

VERIFIED PETITION BY REGISTERED VOTER

Unlawful Expenditure of Public Funds UCA 20A-11-1203.

This Verified Petition (the “Petition”) is filed against the Office of the Lt. Governor of Utah (the “Public Entity”) and Spencer Cox, the chief election officer who controls and is responsible for the actions of the Public Entity, and who is actively campaigning for the position of Utah Governor. Cox for Governor and its principal, Spencer J. Cox, are beneficiaries of state expenditures for a political purpose as defined by Title 20A, Utah Code Ann.

The office of the Lt. Governor is using state funds to campaign for Mr. Cox, who ultimately is responsible for the content of the official Lt. Governor website and the social media platforms associated therewith. On page one of the Lt. Governor’s official website (the “Official Website”) at <http://ltgovernor.utah.gov>, there are links to social media platforms, including “Twitter.”¹ Unlike with the Official Website’s links to Instagram² and Facebook,³ which do not link to personal or campaign social media accounts, the Official Website’s Twitter link is to the @SpencerJCox Twitter account,⁴ which Spencer Cox uses to campaign for office.

¹. See Exhibit 1, March 11, 2020 screenshot of ltgovernor.utah.gov showing linked url in the lower left-hand corner for the Twitter icon.

². See Exhibit 2, March 13, 2020 screenshot of ltgovernor.utah.gov showing linked url in the lower left-hand corner for the Instagram icon.

³. See Exhibit 3, March 13, 2020 screenshot of ltgovernor.utah.gov showing linked url in the lower left-hand corner for the Facebook icon.

⁴. See Exhibit 4, March 11, 2020 screenshot of twitter.com/spencerjcox with pinned campaign announcement.

The Official Website features a picture of the Lt. Governor, a message from the Lt. Governor immediately to the right of the picture that says, “I hope the information on this website will help you learn more about state government and gain access to helpful resources,” and a link to Twitter prominently positioned as the initial social media platform on the page, right below the picture of Lt. Governor Cox. Twitter updates, commonly referred to as “Tweets,” are an informative and well-recognized social media communication vehicle for up to the minute news and viewpoints. Spencer Cox is known as a prolific Twitter user. He has more than 35,000 followers, 25,000 Tweets, and he has liked over 91,000 Tweets from other users.

The Official Website’s Twitter link opens directly to Spencer Cox’s campaign materials, including his announcement of his campaign for Utah Governor. That announcement was first posted to the @SpencerJCox Twitter page on May 14, 2019 and “pinned” as the first Tweet at the top of the same Twitter feed account no later than May 24, 2019 where it has remained. The announcement contains a link to his campaign website, a rolling campaign video, and a call for donations and volunteers.⁵ By intentionally “pinning” the Tweet to the top of his Tweeter feed, Mr. Cox has made it impossible to access the Official Website Twitter link without seeing campaign materials. Indeed, the campaign information is positioned such that it is impossible to view the most current Tweets and retweets, without being exposed to Cox campaign material, including the announcement video showing more than 190,000 views.

⁵. See Exhibit 5, May 24, 2019 screenshot of twitter.com/spencerjcox (captured by archive.org on a duplicated Dutch Twitter server.)

Recently the prominence of the Twitter link on the Official Website was significantly enhanced. On or about October 21, 2019, a redesign of the Official Website was published. The redesign enhanced the Lt. Governor's Twitter feed link from a less prominent position on the Official Website that required vertical scrolling before becoming visible,⁶ to a more prominent position as the first link placed just below the Lt. Governor's picture when reading from left-to-right.⁷ Despite the fact that in May of 2019 the Cox campaign had created its own Twitter account, @CoxForGovernor,⁸ for political purposes, the Official Webpage's Twitter link opens to the same Twitter account linked from the Cox campaign website at Votecox.com/about, but the campaign's Facebook and Instagram links differ from their Official Website counterparts. This demonstrates that the actions taken to separate some social media accounts and mix the use of Twitter was intentional.⁹ Likewise, a generic google search of the terms: "Utah Lt governor" opens to a paid advertisement from the Cox campaign and returns a search result pointing to the Lt. Governor's Official Website. Prominently placed on line two of that search result is another reference to "Lt. Governor Cox. Twitter"¹⁰

The close association between the Official Website and the oft found Twitter references (which lead to the campaign material) is not a coincidence. The prominent placements of the personal

⁶. See Exhibit 6, September 5, 2019 screenshot of utah.gov/ltgovernor (captured by archive.org and zoomed out to 50%,) showing linked url in the lower left-hand corner for the Twitter icon.

⁷. See Exhibit 7, October 21, 2019 screenshot of ltgovernor.utah.gov (captured by archive.org,) showing linked url in the lower left-hand corner for the Twitter icon, *and Compare* the placement of the Twitter link vs. Exhibit 6.

⁸. See Exhibit 8, March 14, 2020 screenshot of twitter.com/coxforgovernor showing "Joined May 2019."

⁹. See Exhibit 9, March 12, 2020 screenshot of votecox.com/about showing linked url in the lower left-hand corner for the Twitter hyperlink, *and Compare* the Twitter, Instagram and Facebook handles vs. the hyperlinks of the same in the lower left-hand corner of Exhibits 1, 2 & 3.

¹⁰. See Exhibit 10, March 12, 2020 screenshot of google search result page 1.

Twitter links promoted by the Official Website demonstrates that Mr. Cox has devised a campaign strategy to utilize his position and access to state resources as Lt. Governor to campaign for Governor.¹¹ Indeed, by using the Official Website to link to campaign materials he is using public funds to campaign for office.

Linking campaign promotional material to an Official Website is an abuse of government expenditures and could be interpreted as an official state endorsement of a candidacy for political office. The Lt. Governor, who chairs an official taskforce to manage the state's response to the COVID-19 outbreak, a matter of extreme public interest, is drawing views to his Twitter account and effectively campaigning through the Official Website, which is hosted and maintained with public funds and which has been promoted by the State of Utah with public funds either directly or indirectly through backlinks from other state-owned websites. The campaign video shown through the Official Website's linked Twitter feed now has over 190,000 views, which exposure provides a clear benefit of significant value to candidate Cox. Such value includes increased support and donations, both of which Lt. Governor Cox tweeted about on the officially linked Twitter account. No other Lt. Governor or Secretary of the State in the nation uses a Twitter account linked from an official page in such a manner as described above. Neither do any of the other Executive Officers in the State of Utah use their officially linked social media accounts in such a manner as Lt. Governor Cox.

¹¹. See Exhibit 11, which is a video demonstration captured on March 13, 2020 showing the process of searching through Google, navigating to the Official Website of the Lt. Governor, navigating to Cox campaign material and solicitations, linking to the Cox campaign website and from the Cox campaign website back to the Official Website (submitted electronically only.)

It is unlawful to use a government expenditure for a political purpose. For the Lt. Governor, the state's chief election officer, who is also a licensed attorney, to engage in a campaign strategy that uses his Official Website to link to his "pinned" personal campaign announcement, campaign website and pitch for support and donations, is both unlawful and disruptive to fair elections in the state by giving the state's chief election officer a decided political advantage during an election cycle. A reasonable person, much less knowledgeable on election law than the Lt. Governor, would recognize this as a significant advantage that cannot be resolved informally by merely removing the offending hyperlink to Twitter from the Official Website. The unfair advantage gained by candidate Cox – in terms of views, exposure, new followers, support gained, and donations to his campaign – since May of 2019 has lasting effect, cannot be undone and is irreparable.

Violation of Utah Code Ann. Section 20A-11-1203—Unlawful Expenditures.

Utah Code Ann. Section 20A-11-1203 provides in pertinent part: "Unless specifically required by law, and except as provided in Section 20A-11-1206 [not applicable here], a public entity may not: (a) make an expenditure from public funds for political purposes." According to Utah Code Ann. Section 20A-11-1203(5)(a): "Expenditure means: ... anything of value."

Utah Code Ann. Section 20A-11-1202 (11) defines a "political purpose" as "any act done in a way to influence or intend to influence, directly or indirectly, any person to ... vote for ... any (a)

candidate for public office.” The permitted use exceptions contained in Utah Code Ann.

Sections 20A-11-1203(3) and (4) do not apply to this situation.

The office of the Lt. Governor is a public entity as defined by Utah Code Ann. Section 20A-11-1202 (14) (a). Its Official Website was created, maintained and published by the State of Utah by utilizing an expenditure from public funds (see Utah Code Ann. Section 20A-11-1202 (15) (a).) The creation, hosting and maintenance of the Official Website, which hosts and promotes a link to unavoidable campaign information and solicitations, was created and is maintained under the direction of the Lt. Governor and provides exposure to his political campaign, which is “anything of value” to his candidacy for Governor and therefore violates Title 20A of the Utah Code.

Conclusion

This Verified Petition is hereby filed according to Utah Code Ann. Section 20A-1-803. The Petitioner demands that the violation and any other possible violations of the laws of Utah arising out of the above situation under the authority of Title 20A¹² be fully investigated and referred for action. Inasmuch as a conviction for a violation of Title 20A is a Class B misdemeanor, the conviction of which precludes the Lt. Governor from filing for office or being


¹². A potential additional violation of the law, which is included only for informational purposes, involves Utah Code Ann. Section 76-8-404--Making a profit from or misusing public money or public property (“A public officer who uses public property in a manner or for a purpose not authorized by law, is guilty of a felony.”). Spencer Cox is a public officer and the Official Website is public property, which is being misused by Spencer Cox as Lt. Governor. Petitioner is not requesting that this potential violation be investigated under Title 20A, but it highlights the serious nature of the Title 20A violation discussed above.

listed on the ballot for Governor, the timing of a resolution of these complaints is of the essence.

VERIFICATION

The undersigned solemnly verifies that he has reviewed the foregoing information and declares under criminal penalty under the law of Utah that the foregoing is true and correct to the best of his knowledge and belief.

Dated this 30 day of April, 2020.



Registered Voter Signature


Name: Eric Moutsos

Exhibits

Lieutenant Governor of the State x +
ltgovernor.utah.gov

Utah Services Agencies Search Utah gov

Utah Lt. Governor SPENCER J. COX ABOUT RESPONSIBILITIES INITIATIVES CONTACT



Hi! I'm Lt. Governor Spencer Cox. I hope the information on this website will help you learn more about state government and gain access to helpful resources. It is an honor to serve the people of Utah.

Twitter Instagram Facebook Flickr

Home

RESPONSIBILITIES

Financial Disclosures	Document Authentication	Governmental Entities	Elections
Utah Lobbyist Online	Notary Public Office	PIC/PAC/Corp Information	Great Seal of the State of Utah

INITIATIVES





Exhibit 1

Lieutenant Governor of the State x +
ltgovernor.utah.gov

Services Agencies Search Utah gov

Lt. Governor SPENCER J. COX

ABOUT RESPONSIBILITIES INITIATIVES CONTACT



Hi! I'm Lt. Governor Spencer Cox. I hope the information on this website will help you learn more about state government and gain access to helpful resources. It is an honor to serve the people of Utah.

Twitter Instagram Facebook Flickr

Home

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Utah Lobbyist Online	Notary Public Office	PIC/PAC/Corp Information	Great Seal of the State of Utah

INITIATIVES




Exhibit 2

Browser: Lieutenant Governor of the State of Utah | URL: ltgovernor.utah.gov

Navigation: Services | Agencies | Search Utah.gov

Header: Lt. Governor SPENCER J. COX | ABOUT | RESPONSIBILITIES | INITIATIVES | CONTACT

Hero Image: Lt. Governor Spencer Cox with text: "Hi! I'm Lt. Governor Spencer Cox. I hope the information on this website will help you learn more about state government and gain access to helpful resources. It is an honor to serve the people of Utah."

Social Media: Twitter | Instagram | Facebook | Flickr

Section: RESPONSIBILITIES

- Financial Disclosures
- Document Authentication
- Governmental Entities
- Elections
- Utah Lobbyist Online
- Notary Public Office
- PIC/PAC/Corp Information
- Great Seal of the State of Utah

Section: INITIATIVES

Image Row: Five small images representing various initiatives and community events.



Exhibit 3

Spencer Cox (@SpencerJCox) / T x +

twitter.com/SpencerJCox

Search Twitter

Log in Sign up

Spencer Cox ✓
@SpencerJCox

Father. Utah Lt. Gov. Recovering Attorney. Bassist. Happy. I do all my own stunts on Twitter. Cox & Friends Podcast. Governor for 1 glorious hr on 1/26/18.

Fairview, UT Itgovernor.utah.gov Joined August 2009


1,337 Following 35K Followers

Tweets Tweets & retweets Media Likes

Pinned Tweet

Spencer Cox ✓ @SpencerJCox · May 14, 2019

Ok friends...@AbbyPalmerCox and I want you to know first. It's time. We've decided to run for Governor - and we cant do it without you! Please visit VoteCox.com to join the team and donate. Oh and please retweet. Let's go. #VoteCox



New to Twitter?
Sign up now to get your own personalized timeline!

Sign up

You might like

- Gov. Gary Herbert** ✓ @GovHerbert Follow
- The Salt Lake Tribune** ✓ @sltrib Follow
- Todd Weiler** @gopTODD Follow

Show more

Trends

1 · Celebrities · Trending

Tom Hanks
Trending with: Rita Wilson, Rita, Not Tom Hanks

Exhibit 4

Internet Archive Wayback Machine
 https://web.archive.org/web/20190524200924/https://twitter.com/SpencerJCox
 105 captures
 19 Aug 2014 - 1 Jun 2020

Startpagina Over
 Twitter doorzoeken
 Heb je al een account? Inloggen

Spencer Cox @SpencerJCox
 Tweets 22.267 Volgend 1.234 Volgers 31.817 Vind-ik-leuks 77.240
 Volgen

Spencer Cox @SpencerJCox
 Father, Utah Lt. Gov, Recovering Attorney, Bassist, Happy. I do all my own stunts on Twitter, Cox & Friends Podcast, Governor for 1 glorious hr on 1/26/18.
 Fairview UT
 ltgovernor.utah.gov
 Geregistreerd in augustus 2009

Tweets Tweets en antwoorden Media

Vergesamelde Tweet
Spencer Cox @SpencerJCox · 14 mei
 Ok friends...@AbbyPalmerCox and I want you to know first. It's time. We've decided to run for Governor - and we cant do it without you! Please visit VoteCox.com to join the team and donate. Oh and please retweet. Let's go. #VoteCox
<http://VoteCox.com>

The media could not be played.

373 1.144 4.003

Spencer Cox heeft gereweet
David Moreno @dmoreno274 · 22 mei
 I waited at the rooftop by the helipad at the University of Utah Hospital as Montana State Trooper Palmer landed after being shot in the head, face and neck. I looked at him thinking this is not good. Only a mirade will save him. Today he was discharged. Today was that miracle.

Nieuw op Twitter?
 Registreer je nu om je eigen persoonlijke tijdlijn te krijgen!
 Registreren

© 2019 Twitter Over Helpcentrum Voorwaarden Privacybeleid Cookies Advertentie-informatie

Exhibit 5


Wayback Machine Home - Lt. Governor Spencer J. Cox

web.archive.org/web/20190905203937/https://www.utah.gov/ltgovernor/

100 440 05 OCT 2019

UTAH LEIGHTENANT GOVERNOR
Spencer J. Cox

INITIATIVES
RESPONSIBILITIES
LATEST NEWS



Responsibilities

Financial Disclosure Financial Disclosure icon elections.utah.gov	Document Authentication Document Authentication icon elections.utah.gov	Boundary Certifications Boundary Certifications icon elections.utah.gov	Elections Elections icon elections.utah.gov
Utah Lobbyist Online Utah Lobbyist Online icon elections.utah.gov	Notary Public Office Notary Public Office icon elections.utah.gov	PAC/Corp Information PAC/Corp Information icon elections.utah.gov	Seal of the State of Utah Seal of the State of Utah icon elections.utah.gov


Connect with the Lt. Governor

- Follow Lt. Governor on Instagram
- Follow Lt. Governor on Twitter**
- Like Lt. Governor on Facebook
- Governor Gary Herbert

Exhibit 6

web.archive.org/web/20191021000702/https://ltgovernor.utah.gov/

Utah.gov Search



Hi! I'm Lt. Governor Spencer Cox. I hope the information on this website will help you learn more about state government and gain access to helpful resources. It is an honor to serve the people of Utah.

Twitter Instagram Facebook Flickr

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INITIATIVES




Exhibit 7

Cox for Governor (@coxforgov) X

https://twitter.com/coxforgovernor

Search Twitter

Log in Sign up

Cox for Governor @coxforgovernor
The official campaign Twitter account for Lt. Governor Spencer Cox, Republican candidate for Governor of Utah (2020).
Fairview, UT | votecox.com | Joined May 2019
672 Following 3,252 Followers

Tweets Tweets & replies Media Likes

Pinned Tweet

Cox for Governor @coxforgovernor · Jun 3, 2019
BIG ANNOUNCEMENT! Spencer & Abby are doing something no candidate has ever done: visiting all 248 Utah cities and towns. And we need your help!

As we travel, we want to do as many service projects as we can.

Suggest acts of service for us at votecox.com/248. #Cox248



2:08 · 25.2K views

47 90 613

Cox for Governor Retweeted

Derek S. @derekalisbury · Mar 11

You might like

- Spencer Cox** @SpencerJCox Follow
- Abby Cox** @AbbyPalmerCox Follow
- Gov. Gary Herbert** @GovHerbert Follow


Show more

Trends

- Politics - Trending
#CoronaVirusUpdates
201K Tweets
Coronavirus: Spain expected to announce lockdown
- Food - Trending
#PiDay
Trending with: #PiDay2020, #NationalPiDay
- Trending
#SaturdayThoughts

Cox for Governor - About Spencer | X +
votecox.com/about/

COX GOVERNOR VOLUNTEER ISSUES NEWS ABOUT CONTACT **DONATE**



Connect with Spencer & Abby

Throughout the campaign, Spencer will share his conservative vision for Utah. Here's where to learn more about him and his positions:

Social Media

Follow Spencer on Twitter: [@spencerjcox](#)

Follow Spencer on Instagram: [@coxforgovernor](#)

Follow Spencer on Facebook: [@coxforgovernor](#)

Follow Abby on Twitter: [@abypalmercox](#)

Biography

Read about Spencer and Abby in these profiles

- [Why Spencer Cox is Running for Governor](#)
- [Abby Cox – A Partner in Action and Service](#)
- [Spencer Cox - The Lt. Governor who Almost Said No \(Deepest News\)](#)

utah lt governor - Google Search

https://www.google.com/search?source=hp&ei=42jqXnsldTQ-g5L0ZC4Dw&uq=utah+lt+governor&uq=Utah+lt&gs_l=psy-ab.1.0.0.10.4810.9988.12485..3.0.0.202.967.6j2j1...0...1.gas-wz...5.0j3

utah lt governor

About 2,560,000 results (0.54 seconds)

Ad - www.votecox.com/

Republican Spencer Cox for Governor of Utah - VoteCox 2020

Follow Spencer and Abby Cox as they perform service in communities throughout Utah. With your support, we can connect, serve and build a stronger Utah, together. Endorsed by Utah. Paid for by FRIENDS OF SPENCER COX

Contact Us
Get In Touch
Contact Details

About
Connect with Spencer & Abby
His conservative vision for Utah

"Utah Lieutenant Governor Spencer J. Cox (R)". State of Utah.
en.wikipedia.org › wiki › Spencer_Cox_(politician) ▾
Spencer Cox (politician) - Wikipedia

About Featured Snippets Feedback

ltgovernor.utah.gov ▾
Lieutenant Governor of the State of Utah | Lieutenant ...
Lt Governor Cox, Twitter ...


Utah Elections
Search Utah.gov. Services · Agencies · Home · Voter ...

Contact
General Office Contact
Information, 350 North State Street, Suite ...

More results from utah.gov >

kane.utah.gov › gov › dept › clerk-auditor › utah-lt-governor-elections
Lieutenant Governor's Office: Elections - Kane County Utah
Search Utah.gov. Services · Agencies · Home · Voter Information · Campaign Finance · Election Resources · Lobbyists, 1; 2; 3; 4; 5. Tweets by @ElectionsUtah.





Spencer Cox
Lieutenant Governor of Utah



Spencer James Cox is an American attorney and politician. A member of the Republican Party, Cox is the eighth lieutenant governor of Utah. Cox was raised in Fairview, Utah. He was appointed to Fairview's city council, and later acted as the city's mayor. [Wikipedia](#)

Born: July 11, 1975 (age 44 years), Fairview, UT
Party: Republican Party
Spouse: Abby Cox
Office: Lieutenant Governor of Utah since 2013
Education: Snow College, North Sargeant High School, MORE
Movies: Saturday's Warrior

Profiles

 [Twitter](#)  [LinkedIn](#)  [YouTube](#)  [Facebook](#)

People also search for [View 4+ more](#)






 Gary Herbert	 Aimee Winder Newton	 Jon Huntsman Jr.	 Greg Hughes	 Rob Bishop
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Exhibit 10