STATE OF UTAH

OFFICE OF THE LIEUTENANT GOVERNOR

SPENCER J. COX
LIEUTENANT GOVERNOR

August 13, 2015

Mr. Rick B. Larsen
2301 S. Preston St.
Salt Lake City, Utah 84106

Re: Utah Term Limits for Appointed Executive Officials Act initiative

Dear Mr. Larsen,

I am writing to inform you that your August 10, 2015 application for the proposed initiative entitled "Utah Term Limits for Appointed Executive Officials Act" has been rejected.

Utah Code §20A-7-202(5) states, "The lieutenant governor shall reject the application... and not issue circulation sheets if: (a) the law proposed by the initiative is patently unconstitutional."

Your application specifically notes, Utah Constitution, Art. VII, §10, which grants the governor specific power to appoint individuals to state and district offices with the consent of the senate. The constitution sets forth no further limitation. The proposed initiative seeks to limit this specific constitutional power.

I have carefully reviewed the initiative application and, based on consultation with my legal advisor in the Attorney General's office, have determined the proposed initiative is patently unconstitutional. The constitution grants the authority to appoint and any change or limit to that authority requires a change to the constitution.

Should you wish to continue your effort, I would encourage you to follow the appropriate constitutional amendment process, set forth in Utah Constitution, Art. XXIII.

If you have any questions, please feel free to contact Mark Thomas in the State Elections Office at (801)538-1041.

Sincerely,

Spencer J. Cox
Lieutenant Governor

cc: Sponsors
Stephen C. Clark, Attorney
Thom Roberts, Assistant Attorney General

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