

STATE BOARD OF EDUCATION CANDIDATE SELECTION

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ann Millner

House Sponsor: Bradley G. Last

LONG TITLE

General Description:

This bill amends provisions of the Election Code relating to the election of State Board of Education members.

Highlighted Provisions:

This bill:

- ▶ repeals provisions relating to the Nominating and Recruiting Committee for the office of State Board of Education member;
- ▶ for the 2016 election year only, provides that candidates for the office of State Board of Education member participate in a nonpartisan primary election to narrow the number of candidates who participate in the general election;
- ▶ beginning with the 2018 election year:
 - provides that members of the State Board of Education are elected through partisan election; and
 - modifies the reporting requirements of candidates for, and officeholders on, the State Board of Education; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

30 **20A-1-102**, as last amended by Laws of Utah 2015, Chapters 296, 352, and 392
31 **20A-1-504**, as last amended by Laws of Utah 2010, Chapter 197
32 **20A-9-201**, as last amended by Laws of Utah 2015, Chapter 296
33 **20A-9-403**, as last amended by Laws of Utah 2015, Chapter 296
34 **20A-9-408**, as last amended by Laws of Utah 2015, Chapter 296
35 **20A-11-403**, as last amended by Laws of Utah 2013, Chapter 420
36 **20A-11-1301**, as last amended by Laws of Utah 2015, Chapters 21 and 127
37 **20A-11-1303**, as last amended by Laws of Utah 2015, Chapter 204
38 **20A-11-1305**, as last amended by Laws of Utah 2015, Chapter 204
39 **20A-14-103**, as last amended by Laws of Utah 2011, Third Special Session, Chapter 3
40 **20A-14-104**, as last amended by Laws of Utah 2004, Chapter 19
41 **63I-2-220**, as last amended by Laws of Utah 2014, Chapter 3

42 ENACTS:

43 **20A-14-104.1**, Utah Code Annotated 1953

44 REPEALS:

45 **20A-14-105**, as last amended by Laws of Utah 2011, Chapters 292, 327, 335 and last
46 amended by Coordination Clause, Laws of Utah 2011, Chapter 327

48 *Be it enacted by the Legislature of the state of Utah:*

49 Section 1. Section **20A-1-102** is amended to read:

50 **20A-1-102. Definitions.**

51 As used in this title:

52 (1) "Active voter" means a registered voter who has not been classified as an inactive
53 voter by the county clerk.

54 (2) "Automatic tabulating equipment" means apparatus that automatically examines
55 and counts votes recorded on paper ballots or ballot sheets and tabulates the results.

56 (3) (a) "Ballot" means the storage medium, whether paper, mechanical, or electronic,
57 upon which a voter records the voter's votes.

(b) "Ballot" includes ballot sheets, paper ballots, electronic ballots, and secrecy envelopes.

(4) "Ballot label" means the cards, papers, booklet, pages, or other materials that:

(a) contain the names of offices and candidates and statements of ballot propositions to be voted on; and

(b) are used in conjunction with ballot sheets that do not display that information.

(5) "Ballot proposition" means a question, issue, or proposal that is submitted to voters on the ballot for their approval or rejection including:

(a) an opinion question specifically authorized by the Legislature;

(b) a constitutional amendment;

(c) an initiative;

(d) a referendum;

(e) a bond proposition;

(f) a judicial retention question;

(g) an incorporation of a city or town; or

(h) any other ballot question specifically authorized by the Legislature.

(6) "Ballot sheet":

(a) means a ballot that:

(i) consists of paper or a card where the voter's votes are marked or recorded; and

(ii) can be counted using automatic tabulating equipment; and

(b) includes punch card ballots and other ballots that are machine-countable.

(7) "Bind," "binding," or "bound" means securing more than one piece of paper together with a staple or stitch in at least three places across the top of the paper in the blank space reserved for securing the paper.

(8) "Board of canvassers" means the entities established by Sections [20A-4-301](#) and [20A-4-306](#) to canvass election returns.

(9) "Bond election" means an election held for the purpose of approving or rejecting the proposed issuance of bonds by a government entity.

(10) "Book voter registration form" means voter registration forms contained in a bound book that are used by election officers and registration agents to register persons to vote.

(11) "Business reply mail envelope" means an envelope that may be mailed free of charge by the sender.

(12) "By-mail voter registration form" means a voter registration form designed to be completed by the voter and mailed to the election officer.

(13) "Canvass" means the review of election returns and the official declaration of election results by the board of canvassers.

(14) "Canvassing judge" means a poll worker designated to assist in counting ballots at the canvass.

(15) "Contracting election officer" means an election officer who enters into a contract or interlocal agreement with a provider election officer.

(16) "Convention" means the political party convention at which party officers and delegates are selected.

(17) "Counting center" means one or more locations selected by the election officer in charge of the election for the automatic counting of ballots.

(18) "Counting judge" means a poll worker designated to count the ballots during election day.

(19) "Counting poll watcher" means a person selected as provided in Section 20A-3-201 to witness the counting of ballots.

(20) "Counting room" means a suitable and convenient private place or room, immediately adjoining the place where the election is being held, for use by the poll workers and counting judges to count ballots during election day.

(21) "County officers" means those county officers that are required by law to be elected.

(22) "Date of the election" or "election day" or "day of the election":

(a) means the day that is specified in the calendar year as the day that the election occurs; and

- 114 (b) does not include:
- 115 (i) deadlines established for absentee voting; or
- 116 (ii) any early voting or early voting period as provided under Chapter 3, Part 6, Early
- 117 Voting.
- 118 (23) "Elected official" means:
- 119 (a) a person elected to an office under Section 20A-1-303;
- 120 (b) a person who is considered to be elected to a municipal office in accordance with
- 121 Subsection 20A-1-206(1)(c)(ii); or
- 122 (c) a person who is considered to be elected to a local district office in accordance with
- 123 Subsection 20A-1-206(3)(c)(ii).
- 124 (24) "Election" means a regular general election, a municipal general election, a
- 125 statewide special election, a local special election, a regular primary election, a municipal
- 126 primary election, and a local district election.
- 127 (25) "Election Assistance Commission" means the commission established by [Public
- 128 Law 107-252,] the Help America Vote Act of 2002, Pub. L. No. 107-252.
- 129 (26) "Election cycle" means the period beginning on the first day persons are eligible to
- 130 file declarations of candidacy and ending when the canvass is completed.
- 131 (27) "Election judge" means a poll worker that is assigned to:
- 132 (a) preside over other poll workers at a polling place;
- 133 (b) act as the presiding election judge; or
- 134 (c) serve as a canvassing judge, counting judge, or receiving judge.
- 135 (28) "Election officer" means:
- 136 (a) the lieutenant governor, for all statewide ballots and elections;
- 137 (b) the county clerk for:
- 138 (i) a county ballot and election; and
- 139 (ii) a ballot and election as a provider election officer as provided in Section
- 140 20A-5-400.1 or 20A-5-400.5;
- 141 (c) the municipal clerk for:

(i) a municipal ballot and election; and

(ii) a ballot and election as a provider election officer as provided in Section

20A-5-400.1 or 20A-5-400.5;

(d) the local district clerk or chief executive officer for:

(i) a local district ballot and election; and

(ii) a ballot and election as a provider election officer as provided in Section

20A-5-400.1 or 20A-5-400.5; or

(e) the business administrator or superintendent of a school district for:

(i) a school district ballot and election; and

(ii) a ballot and election as a provider election officer as provided in Section

20A-5-400.1 or 20A-5-400.5.

(29) "Election official" means any election officer, election judge, or poll worker.

(30) "Election results" means:

(a) for an election other than a bond election, the count of votes cast in the election and the election returns requested by the board of canvassers; or

(b) for bond elections, the count of those votes cast for and against the bond proposition plus any or all of the election returns that the board of canvassers may request.

(31) "Election returns" includes the pollbook, the military and overseas absentee voter registration and voting certificates, one of the tally sheets, any unprocessed absentee ballots, all counted ballots, all excess ballots, all unused ballots, all spoiled ballots, the ballot disposition form, and the total votes cast form.

(32) "Electronic ballot" means a ballot that is recorded using a direct electronic voting device or other voting device that records and stores ballot information by electronic means.

(33) "Electronic signature" means an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.

(34) (a) "Electronic voting device" means a voting device that uses electronic ballots.

(b) "Electronic voting device" includes a direct recording electronic voting device.

- 170 (35) "Inactive voter" means a registered voter who has:
- 171 (a) been sent the notice required by Section 20A-2-306; and
- 172 (b) failed to respond to that notice.
- 173 (36) "Inspecting poll watcher" means a person selected as provided in this title to
- 174 witness the receipt and safe deposit of voted and counted ballots.
- 175 (37) "Judicial office" means the office filled by any judicial officer.
- 176 (38) "Judicial officer" means any justice or judge of a court of record or any county
- 177 court judge.
- 178 (39) "Local district" means a local government entity under Title 17B, Limited Purpose
- 179 Local Government Entities - Local Districts, and includes a special service district under Title
- 180 17D, Chapter 1, Special Service District Act.
- 181 (40) "Local district officers" means those local district board members that are required
- 182 by law to be elected.
- 183 (41) "Local election" means a regular county election, a regular municipal election, a
- 184 municipal primary election, a local special election, a local district election, and a bond
- 185 election.
- 186 (42) "Local political subdivision" means a county, a municipality, a local district, or a
- 187 local school district.
- 188 (43) "Local special election" means a special election called by the governing body of a
- 189 local political subdivision in which all registered voters of the local political subdivision may
- 190 vote.
- 191 (44) "Municipal executive" means:
- 192 (a) the mayor in the council-mayor form of government defined in Section 10-3b-102;
- 193 (b) the mayor in the council-manager form of government defined in Subsection
- 194 10-3b-103(7); or
- 195 (c) the chair of a metro township form of government defined in Section 10-3b-102.
- 196 (45) "Municipal general election" means the election held in municipalities and, as
- 197 applicable, local districts on the first Tuesday after the first Monday in November of each

198 odd-numbered year for the purposes established in Section 20A-1-202.

199 (46) "Municipal legislative body" means:

200 (a) the council of the city or town in any form of municipal government; or

201 (b) the council of a metro township.

202 (47) "Municipal office" means an elective office in a municipality.

203 (48) "Municipal officers" means those municipal officers that are required by law to be
204 elected.

205 (49) "Municipal primary election" means an election held to nominate candidates for
206 municipal office.

207 (50) "Official ballot" means the ballots distributed by the election officer to the poll
208 workers to be given to voters to record their votes.

209 (51) "Official endorsement" means:

210 (a) the information on the ballot that identifies:

211 (i) the ballot as an official ballot;

212 (ii) the date of the election; and

213 (iii) (A) for a ballot prepared by an election officer other than a county clerk, the
214 facsimile signature required by Subsection 20A-6-401(1)(b)(iii); or

215 (B) for a ballot prepared by a county clerk, the words required by Subsection
216 20A-6-301(1)(c)(iii); and

217 (b) the information on the ballot stub that identifies:

218 (i) the poll worker's initials; and

219 (ii) the ballot number.

220 (52) "Official register" means the official record furnished to election officials by the
221 election officer that contains the information required by Section 20A-5-401.

222 (53) "Paper ballot" means a paper that contains:

223 (a) the names of offices and candidates and statements of ballot propositions to be
224 voted on; and

225 (b) spaces for the voter to record the voter's vote for each office and for or against each

226 ballot proposition.

227 (54) "Pilot project" means the election day voter registration pilot project created in
228 Section [20A-4-108](#).

229 (55) "Political party" means an organization of registered voters that has qualified to
230 participate in an election by meeting the requirements of Chapter 8, Political Party Formation
231 and Procedures.

232 (56) "Pollbook" means a record of the names of voters in the order that they appear to
233 cast votes.

234 (57) "Polling place" means the building where voting is conducted.

235 (58) (a) "Poll worker" means a person assigned by an election official to assist with an
236 election, voting, or counting votes.

237 (b) "Poll worker" includes election judges.

238 (c) "Poll worker" does not include a watcher.

239 (59) "Position" means a square, circle, rectangle, or other geometric shape on a ballot
240 in which the voter marks the voter's choice.

241 (60) "Primary convention" means the political party conventions held during the year
242 of the regular general election.

243 (61) "Protective counter" means a separate counter, which cannot be reset, that:

244 (a) is built into a voting machine; and

245 (b) records the total number of movements of the operating lever.

246 (62) "Provider election officer" means an election officer who enters into a contract or
247 interlocal agreement with a contracting election officer to conduct an election for the
248 contracting election officer's local political subdivision in accordance with Section
249 [20A-5-400.1](#).

250 (63) "Provisional ballot" means a ballot voted provisionally by a person:

251 (a) whose name is not listed on the official register at the polling place;

252 (b) whose legal right to vote is challenged as provided in this title; or

253 (c) whose identity was not sufficiently established by a poll worker.

(64) "Provisional ballot envelope" means an envelope printed in the form required by Section 20A-6-105 that is used to identify provisional ballots and to provide information to verify a person's legal right to vote.

(65) "Qualify" or "qualified" means to take the oath of office and begin performing the duties of the position for which the person was elected.

(66) "Receiving judge" means the poll worker that checks the voter's name in the official register, provides the voter with a ballot, and removes the ballot stub from the ballot after the voter has voted.

(67) "Registration form" means a book voter registration form and a by-mail voter registration form.

(68) "Regular ballot" means a ballot that is not a provisional ballot.

(69) "Regular general election" means the election held throughout the state on the first Tuesday after the first Monday in November of each even-numbered year for the purposes established in Section 20A-1-201.

(70) "Regular primary election" means the election on the fourth Tuesday of June of each even-numbered year, to nominate candidates of political parties and candidates for nonpartisan State Board of Education and local school board positions to advance to the regular general election.

(71) "Resident" means a person who resides within a specific voting precinct in Utah.

(72) "Sample ballot" means a mock ballot similar in form to the official ballot printed and distributed as provided in Section 20A-5-405.

(73) "Scratch vote" means to mark or punch the straight party ticket and then mark or punch the ballot for one or more candidates who are members of different political parties or who are unaffiliated.

(74) "Secrecy envelope" means the envelope given to a voter along with the ballot into which the voter places the ballot after the voter has voted it in order to preserve the secrecy of the voter's vote.

(75) "Special election" means an election held as authorized by Section 20A-1-203.

(76) "Spoiled ballot" means each ballot that:

(a) is spoiled by the voter;

(b) is unable to be voted because it was spoiled by the printer or a poll worker; or

(c) lacks the official endorsement.

(77) "Statewide special election" means a special election called by the governor or the Legislature in which all registered voters in Utah may vote.

(78) "Stub" means the detachable part of each ballot.

(79) "Substitute ballots" means replacement ballots provided by an election officer to the poll workers when the official ballots are lost or stolen.

(80) "Ticket" means each list of candidates for each political party or for each group of petitioners.

(81) "Transfer case" means the sealed box used to transport voted ballots to the counting center.

(82) "Vacancy" means the absence of a person to serve in any position created by statute, whether that absence occurs because of death, disability, disqualification, resignation, or other cause.

(83) "Valid voter identification" means:

(a) a form of identification that bears the name and photograph of the voter which may include:

(i) a currently valid Utah driver license;

(ii) a currently valid identification card that is issued by:

(A) the state; or

(B) a branch, department, or agency of the United States;

(iii) a currently valid Utah permit to carry a concealed weapon;

(iv) a currently valid United States passport; or

(v) a currently valid United States military identification card;

(b) one of the following identification cards, whether or not the card includes a photograph of the voter:

- 310 (i) a valid tribal identification card;
311 (ii) a Bureau of Indian Affairs card; or
312 (iii) a tribal treaty card; or
313 (c) two forms of identification not listed under Subsection (83)(a) or (b) but that bear
314 the name of the voter and provide evidence that the voter resides in the voting precinct, which
315 may include:
- 316 (i) a current utility bill or a legible copy thereof, dated within the 90 days before the
317 election;
318 (ii) a bank or other financial account statement, or a legible copy thereof;
319 (iii) a certified birth certificate;
320 (iv) a valid Social Security card;
321 (v) a check issued by the state or the federal government or a legible copy thereof;
322 (vi) a paycheck from the voter's employer, or a legible copy thereof;
323 (vii) a currently valid Utah hunting or fishing license;
324 (viii) certified naturalization documentation;
325 (ix) a currently valid license issued by an authorized agency of the United States;
326 (x) a certified copy of court records showing the voter's adoption or name change;
327 (xi) a valid Medicaid card, Medicare card, or Electronic Benefits Transfer Card;
328 (xii) a currently valid identification card issued by:
329 (A) a local government within the state;
330 (B) an employer for an employee; or
331 (C) a college, university, technical school, or professional school located within the
332 state; or
333 (xiii) a current Utah vehicle registration.
- 334 (84) "Valid write-in candidate" means a candidate who has qualified as a write-in
335 candidate by following the procedures and requirements of this title.
- 336 (85) "Voter" means a person who:
337 (a) meets the requirements for voting in an election;

(b) meets the requirements of election registration;

(c) is registered to vote; and

(d) is listed in the official register book.

(86) "Voter registration deadline" means the registration deadline provided in Section 20A-2-102.5.

(87) "Voting area" means the area within six feet of the voting booths, voting machines, and ballot box.

(88) "Voting booth" means:

(a) the space or compartment within a polling place that is provided for the preparation of ballots, including the voting machine enclosure or curtain; or

(b) a voting device that is free standing.

(89) "Voting device" means:

(a) an apparatus in which ballot sheets are used in connection with a punch device for piercing the ballots by the voter;

(b) a device for marking the ballots with ink or another substance;

(c) an electronic voting device or other device used to make selections and cast a ballot electronically, or any component thereof;

(d) an automated voting system under Section 20A-5-302; or

(e) any other method for recording votes on ballots so that the ballot may be tabulated by means of automatic tabulating equipment.

(90) "Voting machine" means a machine designed for the sole purpose of recording and tabulating votes cast by voters at an election.

(91) "Voting poll watcher" means a person appointed as provided in this title to witness the distribution of ballots and the voting process.

(92) "Voting precinct" means the smallest voting unit established as provided by law within which qualified voters vote at one polling place.

(93) "Watcher" means a voting poll watcher, a counting poll watcher, an inspecting poll watcher, and a testing watcher.

(94) "Western States Presidential Primary" means the election established in Chapter 9, Part 8, Western States Presidential Primary.

(95) "Write-in ballot" means a ballot containing any write-in votes.

(96) "Write-in vote" means a vote cast for a person whose name is not printed on the ballot according to the procedures established in this title.

Section 2. Section **20A-1-504** is amended to read:

20A-1-504. Midterm vacancies in the offices of attorney general, state treasurer, state auditor, state Board of Education member, and lieutenant governor.

(1) (a) When a vacancy occurs for any reason in the office of attorney general, state treasurer, ~~or~~ state auditor, ~~it~~ or State Board of Education member, the vacancy shall be filled for the unexpired term at the next regular general election.

(b) The governor shall fill the vacancy until the next regular general election by appointing a person who meets the qualifications for the office from three persons nominated by the state central committee of the same political party as the prior officeholder.

(2) If a vacancy occurs in the office of lieutenant governor, the governor shall, with the consent of the Senate, appoint a person to hold the office until the next regular general election at which the governor stands for election.

(3) For a State Board of Education member vacancy, if the individual who is being replaced is not a member of a political party, or if the member was elected at or before the 2016 regular general election, the governor shall fill the vacancy, with the consent of the Senate, by selecting an individual who meets the qualifications and residency requirements for filling the vacancy described in Section [20A-14-103](#).

Section 3. Section **20A-9-201** is amended to read:

20A-9-201. Declarations of candidacy -- Candidacy for more than one office or of more than one political party prohibited with exceptions -- General filing and form requirements -- Affidavit of impecuniosity.

(1) Before filing a declaration of candidacy for election to any office, a person shall:

(a) be a United States citizen;

394 (b) meet the legal requirements of that office; and
395 (c) if seeking a registered political party's nomination as a candidate for elective office,
396 state:
397 (i) the registered political party of which the person is a member; or
398 (ii) that the person is not a member of a registered political party.
399 (2) (a) Except as provided in Subsection (2)(b), an individual may not:
400 (i) file a declaration of candidacy for, or be a candidate for, more than one office in
401 Utah during any election year;
402 (ii) appear on the ballot as the candidate of more than one political party; or
403 (iii) file a declaration of candidacy for a registered political party of which the
404 individual is not a member, except to the extent that the registered political party permits
405 otherwise in the registered political party's bylaws.
406 (b) (i) A person may file a declaration of candidacy for, or be a candidate for, president
407 or vice president of the United States and another office, if the person resigns the person's
408 candidacy for the other office after the person is officially nominated for president or vice
409 president of the United States.
410 (ii) A person may file a declaration of candidacy for, or be a candidate for, more than
411 one justice court judge office.
412 (iii) A person may file a declaration of candidacy for lieutenant governor even if the
413 person filed a declaration of candidacy for another office in the same election year if the person
414 withdraws as a candidate for the other office in accordance with Subsection 20A-9-202(6)
415 before filing the declaration of candidacy for lieutenant governor.
416 (3) (a) (i) Except for presidential candidates, before the filing officer may accept any
417 declaration of candidacy, the filing officer shall:
418 (A) read to the prospective candidate the constitutional and statutory qualification
419 requirements for the office that the candidate is seeking; and
420 (B) require the candidate to state whether ~~or not~~ the candidate meets those
421 requirements.

422 (ii) Before accepting a declaration of candidacy for the office of county attorney, the
423 county clerk shall ensure that the person filing that declaration of candidacy is:

424 (A) a United States citizen;

425 (B) an attorney licensed to practice law in Utah who is an active member in good
426 standing of the Utah State Bar;

427 (C) a registered voter in the county in which the person is seeking office; and

428 (D) a current resident of the county in which the person is seeking office and either has
429 been a resident of that county for at least one year or was appointed and is currently serving as
430 county attorney and became a resident of the county within 30 days after appointment to the
431 office.

432 (iii) Before accepting a declaration of candidacy for the office of district attorney, the
433 county clerk shall ensure that, as of the date of the election, the person filing that declaration of
434 candidacy is:

435 (A) a United States citizen;

436 (B) an attorney licensed to practice law in Utah who is an active member in good
437 standing of the Utah State Bar;

438 (C) a registered voter in the prosecution district in which the person is seeking office;
439 and

440 (D) a current resident of the prosecution district in which the person is seeking office
441 and either will have been a resident of that prosecution district for at least one year as of the
442 date of the election or was appointed and is currently serving as district attorney and became a
443 resident of the prosecution district within 30 days after receiving appointment to the office.

444 (iv) Before accepting a declaration of candidacy for the office of county sheriff, the
445 county clerk shall ensure that the person filing the declaration of candidacy:

446 (A) as of the date of filing:

447 (I) is a United States citizen;

448 (II) is a registered voter in the county in which the person seeks office;

449 (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 met the waiver requirements in Section 53-6-206; and

(IV) is qualified to be certified as a law enforcement officer, as defined in Section 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.

(v) Before accepting a declaration of candidacy for the office of governor, lieutenant governor, state auditor, state treasurer, attorney general, state legislator, or State Board of Education member, the filing officer shall ensure:

(A) that the person filing the declaration of candidacy also files the financial disclosure required by Section 20A-11-1603; and

(B) if the filing officer is not the lieutenant governor, that the financial disclosure is provided to the lieutenant governor according to the procedures and requirements of Section 20A-11-1603.

(b) If the prospective candidate states that the qualification requirements for the office are not met, the filing officer may not accept the prospective candidate's declaration of candidacy.

(c) If the candidate meets the requirements of Subsection (3)(a) and states that the requirements of candidacy are met, the filing officer shall:

(i) inform the candidate that:

(A) the candidate's name will appear on the ballot as [it] the candidate's name is written on the declaration of candidacy;

(B) the candidate may be required to comply with state or local campaign finance disclosure laws; and

(C) the candidate is required to file a financial statement before the candidate's political convention under:

(I) Section 20A-11-204 for a candidate for constitutional office;

(II) Section 20A-11-303 for a candidate for the Legislature; or

(III) local campaign finance disclosure laws, if applicable;

(ii) except for a presidential candidate, provide the candidate with a copy of the current campaign financial disclosure laws for the office the candidate is seeking and inform the candidate that failure to comply will result in disqualification as a candidate and removal of the candidate's name from the ballot;

(iii) provide the candidate with a copy of Section 20A-7-801 regarding the Statewide Electronic Voter Information Website Program and inform the candidate of the submission deadline under Subsection 20A-7-801(4)(a);

(iv) provide the candidate with a copy of the pledge of fair campaign practices described under Section 20A-9-206 and inform the candidate that:

(A) signing the pledge is voluntary; and

(B) signed pledges shall be filed with the filing officer;

(v) accept the candidate's declaration of candidacy; and

(vi) if the candidate has filed for a partisan office, provide a certified copy of the declaration of candidacy to the chair of the county or state political party of which the candidate is a member.

(d) If the candidate elects to sign the pledge of fair campaign practices, the filing officer shall:

(i) accept the candidate's pledge; and

(ii) if the candidate has filed for a partisan office, provide a certified copy of the candidate's pledge to the chair of the county or state political party of which the candidate is a member.

(4) (a) Except for presidential candidates and State Board of Education candidates, the form of the declaration of candidacy shall:

(i) be substantially as follows:

"State of Utah, County of ____

I, _____, declare my candidacy for the office of _____, seeking the

nomination of the ____ party. I do solemnly swear that: I will meet the qualifications to hold the office, both legally and constitutionally, if selected; I reside at _____ in the City or Town of ____, Utah, Zip Code ____ Phone No. ____; I will not knowingly violate any law governing campaigns and elections; I will file all campaign financial disclosure reports as required by law; and I understand that failure to do so will result in my disqualification as a candidate for this office and removal of my name from the ballot. The mailing address that I designate for receiving official election notices is _____.

Subscribed and sworn before me this _____ (month\day\year).

Notary Public (or other officer qualified to administer oath)."; and

(ii) require the candidate to state, in the sworn statement described in Subsection (4)(a)(i):

(A) the registered political party of which the candidate is a member; or

(B) that the candidate is not a member of a registered political party.

(b) An agent designated to file a declaration of candidacy under Section 20A-9-202 may not sign the form described in Subsection (4)(a).

(5) (a) Except for presidential candidates, the fee for filing a declaration of candidacy is:

(i) \$50 for candidates for the local school district board; and

(ii) \$50 plus 1/8 of 1% of the total salary for the full term of office legally paid to the person holding the office for all other federal, state, and county offices.

(b) Except for presidential candidates, the filing officer shall refund the filing fee to 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 from candidates.

(ii) The lieutenant governor shall:

(A) apportion to and pay to the county treasurers of the various counties all fees received for filing of nomination certificates or acceptances; and

(B) ensure that each county receives that proportion of the total amount paid to the lieutenant 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) A person who is unable to pay the filing fee may file a declaration of candidacy without payment of the filing fee upon a prima facie showing of impecuniosity as evidenced by an affidavit of impecuniosity filed with the filing officer and, if requested by the filing officer, a financial statement filed at the time the affidavit is submitted.

(ii) A person who is able to pay the filing fee may not claim impecuniosity.

(iii) (A) False statements made on an affidavit of impecuniosity or a financial statement filed under this section shall be subject to the criminal penalties provided under Sections 76-8-503 and 76-8-504 and any other applicable criminal provision.

(B) Conviction of a criminal offense under Subsection (5)(d)(iii)(A) shall be considered an offense under this title for the purposes of assessing the penalties provided in Subsection 20A-1-609(2).

(iv) The filing officer shall ensure that the affidavit of impecuniosity is printed in substantially the following form:

"Affidavit of Impecuniosity

Individual Name _____

Address _____

Phone Number _____

I, _____ (name), do solemnly [swear] [affirm], under penalty of law for false statements, that, owing to my poverty, I am unable to pay the filing fee required by law.

Date _____ Signature _____

Affiant

Subscribed and sworn to before me on _____ (month\day\year)

(signature)

Name and Title of Officer Authorized to Administer Oath _____"

(v) The filing officer shall provide to a person who requests an affidavit of impecuniosity a statement printed in substantially the following form, which may be included on the affidavit of impecuniosity:

"Filing a false statement is a criminal offense. In accordance with Section 20A-1-609, a candidate who is found guilty of filing a false statement, in addition to being subject to criminal penalties, will be removed from the ballot."

(vi) The filing officer may request that a person who makes a claim of impecuniosity under this Subsection (5)(d) file a financial statement on a form prepared by the election official.

(6) (a) If there is no legislative appropriation for the Western States Presidential Primary election, as provided in Part 8, Western States Presidential Primary, a candidate for president of the United States who is affiliated with a registered political party and chooses to participate in the regular primary election shall:

(i) file a declaration of candidacy, in person or via a designated agent, with the lieutenant governor:

(A) on a form developed and provided by the lieutenant governor; and

(B) on or after the second Friday in March and before 5 p.m. on the third Thursday in March before the next regular primary election;

(ii) identify the registered political party whose nomination the candidate is seeking;

(iii) provide a letter from the registered political party certifying that the candidate may participate as a candidate for that party in that party's presidential primary election; and

(iv) pay the filing fee of \$500.

(b) An agent designated to file a declaration of candidacy may not sign the form described in Subsection (6)(a)(i)(A).

(7) Any person who fails to file a declaration of candidacy or certificate of nomination within the time provided in this chapter is ineligible for nomination to office.

(8) A declaration of candidacy filed under this section may not be amended or modified after the final date established for filing a declaration of candidacy.

(9) (a) The form of the declaration of candidacy for the office of State Board of Education member shall be substantially as follows:

"State of Utah, County of _____
I, _____, declare my candidacy for the office of State Board of Education
member. I do solemnly swear that: I will meet the qualifications to hold the office, both legally
and constitutionally, if selected; I reside at _____ in the City or Town of _____, Utah,
Zip Code _____ Phone No. _____; I will not knowingly violate any law governing campaigns
and elections; I will file all campaign financial disclosure reports as required by law; and I
understand that failure to do so will result in my disqualification as a candidate for this office
and removal of my name from the ballot. The mailing address that I designate for receiving
official election notices is _____.

Subscribed and sworn before me this _____ (month\day\year). Notary Public (or
other officer qualified to administer oath)."

(b) An agent designated to file a declaration of candidacy under Section [20A-9-202](#)
may not sign the form described in Subsection (9)(a).

Section 4. Section **20A-9-403** is amended to read:

20A-9-403. Regular primary elections.

(1) (a) Candidates for elective office that are to be filled at the next regular general election shall be nominated in a regular primary election by direct vote of the people in the manner prescribed in this section. The fourth Tuesday of June of each even-numbered year is designated as regular primary election day. Nothing in this section shall affect a candidate's ability to qualify for a regular general election's ballot as an unaffiliated candidate under Section [20A-9-501](#) or to participate in a regular general election as a write-in candidate under

618 Section 20A-9-601.

619 (b) Each registered political party that chooses to have the names of its candidates for
620 elective office featured with party affiliation on the ballot at a regular general election shall
621 comply with the requirements of this section and shall nominate its candidates for elective
622 office in the manner prescribed in this section.

623 (c) A filing officer may not permit an official ballot at a regular general election to be
624 produced or used if the ballot denotes affiliation between a registered political party or any
625 other political group and a candidate for elective office who was not nominated in the manner
626 prescribed in this section or in Subsection 20A-9-202(4).

627 (d) Unless noted otherwise, the dates in this section refer to those that occur in each
628 even-numbered year in which a regular general election will be held.

629 (2) (a) Each registered political party, in a statement filed with the lieutenant governor,
630 shall:

631 (i) either declare their intent to participate in the next regular primary election or
632 declare that the registered political party chooses not to have the names of its candidates for
633 elective office featured on the ballot at the next regular general election; and

634 (ii) if the registered political party participates in the upcoming regular primary
635 election, identify one or more registered political parties whose members may vote for the
636 registered political party's candidates and whether or not persons identified as unaffiliated with
637 a political party may vote for the registered political party's candidates.

638 (b) (i) A registered political party that is a continuing political party must file the
639 statement described in Subsection (2)(a) with the lieutenant governor no later than 5 p.m. on
640 November 15 of each odd-numbered year.

641 (ii) An organization that is seeking to become a registered political party under Section
642 20A-8-103 must file the statement described in Subsection (2)(a) at the time that the registered
643 political party files the petition described in Section 20A-8-103.

644 (3) (a) Except as provided in Subsection (3)(e), a person who has submitted a
645 declaration of candidacy under Section 20A-9-202 shall appear as a candidate for elective

office on the regular primary ballot of the registered political party listed on the declaration of candidacy only if the person is certified by the appropriate filing officer as having submitted a set of nomination petitions that was:

(i) circulated and completed in accordance with Section 20A-9-405; and

(ii) signed by at least two percent of the registered political party's members who reside in the political division of the office that the person seeks.

(b) A candidate for elective office shall submit nomination petitions to the appropriate filing officer for verification and certification no later than 5 p.m. on the final day in March.

Candidates may supplement their submissions at any time on or before the filing deadline.

(c) The lieutenant governor shall determine for each elective office the total number of signatures that must be submitted under Subsection (3)(a)(ii) by counting the aggregate number of persons residing in each elective office's political division who have designated a particular registered political party on their voter registration forms as of November 1 of each odd-numbered year. The lieutenant governor shall publish this determination for each elective office no later than November 15 of each odd-numbered year.

(d) The filing officer shall:

(i) verify signatures on nomination petitions in a transparent and orderly manner;

(ii) for all qualifying candidates for elective office who submitted nomination petitions to the filing officer, issue certifications referenced in Subsection (3)(a) no later than 5 p.m. on the first Monday after the third Saturday in April;

(iii) consider active and inactive voters eligible to sign nomination petitions;

(iv) consider a person who signs a nomination petition a member of a registered political party for purposes of Subsection (3)(a)(ii) if the person has designated that registered political party as the person's party membership on the person's voter registration form; and

(v) utilize procedures described in Section 20A-7-206.3 to verify submitted nomination petition signatures, or use statistical sampling procedures to verify submitted nomination petition signatures pursuant to rules made under Subsection (3)(f).

(e) Notwithstanding any other provision in this Subsection (3), a candidate for

lieutenant governor may appear on the regular primary ballot of a registered political party without submitting nomination petitions if the candidate files a declaration of candidacy and complies with Subsection 20A-9-202(3).

(f) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the director of elections, within the Office of the Lieutenant Governor, shall make rules that:

(i) provide for the use of statistical sampling procedures that:

(A) filing officers are required to use to verify signatures under Subsection (3)(d); and

(B) reflect a bona fide effort to determine the validity of a candidate's entire submission, using widely recognized statistical sampling techniques; and

(ii) provide for the transparent, orderly, and timely submission, verification, and certification of nomination petition signatures.

(g) The county clerk shall:

(i) review the declarations of candidacy filed by candidates for local boards of education to determine if more than two candidates have filed for the same seat;

(ii) place the names of all candidates who have filed a declaration of candidacy for a local board of education seat on the nonpartisan section of the ballot if more than two candidates have filed for the same seat; and

(iii) determine the order of the local board of education candidates' names on the ballot in accordance with Section 20A-6-305.

(4) (a) By 5 p.m. on the first Wednesday after the third Saturday in April, the lieutenant governor shall provide to the county clerks:

(i) a list of the names of all candidates for federal, constitutional, multi-county, and county offices who have received certifications under Subsection (3), along with instructions on how those names shall appear on the primary-election ballot in accordance with Section 20A-6-305; and

(ii) a list of unopposed candidates for elective office who have been nominated by a registered political party under Subsection (5)(c) and instruct the county clerks to exclude such candidates from the primary-election ballot.

(b) A candidate for lieutenant governor and a candidate for governor campaigning as joint-ticket running mates shall appear jointly on the primary-election ballot.

(c) After the county clerk receives the certified list from the lieutenant governor under Subsection (4)(a), the county clerk shall post or publish a primary election notice in substantially the following form:

"Notice is given that a primary election will be held Tuesday, June ____, ____ (year), to nominate party candidates for the parties and candidates for nonpartisan State Board of Education and local school board positions listed on the primary ballot. The polling place for voting precinct ____ is _____. The polls will open at 7 a.m. and continue open until 8 p.m. of the same day. Attest: county clerk."

(5) (a) Candidates, other than presidential candidates, receiving the highest number of votes cast for each office at the regular primary election are nominated by their registered political party for that office or are nominated as a candidate for a nonpartisan State Board of Education or local school board position.

(b) If two or more candidates, other than presidential candidates, are to be elected to the office at the regular general election, those party candidates equal in number to positions to be filled who receive the highest number of votes at the regular primary election are the nominees of their party for those positions.

(c) A candidate who is unopposed for an elective office in the regular primary election of a registered political party is nominated by the party for that office without appearing on the primary ballot. A candidate is "unopposed" if no person other than the candidate has received a certification under Subsection (3) for the regular primary election ballot of the candidate's registered political party for a particular elective office.

(6) (a) When a tie vote occurs in any primary election for any national, state, or other office that represents more than one county, the governor, lieutenant governor, and attorney general shall, at a public meeting called by the governor and in the presence of the candidates involved, select the nominee by lot cast in whatever manner the governor determines.

(b) When a tie vote occurs in any primary election for any county office, the district

court judges of the district in which the county is located shall, at a public meeting called by the judges and in the presence of the candidates involved, select the nominee by lot cast in whatever manner the judges determine.

(7) The expense of providing all ballots, blanks, or other supplies to be used at any primary election provided for by this section, and all expenses necessarily incurred in the preparation for or the conduct of that primary election shall be paid out of the treasury of the county or state, in the same manner as for the regular general elections.

(8) An individual may not file a declaration of candidacy for a registered political party of which the individual is not a member, except to the extent that the registered political party permits otherwise under the registered political party's bylaws.

Section 5. Section **20A-9-408** is amended to read:

20A-9-408. Signature-gathering process to seek the nomination of a qualified political party.

(1) This section describes the requirements for a member of a qualified political party who is seeking the nomination of the qualified political party for an elective office through the signature-gathering process described in this section.

(2) Notwithstanding Subsection **20A-9-201**(4)(a), the form of the declaration of candidacy for a member of a qualified political party who is nominated by, or who is seeking the nomination of, the qualified political party under this section shall be substantially as described in Section **20A-9-408.5**.

(3) Notwithstanding Subsection **20A-9-202**(1)(a), and except as provided in Subsection **20A-9-202**(4), a member of a qualified political party who, under this section, is seeking the nomination of the qualified political party for an elective office that is to be filled at the next general election shall:

(a) within the period beginning on January 1 before the next regular general election and ending on the third Thursday in March of the same year, and before gathering signatures under this section, file with the filing officer on a form approved by the lieutenant governor a notice of intent to gather signatures for candidacy that includes:

(i) the name of the member who will attempt to become a candidate for a registered political party under this section;

(ii) the name of the registered political party for which the member is seeking nomination;

(iii) the office for which the member is seeking to become a candidate;

(iv) the address and telephone number of the member; and

(v) other information required by the lieutenant governor;

(b) file a declaration of candidacy, in person, with the filing officer on or after the second Friday in March and before 5 p.m. on the third Thursday in March before the next regular general election; and

(c) pay the filing fee.

(4) Notwithstanding Subsection 20A-9-202(2)(a), a member of a qualified political party who, under this section, is seeking the nomination of the qualified political party for the office of district attorney within a multicounty prosecution district that is to be filled at the next general election shall:

(a) on or after January 1 before the next regular general election, and before gathering signatures under this section, file with the filing officer on a form approved by the lieutenant governor a notice of intent to gather signatures for candidacy that includes:

(i) the name of the member who will attempt to become a candidate for a registered political party under this section;

(ii) the name of the registered political party for which the member is seeking nomination;

(iii) the office for which the member is seeking to become a candidate;

(iv) the address and telephone number of the member; and

(v) other information required by the lieutenant governor;

(b) file a declaration of candidacy, in person, with the filing officer on or after the second Friday in March and before 5 p.m. on the third Thursday in March before the next regular general election; and

(c) pay the filing fee.

(5) Notwithstanding Subsection 20A-9-202(3)(a)(iii), a lieutenant governor candidate who files as the joint-ticket running mate of an individual who is nominated by a qualified political party, under this section, for the office of governor shall submit a letter from the candidate for governor that names the lieutenant governor candidate as a joint-ticket running mate.

(6) The lieutenant governor shall ensure that the certification described in Subsection 20A-9-701(1) also includes the name of each candidate nominated by a qualified political party under this section.

(7) Notwithstanding Subsection 20A-9-701(2), the ballot shall, for each candidate who is nominated by a qualified political party under this section, designate the qualified political party that nominated the candidate.

(8) A member of a qualified political party may seek the nomination of the qualified political party for an elective office by:

(a) complying with the requirements described in this section; and

(b) collecting signatures, on a form approved by the lieutenant governor, during the period beginning on January 1 of an even-numbered year and ending 14 days before the day on which the qualified political party's convention for the office is held, in the following amounts:

(i) for a statewide race, 28,000 signatures of registered voters in the state who are permitted by the qualified political party to vote for the qualified political party's candidates in a primary election;

(ii) for a congressional district race, 7,000 signatures of registered voters who are residents of the congressional district and are permitted by the qualified political party to vote for the qualified political party's candidates in a primary election;

(iii) for a state Senate district race, 2,000 signatures of registered voters who are residents of the state Senate district and are permitted by the qualified political party to vote for the qualified political party's candidates in a primary election;

(iv) for a state House district race, 1,000 signatures of registered voters who are

residents of the state House district and are permitted by the qualified political party to vote for the qualified political party's candidates in a primary election; ~~and~~

(v) for a State Board of Education race, the lesser of:

(A) 2,000 signatures of registered voters who are residents of the State Board of Education district and are permitted by the qualified political party to vote for the qualified political party's candidates in a primary election; or

(B) 3% of the registered voters of the qualified political party who are residents of the applicable State Board of Education district; and

~~(v)~~ (vi) for a county office race, signatures of 3% of the registered voters who are residents of the area permitted to vote for the county office and are permitted by the qualified political party to vote for the qualified political party's candidates in a primary election.

(9) (a) In order for a member of the qualified political party to qualify as a candidate for the qualified political party's nomination for an elective office under this section, the member shall:

(i) collect the signatures on a form approved by the lieutenant governor, using the same circulation and verification requirements described in Sections 20A-7-204 and 20A-7-205; and

(ii) submit the signatures to the election officer no later than 14 days before the day on which the qualified political party holds its convention to select candidates, for the elective office, for the qualified political party's nomination.

(b) An individual may not gather signatures under this section until after the individual files a notice of intent to gather signatures for candidacy described in this section.

(c) An individual who files a notice of intent to gather signatures for candidacy, described in Subsection (3)(a) or (4)(a), is, beginning on the day on which the individual files the notice of intent to gather signatures for candidacy:

(i) required to comply with the reporting requirements that a candidate for office is required to comply with; and

(ii) subject to the same enforcement provisions, and civil and criminal penalties, that apply to a candidate for office in relation to the reporting requirements described in Subsection

(9)(c)(i).

(d) Upon timely receipt of the signatures described in Subsections (8) and (9)(a), the election officer shall, no later than one day before the day on which the qualified political party holds the convention to select a nominee for the elective office to which the signature packets relate:

(i) check the name of each individual who completes the verification for a signature packet to determine whether each individual is a resident of Utah and is at least 18 years old;

(ii) submit the name of each individual described in Subsection (9)(d)(i) who is not a Utah resident or who is not at least 18 years old to the attorney general and the county attorney;

(iii) determine whether each signer is a registered voter who is qualified to sign the petition, using the same method, described in Section 20A-7-206.3, used to verify a signature on a petition;

(iv) certify whether each name is that of a registered voter who is qualified to sign the signature packet; and

(v) notify the qualified political party and the lieutenant governor of the name of each member of the qualified political party who qualifies as a nominee of the qualified political party, under this section, for the elective office to which the convention relates.

(e) Upon receipt of a notice of intent to gather signatures for candidacy described in this section, the lieutenant governor shall post the notice of intent to gather signatures for candidacy on the lieutenant governor's website in the same location that the lieutenant governor posts a declaration of candidacy.

Section 6. Section 20A-11-403 is amended to read:

20A-11-403. Failure to file -- Penalties.

(1) Within 30 days after a deadline for the filing of a summary report, the lieutenant governor shall review each filed summary report to ensure that:

(a) each officeholder that is required to file a summary report has filed one; and

(b) each summary report contains the information required by this part.

(2) If it appears that any officeholder has failed to file the summary report required by

law, if it appears that a filed summary report does not conform to the law, or if the lieutenant governor has received a written complaint alleging a violation of the law or the falsity of any summary report, the lieutenant governor shall, if the lieutenant governor determines that a violation has occurred:

(a) impose a fine against the filing entity in accordance with Section 20A-11-1005; and

(b) within five days of discovery of a violation or receipt of a written complaint, notify the officeholder of the violation or written complaint and direct the officeholder to file a summary report correcting the problem.

(3) (a) It is unlawful for any officeholder to fail to file or amend a summary report within seven days after receiving notice from the lieutenant governor under this section.

(b) Each officeholder who violates Subsection (3)(a) is guilty of a class B misdemeanor.

(c) The lieutenant governor shall report all violations of Subsection (3)(a) to the attorney general.

(d) In addition to the criminal penalty described in Subsection (3)(b), the lieutenant governor shall impose a civil fine of \$100 against an officeholder who violates Subsection (3)(a).

(4) Within 30 days after a deadline for the filing of an interim report by an officeholder under Subsection 20A-11-204(1)(c), 20A-11-303(1)(c), or 20A-11-1303(1)(~~c~~)(d), the lieutenant governor shall review each filed interim report to ensure that each interim report contains the information required for the report.

(5) If it appears that any officeholder has failed to file an interim report required by law, if it appears that a filed interim report does not conform to the law, or if the lieutenant governor has received a written complaint alleging a violation of the law or the falsity of any interim report, the lieutenant governor shall, if the lieutenant governor determines that a violation has occurred:

(a) impose a fine against the filing entity in accordance with Section 20A-11-1005; and

(b) within five days after the day on which the violation is discovered or a written

complaint is received, notify the officeholder of the violation or written complaint and direct the officeholder to file an interim report correcting the problem.

(6) (a) It is unlawful for any officeholder to fail to file or amend an interim report within seven days after the day on which the officeholder receives notice from the lieutenant governor under this section.

(b) Each officeholder who violates Subsection (6)(a) is guilty of a class B misdemeanor.

(c) The lieutenant governor shall report all violations of Subsection (6)(a) to the attorney general.

(d) In addition to the criminal penalty described in Subsection (6)(b), the lieutenant governor shall impose a civil fine of \$100 against an officeholder who violates Subsection (6)(a).

Section 7. Section **20A-11-1301** is amended to read:

20A-11-1301. School board office candidate -- Campaign finance requirements -- Candidate as a political action committee officer -- No personal use -- Contribution reporting deadline -- Report other accounts -- Anonymous contributions.

(1) (a) (i) Each school board office candidate shall deposit each contribution and public service assistance received in one or more separate accounts in a financial institution that are dedicated only to that purpose.

(ii) A school board office candidate may:

(A) receive a contribution or public service assistance from a political action committee registered under Section [20A-11-601](#); and

(B) be designated by a political action committee as an officer who has primary decision-making authority as described in Section [20A-11-601](#).

(b) A school board office candidate may not use money deposited in an account described in Subsection (1)(a)(i) for:

(i) a personal use expenditure; or

(ii) an expenditure prohibited by law.

(2) A school board office candidate may not deposit or mingle any contributions or public service assistance received into a personal or business account.

(3) A school board office candidate may not make any political expenditures prohibited by law.

(4) If a person who is no longer a school board office candidate chooses not to expend the money remaining in a campaign account, the person shall continue to file the year-end summary report required by Section 20A-11-1302 until the statement of dissolution and final summary report required by Section 20A-11-1304 are filed with the lieutenant governor.

(5) (a) Except as provided in Subsection (5)(b) and Section 20A-11-402, a person who is no longer a school board office candidate may not expend or transfer the money in a campaign account in a manner that would cause the former school board office candidate to recognize the money as taxable income under federal tax law.

(b) A person who is no longer a school board office candidate may transfer the money in a campaign account in a manner that would cause the former school board office candidate to recognize the money as taxable income under federal tax law if the transfer is made to a campaign account for federal office.

(6) (a) As used in this Subsection (6) [~~and Section 20A-11-1303~~], "received" means[~~;~~] the same as that term is defined in Subsection 20A-11-1303(1)(a).

~~[(i) for a cash contribution, that the cash is given to a school board office candidate or a member of the candidate's personal campaign committee;]~~

~~[(ii) for a contribution that is a negotiable instrument or check, that the negotiable instrument or check is negotiated; and]~~

~~[(iii) for any other type of contribution, that any portion of the contribution's benefit inures to the school board office candidate.]~~

(b) Each school board office candidate shall report to the chief election officer each contribution and public service assistance received by the school board office candidate:

(i) except as provided in Subsection (6)(b)(ii), within 30 days after the day on which the contribution or public service assistance is received; or

954 (ii) within three business days after the day on which the contribution or public service
955 assistance is received, if:

956 (A) the school board office candidate is contested in a primary election and the
957 contribution or public service assistance is received within 30 days before the day on which the
958 primary election is held; or

959 (B) the school board office candidate is contested in a general election and the
960 contribution or public service assistance is received within 30 days before the day on which the
961 general election is held.

962 (c) For each contribution or provision of public service assistance that a school board
963 office candidate fails to report within the time period described in Subsection (6)(b), the chief
964 election officer shall impose a fine against the school board office candidate in an amount
965 equal to:

966 (i) (A) 10% of the amount of the contribution, if the school board office candidate
967 reports the contribution within 60 days after the day on which the time period described in
968 Subsection (6)(b) ends; or

969 (B) 20% of the amount of the contribution, if the school board office candidate fails to
970 report the contribution within 60 days after the day on which the time period described in
971 Subsection (6)(b) ends; or

972 (ii) (A) 10% of the value of the public service assistance, if the school board office
973 candidate reports the public service assistance within 60 days after the day on which the time
974 period described in Subsection (6)(b) ends; or

975 (B) 20% of the amount of the public service assistance, if the school board office
976 candidate fails to report the public service assistance within 60 days after the day on which the
977 time period described in Subsection (6)(b) ends.

978 (d) The chief election officer shall:

979 (i) deposit money received under Subsection (6)(c) into the General Fund; and

980 (ii) report on the chief election officer's website, in the location where reports relating
981 to each school board office candidate are available for public access:

(A) each fine imposed by the chief election officer against the school board office candidate;

(B) the amount of the fine;

(C) the amount of the contribution to which the fine relates; and

(D) the date of the contribution.

(7) Within 30 days after receiving a contribution that is cash or a negotiable instrument, exceeds \$50, and is from an unknown source, a school board office candidate shall disburse the contribution to:

(a) the treasurer of the state or a political subdivision for deposit into the state's or political subdivision's general fund; or

(b) an organization that is exempt from federal income taxation under Section 501(c)(3), Internal Revenue Code.

(8) (a) As used in this Subsection (8), "account" means an account in a financial institution:

(i) that is not described in Subsection (1)(a)(i); and

(ii) into which or from which a person who, as a candidate for an office, other than a school board office for which the person files a declaration of candidacy or federal office, or as a holder of an office, other than a school board office for which the person files a declaration of candidacy or federal office, deposits a contribution or makes an expenditure.

(b) A school board office candidate shall include on any financial statement filed in accordance with this part:

(i) a contribution deposited in an account:

(A) since the last campaign finance statement was filed; or

(B) that has not been reported under a statute or ordinance that governs the account; or

(ii) an expenditure made from an account:

(A) since the last campaign finance statement was filed; or

(B) that has not been reported under a statute or ordinance that governs the account.

Section 8. Section **20A-11-1303** is amended to read:

**20A-11-1303. School board office candidate and school board officeholder --
Financial reporting requirements -- Interim reports.**

(1) (a) As used in this section, "received" means:

(i) for a cash contribution, that the cash is given to a school board office candidate or a
member of the school board office candidate's personal campaign committee;

(ii) for a contribution that is a check or other negotiable instrument, that the check or
other negotiable instrument is negotiated; or

(iii) for any other type of contribution, that any portion of the contribution's benefit
inures to the school board office candidate.

~~[(1)(a)]~~ (b) As used in this Subsection (1), "campaign account" means a separate
campaign account required under Subsection 20A-11-1301(1)(a)(i).

~~[(b)]~~ (c) Each school board office candidate shall file an interim report at the following
times in any year in which the candidate has filed a declaration of candidacy for a public office:

~~[(i) May 15;]~~

(i) (A) seven days before the political convention for the political party of the school
board office candidate; or

(B) May 15, if the school board office candidate does not affiliate with a political
party;

(ii) seven days before the regular primary election date;

(iii) September 30; and

(iv) seven days before the regular general election date.

~~[(c)]~~ (d) Each school board ~~[office holder]~~ officeholder who has a campaign account
that has not been dissolved under Section 20A-11-1304 shall, in an even year, file an interim
report at the following times, regardless of whether an election for the school board ~~[office
holder's]~~ officeholder's office is held that year:

~~[(i) May 15;]~~

(i) (A) seven days before the political convention for the political party of the school
board officeholder; or

- 1038 (B) May 15, if the school board officeholder does not affiliate with a political party;
1039 (ii) seven days before the regular primary election date for that year;
1040 (iii) September 30; and
1041 (iv) seven days before the regular general election date.
- 1042 (2) Each interim report shall include the following information:
1043 (a) the net balance of the last summary report, if any;
1044 (b) a single figure equal to the total amount of receipts reported on all prior interim
1045 reports, if any, during the calendar year in which the interim report is due;
1046 (c) a single figure equal to the total amount of expenditures reported on all prior
1047 interim reports, if any, filed during the calendar year in which the interim report is due;
1048 (d) a detailed listing of each contribution and public service assistance received since
1049 the last summary report that has not been reported in detail on a prior interim report;
1050 (e) for each nonmonetary contribution:
1051 (i) the fair market value of the contribution with that information provided by the
1052 contributor; and
1053 (ii) a specific description of the contribution;
1054 (f) a detailed listing of each expenditure made since the last summary report that has
1055 not been reported in detail on a prior interim report;
1056 (g) for each nonmonetary expenditure, the fair market value of the expenditure;
1057 (h) a net balance for the year consisting of the net balance from the last summary
1058 report, if any, plus all receipts since the last summary report minus all expenditures since the
1059 last summary report;
1060 (i) a summary page in the form required by the lieutenant governor that identifies:
1061 (i) beginning balance;
1062 (ii) total contributions during the period since the last statement;
1063 (iii) total contributions to date;
1064 (iv) total expenditures during the period since the last statement; and
1065 (v) total expenditures to date; and

(j) the name of a political action committee for which the school board office candidate or school board ~~[office holder]~~ officeholder is designated as an officer who has primary decision-making authority under Section 20A-11-601.

(3) (a) For all individual contributions or public service assistance of \$50 or less, a single aggregate figure may be reported without separate detailed listings.

(b) Two or more contributions from the same source that have an aggregate total of more than \$50 may not be reported in the aggregate, but shall be reported separately.

(4) (a) In preparing each interim report, all receipts and expenditures shall be reported as of five days before the required filing date of the report.

(b) Any negotiable instrument or check received by a school board office candidate or school board ~~[office holder]~~ officeholder more than five days before the required filing date of a report required by this section shall be included in the interim report.

Section 9. Section 20A-11-1305 is amended to read:

20A-11-1305. School board office candidate -- Failure to file statement -- Penalties.

(1) (a) A school board office candidate who fails to file a financial statement by the deadline is subject to a fine imposed in accordance with Section 20A-11-1005.

(b) If a school board office candidate fails to file an interim report described in Subsections 20A-11-1303(1)(~~b~~)(c)(ii) through (iv), the chief election officer shall, after making a reasonable attempt to discover if the report was timely filed, inform the county clerk and other appropriate election officials who:

(i) (A) shall, if practicable, remove the name of the candidate from the ballots before the ballots are delivered to voters; or

(B) shall, if removing the candidate's name from the ballot is not practicable, inform the voters by any practicable method that the candidate has been disqualified and that votes cast for the candidate will not be counted; and

(ii) may not count any votes for that candidate.

(c) Any school board office candidate who fails to file timely a financial statement

required by Subsection 20A-11-1303(1)(b)(ii), (iii), or (iv) is disqualified.

(d) Notwithstanding Subsections (1)(b) and (1)(c), a school board office candidate is not disqualified and the chief election officer may not impose a fine if:

(i) the candidate timely files the reports required by this section in accordance with Section 20A-11-103;

(ii) those reports are completed, detailing accurately and completely the information required by this part except for inadvertent omissions or insignificant errors or inaccuracies; and

(iii) those omissions, errors, or inaccuracies described in Subsection (1)(d)(ii) are corrected in:

(A) an amended report; or

(B) the next scheduled report.

(2) (a) Within 30 days after a deadline for the filing of a summary report by a school board office candidate, the lieutenant governor shall review each filed summary report to ensure that:

(i) each school board office candidate ~~[that]~~ who is required to file a summary report has filed one; and

(ii) each summary report contains the information required by this part.

(b) If it appears that a school board office candidate has failed to file the summary report required by law, if it appears that a filed summary report does not conform to the law, or if the lieutenant governor has received a written complaint alleging a violation of the law or the falsity of any summary report, the lieutenant governor shall, within five days of discovery of a violation or receipt of a written complaint, notify the school board office candidate of the violation or written complaint and direct the school board office candidate to file a summary report correcting the problem.

(c) (i) It is unlawful for a school board office candidate to fail to file or amend a summary report within seven days after receiving notice from the lieutenant governor under this section.

(ii) Each school board office candidate who violates Subsection (2)(c)(i) is guilty of a class B misdemeanor.

(iii) The lieutenant governor shall report all violations of Subsection (2)(c)(i) to the attorney general.

(iv) In addition to the criminal penalty described in Subsection (2)(c)(ii), the lieutenant governor shall impose a civil fine of \$100 against a school board office candidate who violates Subsection (2)(c)(i).

Section 10. Section **20A-14-103** is amended to read:

20A-14-103. State Board of Education -- Term -- Requirements.

(1) ~~[(a)]~~ Unless otherwise provided by law, each State Board of Education member elected from a State Board of Education district at ~~[the 2010]~~ or before the 2016 general election shall ~~[: (i)]~~ serve out the term of office for which that member was elected ~~[: and]~~.

~~[(ii) represent the realigned district if the member resides in that district.]~~

~~[(b) At the general election to be held in 2012, a State Board of Education member elected from State Board of Education Districts 4, 7, 8, 10, 11, 12, 13, and 15 shall be elected to serve a term of office of four years.]~~

~~[(c) In order to ensure that the terms of approximately half of the State Board of Education members expire every two years:]~~

~~[(i) at the general election to be held in 2012, the State Board of Education member elected from State Board of Education District 1 shall be elected to serve a term of office of two years; and]~~

~~[(ii) at the general election to be held in 2014, the State Board of Education member elected from State Board of Education District 1 shall be elected to serve a term of office of four years.]~~

(2) (a) A person seeking election to the State Board of Education shall have been a resident of the State Board of Education district in which the person is seeking election for at least one year as of the date of the election.

(b) A person who has resided within the State Board of Education district, as the

boundaries of the district exist on the date of the election, for one year immediately preceding the date of the election shall be considered to have met the requirements of this Subsection (2).

(3) A State Board of Education member shall:

(a) be and remain a registered voter in the State Board of Education district from which the member was elected or appointed; and

(b) maintain the member's primary residence within the State Board of Education district from which the member was elected or appointed during the member's term of office.

(4) A State Board of Education member may not, during the member's term of office, also serve as an employee of:

(a) the State Board of Education;

(b) the Utah State Office of Education; or

(c) the Utah State Office of Rehabilitation.

Section 11. Section **20A-14-104** is amended to read:

20A-14-104. Becoming a candidate for membership on the State Board of Education.

(1) ~~[(a) Persons]~~ An individual interested in becoming a candidate for the State Board of Education shall:

(a) (i) for the 2016 general election, file a declaration of candidacy [according to], in accordance with the procedures and requirements of Sections 20A-9-201 and 20A-9-202[:], before 5 p.m. on March 17, 2016; or

(ii) for a general election held after 2016, file a declaration of candidacy, in accordance with the procedures and requirements of Sections 20A-9-201 and 20A-9-202, on or after the second Friday in March, and before 5 p.m. on the third Thursday in March, before the next regular general election; and

(b) pay the filing fee described in Section 20A-9-202.

~~[(b) By May 1 of the year in which a State Board of Education member's term expires, the lieutenant governor shall submit the name of each person who has filed a declaration of candidacy for the State Board of Education to the nominating and recruiting committee for the~~

1178 ~~State Board of Education.]~~

1179 (2) The lieutenant governor shall:

1180 (a) review the declarations of candidacy filed by candidates for the office of State
1181 Board of Education member to determine if more than two candidates have filed for the same
1182 seat;

1183 (b) place the names of all candidates who have filed a declaration of candidacy for a
1184 State Board of Education seat on the nonpartisan section of the ballot if more than two
1185 candidates have filed for the same seat; and

1186 (c) determine the order of the State Board of Education candidates' names on the ballot
1187 in accordance with Section [20A-6-305](#).

1188 ~~[(2) By November 1 of the year preceding each regular general election year, a~~
1189 ~~nominating and recruiting committee consisting of 12 members, each to serve a two-year term,~~
1190 ~~shall be appointed by the governor as follows:]~~

1191 ~~[(a) one member shall be appointed to represent each of the following business and~~
1192 ~~industry sectors:]~~

1193 ~~[(i) manufacturing and mining;]~~

1194 ~~[(ii) transportation and public utilities;]~~

1195 ~~[(iii) service, trade, and information technology;]~~

1196 ~~[(iv) finance, insurance, and real estate;]~~

1197 ~~[(v) construction; and]~~

1198 ~~[(vi) agriculture; and]~~

1199 ~~[(b) one member shall be appointed to represent each of the following education~~
1200 ~~sectors:]~~

1201 ~~[(i) teachers;]~~

1202 ~~[(ii) school administrators;]~~

1203 ~~[(iii) parents;]~~

1204 ~~[(iv) local school board members;]~~

1205 ~~[(v) charter schools; and]~~

1206 ~~[(vi) higher education.]~~

1207 ~~[(3) (a) The members appointed under Subsections (2)(a)(i) through (vi) and (2)(b)(i)~~

1208 ~~through (vi) shall be appointed from lists containing at least two names submitted by~~

1209 ~~organizations representing each of the respective sectors.]~~

1210 ~~[(b) At least one member of the nominating and recruiting committee shall reside~~

1211 ~~within each state board district in which a member's term expires during the committee's~~

1212 ~~two-year term of office.]~~

1213 ~~[(4) (a) The members shall elect one member to serve as chair for the committee.]~~

1214 ~~[(b) The chair, or another member of the committee designated by the chair, shall~~

1215 ~~schedule and convene all committee meetings.]~~

1216 ~~[(c) Any formal action by the committee requires the approval of a majority of~~

1217 ~~committee members.]~~

1218 ~~[(d) Members of the nominating and recruiting committee shall serve without~~

1219 ~~compensation, but they may be reimbursed for expenses incurred in the performance of their~~

1220 ~~official duties as established by the Division of Finance.]~~

1221 ~~[(5) The nominating and recruiting committee shall:]~~

1222 ~~[(a) recruit potential candidates for membership on the State Board of Education prior~~

1223 ~~to the deadline to file a declaration of candidacy;]~~

1224 ~~[(b) prepare a list of candidates for membership on the State Board of Education for~~

1225 ~~each state board district subject to election in that year using the qualifications under~~

1226 ~~Subsection (6);]~~

1227 ~~[(c) submit a list of at least three candidates for each state board position to the~~

1228 ~~governor by July 1; and]~~

1229 ~~[(d) ensure that the list includes appropriate background information on each~~

1230 ~~candidate.]~~

1231 ~~[(6) The nominating committee shall select a broad variety of candidates who possess~~

1232 ~~outstanding professional qualifications relating to the powers and duties of the State Board of~~

1233 ~~Education, including experience in the following areas:]~~

1234 [~~(a) business and industry administration;~~]
1235 [~~(b) business and industry human resource management;~~]
1236 [~~(c) business and industry finance;~~]
1237 [~~(d) business and industry, including expertise in:~~]
1238 [~~(i) metrics and evaluation;~~]
1239 [~~(ii) manufacturing;~~]
1240 [~~(iii) retailing;~~]
1241 [~~(iv) natural resources;~~]
1242 [~~(v) information technology;~~]
1243 [~~(vi) construction;~~]
1244 [~~(vii) banking;~~]
1245 [~~(viii) science and engineering; and~~]
1246 [~~(ix) medical and healthcare;~~]
1247 [~~(e) higher education administration;~~]
1248 [~~(f) applied technology education;~~]
1249 [~~(g) public education administration;~~]
1250 [~~(h) public education instruction;~~]
1251 [~~(i) economic development;~~]
1252 [~~(j) labor; and~~]
1253 [~~(k) other life experiences that would benefit the State Board of Education.~~]

1254 Section 12. Section **20A-14-104.1** is enacted to read:

1255 **20A-14-104.1. State Board of Education -- Declaration of candidacy.**

1256 **(1) A person interested in becoming a candidate for the State Board of Education shall**
1257 **file a declaration of candidacy according to the procedures and requirements of Sections**
1258 **20A-9-201 and 20A-9-202.**

1259 **(2) The office of State Board of Education member is a partisan office.**

1260 Section 13. Section **63I-2-220** is amended to read:

1261 **63I-2-220. Repeal dates, Title 20A.**

1262 [~~(1) Section 20A-3-704 is repealed January 1, 2016.~~]

1263 [~~(2) Section 20A-5-410 is repealed January 1, 2016.~~]

1264 [~~(3) (a) Subsection 20A-7-101(1)(a)(i), the language that states "of the first class" and~~
1265 ~~" , or " is repealed January 1, 2015.~~]

1266 [~~(b) Subsection 20A-7-101(1)(a)(ii), the language that states "for a county not~~
1267 ~~described in Subsection (1)(a)(i), a person designated as budget officer in Section 17-19-19" is~~
1268 ~~repealed January 1, 2015.~~]

1269 [~~(4) Section 20A-9-403.1 is repealed on January 1, 2015.~~]

1270 On January 1, 2017:

1271 (1) in Subsection 20A-1-102(70), the language that states "State Board of Education
1272 and" is repealed;

1273 (2) in Subsection 20A-9-201(4)(a), the language that states "and State Board of
1274 Education candidates" is repealed;

1275 (3) Subsection 20A-9-201(9) is repealed;

1276 (4) in Subsection 20A-9-403(4)(c), the language that states "State Board of Education
1277 and" is repealed;

1278 (5) in Subsection 20A-9-403(5)(a), the language that states "State Board of Education
1279 or" is repealed; and

1280 (6) Section 20A-14-104 is repealed.

1281 **Section 14. Repealer.**

1282 This bill repeals:

1283 **Section 20A-14-105, Becoming a candidate for membership on the State Board of**
1284 **Education -- Selection of candidates by the governor -- Ballot placement.**

1285 **Section 15. Effective date.**

1286 (1) Except as provided in Subsection (2), if approved by two-thirds of all the members
1287 elected to each house, this bill takes effect upon approval by the governor, or the day following
1288 the constitutional time limit of Utah Constitution, Article VII, Section 8, without the governor's
1289 signature, or in the case of a veto, the date of veto override.

- 1290 (2) The following sections take effect on January 1, 2017:
- 1291 (a) Section [20A-1-504](#);
- 1292 (b) Section [20A-9-408](#);
- 1293 (c) Section [20A-11-403](#);
- 1294 (d) Section [20A-11-1301](#);
- 1295 (e) Section [20A-11-1303](#);
- 1296 (f) Section [20A-11-1305](#); and
- 1297 (g) Section [20A-14-104.1](#).