to the office of (name of office) for the (two or four-year term,	
361	whichever is applicable)."		
362	(ii) The remainder	of the petition shall contain lines and columns for the signatures of	
363	persons signing the petition and their addresses and telephone numbers.		
364	(7) If the declarati	on of candidacy or nomination petition fails to state whether the	
365	nomination is for the two	or four-year term, the clerk shall consider the nomination to be for	

366	the four-year term.		
367	(8) (a) The clerk shall verify with the county clerk that all candidates are registered		
368	voters.		
369	(b) Any candidate who is not registered to vote is disqualified and the clerk may not		
370	print the candidate's name on the ballot.		
371	(9) Immediately after expiration of the period for filing a declaration of candidacy, the		
372	clerk shall:		
373	(a) cause the names of the candidates as they will appear on the ballot to be published		
374	in at least two successive publications of a newspaper with general circulation in the		
375	municipality; and		
376	(b) notify the lieutenant governor of the names of the candidates as they will appear on		
377	the ballot.		
378	(10) (a) A declaration of candidacy or nomination petition filed under this section is		
379	valid unless a written objection is filed with the clerk within five days after the last day for		
380	filing.		
381	(b) If an objection is made, the clerk shall:		
382	(i) mail or personally deliver notice of the objection to the affected candidate		
383	immediately; and		
384	(ii) decide any objection within 48 hours after it is filed.		
385	(c) If the clerk sustains the objection, the candidate may correct the problem by		
386	amending the declaration or petition within three days after the objection is sustained or by		
387	filing a new declaration within three days after the objection is sustained.		
388	(d) (i) The clerk's decision upon objections to form is final.		
389	(ii) The clerk's decision upon substantive matters is reviewable by a district court if		
390	prompt application is made to the district court.		
391	(iii) The decision of the district court is final unless the Supreme Court, in the exercise		

(11) Any person who filed a declaration of candidacy and was nominated, and any

of its discretion, agrees to review the lower court decision.

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394 person who was nominated by a nomination petition, may, any time up to 23 days before the 395 election, withdraw the nomination by filing a written affidavit with the clerk. 396 Section 4. Section **67-1a-2** is amended to read: 397 67-1a-2. Duties enumerated. 398 (1) The lieutenant governor shall: 399 (a) perform duties delegated by the governor, including assignments to serve in any of 400 the following capacities: 401 (i) as the head of any one department, if so qualified, with the consent of the Senate, 402 and, upon appointment at the pleasure of the governor and without additional compensation; 403 (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 404 405 interdepartmental policies or programs; 406 (iii) as liaison between the governor and the state Legislature to coordinate and 407 facilitate the governor's programs and budget requests; 408 (iv) as liaison between the governor and other officials of local, state, federal, and 409 international governments or any other political entities to coordinate, facilitate, and protect the 410 interests of the state; 411 (v) as personal advisor to the governor, including advice on policies, programs, administrative and personnel matters, and fiscal or budgetary matters; and 412 413 (vi) as chairperson or member of any temporary or permanent boards, councils, 414 commissions, committees, task forces, or other group appointed by the governor; 415 (b) serve on all boards and commissions in lieu of the governor, whenever so 416 designated by the governor; 417 (c) serve as the chief election officer of the state as required by Subsection (2); 418 (d) keep custody of the Great Seal of Utah; 419 (e) keep a register of, and attest, the official acts of the governor; 420 (f) affix the Great Seal, with an attestation, to all official documents and instruments to 421 which the official signature of the governor is required; and

422	(g) furnish a certified copy of all or any part of any law, record, or other instrument	
423	filed, deposited, or recorded in the office of the lieutenant governor to any person who requests	
424	it and pays the fee.	
425	(2) (a) As the chief election officer, the lieutenant governor shall:	
426	(i) exercise general supervisory authority over all elections;	
427	(ii) exercise direct authority over the conduct of elections for federal, state, and	
428	multicounty officers and statewide or multicounty ballot propositions and any recounts	
429	involving those races;	
430	(iii) assist county clerks in unifying the election ballot;	
431	(iv) (A) prepare election information for the public [and] as required by statute and as	
432	determined appropriate by the lieutenant governor;	
433	(B) make [that] the information under Subsection $(2)(a)(iv)(A)$ available to the public	
434	and to news media on the Internet and in other forms as required by statute or as determined	
435	appropriate by the lieutenant governor;	
436	(v) receive and answer election questions and maintain an election file on opinions	
437	received from the attorney general;	
438	(vi) maintain election returns and statistics;	
439	(vii) certify to the governor the names of those persons who have received the highest	
440	number of votes for any office;	
441	(viii) ensure that all voting equipment purchased by the state complies with the	
442	requirements of Subsection 20A-5-302(2) and Sections 20A-5-402.5 and 20A-5-402.7; and	
443	(ix) perform other election duties as provided in Title 20A, Election Code.	
444	(b) As chief election officer, the lieutenant governor may not assume the	
445	responsibilities assigned to the county clerks, city recorders, town clerks, or other local election	
446	officials by Title 20A, Election Code.	