

STATE OF UTAH

OFFICE OF THE LIEUTENANT GOVERNOR



DEIDRE M. HENDERSON
LIEUTENANT GOVERNOR

March 15, 2024

Robert Ludlow
4811 N. Aspen Wood Loop
Lehi, Utah 84043
Via email: Robludlow7@gmail.com

Re: Response to Formal Complaint regarding the candidacy of Trent E. Christensen

Dear Mr. Ludlow:

The Lieutenant Governor's Office received your Formal Complaint regarding the candidacy of Trent E. Christensen just before noon Wednesday, March 13, 2024. The Utah Election Code requires that the Lieutenant Governor notify the candidate of the objection and "decide the objection within 48 hours after it is filed" (See Utah Code 20A-9-202(5)). To that end, I hereby respond to your objection.

In the 48 hours since you filed the objection, my staff and I have reviewed the materials you submitted, as well as the applicable provisions of the Election Code, rules of the Utah Code of Judicial Administration regarding admission to the Utah State Bar, and the Utah Constitution. We have also reviewed the candidate's Declaration of Candidacy, consulted the Utah State Bar, the Massachusetts Bar, and have corresponded directly with Mr. Christensen who provided a written response to your complaint. Based on this extensive inquiry, your formal objection is denied.

Article VII, sec. 3(2) of the Utah Constitution holds, "To be eligible for the office of Attorney General a person shall be 25 years of age or older, at the time of election, admitted to practice before the Supreme Court of the state of Utah, and in good standing at the bar." My interpretation of this provision is that a person must be admitted to practice law in Utah before that person may *assume the office* of Attorney General. The Utah Constitution does not stipulate that the person must meet that licensing requirement before they file a declaration of candidacy.

While state law requires a candidate to attest that they meet constitutional and legal qualifications, again, the constitutional language suggests only that *to be eligible* for the Office of Attorney General, that person must be admitted to the bar before they assume office, not before they run as a candidate for the office. To this point the Utah Supreme Court has noted, "The election code must be read against the background of the Utah constitution; when it speaks to a person's *eligibility* for office, it is best understood to address

general prerequisites to serve in an office, not individualized grounds for qualification or disqualification to appear on the ballot.” And, regarding the language of Article VII, sec. 3 of the Utah Constitution, “these general *eligibility* requirements say nothing about the grounds for qualifying to appear on a particular ballot for a particular election.”¹ Of course statutory law cannot be more stringent than the state constitution and cannot impose additional qualifications of a constitutional officer above and beyond those expressly stated in the state constitution.

Given this interpretation, it follows that Mr. Christensen may run for the Office of Attorney General despite not being a current member of the Bar, but could not assume the office unless, by the time of his election, he has been admitted to and is in good standing with the Utah Bar. As you have noted, both Mr. Christensen and representatives of the Utah State Bar have acknowledged that he is not currently admitted to practice law in Utah. Both have also confirmed, however, that Mr. Christensen has applied to be admitted to the Utah Bar through the reciprocal jurisdiction admissions procedure. Mr. Christensen submitted his completed application for admission in October 2023, two months before he filed his declaration of candidacy. The Bar’s assessment of the application is pending but expected to be completed prior to the May 2024 induction ceremony. The candidate has represented that he meets the qualifications for admission to the Utah Bar and fully expects to be admitted and satisfy the state constitutional qualification for assuming the office of Attorney General by the November 2024 general election.

As to your allegations of violations of the rules of professional conduct and other allegations regarding the candidate’s ethical standing or fitness to serve in office, those questions are matters outside the purview of this office and instead are best determined by the Utah Bar.

Finally, I note that election code provisions regarding candidates and candidate qualifications “shall be construed liberally so as to ensure full opportunity for persons to become candidates and for voters to express their choice.”² In the spirit of that statutory policy, and considering Mr. Christensen’s good faith effort to be admitted to the Utah Bar, I find that your objections do not compel rejecting Mr. Christensen’s declaration of candidacy. Therefore, your objection is denied. This Office considers Mr. Christensen’s declaration of candidacy accepted and valid.

Under the election code, my decision on substantive objections is reviewable by the district court “if prompt application is made to the court.”³

Sincerely,

A handwritten signature in black ink that reads "Deidre M. Henderson". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Deidre M. Henderson
Lieutenant Governor

cc. Trent E. Christensen

¹ *Maxfield v. Herbert*, 2012, 284 P.3d 647, 2012 UT 44.

² Utah Code section 20A-9-401.

³ Utah Code section 20A-9-202(5)(d).