

STATE EDUCATION GOVERNANCE REVISIONS

2016 GENERAL SESSION

STATE OF UTAH

LONG TITLE**General Description:**

This bill amends provisions relating to the State Board of Education and other provisions relating to the governance of education in Utah.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ provides that, subject to passage of a certain constitutional amendment relating to the selection of a State Board of Education, the State Board of Education will consist of 13 members, including four members elected in a partisan election, four members elected in a nonpartisan election, and five nonpartisan members appointed by the governor with the consent of the Senate;
- ▶ provides that one partisan and one nonpartisan State Board of Education member will be elected from each congressional district;
- ▶ establishes residency and other requirements relating to a State Board of Education member;
- ▶ establishes procedures and requirements relating to the election and appointment of State Board of Education members;
- ▶ establishes campaign finance and conflict reporting requirements;
- ▶ enacts provisions relating to filling midterm vacancies; 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:

20A-1-102, as last amended by Laws of Utah 2015, Chapters 296, 352, and 392

- 33 **20A-1-201**, as last amended by Laws of Utah 2014, Chapter 362
- 34 **20A-1-201.5**, as last amended by Laws of Utah 2015, Chapters 296 and 352
- 35 **20A-2-101.5**, as last amended by Laws of Utah 2013, Chapter 263
- 36 **20A-6-301**, as last amended by Laws of Utah 2015, Chapter 392
- 37 **20A-6-302**, as last amended by Laws of Utah 2014, Chapter 17
- 38 **20A-6-303**, as last amended by Laws of Utah 2015, Chapter 296
- 39 **20A-6-304**, as last amended by Laws of Utah 2015, Chapter 296
- 40 **20A-9-201**, as last amended by Laws of Utah 2015, Chapter 296
- 41 **20A-9-202**, as last amended by Laws of Utah 2015, Chapter 296
- 42 **20A-9-403**, as last amended by Laws of Utah 2015, Chapter 296
- 43 **20A-9-407**, as last amended by Laws of Utah 2015, Chapter 296
- 44 **20A-9-408**, as last amended by Laws of Utah 2015, Chapter 296
- 45 **20A-9-701**, as last amended by Laws of Utah 2015, Chapter 296
- 46 **20A-11-101**, as last amended by Laws of Utah 2015, Chapters 21, 26, 352, and 388
- 47 **20A-11-403**, as last amended by Laws of Utah 2013, Chapter 420
- 48 **20A-11-1005**, as last amended by Laws of Utah 2013, Chapter 252
- 49 **20A-11-1301**, as last amended by Laws of Utah 2015, Chapters 21 and 127
- 50 **20A-11-1302**, as last amended by Laws of Utah 2011, Chapter 347
- 51 **20A-11-1303**, as last amended by Laws of Utah 2015, Chapter 204
- 52 **20A-11-1304**, as enacted by Laws of Utah 1997, Chapter 355
- 53 **20A-11-1305**, as last amended by Laws of Utah 2015, Chapter 204
- 54 **20A-14-101.1**, as last amended by Laws of Utah 2013, Chapter 455
- 55 **20A-14-103**, as last amended by Laws of Utah 2011, Third Special Session, Chapter 3
- 56 **20A-14-104**, as last amended by Laws of Utah 2004, Chapter 19
- 57 **53A-1-201**, as last amended by Laws of Utah 2015, Chapter 415
- 58 **63I-1-220**, as last amended by Laws of Utah 2014, Chapter 231

59 ENACTS:

- 60
- 20A-14-104.5**
- , Utah Code Annotated 1953

61 REPEALS AND REENACTS:

- 62
- 20A-1-507**
- , as enacted by Laws of Utah 1993, Chapter 1

63 REPEALS:

- 64 **20A-14-102**, as last amended by Laws of Utah 2013, Chapter 455
- 65 **20A-14-102.1**, as last amended by Laws of Utah 2013, Chapter 455
- 66 **20A-14-102.2**, as last amended by Laws of Utah 2013, Chapter 455
- 67 **20A-14-102.3**, as last amended by Laws of Utah 2013, Chapter 455
- 68 **20A-14-105**, as last amended by Laws of Utah 2011, Chapters 292, 327, 335 and last
- 69 amended by Coordination Clause, Laws of Utah 2011, Chapter 327
- 70 **20A-14-106**, as enacted by Laws of Utah 1995, Chapter 1



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

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

74 **20A-1-102. Definitions.**

75 As used in this title:

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

78 (2) "Appointed State Board of Education member" means a nonpartisan, at-large State
79 Board of Education member who is appointed by the governor, with the consent of the Senate,
80 in accordance with Subsection 53A-1-201(1)(c).

81 [~~(2)~~] (3) "Automatic tabulating equipment" means apparatus that automatically
82 examines and counts votes recorded on paper ballots or ballot sheets and tabulates the results.

83 [~~(3)~~] (4) (a) "Ballot" means the storage medium, whether paper, mechanical, or
84 electronic, upon which a voter records the voter's votes.

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

87 [~~(4)~~] (5) "Ballot label" means the cards, papers, booklet, pages, or other materials that:

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

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

91 [~~(5)~~] (6) "Ballot proposition" means a question, issue, or proposal that is submitted to
92 voters on the ballot for their approval or rejection including:

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

- 94 (b) a constitutional amendment;
- 95 (c) an initiative;
- 96 (d) a referendum;
- 97 (e) a bond proposition;
- 98 (f) a judicial retention question;
- 99 (g) an incorporation of a city or town; or
- 100 (h) any other ballot question specifically authorized by the Legislature.
- 101 ~~[(6)]~~ (7) "Ballot sheet":
- 102 (a) means a ballot that:
- 103 (i) consists of paper or a card where the voter's votes are marked or recorded; and
- 104 (ii) can be counted using automatic tabulating equipment; and
- 105 (b) includes punch card ballots and other ballots that are machine-countable.
- 106 ~~[(7)]~~ (8) "Bind," "binding," or "bound" means securing more than one piece of paper
- 107 together with a staple or stitch in at least three places across the top of the paper in the blank
- 108 space reserved for securing the paper.
- 109 ~~[(8)]~~ (9) "Board of canvassers" means the entities established by Sections 20A-4-301
- 110 and 20A-4-306 to canvass election returns.
- 111 ~~[(9)]~~ (10) "Bond election" means an election held for the purpose of approving or
- 112 rejecting the proposed issuance of bonds by a government entity.
- 113 ~~[(10)]~~ (11) "Book voter registration form" means voter registration forms contained in
- 114 a bound book that are used by election officers and registration agents to register persons to
- 115 vote.
- 116 ~~[(11)]~~ (12) "Business reply mail envelope" means an envelope that may be mailed free
- 117 of charge by the sender.
- 118 ~~[(12)]~~ (13) "By-mail voter registration form" means a voter registration form designed
- 119 to be completed by the voter and mailed to the election officer.
- 120 ~~[(13)]~~ (14) "Canvass" means the review of election returns and the official declaration
- 121 of election results by the board of canvassers.
- 122 ~~[(14)]~~ (15) "Canvassing judge" means a poll worker designated to assist in counting
- 123 ballots at the canvass.
- 124 ~~[(15)]~~ (16) "Contracting election officer" means an election officer who enters into a

125 contract or interlocal agreement with a provider election officer.

126 ~~[(16)]~~ (17) "Convention" means the political party convention at which party officers
127 and delegates are selected.

128 ~~[(17)]~~ (18) "Counting center" means one or more locations selected by the election
129 officer in charge of the election for the automatic counting of ballots.

130 ~~[(18)]~~ (19) "Counting judge" means a poll worker designated to count the ballots
131 during election day.

132 ~~[(19)]~~ (20) "Counting poll watcher" means a person selected as provided in Section
133 20A-3-201 to witness the counting of ballots.

134 ~~[(20)]~~ (21) "Counting room" means a suitable and convenient private place or room,
135 immediately adjoining the place where the election is being held, for use by the poll workers
136 and counting judges to count ballots during election day.

137 ~~[(21)]~~ (22) "County officers" means those county officers that are required by law to be
138 elected.

139 ~~[(22)]~~ (23) "Date of the election" or "election day" or "day of the election":

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

142 (b) does not include:

143 (i) deadlines established for absentee voting; or

144 (ii) any early voting or early voting period as provided under Chapter 3, Part 6, Early
145 Voting.

146 ~~[(23)]~~ (24) "Elected official" means:

147 (a) a person elected to an office under Section 20A-1-303;

148 (b) a person who is considered to be elected to a municipal office in accordance with
149 Subsection 20A-1-206(1)(c)(ii); or

150 (c) a person who is considered to be elected to a local district office in accordance with
151 Subsection 20A-1-206(3)(c)(ii).

152 ~~[(24)]~~ (25) "Election" means a regular general election, a municipal general election, a
153 statewide special election, a local special election, a regular primary election, a municipal
154 primary election, and a local district election.

155 ~~[(25)]~~ (26) "Election Assistance Commission" means the commission established by

156 Public Law 107-252, the Help America Vote Act of 2002.

157 ~~[(26)]~~ (27) "Election cycle" means the period beginning on the first day persons are
158 eligible to file declarations of candidacy and ending when the canvass is completed.

159 ~~[(27)]~~ (28) "Election judge" means a poll worker that is assigned to:

160 (a) preside over other poll workers at a polling place;

161 (b) act as the presiding election judge; or

162 (c) serve as a canvassing judge, counting judge, or receiving judge.

163 ~~[(28)]~~ (29) "Election officer" means:

164 (a) the lieutenant governor, for all statewide ballots and elections;

165 (b) the county clerk for:

166 (i) a county ballot and election; and

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

168 20A-5-400.1 or 20A-5-400.5;

169 (c) the municipal clerk for:

170 (i) a municipal ballot and election; and

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

172 20A-5-400.1 or 20A-5-400.5;

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

174 (i) a local district ballot and election; and

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

176 20A-5-400.1 or 20A-5-400.5; or

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

178 (i) a school district ballot and election; and

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

180 20A-5-400.1 or 20A-5-400.5.

181 ~~[(29)]~~ (30) "Election official" means any election officer, election judge, or poll
182 worker.

183 ~~[(30)]~~ (31) "Election results" means:

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

186 (b) for bond elections, the count of those votes cast for and against the bond

187 proposition plus any or all of the election returns that the board of canvassers may request.

188 ~~[(31)]~~ (32) "Election returns" includes the pollbook, the military and overseas absentee
189 voter registration and voting certificates, one of the tally sheets, any unprocessed absentee
190 ballots, all counted ballots, all excess ballots, all unused ballots, all spoiled ballots, the ballot
191 disposition form, and the total votes cast form.

192 ~~[(32)]~~ (33) "Electronic ballot" means a ballot that is recorded using a direct electronic
193 voting device or other voting device that records and stores ballot information by electronic
194 means.

195 ~~[(33)]~~ (34) "Electronic signature" means an electronic sound, symbol, or process
196 attached to or logically associated with a record and executed or adopted by a person with the
197 intent to sign the record.

198 ~~[(34)]~~ (35) (a) "Electronic voting device" means a voting device that uses electronic
199 ballots.

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

201 ~~[(35)]~~ (36) "Inactive voter" means a registered voter who has:

202 (a) been sent the notice required by Section 20A-2-306; and

203 (b) failed to respond to that notice.

204 ~~[(36)]~~ (37) "Inspecting poll watcher" means a person selected as provided in this title to
205 witness the receipt and safe deposit of voted and counted ballots.

206 ~~[(37)]~~ (38) "Judicial office" means the office filled by any judicial officer.

207 ~~[(38)]~~ (39) "Judicial officer" means any justice or judge of a court of record or any
208 county court judge.

209 ~~[(39)]~~ (40) "Local district" means a local government entity under Title 17B, Limited
210 Purpose Local Government Entities - Local Districts, and includes a special service district
211 under Title 17D, Chapter 1, Special Service District Act.

212 ~~[(40)]~~ (41) "Local district officers" means those local district board members that are
213 required by law to be elected.

214 ~~[(41)]~~ (42) "Local election" means a regular county election, a regular municipal
215 election, a municipal primary election, a local special election, a local district election, and a
216 bond election.

217 ~~[(42)]~~ (43) "Local political subdivision" means a county, a municipality, a local

218 district, or a local school district.

219 ~~[(43)]~~ (44) "Local special election" means a special election called by the governing
220 body of a local political subdivision in which all registered voters of the local political
221 subdivision may vote.

222 ~~[(44)]~~ (45) "Municipal executive" means:

223 (a) the mayor in the council-mayor form of government defined in Section 10-3b-102;

224 (b) the mayor in the council-manager form of government defined in Subsection
225 10-3b-103(7); or

226 (c) the chair of a metro township form of government defined in Section 10-3b-102.

227 ~~[(45)]~~ (46) "Municipal general election" means the election held in municipalities and,
228 as applicable, local districts on the first Tuesday after the first Monday in November of each
229 odd-numbered year for the purposes established in Section 20A-1-202.

230 ~~[(46)]~~ (47) "Municipal legislative body" means:

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

232 (b) the council of a metro township.

233 ~~[(47)]~~ (48) "Municipal office" means an elective office in a municipality.

234 ~~[(48)]~~ (49) "Municipal officers" means those municipal officers that are required by
235 law to be elected.

236 ~~[(49)]~~ (50) "Municipal primary election" means an election held to nominate
237 candidates for municipal office.

238 (51) "Nonpartisan State Board of Education member" means a State Board of
239 Education member who is elected in a nonpartisan election, in accordance with the provisions
240 of this title.

241 ~~[(50)]~~ (52) "Official ballot" means the ballots distributed by the election officer to the
242 poll workers to be given to voters to record their votes.

243 ~~[(51)]~~ (53) "Official endorsement" means:

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

245 (i) the ballot as an official ballot;

246 (ii) the date of the election; and

247 (iii) (A) for a ballot prepared by an election officer other than a county clerk, the

248 facsimile signature required by Subsection 20A-6-401(1)(b)(iii); or

249 (B) for a ballot prepared by a county clerk, the words required by Subsection
250 20A-6-301(1)(c)(iii); and

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

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

253 (ii) the ballot number.

254 ~~[(52)]~~ (54) "Official register" means the official record furnished to election officials
255 by the election officer that contains the information required by Section 20A-5-401.

256 ~~[(53)]~~ (55) "Paper ballot" means a paper that contains:

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

259 (b) spaces for the voter to record the voter's vote for each office and for or against each
260 ballot proposition.

261 (56) "Partisan State Board of Education member" means a State Board of Education
262 member who is elected in a partisan election, in accordance with the provisions of this title.

263 ~~[(54)]~~ (57) "Pilot project" means the election day voter registration pilot project created
264 in Section 20A-4-108.

265 ~~[(55)]~~ (58) "Political party" means an organization of registered voters that has
266 qualified to participate in an election by meeting the requirements of Chapter 8, Political Party
267 Formation and Procedures.

268 ~~[(56)]~~ (59) "Pollbook" means a record of the names of voters in the order that they
269 appear to cast votes.

270 ~~[(57)]~~ (60) "Polling place" means the building where voting is conducted.

271 ~~[(58)]~~ (61) (a) "Poll worker" means a person assigned by an election official to assist
272 with an election, voting, or counting votes.

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

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

275 ~~[(59)]~~ (62) "Position" means a square, circle, rectangle, or other geometric shape on a
276 ballot in which the voter marks the voter's choice.

277 ~~[(60)]~~ (63) "Primary convention" means the political party conventions held during the
278 year of the regular general election.

279 ~~[(61)]~~ (64) "Protective counter" means a separate counter, which cannot be reset, that:

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

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

282 [~~(62)~~] (65) "Provider election officer" means an election officer who enters into a
283 contract or interlocal agreement with a contracting election officer to conduct an election for
284 the contracting election officer's local political subdivision in accordance with Section
285 20A-5-400.1.

286 [~~(63)~~] (66) "Provisional ballot" means a ballot voted provisionally by a person:

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

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

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

290 [~~(64)~~] (67) "Provisional ballot envelope" means an envelope printed in the form
291 required by Section 20A-6-105 that is used to identify provisional ballots and to provide
292 information to verify a person's legal right to vote.

293 [~~(65)~~] (68) "Qualify" or "qualified" means to take the oath of office and begin
294 performing the duties of the position for which the person was elected.

295 [~~(66)~~] (69) "Receiving judge" means the poll worker that checks the voter's name in the
296 official register, provides the voter with a ballot, and removes the ballot stub from the ballot
297 after the voter has voted.

298 [~~(67)~~] (70) "Registration form" means a book voter registration form and a by-mail
299 voter registration form.

300 [~~(68)~~] (71) "Regular ballot" means a ballot that is not a provisional ballot.

301 [~~(69)~~] (72) "Regular general election" means the election held throughout the state on
302 the first Tuesday after the first Monday in November of each even-numbered year for the
303 purposes established in Section 20A-1-201.

304 [~~(70)~~] (73) "Regular primary election" means the election on the fourth Tuesday of
305 June of each even-numbered year, to nominate candidates of political parties and candidates for
306 nonpartisan local school board positions to advance to the regular general election.

307 [~~(71)~~] (74) "Resident" means a person who resides within a specific voting precinct in
308 Utah.

309 [~~(72)~~] (75) "Sample ballot" means a mock ballot similar in form to the official ballot
310 printed and distributed as provided in Section 20A-5-405.

311 ~~(73)~~ (76) "Scratch vote" means to mark or punch the straight party ticket and then
312 mark or punch the ballot for one or more candidates who are members of different political
313 parties or who are unaffiliated.

314 ~~(74)~~ (77) "Secrecy envelope" means the envelope given to a voter along with the
315 ballot into which the voter places the ballot after the voter has voted it in order to preserve the
316 secrecy of the voter's vote.

317 ~~(75)~~ (78) "Special election" means an election held as authorized by Section
318 20A-1-203.

319 ~~(76)~~ (79) "Spoiled ballot" means each ballot that:

- 320 (a) is spoiled by the voter;
321 (b) is unable to be voted because it was spoiled by the printer or a poll worker; or
322 (c) lacks the official endorsement.

323 ~~(77)~~ (80) "Statewide special election" means a special election called by the governor
324 or the Legislature in which all registered voters in Utah may vote.

325 ~~(78)~~ (81) "Stub" means the detachable part of each ballot.

326 ~~(79)~~ (82) "Substitute ballots" means replacement ballots provided by an election
327 officer to the poll workers when the official ballots are lost or stolen.

328 ~~(80)~~ (83) "Ticket" means each list of candidates for each political party or for each
329 group of petitioners.

330 ~~(81)~~ (84) "Transfer case" means the sealed box used to transport voted ballots to the
331 counting center.

332 ~~(82)~~ (85) "Vacancy" means the absence of a person to serve in any position created
333 by statute, whether that absence occurs because of death, disability, disqualification,
334 resignation, or other cause.

335 ~~(83)~~ (86) "Valid voter identification" means:

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

- 338 (i) a currently valid Utah driver license;
339 (ii) a currently valid identification card that is issued by:
340 (A) the state; or
341 (B) a branch, department, or agency of the United States;

- 342 (iii) a currently valid Utah permit to carry a concealed weapon;
- 343 (iv) a currently valid United States passport; or
- 344 (v) a currently valid United States military identification card;
- 345 (b) one of the following identification cards, whether or not the card includes a
- 346 photograph of the voter:
- 347 (i) a valid tribal identification card;
- 348 (ii) a Bureau of Indian Affairs card; or
- 349 (iii) a tribal treaty card; or
- 350 (c) two forms of identification not listed under Subsection [~~(83)~~] (86)(a) or (b) but that
- 351 bear the name of the voter and provide evidence that the voter resides in the voting precinct,
- 352 which may include:
- 353 (i) a current utility bill or a legible copy thereof, dated within the 90 days before the
- 354 election;
- 355 (ii) a bank or other financial account statement, or a legible copy thereof;
- 356 (iii) a certified birth certificate;
- 357 (iv) a valid Social Security card;
- 358 (v) a check issued by the state or the federal government or a legible copy thereof;
- 359 (vi) a paycheck from the voter's employer, or a legible copy thereof;
- 360 (vii) a currently valid Utah hunting or fishing license;
- 361 (viii) certified naturalization documentation;
- 362 (ix) a currently valid license issued by an authorized agency of the United States;
- 363 (x) a certified copy of court records showing the voter's adoption or name change;
- 364 (xi) a valid Medicaid card, Medicare card, or Electronic Benefits Transfer Card;
- 365 (xii) a currently valid identification card issued by:
- 366 (A) a local government within the state;
- 367 (B) an employer for an employee; or
- 368 (C) a college, university, technical school, or professional school located within the
- 369 state; or
- 370 (xiii) a current Utah vehicle registration.
- 371 [~~(84)~~] (87) "Valid write-in candidate" means a candidate who has qualified as a
- 372 write-in candidate by following the procedures and requirements of this title.

373 ~~[(85)]~~ (88) "Voter" means a person who:

374 (a) meets the requirements for voting in an election;

375 (b) meets the requirements of election registration;

376 (c) is registered to vote; and

377 (d) is listed in the official register book.

378 ~~[(86)]~~ (89) "Voter registration deadline" means the registration deadline provided in
379 Section 20A-2-102.5.

380 ~~[(87)]~~ (90) "Voting area" means the area within six feet of the voting booths, voting
381 machines, and ballot box.

382 ~~[(88)]~~ (91) "Voting booth" means:

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

385 (b) a voting device that is free standing.

386 ~~[(89)]~~ (92) "Voting device" means:

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

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

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

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

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

395 ~~[(90)]~~ (93) "Voting machine" means a machine designed for the sole purpose of
396 recording and tabulating votes cast by voters at an election.

397 ~~[(91)]~~ (94) "Voting poll watcher" means a person appointed as provided in this title to
398 witness the distribution of ballots and the voting process.

399 ~~[(92)]~~ (95) "Voting precinct" means the smallest voting unit established as provided by
400 law within which qualified voters vote at one polling place.

401 ~~[(93)]~~ (96) "Watcher" means a voting poll watcher, a counting poll watcher, an
402 inspecting poll watcher, and a testing watcher.

403 ~~[(94)]~~ (97) "Western States Presidential Primary" means the election established in

404 Chapter 9, Part 8, Western States Presidential Primary.

405 ~~[(95)]~~ (98) "Write-in ballot" means a ballot containing any write-in votes.

406 ~~[(96)]~~ (99) "Write-in vote" means a vote cast for a person whose name is not printed on
407 the ballot according to the procedures established in this title.

408 Section 2. Section **20A-1-201** is amended to read:

409 **20A-1-201. Date and purpose of regular general elections.**

410 (1) A regular general election shall be held throughout the state on the first Tuesday
411 after the first Monday in November of each even-numbered year.

412 (2) At the regular general election, the voters shall:

413 (a) choose ~~[persons]~~ individuals to serve the terms established by law for the following
414 offices:

415 (i) electors of President and Vice President of the United States;

416 (ii) United States Senators;

417 (iii) Representatives to the United States Congress;

418 (iv) governor, lieutenant governor, attorney general, state treasurer, and state auditor;

419 (v) senators and representatives to the Utah Legislature;

420 (vi) county officers;

421 ~~[(vii) State School Board]~~ partisan State Board of Education members;

422 nonpartisan State Board of Education members;

423 ~~[(viii)]~~ (ix) local school board members;

424 ~~[(ix)]~~ (x) except as provided in Subsection (3), local district officers, as applicable; and

425 ~~[(x)]~~ (xi) any elected judicial officers; and

426 (b) approve or reject:

427 (i) any proposed amendments to the Utah Constitution that have qualified for the ballot
428 under procedures established in the Utah Code;

429 (ii) any proposed initiatives or referenda that have qualified for the ballot under
430 procedures established in the Utah Code; and

431 (iii) any other ballot propositions submitted to the voters that are authorized by the
432 Utah Code.

433 (3) This section:

434 (a) applies to a special service district for which the county legislative body or the

435 municipal legislative body, as applicable, has delegated authority for the special service district
436 to an administrative control board; and

437 (b) does not apply to a special service district for which the county legislative body or
438 the municipal legislative body, as applicable, has not delegated authority for the special service
439 district to an administrative control board.

440 Section 3. Section **20A-1-201.5** is amended to read:

441 **20A-1-201.5. Primary election dates.**

442 (1) A regular primary election shall be held throughout the state on the fourth Tuesday
443 of June of each even numbered year as provided in Section 20A-9-403, 20A-9-407, or
444 20A-9-408, as applicable, to nominate persons for:

445 (a) national, state, [~~school board,~~] and county offices; [~~and~~]

446 (b) partisan State Board of Education offices, nonpartisan State Board of Education
447 offices, and local school board offices; and

448 [~~(b)~~] (c) offices for a metro township, city, or town incorporated under Section
449 10-2a-404.

450 (2) A municipal primary election shall be held, if necessary, on the second Tuesday
451 following the first Monday in August before the regular municipal election to nominate persons
452 for municipal offices.

453 (3) If the Legislature makes an appropriation for a Western States Presidential Primary
454 election, the Western States Presidential Primary election shall be held throughout the state on
455 the first Tuesday in February in the year in which a presidential election will be held.

456 Section 4. Section **20A-1-507** is repealed and reenacted to read:

457 **20A-1-507. Midterm vacancies in the offices of partisan and nonpartisan State**
458 **Board of Education members.**

459 (1) When a vacancy occurs for any reason in the office of partisan State Board of
460 Education member or nonpartisan State Board of Education member, the vacancy shall be
461 filled for the unexpired term at the next regular general election.

462 (2) Except as provided in Subsection (3), if the vacancy is for the office of partisan
463 State Board of Education member, the governor shall fill the vacancy until the next regular
464 general election by appointing an individual who meets the qualifications and residency
465 requirements for the office from among three individuals nominated by the state central

466 committee of the same political party as the prior officeholder.

467 (3) If the vacancy is for the office of nonpartisan State Board of Education member, or
468 the office of a partisan State Board of Education member for which the previous member was
469 not a member of a political party, the governor shall fill the vacancy until the next regular
470 general election by appointing an individual, with the consent of the Senate, who meets the
471 qualifications and residency requirements for the office.

472 Section 5. Section **20A-2-101.5** is amended to read:

473 **20A-2-101.5. Convicted felons -- Restoration of right to vote and right to hold**
474 **office.**

475 (1) As used in this section, "convicted felon" means a person convicted of a felony in
476 any state or federal court of the United States.

477 (2) Each convicted felon's right to register to vote and to vote in an election is restored
478 when:

479 (a) the felon is sentenced to probation;

480 (b) the felon is granted parole; or

481 (c) the felon has successfully completed the term of incarceration to which the felon
482 was sentenced.

483 (3) Except as provided by Subsection (4), a convicted felon's right to hold elective
484 office is restored when:

485 (a) all of the felon's felony convictions have been expunged; or

486 (b) (i) 10 years have passed since the date of the felon's most recent felony conviction;

487 (ii) the felon has paid all court-ordered restitution and fines; and

488 (iii) for each felony conviction that has not been expunged, the felon has:

489 (A) completed probation in relation to the felony;

490 (B) been granted parole in relation to the felony; or

491 (C) successfully completed the term of incarceration associated with the felony.

492 (4) An individual who has been convicted of a grievous sexual offense, as defined in
493 Section 76-1-601, against a child, may not hold the office of partisan State Board of Education
494 member, nonpartisan State Board of Education member, appointed State Board of Education
495 member, or local school board member.

496 Section 6. Section **20A-6-301** is amended to read:

497 **20A-6-301. Paper ballots -- Regular general election.**

498 (1) Each election officer shall ensure that:

499 (a) all paper ballots furnished for use at the regular general election contain:

500 (i) no captions or other endorsements except as provided in this section;

501 (ii) no symbols, markings, or other descriptions of a political party or group, except for
502 a registered political party that has chosen to nominate its candidates in accordance with
503 Section 20A-9-403; and

504 (iii) no indication that a candidate for elective office has been nominated by, or has
505 been endorsed by, or is in any way affiliated with a political party or group, unless the
506 candidate has been nominated by a registered political party in accordance with Subsection
507 20A-9-202[~~(4)~~](5) or Subsection 20A-9-403(5).

508 (b) (i) the paper ballot contains a ballot stub at least one inch wide, placed across the
509 top of the ballot, and divided from the rest of ballot by a perforated line;

510 (ii) the ballot number and the words "Poll Worker's Initial ____" are printed on the
511 stub; and

512 (iii) ballot stubs are numbered consecutively;

513 (c) immediately below the perforated ballot stub, the following endorsements are
514 printed in 18 point bold type:

515 (i) "Official Ballot for ____ County, Utah";

516 (ii) the date of the election; and

517 (iii) the words "Clerk of _____ County";

518 (d) each ticket is placed in a separate column on the ballot in the order specified under
519 Section 20A-6-305 with the party emblem, followed by the party name, at the head of the
520 column;

521 (e) the party name or title is printed in capital letters not less than one-fourth of an inch
522 high;

523 (f) a circle one-half inch in diameter is printed immediately below the party name or
524 title, and the top of the circle is placed not less than two inches below the perforated line;

525 (g) unaffiliated candidates, candidates not affiliated with a registered political party,
526 and all other candidates for elective office who were not nominated by a registered political
527 party in accordance with Subsection 20A-9-202[~~(4)~~](5) or Subsection 20A-9-403(5), are listed

528 in one column in the order specified under Section 20A-6-305, without a party circle, with the
529 following instructions printed at the head of the column: "All candidates not affiliated with a
530 political party are listed below. They are to be considered with all offices and candidates listed
531 to the left. Only one vote is allowed for each office.";

532 (h) the columns containing the lists of candidates, including the party name and device,
533 are separated by heavy parallel lines;

534 (i) the offices to be filled are plainly printed immediately above the names of the
535 candidates for those offices;

536 (j) the names of candidates are printed in capital letters, not less than one-eighth nor
537 more than one-fourth of an inch high in heavy-faced type not smaller than 10 point, between
538 lines or rules three-eighths of an inch apart;

539 (k) a square with sides measuring not less than one-fourth of an inch in length is
540 printed immediately adjacent to the name of each candidate;

541 (l) for the offices of president and vice president and governor and lieutenant governor,
542 one square with sides measuring not less than one-fourth of an inch in length is printed on the
543 same side as but opposite a double bracket enclosing the names of the two candidates;

544 (m) in an election in which a voter is authorized to cast a write-in vote and where a
545 write-in candidate is qualified under Section 20A-9-601, immediately adjacent to the
546 unaffiliated ticket on the ballot, the ballot contains a write-in column long enough to contain as
547 many written names of candidates as there are persons to be elected with:

548 (i) for each office on the ballot, the office to be filled plainly printed immediately
549 above:

550 (A) a blank, horizontal line to enable the entry of a valid write-in candidate and a
551 square with sides measuring not less than one-fourth of an inch in length printed immediately
552 adjacent to the blank horizontal line; or

553 (B) for the offices of president and vice president and governor and lieutenant
554 governor, two blank horizontal lines, one placed above the other, to enable the entry of two
555 valid write-in candidates, and one square with sides measuring not less than one-fourth of an
556 inch in length printed on the same side as but opposite a double bracket enclosing the two
557 blank horizontal lines; and

558 (ii) the words "Write-In Voting Column" printed at the head of the column without a

559 one-half inch circle;

560 (n) when required, the ballot includes a nonpartisan ticket placed immediately adjacent
561 to the write-in ticket, or, if there is no write-in ticket, immediately adjacent to the unaffiliated
562 ticket, with the word "NONPARTISAN" in reverse type in an 18 point solid rule running
563 vertically the full length of the nonpartisan ballot copy; and

564 (o) constitutional amendments or other questions submitted to the vote of the people,
565 are printed on the ballot after the list of candidates.

566 (2) Each election officer shall ensure that:

567 (a) each person nominated by any registered political party under Subsection
568 20A-9-202[~~(4)~~](5) or Subsection 20A-9-403(5), and no other person, is placed on the ballot:

569 (i) under the registered political party's name and emblem, if any; or

570 (ii) under the title of the registered political party as designated by them in their
571 certificates of nomination or petition, or, if none is designated, then under some suitable title;

572 (b) the names of all unaffiliated candidates that qualify as required in Title 20A,
573 Chapter 9, Part 5, Candidates not Affiliated with a Party, are placed on the ballot;

574 (c) the names of the candidates for president and vice president are used on the ballot
575 instead of the names of the presidential electors; and

576 (d) the ballots contain no other names.

577 (3) When the ballot contains a nonpartisan section, the election officer shall ensure
578 that:

579 (a) the designation of the office to be filled in the election and the number of
580 candidates to be elected are printed in type not smaller than eight point;

581 (b) the words designating the office are printed flush with the left-hand margin;

582 (c) the words, "Vote for one" or "Vote for up to ____ (the number of candidates for
583 which the voter may vote)" extend to the extreme right of the column;

584 (d) the nonpartisan candidates are grouped according to the office for which they are
585 candidates;

586 (e) the names in each group are placed in the order specified under Section 20A-6-305
587 with the surnames last; and

588 (f) each group is preceded by the designation of the office for which the candidates
589 seek election, and the words, "Vote for one" or "Vote for up to ____ (the number of

590 candidates for which the voter may vote)," according to the number to be elected.

591 (4) Each election officer shall ensure that:

592 (a) proposed amendments to the Utah Constitution are listed on the ballot in
593 accordance with Section 20A-6-107;

594 (b) ballot propositions submitted to the voters are listed on the ballot in accordance
595 with Section 20A-6-107; and

596 (c) bond propositions that have qualified for the ballot are listed on the ballot under the
597 title assigned to each bond proposition under Section 11-14-206.

598 Section 7. Section **20A-6-302** is amended to read:

599 **20A-6-302. Paper ballots -- Placement of candidates' names.**

600 (1) Each election officer shall ensure, for paper ballots in regular general elections,
601 that:

602 (a) each candidate is listed by party, if nominated by a registered political party under
603 Subsection 20A-9-202[~~(4)~~](5) or Subsection 20A-9-403(5);

604 (b) candidates' surnames are listed in alphabetical order on the ballots when two or
605 more candidates' names are required to be listed on a ticket under the title of an office; and

606 (c) the names of candidates are placed on the ballot in the order specified under Section
607 20A-6-305.

608 (2) (a) When there is only one candidate for county attorney at the regular general
609 election in counties that have three or fewer registered voters of the county who are licensed
610 active members in good standing of the Utah State Bar, the county clerk shall cause that
611 candidate's name and party affiliation, if any, to be placed on a separate section of the ballot
612 with the following question: "Shall (name of candidate) be elected to the office of county
613 attorney? Yes ____ No ____."

614 (b) If the number of "Yes" votes exceeds the number of "No" votes, the candidate is
615 elected to the office of county attorney.

616 (c) If the number of "No" votes exceeds the number of "Yes" votes, the candidate is not
617 elected and may not take office, nor may the candidate continue in the office past the end of the
618 term resulting from any prior election or appointment.

619 (d) When the name of only one candidate for county attorney is printed on the ballot
620 under authority of this Subsection (2), the county clerk may not count any write-in votes

621 received for the office of county attorney.

622 (e) If no qualified person files for the office of county attorney or if the candidate is not
623 elected by the voters, the county legislative body shall appoint the county attorney as provided
624 in Section 20A-1-509.2.

625 (f) If the candidate whose name would, except for this Subsection (2)(f), be placed on
626 the ballot under Subsection (2)(a) has been elected on a ballot under Subsection (2)(a) to the
627 two consecutive terms immediately preceding the term for which the candidate is seeking
628 election, Subsection (2)(a) does not apply and that candidate shall be considered to be an
629 unopposed candidate the same as any other unopposed candidate for another office, unless a
630 petition is filed with the county clerk before the date of that year's primary election that:

631 (i) requests the procedure set forth in Subsection (2)(a) to be followed; and

632 (ii) contains the signatures of registered voters in the county representing in number at
633 least 25% of all votes cast in the county for all candidates for governor at the last election at
634 which a governor was elected.

635 (3) (a) When there is only one candidate for district attorney at the regular general
636 election in a prosecution district that has three or fewer registered voters of the district who are
637 licensed active members in good standing of the Utah State Bar, the county clerk shall cause
638 that candidate's name and party affiliation, if any, to be placed on a separate section of the
639 ballot with the following question: "Shall (name of candidate) be elected to the office of district
640 attorney? Yes ____ No ____."

641 (b) If the number of "Yes" votes exceeds the number of "No" votes, the candidate is
642 elected to the office of district attorney.

643 (c) If the number of "No" votes exceeds the number of "Yes" votes, the candidate is not
644 elected and may not take office, nor may the candidate continue in the office past the end of the
645 term resulting from any prior election or appointment.

646 (d) When the name of only one candidate for district attorney is printed on the ballot
647 under authority of this Subsection (3), the county clerk may not count any write-in votes
648 received for the office of district attorney.

649 (e) If no qualified person files for the office of district attorney, or if the only candidate
650 is not elected by the voters under this subsection, the county legislative body shall appoint a
651 new district attorney for a four-year term as provided in Section 20A-1-509.2.

652 (f) If the candidate whose name would, except for this Subsection (3)(f), be placed on
653 the ballot under Subsection (3)(a) has been elected on a ballot under Subsection (3)(a) to the
654 two consecutive terms immediately preceding the term for which the candidate is seeking
655 election, Subsection (3)(a) does not apply and that candidate shall be considered to be an
656 unopposed candidate the same as any other unopposed candidate for another office, unless a
657 petition is filed with the county clerk before the date of that year's primary election that:

658 (i) requests the procedure set forth in Subsection (3)(a) to be followed; and
659 (ii) contains the signatures of registered voters in the county representing in number at
660 least 25% of all votes cast in the county for all candidates for governor at the last election at
661 which a governor was elected.

662 Section 8. Section **20A-6-303** is amended to read:

663 **20A-6-303. Regular general election -- Ballot sheets.**

664 (1) Each election officer shall ensure that:

665 (a) copy on the ballot sheets or ballot labels, as applicable, are arranged in
666 approximately the same order as paper ballots;

667 (b) the titles of offices and the names of candidates are printed in vertical columns or in
668 a series of separate pages;

669 (c) the ballot sheet or any pages used for the ballot label are of sufficient number to
670 include, after the list of candidates:

671 (i) the names of candidates for judicial offices and any other nonpartisan offices; and

672 (ii) any ballot propositions submitted to the voters for their approval or rejection;

673 (d) (i) a voting square or position is included where the voter may record a straight
674 party ticket vote for all the candidates who are listed on the ballot as being from one party by
675 one mark or punch; and

676 (ii) the name of each political party listed in the straight party selection area includes
677 the word "party" at the end of the party's name;

678 (e) the tickets are printed in the order specified under Section 20A-6-305;

679 (f) the office titles are printed immediately adjacent to the names of candidates so as to
680 indicate clearly the candidates for each office and the number to be elected;

681 (g) the party designation of each candidate who has been nominated by a registered
682 political party under Subsection 20A-9-202[~~(4)~~](5) or Subsection 20A-9-403(5) is printed

683 immediately adjacent to the candidate's name; and

684 (h) (i) if possible, all candidates for one office are grouped in one column or upon one
685 page;

686 (ii) if all candidates for one office cannot be listed in one column or grouped on one
687 page:

688 (A) the ballot sheet or ballot label shall be clearly marked to indicate that the list of
689 candidates is continued on the following column or page; and

690 (B) approximately the same number of names shall be printed in each column or on
691 each page.

692 (2) Each election officer shall ensure that:

693 (a) proposed amendments to the Utah Constitution are listed in accordance with
694 Section 20A-6-107;

695 (b) ballot propositions submitted to the voters are listed in accordance with Section
696 20A-6-107; and

697 (c) bond propositions that have qualified for the ballot are listed under the title
698 assigned to each bond proposition under Section 11-14-206.

699 Section 9. Section **20A-6-304** is amended to read:

700 **20A-6-304. Regular general election -- Electronic ballots.**

701 (1) Each election officer shall ensure that:

702 (a) the format and content of the electronic ballot is arranged in approximately the
703 same order as paper ballots;

704 (b) the titles of offices and the names of candidates are displayed in vertical columns or
705 in a series of separate display screens;

706 (c) the electronic ballot is of sufficient length to include, after the list of candidates:

707 (i) the names of candidates for judicial offices and any other nonpartisan offices; and

708 (ii) any ballot propositions submitted to the voters for their approval or rejection;

709 (d) (i) a voting square or position is included where the voter may record a straight
710 party ticket vote for all the candidates who are listed on the ballot as being from one party by
711 making a single selection; and

712 (ii) the name of each political party listed in the straight party selection area includes
713 the word "party" at the end of the party's name;

- 714 (e) the tickets are displayed in the order specified under Section 20A-6-305;
- 715 (f) the office titles are displayed above or at the side of the names of candidates so as to
716 indicate clearly the candidates for each office and the number to be elected;
- 717 (g) the party designation of each candidate who has been nominated by a registered
718 political party under Subsection 20A-9-202[~~(4)~~](5) or Subsection 20A-9-403(5) is displayed
719 adjacent to the candidate's name; and
- 720 (h) if possible, all candidates for one office are grouped in one column or upon one
721 display screen.
- 722 (2) Each election officer shall ensure that:
- 723 (a) proposed amendments to the Utah Constitution are displayed in accordance with
724 Section 20A-6-107;
- 725 (b) ballot propositions submitted to the voters are displayed in accordance with Section
726 20A-6-107; and
- 727 (c) bond propositions that have qualified for the ballot are displayed under the title
728 assigned to each bond proposition under Section 11-14-206.
- 729 Section 10. Section **20A-9-201** is amended to read:
- 730 **20A-9-201. Declarations of candidacy -- Candidacy for more than one office or of**
731 **more than one political party prohibited with exceptions -- General filing and form**
732 **requirements -- Affidavit of impecuniosity.**
- 733 (1) Before filing a declaration of candidacy for election to any office, a person shall:
- 734 (a) be a United States citizen;
- 735 (b) meet the legal requirements of that office; and
- 736 (c) if seeking a registered political party's nomination as a candidate for partisan
737 elective office, state:
- 738 (i) the registered political party of which the person is a member; or
739 (ii) that the person is not a member of a registered political party.
- 740 (2) (a) Except as provided in Subsection (2)(b), an individual may not:
- 741 (i) file a declaration of candidacy for, or be a candidate for, more than one office in
742 Utah during any election year;
- 743 (ii) appear on the ballot as the candidate of more than one political party; or
744 (iii) file a declaration of candidacy for a registered political party of which the

745 individual is not a member, except to the extent that the registered political party permits
746 otherwise in the registered political party's bylaws.

747 (b) (i) A person may file a declaration of candidacy for, or be a candidate for, president
748 or vice president of the United States and another office, if the person resigns the person's
749 candidacy for the other office after the person is officially nominated for president or vice
750 president of the United States.

751 (ii) A person may file a declaration of candidacy for, or be a candidate for, more than
752 one justice court judge office.

753 (iii) A person may file a declaration of candidacy for lieutenant governor even if the
754 person filed a declaration of candidacy for another office in the same election year if the person
755 withdraws as a candidate for the other office in accordance with Subsection 20A-9-202~~(6)~~(7)
756 before filing the declaration of candidacy for lieutenant governor.

757 (3) ~~(a)(i)~~ Except for presidential candidates, before the filing officer may accept any
758 declaration of candidacy, the filing officer shall:

759 ~~(A)~~ (a) read to the prospective candidate the constitutional and statutory qualification
760 requirements for the office that the candidate is seeking; and

761 ~~(B)~~ (b) require the candidate to state whether ~~or not~~ the candidate meets those
762 requirements.

763 ~~(ii)~~ (4) Before accepting a declaration of candidacy for the office of county attorney,
764 the county clerk shall ensure that the person filing that declaration of candidacy is:

765 ~~(A)~~ (a) a United States citizen;

766 ~~(B)~~ (b) an attorney licensed to practice law in Utah who is an active member in good
767 standing of the Utah State Bar;

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

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

773 ~~(iii)~~ (5) Before accepting a declaration of candidacy for the office of district attorney,
774 the county clerk shall ensure that, as of the date of the election, the person filing that
775 declaration of candidacy is:

776 ~~[(A)]~~ (a) a United States citizen;

777 ~~[(B)]~~ (b) an attorney licensed to practice law in Utah who is an active member in good
778 standing of the Utah State Bar;

779 ~~[(C)]~~ (c) a registered voter in the prosecution district in which the person is seeking
780 office; and

781 ~~[(D)]~~ (d) a current resident of the prosecution district in which the person is seeking
782 office and either will have been a resident of that prosecution district for at least one year as of
783 the date of the election or was appointed and is currently serving as district attorney and
784 became a resident of the prosecution district within 30 days after receiving appointment to the
785 office.

786 ~~[(iv)]~~ (6) Before accepting a declaration of candidacy for the office of county sheriff,
787 the county clerk shall ensure that the person filing the declaration of candidacy:

788 ~~[(A)]~~ (a) as of the date of filing:

789 ~~[(i)]~~ (i) is a United States citizen;

790 ~~[(ii)]~~ (ii) is a registered voter in the county in which the person seeks office;

791 ~~[(iii)]~~ ~~[(Aa)]~~ (iii) (A) has successfully met the standards and training requirements
792 established for law enforcement officers under Title 53, Chapter 6, Part 2, Peace Officer
793 Training and Certification Act; or

794 ~~[(Bb)]~~ (B) has met the waiver requirements in Section 53-6-206; and

795 ~~[(iv)]~~ (iv) is qualified to be certified as a law enforcement officer, as defined in
796 Section 53-13-103; and

797 ~~[(B)]~~ (b) as of the date of the election, shall have been a resident of the county in which
798 the person seeks office for at least one year.

799 ~~[(v)]~~ (7) Before accepting a declaration of candidacy for the office of governor,
800 lieutenant governor, state auditor, state treasurer, attorney general, state legislator, ~~[or]~~ partisan
801 State Board of Education member, or nonpartisan State Board of Education member, the filing
802 officer shall ensure:

803 ~~[(A)]~~ (a) that the ~~[person]~~ individual filing the declaration of candidacy also files the
804 financial disclosure required by Section 20A-11-1603; and

805 ~~[(B)]~~ (b) if the filing officer is not the lieutenant governor, that the financial disclosure
806 is provided to the lieutenant governor according to the procedures and requirements of Section

807 20A-11-1603.

808 ~~[(b)]~~ (8) If the prospective candidate states that the qualification requirements for the
809 office are not met, the filing officer may not accept the prospective candidate's declaration of
810 candidacy.

811 ~~[(c)]~~ (9) If the candidate meets the requirements of ~~[Subsection (3)(a)]~~ Subsections (3)
812 through (7) and states that the requirements of candidacy are met, the filing officer shall:

813 ~~[(+)]~~ (a) inform the candidate that:

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

816 ~~[(B)]~~ (ii) the candidate may be required to comply with state or local campaign finance
817 disclosure laws; and

818 ~~[(C)]~~ (iii) the candidate is required to file a financial statement before the candidate's
819 political convention under:

820 ~~[(+)]~~ (A) Section 20A-11-204 for a candidate for constitutional office;

821 ~~[(+)]~~ (B) Section 20A-11-303 for a candidate for the Legislature; or

822 ~~[(+)]~~ (C) local campaign finance disclosure laws, if applicable;

823 ~~[(+)]~~ (b) except for a presidential candidate, provide the candidate with a copy of the
824 current campaign financial disclosure laws for the office the candidate is seeking and inform
825 the candidate that failure to comply will result in disqualification as a candidate and removal of
826 the candidate's name from the ballot;

827 ~~[(+)]~~ (c) provide the candidate with a copy of Section 20A-7-801 regarding the
828 Statewide Electronic Voter Information Website Program and inform the candidate of the
829 submission deadline under Subsection 20A-7-801(4)(a);

830 ~~[(+)]~~ (d) provide the candidate with a copy of the pledge of fair campaign practices
831 described under Section 20A-9-206 and inform the candidate that:

832 ~~[(A)]~~ (i) signing the pledge is voluntary; and

833 ~~[(B)]~~ (ii) signed pledges shall be filed with the filing officer;

834 ~~[(+)]~~ (e) accept the candidate's declaration of candidacy; and

835 ~~[(+)]~~ (f) if the candidate has filed for a partisan office, provide a certified copy of the
836 declaration of candidacy to the chair of the county or state political party of which the
837 candidate is a member.

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

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

881 (b) An agent designated to file a declaration of candidacy under Section 20A-9-202
 882 may not sign the form described in Subsection (12)(a).

883 ~~(5)~~ (13) (a) Except for presidential candidates, the fee for filing a declaration of
 884 candidacy is:

- 885 (i) \$50 for candidates for the local school district board; and
- 886 (ii) \$50 plus 1/8 of 1% of the total salary for the full term of office legally paid to the
 887 person holding the office for all other federal, state, and county offices.

888 (b) Except for presidential candidates, the filing officer shall refund the filing fee to
 889 any candidate:

- 890 (i) who is disqualified; or
- 891 (ii) who the filing officer determines has filed improperly.

892 ~~(c)-(i)~~ (14) (a) The county clerk shall immediately pay to the county treasurer all fees
 893 received from candidates.

894 ~~(ii)~~ (b) The lieutenant governor shall:

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

897 ~~(B)~~ (ii) ensure that each county receives that proportion of the total amount paid to
 898 the lieutenant governor from the congressional district that the total vote of that county for all
 899 candidates for representative in Congress bears to the total vote of all counties within the

900 congressional district for all candidates for representative in Congress.

901 ~~[(d)(i)]~~ (15)(a) A person who is unable to pay the filing fee may file a declaration of
902 candidacy without payment of the filing fee upon a prima facie showing of impecuniosity as
903 evidenced by an affidavit of impecuniosity filed with the filing officer and, if requested by the
904 filing officer, a financial statement filed at the time the affidavit is submitted.

905 ~~[(ii)]~~ (b) A person who is able to pay the filing fee may not claim impecuniosity.

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

909 ~~[(B)]~~ (d) Conviction of a criminal offense under Subsection ~~[(5)(d)(iii)(A)]~~ (15)(c)
910 shall be considered an offense under this title for the purposes of assessing the penalties
911 provided in Subsection 20A-1-609(2).

912 ~~[(iv)]~~ (e) The filing officer shall ensure that the affidavit of impecuniosity is printed in
913 substantially the following form:

914 "Affidavit of Impecuniosity

915 Individual Name _____

916 _____ Address _____

917 Phone Number _____

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

921 Date _____ Signature _____

922 Affiant

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

924 _____
925 (signature)

926 Name and Title of Officer Authorized to Administer Oath _____"

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

930 "Filing a false statement is a criminal offense. In accordance with Section 20A-1-609, a

931 candidate who is found guilty of filing a false statement, in addition to being subject to criminal
 932 penalties, will be removed from the ballot."

933 ~~[(v†)]~~ (g) The filing officer may request that a person who makes a claim of
 934 impecuniosity under this Subsection ~~[(5)(d)]~~ (15) file a financial statement on a form prepared
 935 by the election official.

936 ~~[(6)]~~ (16) (a) If there is no legislative appropriation for the Western States Presidential
 937 Primary election, as provided in Part 8, Western States Presidential Primary, a candidate for
 938 president of the United States who is affiliated with a registered political party and chooses to
 939 participate in the regular primary election shall:

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

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

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

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

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

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

949 (b) An agent designated to file a declaration of candidacy may not sign the form
 950 described in Subsection ~~[(6)]~~ (16)(a)(i)(A).

951 ~~[(7)]~~ (17) Any person who fails to file a declaration of candidacy or certificate of
 952 nomination within the time provided in this chapter is ineligible for nomination to office.

953 ~~[(8) A]~~ (18) Except as provided in Subsection 20A-9-202(6) or 20A-14-104(3), an
 954 individual may not amend or modify a declaration of candidacy filed under this section [may
 955 not be amended or modified] after the final date established for filing a declaration of
 956 candidacy.

957 Section 11. Section **20A-9-202** is amended to read:

958 **20A-9-202. Declarations of candidacy for regular general elections.**

959 (1) ~~[(a) Each person seeking]~~ An individual who desires to become a candidate for an
 960 elective office, other than the office of nonpartisan State Board of Education member, that is to
 961 be filled at the next regular general election shall:

- 962 ~~(†)~~ (a) file a declaration of candidacy in person with the filing officer;
- 963 (i) on or after January 1 of the regular general election year~~;~~ and, if applicable, before
- 964 the candidate circulates a nomination ~~[petitions]~~ petition under Section 20A-9-405; and
- 965 (ii) in accordance with the requirements of Section 20A-9-201; and
- 966 ~~(††)~~ (b) pay the filing fee.
- 967 ~~(††)~~ (2) (a) Each county clerk who receives a declaration of candidacy from a
- 968 candidate for multicounty office shall transmit the filing fee and a copy of the candidate's
- 969 declaration of candidacy to the lieutenant governor within one working day after ~~[it is filed]~~ the
- 970 day on which the candidate files the declaration of candidacy.
- 971 ~~(††)~~ (b) Each day during the filing period, each county clerk shall notify the lieutenant
- 972 governor electronically or by telephone of candidates who have filed ~~[in their]~~ a declaration of
- 973 candidacy in the county clerk's office.
- 974 ~~(††)~~ ~~Each person seeking~~ (c) An individual who desires to become a candidate for the
- 975 office of lieutenant governor, the office of district attorney, or the office of president or vice
- 976 president of the United States shall comply with the specific declaration of candidacy
- 977 requirements ~~[established by]~~ described in this section.
- 978 ~~(2)~~ (3) (a) ~~Each person intending~~ An individual who desires to become a candidate
- 979 for the office of district attorney within a multicounty prosecution district that is to be filled at
- 980 the next regular general election shall:
- 981 (i) ~~[file a declaration of candidacy with the clerk designated in the interlocal agreement~~
- 982 ~~creating the prosecution district]~~ on or after January 1 of the regular general election year, and
- 983 before the candidate circulates nomination petitions under Section 20A-9-405, file a
- 984 declaration of candidacy with the clerk designated in the interlocal agreement creating the
- 985 prosecution district; and
- 986 (ii) pay the filing fee.
- 987 (b) The designated clerk shall provide to the county clerk of each county in the
- 988 prosecution district a certified copy of each declaration of candidacy filed for the office of
- 989 district attorney.
- 990 ~~(3)~~ (4) (a) On or before 5 p.m. on the first Monday after the third Saturday in April,
- 991 each lieutenant governor candidate shall:
- 992 (i) file a declaration of candidacy with the lieutenant governor;

993 (ii) pay the filing fee; and
994 (iii) submit a letter from a candidate for governor who has received certification for the
995 primary-election ballot under Section 20A-9-403 that names the lieutenant governor candidate
996 as a joint-ticket running mate.

997 (b) Any candidate for lieutenant governor who fails to timely file is disqualified. If a
998 lieutenant governor is disqualified, another candidate shall file to replace the disqualified
999 candidate.

1000 ~~[(4)]~~ (5) Each registered political party shall:

1001 (a) certify the names of ~~[its]~~ the registered political party's candidates for president and
1002 vice president of the United States to the lieutenant governor no later than August 31; or

1003 (b) provide written authorization for the lieutenant governor to accept the certification
1004 of candidates for president and vice president of the United States from the national office of
1005 the registered political party.

1006 ~~[(5)]~~ (6) (a) A declaration of candidacy filed under this section is valid unless ~~[a]~~ an
1007 individual files a written objection ~~[is filed]~~ with the clerk or lieutenant governor within five
1008 days after the ~~[last day for filing]~~ day of the deadline for filing a declaration of candidacy.

1009 (b) If an ~~[objection is made]~~ individual files an objection, the clerk or lieutenant
1010 governor shall:

1011 (i) immediately mail or personally deliver notice of the objection to the affected
1012 candidate ~~[immediately]~~; and

1013 (ii) decide any objection within 48 hours after ~~[it]~~ the objection is filed.

1014 (c) If the clerk or lieutenant governor sustains the objection, the candidate may, if
1015 possible, cure the problem by amending the declaration or nomination petition, or by filing a
1016 new declaration, within three days after the day on which the objection is sustained ~~[or by filing~~
1017 ~~a new declaration within three days after the objection is sustained]~~.

1018 (d) (i) The clerk's or lieutenant governor's decision upon objections to form is final.

1019 (ii) The clerk's or lieutenant governor's decision upon substantive matters is reviewable
1020 by a district court if prompt application is made to the court.

1021 (iii) The decision of the district court is final unless the Supreme Court, in the exercise
1022 of its discretion, agrees to review the lower court decision.

1023 ~~[(6) Any person who filed a declaration of candidacy]~~ (7) A candidate may withdraw

1024 as a candidate by filing a written affidavit with the clerk.

1025 ~~[(7) Except as provided in Subsection 20A-9-201(4)(b), notwithstanding a requirement~~
 1026 ~~in this section to file a declaration of candidacy in person, a person]~~

1027 (8) Subject to Subsection 20A-9-201(11)(b), an individual may designate an agent to
 1028 file the form described in Subsection 20A-9-201~~[(4)]~~(11) in person with the filing officer if:

1029 (a) the ~~[person]~~ individual is located outside the state during the filing period because:

1030 (i) of employment with the state or the United States; or

1031 (ii) the ~~[person]~~ individual is a member of:

1032 (A) the active or reserve components of the Army, Navy, Air Force, Marine Corps, or
 1033 Coast Guard of the United States ~~[who]~~, and is on active duty;

1034 (B) the Merchant Marine, the commissioned corps of the Public Health Service, or the
 1035 commissioned corps of the National Oceanic and Atmospheric Administration of the United
 1036 States; or

1037 (C) the National Guard and is on activated status;

1038 (b) the ~~[person]~~ individual communicates with the filing officer using an electronic
 1039 device that allows the ~~[person]~~ individual and filing officer to see and hear each other; and

1040 (c) the ~~[person]~~ individual provides the filing officer with an email address to which
 1041 the filing officer may send the copies described in Subsection 20A-9-201~~[(3)]~~(9).

1042 Section 12. Section **20A-9-403** is amended to read:

1043 **20A-9-403. Regular primary elections.**

1044 (1) (a) Candidates for elective office that are to be filled at the next regular general
 1045 election shall be nominated in a regular primary election by direct vote of the people in the
 1046 manner prescribed in this section. The fourth Tuesday of June of each even-numbered year is
 1047 designated as regular primary election day. Nothing in this section shall affect a candidate's
 1048 ability to qualify for a regular general election's ballot as an unaffiliated candidate under
 1049 Section 20A-9-501 or to participate in a regular general election as a write-in candidate under
 1050 Section 20A-9-601.

1051 (b) Each registered political party that chooses to have the names of its candidates for
 1052 elective office featured with party affiliation on the ballot at a regular general election shall
 1053 comply with the requirements of this section and shall nominate its candidates for elective
 1054 office in the manner prescribed in this section.

1055 (c) A filing officer may not permit an official ballot at a regular general election to be
1056 produced or used if the ballot denotes affiliation between a registered political party or any
1057 other political group and a candidate for elective office who was not nominated in the manner
1058 prescribed in this section or in Subsection 20A-9-202[~~(4)~~](5).

1059 (d) Unless noted otherwise, the dates in this section refer to those that occur in each
1060 even-numbered year in which a regular general election will be held.

1061 (2) (a) Each registered political party, in a statement filed with the lieutenant governor,
1062 shall:

1063 (i) either declare their intent to participate in the next regular primary election or
1064 declare that the registered political party chooses not to have the names of its candidates for
1065 elective office featured on the ballot at the next regular general election; and

1066 (ii) if the registered political party participates in the upcoming regular primary
1067 election, identify one or more registered political parties whose members may vote for the
1068 registered political party's candidates and whether or not persons identified as unaffiliated with
1069 a political party may vote for the registered political party's candidates.

1070 (b) (i) A registered political party that is a continuing political party must file the
1071 statement described in Subsection (2)(a) with the lieutenant governor no later than 5 p.m. on
1072 November 15 of each odd-numbered year.

1073 (ii) An organization that is seeking to become a registered political party under Section
1074 20A-8-103 must file the statement described in Subsection (2)(a) at the time that the registered
1075 political party files the petition described in Section 20A-8-103.

1076 (3) (a) Except as provided in Subsection (3)(e), a person who has submitted a
1077 declaration of candidacy under Section 20A-9-202 shall appear as a candidate for elective
1078 office on the regular primary ballot of the registered political party listed on the declaration of
1079 candidacy only if the person is certified by the appropriate filing officer as having submitted a
1080 set of nomination petitions that was:

1081 (i) circulated and completed in accordance with Section 20A-9-405; and

1082 (ii) signed by at least two percent of the registered political party's members who reside
1083 in the political division of the office that the person seeks.

1084 (b) A candidate for elective office shall submit nomination petitions to the appropriate
1085 filing officer for verification and certification no later than 5 p.m. on the final day in March.

1086 Candidates may supplement their submissions at any time on or before the filing deadline.

1087 (c) The lieutenant governor shall determine for each elective office the total number of
1088 signatures that must be submitted under Subsection (3)(a)(ii) by counting the aggregate number
1089 of persons residing in each elective office's political division who have designated a particular
1090 registered political party on their voter registration forms as of November 1 of each
1091 odd-numbered year. The lieutenant governor shall publish this determination for each elective
1092 office no later than November 15 of each odd-numbered year.

1093 (d) The filing officer shall:

1094 (i) verify signatures on nomination petitions in a transparent and orderly manner;

1095 (ii) for all qualifying candidates for elective office who submitted nomination petitions
1096 to the filing officer, issue certifications referenced in Subsection (3)(a) no later than 5 p.m. on
1097 the first Monday after the third Saturday in April;

1098 (iii) consider active and inactive voters eligible to sign nomination petitions;

1099 (iv) consider a person who signs a nomination petition a member of a registered
1100 political party for purposes of Subsection (3)(a)(ii) if the person has designated that registered
1101 political party as the person's party membership on the person's voter registration form; and

1102 (v) utilize procedures described in Section 20A-7-206.3 to verify submitted nomination
1103 petition signatures, or use statistical sampling procedures to verify submitted nomination
1104 petition signatures pursuant to rules made under Subsection (3)(f).

1105 (e) Notwithstanding any other provision in this Subsection (3), a candidate for
1106 lieutenant governor may appear on the regular primary ballot of a registered political party
1107 without submitting nomination petitions if the candidate files a declaration of candidacy and
1108 complies with Subsection 20A-9-202~~(3)~~(4).

1109 (f) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
1110 director of elections, within the Office of the Lieutenant Governor, shall make rules that:

1111 (i) provide for the use of statistical sampling procedures that:

1112 (A) filing officers are required to use to verify signatures under Subsection (3)(d); and

1113 (B) reflect a bona fide effort to determine the validity of a candidate's entire
1114 submission, using widely recognized statistical sampling techniques; and

1115 (ii) provide for the transparent, orderly, and timely submission, verification, and
1116 certification of nomination petition signatures.

1117 (g) The county clerk shall:

1118 (i) review the declarations of candidacy filed by candidates for local boards of
1119 education to determine if more than two candidates have filed for the same seat;

1120 (ii) place the names of all candidates who have filed a declaration of candidacy for a
1121 local board of education seat on the nonpartisan section of the ballot if more than two
1122 candidates have filed for the same seat; and

1123 (iii) determine the order of the local board of education candidates' names on the ballot
1124 in accordance with Section 20A-6-305.

1125 (4) (a) By 5 p.m. on the first Wednesday after the third Saturday in April, the lieutenant
1126 governor shall provide to the county clerks:

1127 (i) a list of the names of all candidates for federal, constitutional, multi-county, and
1128 county offices who have received certifications under Subsection (3), along with instructions
1129 on how those names shall appear on the primary-election ballot in accordance with Section
1130 20A-6-305; and

1131 (ii) a list of unopposed candidates for elective office who have been nominated by a
1132 registered political party under Subsection (5)(c) and instruct the county clerks to exclude such
1133 candidates from the primary-election ballot.

1134 (b) A candidate for lieutenant governor and a candidate for governor campaigning as
1135 joint-ticket running mates shall appear jointly on the primary-election ballot.

1136 (c) After the county clerk receives the certified list from the lieutenant governor under
1137 Subsection (4)(a), the county clerk shall post or publish a primary election notice in
1138 substantially the following form:

1139 "Notice is given that a primary election will be held Tuesday, June ____,
1140 ____ (year), to nominate party candidates for the parties and candidates for nonpartisan
1141 local school board positions listed on the primary ballot. The polling place for voting precinct
1142 ____ is _____. The polls will open at 7 a.m. and continue open until 8 p.m. of the same day.

1143 Attest: county clerk."

1144 (5) (a) Candidates, other than presidential candidates, receiving the highest number of
1145 votes cast for each office at the regular primary election are nominated by their registered
1146 political party for that office or are nominated as a candidate for a nonpartisan local school
1147 board position.

1148 (b) If two or more candidates, other than presidential candidates, are to be elected to
1149 the office at the regular general election, those party candidates equal in number to positions to
1150 be filled who receive the highest number of votes at the regular primary election are the
1151 nominees of their party for those positions.

1152 (c) A candidate who is unopposed for an elective office in the regular primary election
1153 of a registered political party is nominated by the party for that office without appearing on the
1154 primary ballot. A candidate is "unopposed" if no person other than the candidate has received a
1155 certification under Subsection (3) for the regular primary election ballot of the candidate's
1156 registered political party for a particular elective office.

1157 (6) (a) When a tie vote occurs in any primary election for any national, state, or other
1158 office that represents more than one county, the governor, lieutenant governor, and attorney
1159 general shall, at a public meeting called by the governor and in the presence of the candidates
1160 involved, select the nominee by lot cast in whatever manner the governor determines.

1161 (b) When a tie vote occurs in any primary election for any county office, the district
1162 court judges of the district in which the county is located shall, at a public meeting called by
1163 the judges and in the presence of the candidates involved, select the nominee by lot cast in
1164 whatever manner the judges determine.

1165 (7) The expense of providing all ballots, blanks, or other supplies to be used at any
1166 primary election provided for by this section, and all expenses necessarily incurred in the
1167 preparation for or the conduct of that primary election shall be paid out of the treasury of the
1168 county or state, in the same manner as for the regular general elections.

1169 (8) An individual may not file a declaration of candidacy for a registered political party
1170 of which the individual is not a member, except to the extent that the registered political party
1171 permits otherwise under the registered political party's bylaws.

1172 Section 13. Section **20A-9-407** is amended to read:

1173 **20A-9-407. Convention process to seek the nomination of a qualified political**
1174 **party.**

1175 (1) This section describes the requirements for a member of a qualified political party
1176 who is seeking the nomination of a qualified political party for an elective office through the
1177 qualified political party's convention process.

1178 (2) Notwithstanding Subsection 20A-9-201[~~(4)~~](11)(a), the form of the declaration of

1179 candidacy for a member of a qualified political party who is nominated by, or who is seeking
1180 the nomination of, the qualified political party under this section shall be substantially as
1181 described in Section 20A-9-408.5.

1182 (3) Notwithstanding Subsection 20A-9-202(1)[~~(a)~~], and except as provided in
1183 Subsection 20A-9-202[~~(4)~~](5), a member of a qualified political party who, under this section,
1184 is seeking the nomination of the qualified political party for an elective office that is to be filled
1185 at the next general election, shall:

1186 (a) file a declaration of candidacy in person with the filing officer on or after the
1187 second Friday in March and before 5 p.m. on the third Thursday in March before the next
1188 regular general election; and

1189 (b) pay the filing fee.

1190 (4) Notwithstanding Subsection 20A-9-202[~~(2)~~](3)(a), a member of a qualified
1191 political party who, under this section, is seeking the nomination of the qualified political party
1192 for the office of district attorney within a multicounty prosecution district that is to be filled at
1193 the next general election shall:

1194 (a) file a declaration of candidacy with the county clerk designated in the interlocal
1195 agreement creating the prosecution district on or after the second Friday in March and before 5
1196 p.m. on the third Thursday in March before the next regular general election; and

1197 (b) pay the filing fee.

1198 (5) Notwithstanding Subsection 20A-9-202[~~(3)~~](4)(a)(iii), a lieutenant governor
1199 candidate who files as the joint-ticket running mate of an individual who is nominated by a
1200 qualified political party, under this section, for the office of governor shall submit a letter from
1201 the candidate for governor that names the lieutenant governor candidate as a joint-ticket
1202 running mate.

1203 (6) (a) A qualified political party that nominates a candidate under this section shall
1204 certify the name of the candidate to the lieutenant governor before 5 p.m. on the first Monday
1205 after the fourth Saturday in April.

1206 (b) The lieutenant governor shall ensure that the certification described in Subsection
1207 20A-9-701(1) also includes the name of each candidate nominated by a qualified political party
1208 under this section.

1209 (7) Notwithstanding Subsection 20A-9-701(2), the ballot shall, for each candidate who

1210 is nominated by a qualified political party under this section, designate the qualified political
1211 party that nominated the candidate.

1212 Section 14. Section **20A-9-408** is amended to read:

1213 **20A-9-408. Signature-gathering process to seek the nomination of a qualified**
1214 **political party.**

1215 (1) This section describes the requirements for a member of a qualified political party
1216 who is seeking the nomination of the qualified political party for an elective office through the
1217 signature-gathering process described in this section.

1218 (2) Notwithstanding Subsection 20A-9-201[~~(4)~~](11)(a), the form of the declaration of
1219 candidacy for a member of a qualified political party who is nominated by, or who is seeking
1220 the nomination of, the qualified political party under this section shall be substantially as
1221 described in Section 20A-9-408.5.

1222 (3) Notwithstanding Subsection 20A-9-202(1)[~~(a)~~], and except as provided in
1223 Subsection 20A-9-202[~~(4)~~](5), a member of a qualified political party who, under this section,
1224 is seeking the nomination of the qualified political party for an elective office that is to be filled
1225 at the next general election shall:

1226 (a) within the period beginning on January 1 before the next regular general election
1227 and ending on the third Thursday in March of the same year, and before gathering signatures
1228 under this section, file with the filing officer on a form approved by the lieutenant governor a
1229 notice of intent to gather signatures for candidacy that includes:

1230 (i) the name of the member who will attempt to become a candidate for a registered
1231 political party under this section;

1232 (ii) the name of the registered political party for which the member is seeking
1233 nomination;

1234 (iii) the office for which the member is seeking to become a candidate;

1235 (iv) the address and telephone number of the member; and

1236 (v) other information required by the lieutenant governor;

1237 (b) file a declaration of candidacy, in person, with the filing officer on or after the
1238 second Friday in March and before 5 p.m. on the third Thursday in March before the next
1239 regular general election; and

1240 (c) pay the filing fee.

1241 (4) Notwithstanding Subsection 20A-9-202[~~(2)~~](3)(a), a member of a qualified
1242 political party who, under this section, is seeking the nomination of the qualified political party
1243 for the office of district attorney within a multicounty prosecution district that is to be filled at
1244 the next general election shall:

1245 (a) on or after January 1 before the next regular general election, and before gathering
1246 signatures under this section, file with the filing officer on a form approved by the lieutenant
1247 governor a notice of intent to gather signatures for candidacy that includes:

1248 (i) the name of the member who will attempt to become a candidate for a registered
1249 political party under this section;

1250 (ii) the name of the registered political party for which the member is seeking
1251 nomination;

1252 (iii) the office for which the member is seeking to become a candidate;

1253 (iv) the address and telephone number of the member; and

1254 (v) other information required by the lieutenant governor;

1255 (b) file a declaration of candidacy, in person, with the filing officer on or after the
1256 second Friday in March and before 5 p.m. on the third Thursday in March before the next
1257 regular general election; and

1258 (c) pay the filing fee.

1259 (5) Notwithstanding Subsection 20A-9-202[~~(3)~~](4)(a)(iii), a lieutenant governor
1260 candidate who files as the joint-ticket running mate of an individual who is nominated by a
1261 qualified political party, under this section, for the office of governor shall submit a letter from
1262 the candidate for governor that names the lieutenant governor candidate as a joint-ticket
1263 running mate.

1264 (6) The lieutenant governor shall ensure that the certification described in Subsection
1265 20A-9-701(1) also includes the name of each candidate nominated by a qualified political party
1266 under this section.

1267 (7) Notwithstanding Subsection 20A-9-701(2), the ballot shall, for each candidate who
1268 is nominated by a qualified political party under this section, designate the qualified political
1269 party that nominated the candidate.

1270 (8) A member of a qualified political party may seek the nomination of the qualified
1271 political party for an elective office by:

- 1272 (a) complying with the requirements described in this section; and
- 1273 (b) collecting signatures, on a form approved by the lieutenant governor, during the
- 1274 period beginning on January 1 of an even-numbered year and ending 14 days before the day on
- 1275 which the qualified political party's convention for the office is held, in the following amounts:
- 1276 (i) for a statewide race, 28,000 signatures of registered voters in the state who are
- 1277 permitted by the qualified political party to vote for the qualified political party's candidates in
- 1278 a primary election;
- 1279 (ii) for a congressional district race, 7,000 signatures of registered voters who are
- 1280 residents of the congressional district and are permitted by the qualified political party to vote
- 1281 for the qualified political party's candidates in a primary election;
- 1282 (iii) for a state Senate district race, 2,000 signatures of registered voters who are
- 1283 residents of the state Senate district and are permitted by the qualified political party to vote for
- 1284 the qualified political party's candidates in a primary election;
- 1285 (iv) for a state House district race, 1,000 signatures of registered voters who are
- 1286 residents of the state House district and are permitted by the qualified political party to vote for
- 1287 the qualified political party's candidates in a primary election; [~~and~~]
- 1288 (v) for a partisan State Board of Education member race, 4,000 signatures of registered
- 1289 voters who are residents of the State Board of Education district and are permitted by the
- 1290 qualified political party to vote for the qualified political party's candidates in a primary
- 1291 election; and
- 1292 [~~(v)~~] (vi) for a county office race, signatures of 3% of the registered voters who are
- 1293 residents of the area permitted to vote for the county office and are permitted by the qualified
- 1294 political party to vote for the qualified political party's candidates in a primary election.
- 1295 (9) (a) In order for a member of the qualified political party to qualify as a candidate
- 1296 for the qualified political party's nomination for an elective office under this section, the
- 1297 member shall:
- 1298 (i) collect the signatures on a form approved by the lieutenant governor, using the same
- 1299 circulation and verification requirements described in Sections 20A-7-204 and 20A-7-205; and
- 1300 (ii) submit the signatures to the election officer no later than 14 days before the day on
- 1301 which the qualified political party holds its convention to select candidates, for the elective
- 1302 office, for the qualified political party's nomination.

1303 (b) An individual may not gather signatures under this section until after the individual
1304 files a notice of intent to gather signatures for candidacy described in this section.

1305 (c) An individual who files a notice of intent to gather signatures for candidacy,
1306 described in Subsection (3)(a) or (4)(a), is, beginning on the day on which the individual files
1307 the notice of intent to gather signatures for candidacy:

1308 (i) required to comply with the reporting requirements that a candidate for office is
1309 required to comply with; and

1310 (ii) subject to the same enforcement provisions, and civil and criminal penalties, that
1311 apply to a candidate for office in relation to the reporting requirements described in Subsection
1312 (9)(c)(i).

1313 (d) Upon timely receipt of the signatures described in Subsections (8) and (9)(a), the
1314 election officer shall, no later than one day before the day on which the qualified political party
1315 holds the convention to select a nominee for the elective office to which the signature packets
1316 relate:

1317 (i) check the name of each individual who completes the verification for a signature
1318 packet to determine whether each individual is a resident of Utah and is at least 18 years old;

1319 (ii) submit the name of each individual described in Subsection (9)(d)(i) who is not a
1320 Utah resident or who is not at least 18 years old to the attorney general and the county attorney;

1321 (iii) determine whether each signer is a registered voter who is qualified to sign the
1322 petition, using the same method, described in Section 20A-7-206.3, used to verify a signature
1323 on a petition;

1324 (iv) certify whether each name is that of a registered voter who is qualified to sign the
1325 signature packet; and

1326 (v) notify the qualified political party and the lieutenant governor of the name of each
1327 member of the qualified political party who qualifies as a nominee of the qualified political
1328 party, under this section, for the elective office to which the convention relates.

1329 (e) Upon receipt of a notice of intent to gather signatures for candidacy described in
1330 this section, the lieutenant governor shall post the notice of intent to gather signatures for
1331 candidacy on the lieutenant governor's website in the same location that the lieutenant governor
1332 posts a declaration of candidacy.

1333 Section 15. Section **20A-9-701** is amended to read:

1334 **20A-9-701. Certification of party candidates to county clerks -- Display on ballot.**

1335 (1) No later than August 31 of each regular general election year, the lieutenant
1336 governor shall certify to each county clerk, for offices to be voted upon at the regular general
1337 election in that county clerk's county:

1338 (a) the names of each candidate nominated under Subsection 20A-9-202~~(4)~~(5) or
1339 Subsection 20A-9-403(5); and

1340 (b) the names of the candidates for president and vice president that are certified by the
1341 registered political party as the party's nominees.

1342 (2) The names shall be certified by the lieutenant governor and shall be displayed on
1343 the ballot as they are provided on the candidate's declaration of candidacy. No other names
1344 may appear on the ballot as affiliated with, endorsed by, or nominated by any other registered
1345 political party, political party, or other political group.

1346 Section 16. Section **20A-11-101** is amended to read:

1347 **20A-11-101. Definitions.**

1348 As used in this chapter:

1349 (1) "Address" means the number and street where an individual resides or where a
1350 reporting entity has its principal office.

1351 (2) "Agent of a reporting entity" means:

1352 (a) a person acting on behalf of a reporting entity at the direction of the reporting
1353 entity;

1354 (b) a person employed by a reporting entity in the reporting entity's capacity as a
1355 reporting entity;

1356 (c) the personal campaign committee of a candidate or officeholder;

1357 (d) a member of the personal campaign committee of a candidate or officeholder in the
1358 member's capacity as a member of the personal campaign committee of the candidate or
1359 officeholder; or

1360 (e) a political consultant of a reporting entity.

1361 (3) "Ballot proposition" includes initiatives, referenda, proposed constitutional
1362 amendments, and any other ballot propositions submitted to the voters that are authorized by
1363 the Utah Code Annotated 1953.

1364 (4) "Candidate" means any person who:

- 1365 (a) files a declaration of candidacy for a public office; or
1366 (b) receives contributions, makes expenditures, or gives consent for any other person to
1367 receive contributions or make expenditures to bring about the person's nomination or election
1368 to a public office.
- 1369 (5) "Chief election officer" means:
- 1370 (a) the lieutenant governor for state office candidates, legislative office candidates,
1371 officeholders, political parties, political action committees, corporations, political issues
1372 committees, [~~state school board~~] candidates for the office of elected State Board of Education
1373 member, judges, and labor organizations, as defined in Section 20A-11-1501; and
- 1374 (b) the county clerk for local school board candidates.
- 1375 (6) (a) "Contribution" means any of the following when done for political purposes:
- 1376 (i) a gift, subscription, donation, loan, advance, or deposit of money or anything of
1377 value given to the filing entity;
- 1378 (ii) an express, legally enforceable contract, promise, or agreement to make a gift,
1379 subscription, donation, unpaid or partially unpaid loan, advance, or deposit of money or
1380 anything of value to the filing entity;
- 1381 (iii) any transfer of funds from another reporting entity to the filing entity;
- 1382 (iv) compensation paid by any person or reporting entity other than the filing entity for
1383 personal services provided without charge to the filing entity;
- 1384 (v) remuneration from:
- 1385 (A) any organization or its directly affiliated organization that has a registered lobbyist;
1386 or
- 1387 (B) any agency or subdivision of the state, including school districts;
- 1388 (vi) a loan made by a candidate deposited to the candidate's own campaign; and
1389 (vii) in-kind contributions.
- 1390 (b) "Contribution" does not include:
- 1391 (i) services provided by individuals volunteering a portion or all of their time on behalf
1392 of the filing entity if the services are provided without compensation by the filing entity or any
1393 other person;
- 1394 (ii) money lent to the filing entity by a financial institution in the ordinary course of
1395 business; or

1396 (iii) goods or services provided for the benefit of a candidate or political party at less
1397 than fair market value that are not authorized by or coordinated with the candidate or political
1398 party.

1399 (7) "Coordinated with" means that goods or services provided for the benefit of a
1400 candidate or political party are provided:

1401 (a) with the candidate's or political party's prior knowledge, if the candidate or political
1402 party does not object;

1403 (b) by agreement with the candidate or political party;

1404 (c) in coordination with the candidate or political party; or

1405 (d) using official logos, slogans, and similar elements belonging to a candidate or
1406 political party.

1407 (8) (a) "Corporation" means a domestic or foreign, profit or nonprofit, business
1408 organization that is registered as a corporation or is authorized to do business in a state and
1409 makes any expenditure from corporate funds for:

1410 (i) the purpose of expressly advocating for political purposes; or

1411 (ii) the purpose of expressly advocating the approval or the defeat of any ballot
1412 proposition.

1413 (b) "Corporation" does not mean:

1414 (i) a business organization's political action committee or political issues committee; or

1415 (ii) a business entity organized as a partnership or a sole proprietorship.

1416 (9) "County political party" means, for each registered political party, all of the persons
1417 within a single county who, under definitions established by the political party, are members of
1418 the registered political party.

1419 (10) "County political party officer" means a person whose name is required to be
1420 submitted by a county political party to the lieutenant governor in accordance with Section
1421 20A-8-402.

1422 (11) "Detailed listing" means:

1423 (a) for each contribution or public service assistance:

1424 (i) the name and address of the individual or source making the contribution or public
1425 service assistance, except to the extent that the name or address of the individual or source is
1426 unknown;

- 1427 (ii) the amount or value of the contribution or public service assistance; and
 1428 (iii) the date the contribution or public service assistance was made; and
 1429 (b) for each expenditure:
 1430 (i) the amount of the expenditure;
 1431 (ii) the person or entity to whom it was disbursed;
 1432 (iii) the specific purpose, item, or service acquired by the expenditure; and
 1433 (iv) the date the expenditure was made.
- 1434 (12) (a) "Donor" means a person that gives money, including a fee, due, or assessment
 1435 for membership in the corporation, to a corporation without receiving full and adequate
 1436 consideration for the money.
- 1437 (b) "Donor" does not include a person that signs a statement that the corporation may
 1438 not use the money for an expenditure or political issues expenditure.
- 1439 (13) (a) "Elected State Board of Education member" means a partisan State Board of
 1440 Education member or a nonpartisan State Board of Education member.
- 1441 (b) "Elected State Board of Education member" does not include an appointed State
 1442 Board of Education member.
- 1443 [~~(13)~~] (14) "Election" means each:
 1444 (a) regular general election;
 1445 (b) regular primary election; and
 1446 (c) special election at which candidates are eliminated and selected.
- 1447 [~~(14)~~] (15) "Electioneering communication" means a communication that:
 1448 (a) has at least a value of \$10,000;
 1449 (b) clearly identifies a candidate or judge; and
 1450 (c) is disseminated through the Internet, newspaper, magazine, outdoor advertising
 1451 facility, direct mailing, broadcast, cable, or satellite provider within 45 days of the clearly
 1452 identified candidate's or judge's election date.
- 1453 [~~(15)~~] (16) (a) "Expenditure" means any of the following made by a reporting entity or
 1454 an agent of a reporting entity on behalf of the reporting entity:
 1455 (i) any disbursement from contributions, receipts, or from the separate bank account
 1456 required by this chapter;
 1457 (ii) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money,

1458 or anything of value made for political purposes;

1459 (iii) an express, legally enforceable contract, promise, or agreement to make any
1460 purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of
1461 value for political purposes;

1462 (iv) compensation paid by a filing entity for personal services rendered by a person
1463 without charge to a reporting entity;

1464 (v) a transfer of funds between the filing entity and a candidate's personal campaign
1465 committee; or

1466 (vi) goods or services provided by the filing entity to or for the benefit of another
1467 reporting entity for political purposes at less than fair market value.

1468 (b) "Expenditure" does not include:

1469 (i) services provided without compensation by individuals volunteering a portion or all
1470 of their time on behalf of a reporting entity;

1471 (ii) money lent to a reporting entity by a financial institution in the ordinary course of
1472 business; or

1473 (iii) anything listed in Subsection [~~(15)~~] (16)(a) that is given by a reporting entity to
1474 candidates for office or officeholders in states other than Utah.

1475 [~~(16)~~] (17) "Federal office" means the office of president of the United States, United
1476 States Senator, or United States Representative.

1477 [~~(17)~~] (18) "Filing entity" means the reporting entity that is required to file a financial
1478 statement required by this chapter or Chapter 12, Part 2, Judicial Retention Elections.

1479 [~~(18)~~] (19) "Financial statement" includes any summary report, interim report, verified
1480 financial statement, or other statement disclosing contributions, expenditures, receipts,
1481 donations, or disbursements that is required by this chapter or Chapter 12, Part 2, Judicial
1482 Retention Elections.

1483 [~~(19)~~] (20) "Governing board" means the individual or group of individuals that
1484 determine the candidates and committees that will receive expenditures from a political action
1485 committee, political party, or corporation.

1486 [~~(20)~~] (21) "Incorporation" means the process established by Title 10, Chapter 2a,
1487 Municipal Incorporation, by which a geographical area becomes legally recognized as a city,
1488 town, or metro township.

1489 ~~[(21)]~~ (22) "Incorporation election" means the election authorized by Section
1490 10-2a-210, 10-2a-304, or 10-2a-404.

1491 ~~[(22)]~~ (23) "Incorporation petition" means a petition authorized by Section 10-2a-208
1492 or 10-2a-302.

1493 ~~[(23)]~~ (24) "Individual" means a natural person.

1494 ~~[(24)]~~ (25) "In-kind contribution" means anything of value, other than money, that is
1495 accepted by or coordinated with a filing entity.

1496 ~~[(25)]~~ (26) "Interim report" means a report identifying the contributions received and
1497 expenditures made since the last report.

1498 ~~[(26)]~~ (27) "Legislative office" means the office of state senator, state representative,
1499 speaker of the House of Representatives, president of the Senate, and the leader, whip, and
1500 assistant whip of any party caucus in either house of the Legislature.

1501 ~~[(27)]~~ (28) "Legislative office candidate" means a person who:

1502 (a) files a declaration of candidacy for the office of state senator or state representative;

1503 (b) declares oneself to be a candidate for, or actively campaigns for, the position of
1504 speaker of the House of Representatives, president of the Senate, or the leader, whip, and
1505 assistant whip of any party caucus in either house of the Legislature; or

1506 (c) receives contributions, makes expenditures, or gives consent for any other person to
1507 receive contributions or make expenditures to bring about the person's nomination, election, or
1508 appointment to a legislative office.

1509 ~~[(28)]~~ (29) "Major political party" means either of the two registered political parties
1510 that have the greatest number of members elected to the two houses of the Legislature.

1511 ~~[(29)]~~ (30) "Officeholder" means a person who holds a public office.

1512 ~~[(30)]~~ (31) "Party committee" means any committee organized by or authorized by the
1513 governing board of a registered political party.

1514 ~~[(31)]~~ (32) "Person" means both natural and legal persons, including individuals,
1515 business organizations, personal campaign committees, party committees, political action
1516 committees, political issues committees, and labor organizations, as defined in Section
1517 20A-11-1501.

1518 ~~[(32)]~~ (33) "Personal campaign committee" means the committee appointed by a
1519 candidate to act for the candidate as provided in this chapter.

1520 [~~(33)~~] (34) "Personal use expenditure" has the same meaning as provided under Section
1521 20A-11-104.

1522 [~~(34)~~] (35) (a) "Political action committee" means an entity, or any group of
1523 individuals or entities within or outside this state, a major purpose of which is to:

1524 (i) solicit or receive contributions from any other person, group, or entity for political
1525 purposes; or

1526 (ii) make expenditures to expressly advocate for any person to refrain from voting or to
1527 vote for or against any candidate or person seeking election to a municipal or county office.

1528 (b) "Political action committee" includes groups affiliated with a registered political
1529 party but not authorized or organized by the governing board of the registered political party
1530 that receive contributions or makes expenditures for political purposes.

1531 (c) "Political action committee" does not mean:

1532 (i) a party committee;

1533 (ii) any entity that provides goods or services to a candidate or committee in the regular
1534 course of its business at the same price that would be provided to the general public;

1535 (iii) an individual;

1536 (iv) individuals who are related and who make contributions from a joint checking
1537 account;

1538 (v) a corporation, except a corporation a major purpose of which is to act as a political
1539 action committee; or

1540 (vi) a personal campaign committee.

1541 [~~(35)~~] (36) (a) "Political consultant" means a person who is paid by a reporting entity,
1542 or paid by another person on behalf of and with the knowledge of the reporting entity, to
1543 provide political advice to the reporting entity.

1544 (b) "Political consultant" includes a circumstance described in Subsection [~~(35)~~]
1545 (36)(a), where the person:

1546 (i) has already been paid, with money or other consideration;

1547 (ii) expects to be paid in the future, with money or other consideration; or

1548 (iii) understands that the person may, in the discretion of the reporting entity or another
1549 person on behalf of and with the knowledge of the reporting entity, be paid in the future, with
1550 money or other consideration.

1551 [~~(36)~~] (37) "Political convention" means a county or state political convention held by
1552 a registered political party to select candidates.

1553 [~~(37)~~] (38) (a) "Political issues committee" means an entity, or any group of individuals
1554 or entities within or outside this state, a major purpose of which is to:

1555 (i) solicit or receive donations from any other person, group, or entity to assist in
1556 placing a ballot proposition on the ballot, assist in keeping a ballot proposition off the ballot, or
1557 to advocate that a voter refrain from voting or vote for or vote against any ballot proposition;

1558 (ii) make expenditures to expressly advocate for any person to sign or refuse to sign a
1559 ballot proposition or incorporation petition or refrain from voting, vote for, or vote against any
1560 proposed ballot proposition or an incorporation in an incorporation election; or

1561 (iii) make expenditures to assist in qualifying or placing a ballot proposition on the
1562 ballot or to assist in keeping a ballot proposition off the ballot.

1563 (b) "Political issues committee" does not mean:

1564 (i) a registered political party or a party committee;

1565 (ii) any entity that provides goods or services to an individual or committee in the
1566 regular course of its business at the same price that would be provided to the general public;

1567 (iii) an individual;

1568 (iv) individuals who are related and who make contributions from a joint checking
1569 account;

1570 (v) a corporation, except a corporation a major purpose of which is to act as a political
1571 issues committee; or

1572 (vi) a group of individuals who:

1573 (A) associate together for the purpose of challenging a single ballot proposition,
1574 ordinance, or other governmental action by a county, city, town, local district, special service
1575 district, or other local political subdivision of the state;

1576 (B) have a common liberty, property, or financial interest that is directly impacted by
1577 the ballot proposition, ordinance, or other governmental action;

1578 (C) do not associate together, for the purpose described in Subsection [~~(37)~~]

1579 (38)(b)(vi)(A), via a legal entity;

1580 (D) do not receive funds for challenging the ballot proposition, ordinance, or other
1581 governmental action from a person other than an individual in the group; and

1582 (E) do not expend a total of more than \$5,000 for the purpose described in Subsection
1583 [~~(37)~~] (38)(b)(vi)(A).

1584 [~~(38)~~] (39) (a) "Political issues contribution" means any of the following:

1585 (i) a gift, subscription, unpaid or partially unpaid loan, advance, or deposit of money or
1586 anything of value given to a political issues committee;

1587 (ii) an express, legally enforceable contract, promise, or agreement to make a political
1588 issues donation to influence the approval or defeat of any ballot proposition;

1589 (iii) any transfer of funds received by a political issues committee from a reporting
1590 entity;

1591 (iv) compensation paid by another reporting entity for personal services rendered
1592 without charge to a political issues committee; and

1593 (v) goods or services provided to or for the benefit of a political issues committee at
1594 less than fair market value.

1595 (b) "Political issues contribution" does not include:

1596 (i) services provided without compensation by individuals volunteering a portion or all
1597 of their time on behalf of a political issues committee; or

1598 (ii) money lent to a political issues committee by a financial institution in the ordinary
1599 course of business.

1600 [~~(39)~~] (40) (a) "Political issues expenditure" means any of the following when made by
1601 a political issues committee or on behalf of a political issues committee by an agent of the
1602 reporting entity:

1603 (i) any payment from political issues contributions made for the purpose of influencing
1604 the approval or the defeat of:

1605 (A) a ballot proposition; or

1606 (B) an incorporation petition or incorporation election;

1607 (ii) a purchase, payment, distribution, loan, advance, deposit, or gift of money made for
1608 the express purpose of influencing the approval or the defeat of:

1609 (A) a ballot proposition; or

1610 (B) an incorporation petition or incorporation election;

1611 (iii) an express, legally enforceable contract, promise, or agreement to make any
1612 political issues expenditure;

1613 (iv) compensation paid by a reporting entity for personal services rendered by a person
1614 without charge to a political issues committee; or

1615 (v) goods or services provided to or for the benefit of another reporting entity at less
1616 than fair market value.

1617 (b) "Political issues expenditure" does not include:

1618 (i) services provided without compensation by individuals volunteering a portion or all
1619 of their time on behalf of a political issues committee; or

1620 (ii) money lent to a political issues committee by a financial institution in the ordinary
1621 course of business.

1622 [~~(40)~~] (41) "Political purposes" means an act done with the intent or in a way to
1623 influence or tend to influence, directly or indirectly, any person to refrain from voting or to vote
1624 for or against any:

1625 (a) candidate or a person seeking a municipal or county office at any caucus, political
1626 convention, or election; or

1627 (b) judge standing for retention at any election.

1628 [~~(41)~~] (42) (a) "Poll" means the survey of a person regarding the person's opinion or
1629 knowledge of an individual who has filed a declaration of candidacy for public office, or of a
1630 ballot proposition that has legally qualified for placement on the ballot, which is conducted in
1631 person or by telephone, facsimile, Internet, postal mail, or email.

1632 (b) "Poll" does not include:

1633 (i) a ballot; or

1634 (ii) an interview of a focus group that is conducted, in person, by one individual, if:

1635 (A) the focus group consists of more than three, and less than thirteen, individuals; and

1636 (B) all individuals in the focus group are present during the interview.

1637 [~~(42)~~] (43) "Primary election" means any regular primary election held under the
1638 election laws.

1639 [~~(43)~~] (44) "Publicly identified class of individuals" means a group of 50 or more
1640 individuals sharing a common occupation, interest, or association that contribute to a political
1641 action committee or political issues committee and whose names can be obtained by contacting
1642 the political action committee or political issues committee upon whose financial statement the
1643 individuals are listed.

1644 [~~(44)~~] (45) "Public office" means the office of governor, lieutenant governor, state
1645 auditor, state treasurer, attorney general, [~~state school board member~~] elected State Board of
1646 Education member, state senator, state representative, speaker of the House of Representatives,
1647 president of the Senate, and the leader, whip, and assistant whip of any party caucus in either
1648 house of the Legislature.

1649 [~~(45)~~] (46) (a) "Public service assistance" means the following when given or provided
1650 to an officeholder to defray the costs of functioning in a public office or aid the officeholder to
1651 communicate with the officeholder's constituents:

1652 (i) a gift, subscription, donation, unpaid or partially unpaid loan, advance, or deposit of
1653 money or anything of value to an officeholder; or

1654 (ii) goods or services provided at less than fair market value to or for the benefit of the
1655 officeholder.

1656 (b) "Public service assistance" does not include:

1657 (i) anything provided by the state;

1658 (ii) services provided without compensation by individuals volunteering a portion or all
1659 of their time on behalf of an officeholder;

1660 (iii) money lent to an officeholder by a financial institution in the ordinary course of
1661 business;

1662 (iv) news coverage or any publication by the news media; or

1663 (v) any article, story, or other coverage as part of any regular publication of any
1664 organization unless substantially all the publication is devoted to information about the
1665 officeholder.

1666 [~~(46)~~] (47) "Receipts" means contributions and public service assistance.

1667 [~~(47)~~] (48) "Registered lobbyist" means a person registered under Title 36, Chapter 11,
1668 Lobbyist Disclosure and Regulation Act.

1669 [~~(48)~~] (49) "Registered political action committee" means any political action
1670 committee that is required by this chapter to file a statement of organization with the Office of
1671 the Lieutenant Governor.

1672 [~~(49)~~] (50) "Registered political issues committee" means any political issues
1673 committee that is required by this chapter to file a statement of organization with the Office of
1674 the Lieutenant Governor.

1675 ~~[(50)]~~ (51) "Registered political party" means an organization of voters that:

1676 (a) participated in the last regular general election and polled a total vote equal to 2%
1677 or more of the total votes cast for all candidates for the United States House of Representatives
1678 for any of its candidates for any office; or

1679 (b) has complied with the petition and organizing procedures of Chapter 8, Political
1680 Party Formation and Procedures.

1681 ~~[(51)]~~ (52) (a) "Remuneration" means a payment:

1682 (i) made to a legislator for the period the Legislature is in session; and

1683 (ii) that is approximately equivalent to an amount a legislator would have earned
1684 during the period the Legislature is in session in the legislator's ordinary course of business.

1685 (b) "Remuneration" does not mean anything of economic value given to a legislator by:

1686 (i) the legislator's primary employer in the ordinary course of business; or

1687 (ii) a person or entity in the ordinary course of business:

1688 (A) because of the legislator's ownership interest in the entity; or

1689 (B) for services rendered by the legislator on behalf of the person or entity.

1690 ~~[(52)]~~ (53) "Reporting entity" means a candidate, a candidate's personal campaign

1691 committee, a judge, a judge's personal campaign committee, an officeholder, a party

1692 committee, a political action committee, a political issues committee, a corporation, or a labor

1693 organization, as defined in Section 20A-11-1501.

1694 ~~[(53)] "School board office" means the office of state school board.]~~

1695 (54) (a) "Source" means the person or entity that is the legal owner of the tangible or
1696 intangible asset that comprises the contribution.

1697 (b) "Source" means, for political action committees and corporations, the political
1698 action committee and the corporation as entities, not the contributors to the political action
1699 committee or the owners or shareholders of the corporation.

1700 (55) "State office" means the offices of governor, lieutenant governor, attorney general,
1701 state auditor, and state treasurer.

1702 (56) "State office candidate" means a person who:

1703 (a) files a declaration of candidacy for a state office; or

1704 (b) receives contributions, makes expenditures, or gives consent for any other person to
1705 receive contributions or make expenditures to bring about the person's nomination, election, or

1706 appointment to a state office.

1707 (57) "Summary report" means the year end report containing the summary of a
1708 reporting entity's contributions and expenditures.

1709 (58) "Supervisory board" means the individual or group of individuals that allocate
1710 expenditures from a political issues committee.

1711 Section 17. Section **20A-11-403** is amended to read:

1712 **20A-11-403. Failure to file -- Penalties.**

1713 (1) Within 30 days after a deadline for the filing of a summary report, the lieutenant
1714 governor shall review each filed summary report to ensure that:

1715 (a) each officeholder that is required to file a summary report has filed one; and

1716 (b) each summary report contains the information required by this part.

1717 (2) If it appears that any officeholder has failed to file the summary report required by
1718 law, if it appears that a filed summary report does not conform to the law, or if the lieutenant
1719 governor has received a written complaint alleging a violation of the law or the falsity of any
1720 summary report, the lieutenant governor shall, if the lieutenant governor determines that a
1721 violation has occurred:

1722 (a) impose a fine against the filing entity in accordance with Section 20A-11-1005; and

1723 (b) within five days of discovery of a violation or receipt of a written complaint, notify
1724 the officeholder of the violation or written complaint and direct the officeholder to file a
1725 summary report correcting the problem.

1726 (3) (a) It is unlawful for any officeholder to fail to file or amend a summary report
1727 within seven days after receiving notice from the lieutenant governor under this section.

1728 (b) Each officeholder who violates Subsection (3)(a) is guilty of a class B
1729 misdemeanor.

1730 (c) The lieutenant governor shall report all violations of Subsection (3)(a) to the
1731 attorney general.

1732 (d) In addition to the criminal penalty described in Subsection (3)(b), the lieutenant
1733 governor shall impose a civil fine of \$100 against an officeholder who violates Subsection
1734 (3)(a).

1735 (4) Within 30 days after a deadline for the filing of an interim report by an officeholder
1736 under Subsection 20A-11-204(1)(c), 20A-11-303(1)(c), or 20A-11-1303(1)[~~(c)~~](d), the

1737 lieutenant governor shall review each filed interim report to ensure that each interim report
1738 contains the information required for the report.

1739 (5) If it appears that any officeholder has failed to file an interim report required by
1740 law, if it appears that a filed interim report does not conform to the law, or if the lieutenant
1741 governor has received a written complaint alleging a violation of the law or the falsity of any
1742 interim report, the lieutenant governor shall, if the lieutenant governor determines that a
1743 violation has occurred:

1744 (a) impose a fine against the filing entity in accordance with Section 20A-11-1005; and

1745 (b) within five days after the day on which the violation is discovered or a written
1746 complaint is received, notify the officeholder of the violation or written complaint and direct
1747 the officeholder to file an interim report correcting the problem.

1748 (6) (a) It is unlawful for any officeholder to fail to file or amend an interim report
1749 within seven days after the day on which the officeholder receives notice from the lieutenant
1750 governor under this section.

1751 (b) Each officeholder who violates Subsection (6)(a) is guilty of a class B
1752 misdemeanor.

1753 (c) The lieutenant governor shall report all violations of Subsection (6)(a) to the
1754 attorney general.

1755 (d) In addition to the criminal penalty described in Subsection (6)(b), the lieutenant
1756 governor shall impose a civil fine of \$100 against an officeholder who violates Subsection
1757 (6)(a).

1758 Section 18. Section **20A-11-1005** is amended to read:

1759 **20A-11-1005. Fines for failing to file a financial statement.**

1760 (1) Except as provided in Subsections 20A-11-512(1)(b) and (4), the chief election
1761 officer shall fine a filing entity \$100 for failing to file a financial statement by the filing
1762 deadline.

1763 (2) If a filing entity is unable to pay the fine or files an affidavit of impecuniosity in a
1764 manner similar to Subsection 20A-9-201~~(5)(d)~~(15), the chief election officer shall impose the
1765 fine against the candidate or treasurer, as appropriate.

1766 (3) The chief election officer shall deposit fines collected under this chapter in the
1767 General Fund.

1768 Section 19. Section **20A-11-1301** is amended to read:

1769 **20A-11-1301. Candidate for office of elected State Board of Education member --**
1770 **Campaign finance requirements -- Candidate as a political action committee officer -- No**
1771 **personal use -- Contribution reporting deadline -- Report other accounts -- Anonymous**
1772 **contributions.**

1773 (1) (a) (i) Each [~~school board office~~] candidate for the office of elected State Board of
1774 Education member shall deposit each contribution and public service assistance received in one
1775 or more separate accounts in a financial institution that are dedicated only to that purpose.

1776 (ii) A [~~school board office~~] candidate for the office of elected State Board of Education
1777 member may:

1778 (A) receive a contribution or public service assistance from a political action
1779 committee registered under Section 20A-11-601; and

1780 (B) be designated by a political action committee as an officer who has primary
1781 decision-making authority as described in Section 20A-11-601.

1782 (b) A [~~school board office~~] candidate for the office of elected State Board of Education
1783 member may not use money deposited in an account described in Subsection (1)(a)(i) for:

1784 (i) a personal use expenditure; or

1785 (ii) an expenditure prohibited by law.

1786 (2) A [~~school board office~~] candidate for the office of elected State Board of Education
1787 member may not deposit or mingle any contributions or public service assistance received into
1788 a personal or business account.

1789 (3) A [~~school board office~~] candidate for the office of elected State Board of Education
1790 member may not make any political expenditures prohibited by law.

1791 (4) If [~~a person~~] an individual who is no longer a [~~school board~~] candidate for the
1792 office of elected State Board of Education member chooses not to expend the money remaining
1793 in a campaign account, the [~~person~~] individual shall continue to file the year-end summary
1794 report required by Section 20A-11-1302 until the statement of dissolution and final summary
1795 report required by Section 20A-11-1304 are filed with the lieutenant governor.

1796 (5) (a) Except as provided in Subsection (5)(b) and Section 20A-11-402, [~~a person~~] an
1797 individual who is no longer a [~~school board~~] candidate for the office of elected State Board of
1798 Education member may not expend or transfer the money in a campaign account in a manner

1799 that would cause the former ~~[school board]~~ candidate for the office of elected State Board of
1800 Education member to recognize the money as taxable income under federal tax law.

1801 (b) ~~[A person]~~ An individual who is no longer a ~~[school board]~~ candidate for the office
1802 of elected State Board of Education member may transfer the money in a campaign account in
1803 a manner that would cause the former ~~[school board]~~ candidate for the office of elected State
1804 Board of Education member to recognize the money as taxable income under federal tax law if
1805 the transfer is made to a campaign account for federal office.

1806 (6) (a) As used in this Subsection (6) ~~[and Section 20A-11-1303]~~, "received" ~~[means:]~~
1807 means the same as that term is defined in Subsection 20A-11-1303(1)(a).

1808 ~~[(i) for a cash contribution, that the cash is given to a school board office candidate or a~~
1809 ~~member of the candidate's personal campaign committee;]~~

1810 ~~[(ii) for a contribution that is a negotiable instrument or check, that the negotiable~~
1811 ~~instrument or check is negotiated; and]~~

1812 ~~[(iii) for any other type of contribution, that any portion of the contribution's benefit~~
1813 ~~inures to the school board office candidate.]~~

1814 (b) Each ~~[school board office]~~ candidate for the office of elected State Board of
1815 Education member shall report to the chief election officer each contribution and public service
1816 assistance received by the ~~[school board office]~~ candidate for the office of elected State Board
1817 of Education member:

1818 (i) except as provided in Subsection (6)(b)(ii), within 30 days after the day on which
1819 the contribution or public service assistance is received; or

1820 (ii) within three business days after the day on which the contribution or public service
1821 assistance is received, if:

1822 (A) the ~~[school board office]~~ candidate for the office of elected State Board of
1823 Education member is contested in a primary election and the contribution or public service
1824 assistance is received within 30 days before the day on which the primary election is held; or

1825 (B) the ~~[school board office]~~ candidate for the office of elected State Board of
1826 Education member is contested in a general election and the contribution or public service
1827 assistance is received within 30 days before the day on which the general election is held.

1828 (c) For each contribution or provision of public service assistance that a ~~[school board~~
1829 ~~office]~~ candidate for the office of elected State Board of Education member fails to report

1830 within the time period described in Subsection (6)(b), the chief election officer shall impose a
1831 fine against the [~~school board office~~] candidate for the office of elected State Board of
1832 Education member in an amount equal to:

1833 (i) (A) 10% of the amount of the contribution, if the [~~school board office~~] candidate for
1834 the office of elected State Board of Education member reports the contribution within 60 days
1835 after the day on which the time period described in Subsection (6)(b) ends; or

1836 (B) 20% of the amount of the contribution, if the [~~school board office~~] candidate for
1837 the office of elected State Board of Education member fails to report the contribution within 60
1838 days after the day on which the time period described in Subsection (6)(b) ends; or

1839 (ii) (A) 10% of the value of the public service assistance, if the [~~school board office~~]
1840 candidate for the office of elected State Board of Education member reports the public service
1841 assistance within 60 days after the day on which the time period described in Subsection (6)(b)
1842 ends; or

1843 (B) 20% of the amount of the public service assistance, if the [~~school board office~~]
1844 candidate for the office of elected State Board of Education member fails to report the public
1845 service assistance within 60 days after the day on which the time period described in
1846 Subsection (6)(b) ends.

1847 (d) The chief election officer shall:

1848 (i) deposit money received under Subsection (6)(c) into the General Fund; and

1849 (ii) report on the chief election officer's website, in the location where reports relating
1850 to each [~~school board office~~] candidate for the office of elected State Board of Education
1851 member are available for public access:

1852 (A) each fine imposed by the chief election officer against the [~~school board office~~]
1853 candidate for the office of elected State Board of Education member;

1854 (B) the amount of the fine;

1855 (C) the amount of the contribution to which the fine relates; and

1856 (D) the date of the contribution.

1857 (7) Within 30 days after receiving a contribution that is cash or a negotiable
1858 instrument, exceeds \$50, and is from an unknown source, a [~~school board office~~] candidate for
1859 the office of elected State Board of Education member shall disburse the contribution to:

1860 (a) the treasurer of the state or a political subdivision for deposit into the state's or

1861 political subdivision's general fund; or

1862 (b) an organization that is exempt from federal income taxation under Section
1863 501(c)(3), Internal Revenue Code.

1864 (8) (a) As used in this Subsection (8), "account" means an account in a financial
1865 institution:

1866 (i) that is not described in Subsection (1)(a)(i); and

1867 (ii) into which or from which ~~[a person]~~ an individual who, as a candidate for an office,
1868 other than ~~[a school board office]~~ the office of elected State Board of Education member for
1869 which the person files a declaration of candidacy or federal office, or as a holder of an office,
1870 other than ~~[a school board office]~~ the office of elected State Board of Education member for
1871 which the person files a declaration of candidacy or federal office, deposits a contribution or
1872 makes an expenditure.

1873 (b) A ~~[school board office]~~ candidate for the office of elected State Board of Education
1874 member shall include on any financial statement filed in accordance with this part:

1875 (i) a contribution deposited in an account:

1876 (A) since the last campaign finance statement was filed; or

1877 (B) that has not been reported under a statute or ordinance that governs the account; or

1878 (ii) an expenditure made from an account:

1879 (A) since the last campaign finance statement was filed; or

1880 (B) that has not been reported under a statute or ordinance that governs the account.

1881 Section 20. Section **20A-11-1302** is amended to read:

1882 **20A-11-1302. Candidate for the office of elected State Board of Education**
1883 **member -- Financial reporting requirements -- Year-end summary report.**

1884 (1) (a) Each ~~[school board office]~~ candidate for the office of elected State Board of
1885 Education member shall file a summary report by January 10 of the year after the regular
1886 general election year.

1887 (b) In addition to the requirements of Subsection (1)(a), a former ~~[school board office]~~
1888 candidate for the office of elected State Board of Education member that has not filed the
1889 statement of dissolution and final summary report required under Section 20A-11-1304 shall
1890 continue to file a summary report on January 10 of each year.

1891 (2) (a) Each summary report shall include the following information as of December 31

1892 of the previous year:

1893 (i) the net balance of the last financial statement, if any;

1894 (ii) a single figure equal to the total amount of receipts reported on all interim reports,
1895 if any, during the previous year;

1896 (iii) a single figure equal to the total amount of expenditures reported on all interim
1897 reports, if any, filed during the previous year;

1898 (iv) a detailed listing of each receipt, contribution, and public service assistance since
1899 the last summary report that has not been reported in detail on an interim report;

1900 (v) for each nonmonetary contribution:

1901 (A) the fair market value of the contribution with that information provided by the
1902 contributor; and

1903 (B) a specific description of the contribution;

1904 (vi) a detailed listing of each expenditure made since the last summary report that has
1905 not been reported in detail on an interim report;

1906 (vii) for each nonmonetary expenditure, the fair market value of the expenditure;

1907 (viii) a net balance for the year consisting of the net balance from the last summary
1908 report, if any, plus all receipts minus all expenditures; and

1909 (ix) the name of a political action committee for which the [~~school board office~~]
1910 candidate for the office of elected State Board of Education member is designated as an officer
1911 who has primary decision-making authority under Section 20A-11-601.

1912 (b) (i) For all individual contributions or public service assistance of \$50 or less, a
1913 single aggregate figure may be reported without separate detailed listings.

1914 (ii) Two or more contributions from the same source that have an aggregate total of
1915 more than \$50 may not be reported in the aggregate, but shall be reported separately.

1916 (c) In preparing the report, all receipts and expenditures shall be reported as of
1917 December 31 of the previous year.

1918 (d) A check or negotiable instrument received by a [~~school board office~~] candidate for
1919 the office of elected State Board of Education member on or before December 31 of the
1920 previous year shall be included in the summary report.

1921 (3) The [~~school board office~~] candidate for the office of elected State Board of
1922 Education member shall certify in the summary report that, to the best of the [~~school board~~

1923 ~~office]~~ candidate's knowledge, all receipts and all expenditures have been reported as of
 1924 December 31 of the previous year and that there are no bills or obligations outstanding and
 1925 unpaid except as set forth in that report.

1926 Section 21. Section **20A-11-1303** is amended to read:

1927 **20A-11-1303. Candidate and officeholder for the office of elected State Board of**
 1928 **Education member -- Financial reporting requirements -- Interim reports.**

1929 (1) (a) As used in this section, "received" means:

1930 (i) for a cash contribution, that the cash is given to a candidate for the office of elected
 1931 State Board of Education member or a member of the candidate's personal campaign
 1932 committee;

1933 (ii) for a contribution that is a check or other negotiable instrument, that the check or
 1934 other negotiable instrument is negotiated; and

1935 (iii) for any other type of contribution, that any portion of the contribution's benefit
 1936 inures to the candidate for the office of elected State Board of Education member.

1937 (b) As used in this Subsection (1), "campaign account" means a separate campaign
 1938 account required under Subsection 20A-11-1301(1)(a)(i).

1939 ~~(b)~~ (c) Each [school board office] candidate for the office of elected State Board of
 1940 Education member shall file an interim report at the following times in any year in which the
 1941 candidate has filed a declaration of candidacy for a public office:

1942 (i) (A) for a candidate for the office of nonpartisan State Board of Education member,
 1943 May 15; or

1944 (B) for a candidate for the office of partisan State Board of Education member, seven
 1945 days before the candidate's political convention;

1946 (ii) seven days before the regular primary election date;

1947 (iii) September 30; and

1948 (iv) seven days before the regular general election date.

1949 ~~(c)~~ (d) Each [school board office holder] elected State Board of Education
 1950 officeholder who has a campaign account that has not been dissolved under Section

1951 20A-11-1304 shall, in an even year, file an interim report at the following times, regardless of
 1952 whether an election for the school board office holder's office is held that year:

1953 (i) May 15;

- 1954 (ii) seven days before the regular primary election date for that year;
- 1955 (iii) September 30; and
- 1956 (iv) seven days before the regular general election date.
- 1957 (2) Each interim report shall include the following information:
- 1958 (a) the net balance of the last summary report, if any;
- 1959 (b) a single figure equal to the total amount of receipts reported on all prior interim
- 1960 reports, if any, during the calendar year in which the interim report is due;
- 1961 (c) a single figure equal to the total amount of expenditures reported on all prior
- 1962 interim reports, if any, filed during the calendar year in which the interim report is due;
- 1963 (d) a detailed listing of each contribution and public service assistance received since
- 1964 the last summary report that has not been reported in detail on a prior interim report;
- 1965 (e) for each nonmonetary contribution:
- 1966 (i) the fair market value of the contribution with that information provided by the
- 1967 contributor; and
- 1968 (ii) a specific description of the contribution;
- 1969 (f) a detailed listing of each expenditure made since the last summary report that has
- 1970 not been reported in detail on a prior interim report;
- 1971 (g) for each nonmonetary expenditure, the fair market value of the expenditure;
- 1972 (h) a net balance for the year consisting of the net balance from the last summary
- 1973 report, if any, plus all receipts since the last summary report minus all expenditures since the
- 1974 last summary report;
- 1975 (i) a summary page in the form required by the lieutenant governor that identifies:
- 1976 (i) beginning balance;
- 1977 (ii) total contributions during the period since the last statement;
- 1978 (iii) total contributions to date;
- 1979 (iv) total expenditures during the period since the last statement; and
- 1980 (v) total expenditures to date; and
- 1981 (j) the name of a political action committee for which the school board office candidate
- 1982 or school board office holder is designated as an officer who has primary decision-making
- 1983 authority under Section 20A-11-601.
- 1984 (3) (a) For all individual contributions or public service assistance of \$50 or less, a

1985 single aggregate figure may be reported without separate detailed listings.

1986 (b) Two or more contributions from the same source that have an aggregate total of
1987 more than \$50 may not be reported in the aggregate, but shall be reported separately.

1988 (4) (a) In preparing each interim report, all receipts and expenditures shall be reported
1989 as of five days before the required filing date of the report.

1990 (b) Any negotiable instrument or check received by a school board office candidate or
1991 school board office holder more than five days before the required filing date of a report
1992 required by this section shall be included in the interim report.

1993 Section 22. Section **20A-11-1304** is amended to read:

1994 **20A-11-1304. Candidate for office of elected State Board of Education member --**
1995 **Financial reporting requirements -- Termination of duty to report.**

1996 (1) Each [~~school board~~] candidate for the office of elected State Board of Education
1997 member is subject to interim reporting requirements until the candidate withdraws or is
1998 eliminated in a primary.

1999 (2) Each [~~school board office~~] candidate for the office of elected State Board of
2000 Education member is subject to year-end summary reporting requirements until the candidate
2001 has filed a statement of dissolution with the lieutenant governor stating that:

2002 (a) the [~~school board office~~] candidate is no longer receiving contributions and is no
2003 longer making expenditures;

2004 (b) the ending balance on the last summary report filed is zero and the balance in the
2005 separate bank account required in Section 20A-11-1301 is zero; and

2006 (c) a final summary report in the form required by Section 20A-11-1302 showing a
2007 zero balance is attached to the statement of dissolution.

2008 (3) A statement of dissolution and a final summary report may be filed at any time.

2009 (4) Each [~~school board office~~] candidate for the office of elected State Board of
2010 Education member shall continue to file the year-end summary report required by Section
2011 20A-11-1302 until the statement of dissolution and final summary report required by this
2012 section are filed.

2013 Section 23. Section **20A-11-1305** is amended to read:

2014 **20A-11-1305. Candidate for office of elected State Board of Education member --**
2015 **Failure to file statement -- Penalties.**

2016 (1) (a) A ~~[school board office]~~ candidate for the office of elected State Board of
2017 Education member who fails to file a financial statement by the deadline is subject to a fine
2018 imposed in accordance with Section 20A-11-1005.

2019 (b) If a ~~[school board office]~~ candidate for the office of elected State Board of
2020 Education member fails to file an interim report described in Subsections
2021 20A-11-1303(1)~~[(b)(ii) through (iv)]~~, the chief election officer shall, after making a reasonable
2022 attempt to discover if the report was timely filed, inform the county clerk and other appropriate
2023 election officials who:

2024 (i) (A) shall, if practicable, remove the name of the candidate from the ballots before
2025 the ballots are delivered to voters; or

2026 (B) shall, if removing the candidate's name from the ballot is not practicable, inform
2027 the voters by any practicable method that the candidate has been disqualified and that votes
2028 cast for the candidate will not be counted; and

2029 (ii) may not count any votes for that candidate.

2030 (c) Any ~~[school board office]~~ candidate for the office of elected State Board of
2031 Education member who fails to file timely a financial statement required by Subsection
2032 20A-11-1303(1)~~[(b)(ii), (iii), or (iv)]~~(c) is disqualified.

2033 (d) Notwithstanding Subsections (1)(b) and (1)(c), a ~~[school board office]~~ candidate for
2034 the office of elected State Board of Education member is not disqualified and the chief election
2035 officer may not impose a fine if:

2036 (i) the candidate timely files the reports required by this section in accordance with
2037 Section 20A-11-103;

2038 (ii) those reports are completed, detailing accurately and completely the information
2039 required by this part except for inadvertent omissions or insignificant errors or inaccuracies;
2040 and

2041 (iii) those omissions, errors, or inaccuracies described in Subsection (1)(d)(ii) are
2042 corrected in:

2043 (A) an amended report; or

2044 (B) the next scheduled report.

2045 (2) (a) Within 30 days after a deadline for the filing of a summary report by a ~~[school~~
2046 ~~board office]~~ candidate for the office of elected State Board of Education member, the

2047 lieutenant governor shall review each filed summary report to ensure that:

2048 (i) each ~~[school board candidate that]~~ candidate for the office of elected State Board of
2049 Education member who is required to file a summary report has filed one; and

2050 (ii) each summary report contains the information required by this part.

2051 (b) If it appears that a ~~[school board]~~ candidate for the office of elected State Board of
2052 Education member has failed to file the summary report required by law, if it appears that a
2053 filed summary report does not conform to the law, or if the lieutenant governor has received a
2054 written complaint alleging a violation of the law or the falsity of any summary report, the
2055 lieutenant governor shall, within five days of discovery of a violation or receipt of a written
2056 complaint, notify the ~~[school board]~~ candidate of the violation or written complaint and direct
2057 the ~~[school board]~~ candidate to file a summary report correcting the problem.

2058 (c) (i) It is unlawful for a ~~[school board]~~ candidate for the office of elected State Board
2059 of Education member to fail to file or amend a summary report within seven days after
2060 receiving notice from the lieutenant governor under this section.

2061 (ii) Each ~~[school board]~~ candidate for the office of elected State Board of Education
2062 member who violates Subsection (2)(c)(i) is guilty of a class B misdemeanor.

2063 (iii) The lieutenant governor shall report all violations of Subsection (2)(c)(i) to the
2064 attorney general.

2065 (iv) In addition to the criminal penalty described in Subsection (2)(c)(ii), the lieutenant
2066 governor shall impose a civil fine of \$100 against a ~~[school board]~~ candidate for the office of
2067 elected State Board of Education member who violates Subsection (2)(c)(i).

2068 Section 24. Section **20A-14-101.1** is amended to read:

2069 **CHAPTER 14. ELECTION OF STATE BOARD OF EDUCATION AND**
2070 **LOCAL SCHOOL BOARDS**

2071 **20A-14-101.1. Title -- Definitions.**

2072 (1) This chapter is known as "Election of State Board of Education and Local School
2073 Boards."

2074 (2) As used in this part ~~[(1) "Board"],~~ "board" means the State Board of Education.

2075 ~~[(2) "Board block assignment file" means the electronic file that assigns each of Utah's~~
2076 ~~115,406 census blocks to a particular State Board of Education district.]~~

2077 ~~[(3) "Board shapefile" means the electronic shapefile that stores the boundary of each~~

2078 of the ~~15 State Board of Education districts.]~~

2079 ~~[(4) "Census block" means any one of the 115, 406 individual geographic areas into~~
2080 ~~which the Bureau of the Census of the United States Department of Commerce has divided the~~
2081 ~~state of Utah, to each of which the Bureau of the Census has attached a discrete population~~
2082 ~~tabulation from the 2010 decennial census.]~~

2083 ~~[(5) "Shapefile" means the digital vector storage format for storing geometric location~~
2084 ~~and associated attribute information.]~~

2085 Section 25. Section **20A-14-103** is amended to read:

2086 **20A-14-103. State Board of Education members -- State Board of Education**
2087 **districts established -- Qualifications -- Avoiding conflicts of interest.**

2088 ~~[(1) (a) Unless otherwise provided by law, each State Board of Education member~~
2089 ~~elected from a State Board of Education District at the 2010 general election shall:]~~

2090 ~~[(i) serve out the term of office for which that member was elected; and]~~

2091 ~~[(ii) represent the realigned district if the member resides in that district.]~~

2092 ~~[(b) At the general election to be held in 2012, a State Board of Education member~~
2093 ~~elected from State Board of Education Districts 4, 7, 8, 10, 11, 12, 13, and 15 shall be elected~~
2094 ~~to serve a term of office of four years.]~~

2095 ~~[(c) In order to ensure that the terms of approximately half of the State Board of~~
2096 ~~Education members expire every two years:]~~

2097 ~~[(i) at the general election to be held in 2012, the State Board of Education member~~
2098 ~~elected from State Board of Education District 1 shall be elected to serve a term of office of~~
2099 ~~two years; and]~~

2100 ~~[(ii) at the general election to be held in 2014, the State Board of Education member~~
2101 ~~elected from State Board of Education District 1 shall be elected to serve a term of office of~~
2102 ~~four years.]~~

2103 (1) The term of office, for each individual elected or appointed to the office of State
2104 Board of Education member before the 2018 general election, ends on December 31, 2018.

2105 (2) There are four State Board of Education districts, as follows:

2106 (a) State Board of Education District 1 is the same as the first congressional district;

2107 (b) State Board of Education District 2 is the same as the second congressional district;

2108 (c) State Board of Education District 3 is the same as the third congressional district;

2109 and

2110 (d) State Board of Education District 4 is the same as the fourth congressional district;

2111 (3) The State Board of Education is composed of 13 members, as described in Section

2112 53A-1-201.

2113 ~~(2)~~ (4) (a) A person seeking election to the State Board of Education shall have been
2114 a resident of the State Board of Education district in which the person is seeking election for at
2115 least one year as of the date of the election.

2116 (b) A person who has resided within the State Board of Education district, as the
2117 boundaries of the district exist on the date of the election, for one year immediately preceding
2118 the date of the election shall be considered to have met the requirements of this Subsection (2).

2119 ~~(3)~~ (5) A State Board of Education member shall:

2120 (a) be and remain a registered voter in the State Board of Education district from which
2121 the member was elected or appointed; and

2122 (b) maintain the member's primary residence within the State Board of Education
2123 district from which the member was elected or appointed during the member's term of office.

2124 ~~(4)~~ (6) A State Board of Education member may not, during the member's term of
2125 office, also serve as an employee of:

2126 (a) the State Board of Education;

2127 (b) the Utah State Office of Education; or

2128 (c) the Utah State Office of Rehabilitation.

2129 (7) The provisions of Section 20A-9-403 do not apply to the election of a nonpartisan

2130 State Board of Education member. The election of a nonpartisan State Board of Education

2131 member is governed by this chapter.

2132 Section 26. Section **20A-14-104** is amended to read:

2133 **20A-14-104. Becoming a candidate for the office of nonpartisan State Board of**
2134 **Education member.**

2135 (1) ~~[(a) Persons interested in becoming]~~ An individual who desires to be a candidate
2136 for the office of nonpartisan State Board of Education member shall:

2137 (a) file a declaration of candidacy [according to] in person with the filing officer:

2138 (i) on or after January 1 of the regular general election year and before the individual

2139 circulates a nomination petition described in Section 20A-14-104.5; and

2140 (ii) in accordance with the procedures and requirements of Sections 20A-9-201 and
2141 20A-9-202[-]; and

2142 ~~[(b) By May 1 of the year in which a State Board of Education member's term expires;~~
2143 ~~the lieutenant governor shall submit the name of each person who has filed a declaration of~~
2144 ~~candidacy for the State Board of Education to the nominating and recruiting committee for the~~
2145 ~~State Board of Education.]~~

2146 (b) pay the filing fee.

2147 ~~[(2) By November 1 of the year preceding each regular general election year, a~~
2148 ~~nominating and recruiting committee consisting of 12 members, each to serve a two-year term,~~
2149 ~~shall be appointed by the governor as follows:]~~

2150 ~~[(a) one member shall be appointed to represent each of the following business and~~
2151 ~~industry sectors:]~~

2152 ~~[(i) manufacturing and mining;]~~

2153 ~~[(ii) transportation and public utilities;]~~

2154 ~~[(iii) service, trade, and information technology;]~~

2155 ~~[(iv) finance, insurance, and real estate;]~~

2156 ~~[(v) construction; and]~~

2157 ~~[(vi) agriculture; and]~~

2158 ~~[(b) one member shall be appointed to represent each of the following education~~
2159 ~~sectors:]~~

2160 ~~[(i) teachers;]~~

2161 ~~[(ii) school administrators;]~~

2162 ~~[(iii) parents;]~~

2163 ~~[(iv) local school board members;]~~

2164 ~~[(v) charter schools; and]~~

2165 ~~[(vi) higher education.]~~

2166 ~~[(3) (a) The members appointed under Subsections (2)(a)(i) through (vi) and (2)(b)(i)~~
2167 ~~through (vi) shall be appointed from lists containing at least two names submitted by~~
2168 ~~organizations representing each of the respective sectors.]~~

2169 ~~[(b) At least one member of the nominating and recruiting committee shall reside~~
2170 ~~within each state board district in which a member's term expires during the committee's~~

2171 ~~two-year term of office.]~~

2172 ~~[(4)(a) The members shall elect one member to serve as chair for the committee.]~~

2173 ~~[(b) The chair, or another member of the committee designated by the chair, shall~~

2174 ~~schedule and convene all committee meetings.]~~

2175 ~~[(c) Any formal action by the committee requires the approval of a majority of~~

2176 ~~committee members.]~~

2177 ~~[(d) Members of the nominating and recruiting committee shall serve without~~

2178 ~~compensation, but they may be reimbursed for expenses incurred in the performance of their~~

2179 ~~official duties as established by the Division of Finance.]~~

2180 ~~[(5) The nominating and recruiting committee shall:]~~

2181 ~~[(a) recruit potential candidates for membership on the State Board of Education prior~~

2182 ~~to the deadline to file a declaration of candidacy;]~~

2183 ~~[(b) prepare a list of candidates for membership on the State Board of Education for~~

2184 ~~each state board district subject to election in that year using the qualifications under~~

2185 ~~Subsection (6);]~~

2186 ~~[(c) submit a list of at least three candidates for each state board position to the~~

2187 ~~governor by July 1; and]~~

2188 ~~[(d) ensure that the list includes appropriate background information on each~~

2189 ~~candidate.]~~

2190 ~~[(6) The nominating committee shall select a broad variety of candidates who possess~~

2191 ~~outstanding professional qualifications relating to the powers and duties of the State Board of~~

2192 ~~Education, including experience in the following areas:]~~

2193 ~~[(a) business and industry administration;]~~

2194 ~~[(b) business and industry human resource management;]~~

2195 ~~[(c) business and industry finance;]~~

2196 ~~[(d) business and industry, including expertise in:]~~

2197 ~~[(i) metrics and evaluation;]~~

2198 ~~[(ii) manufacturing;]~~

2199 ~~[(iii) retailing;]~~

2200 ~~[(iv) natural resources;]~~

2201 ~~[(v) information technology;]~~

- 2202 ~~[(vi) construction;]~~
2203 ~~[(vii) banking;]~~
2204 ~~[(viii) science and engineering; and]~~
2205 ~~[(ix) medical and healthcare;]~~
2206 ~~[(e) higher education administration;]~~
2207 ~~[(f) applied technology education;]~~
2208 ~~[(g) public education administration;]~~
2209 ~~[(h) public education instruction;]~~
2210 ~~[(i) economic development;]~~
2211 ~~[(j) labor; and]~~
2212 ~~[(k) other life experiences that would benefit the State Board of Education.]~~

2213 (2) (a) Each county clerk who receives a declaration of candidacy described in this
2214 section from a candidate for multicounty office shall transmit the filing fee and a copy of the
2215 candidate's declaration of candidacy to the lieutenant governor within one working day after the
2216 day on which the candidate files the declaration of candidacy.

2217 (b) Each day during the filing period, each county clerk shall notify the lieutenant
2218 governor electronically or by telephone of candidates who have filed a declaration of candidacy
2219 described in this section in the county clerk's office.

2220 (3) (a) A declaration of candidacy filed under this section is valid unless an individual
2221 files a written objection with the clerk or lieutenant governor within five days after the day of
2222 the deadline for filing a declaration of candidacy.

2223 (b) If an individual files an objection, the clerk or lieutenant governor shall:

2224 (i) immediately mail or personally deliver notice of the objection to the affected
2225 candidate; and

2226 (ii) decide any objection within 48 hours after the objection is filed.

2227 (c) If the clerk or lieutenant governor sustains the objection, the candidate may, if
2228 possible, cure the problem by amending the declaration or nomination petition, or by filing a
2229 new declaration, within three days after the day on which the objection is sustained.

2230 (d) (i) The clerk's or lieutenant governor's decision upon objections to form is final.

2231 (ii) The clerk's or lieutenant governor's decision upon substantive matters is reviewable
2232 by a district court if prompt application is made to the court.

2233 (iii) The decision of the district court is final unless the Supreme Court, in the exercise
2234 of discretion, agrees to review the lower court decision.

2235 (4) A candidate may withdraw as a candidate by filing a written affidavit with the
2236 clerk.

2237 (5) Notwithstanding Subsection (1)(a), and subject to Subsection 20A-9-201(12)(b), an
2238 individual may designate an agent to file the form described in Subsection 20A-9-201(12) in
2239 person with the filing officer if:

2240 (a) the individual is located outside the state during the filing period because:

2241 (i) of employment with the state or the United States; or

2242 (ii) the individual is a member of:

2243 (A) the active or reserve components of the Army, Navy, Air Force, Marine Corps, or
2244 Coast Guard of the United States, and is on active duty;

2245 (B) the Merchant Marine, the commissioned corps of the Public Health Service, or the
2246 commissioned corps of the National Oceanic and Atmospheric Administration of the United
2247 States; or

2248 (C) the National Guard and is on activated status;

2249 (b) the individual communicates with the filing officer using an electronic device that
2250 allows the individual and the filing officer to see and hear each other; and

2251 (c) the individual provides the filing officer with an email address to which the filing
2252 officer may send the copies described in Subsection 20A-9-201(9).

2253 Section 27. Section **20A-14-104.5** is enacted to read:

2254 **20A-14-104.5. Signature-gathering process for office of nonpartisan State Board**
2255 **of Education member -- Verification of signatures -- Placement on ballot.**

2256 (1) A candidate who is seeking placement on the ballot for the office nonpartisan State
2257 Board of Education member shall, after complying with the requirements of Subsection
2258 20A-14-104(1):

2259 (a) during the period beginning on January 1 of an even-numbered year and ending at 5
2260 p.m. on the last business day in March, collect signatures of at least 2,000 registered voters
2261 who reside in the same State Board of Education district as the candidate;

2262 (b) collect the signatures described in Subsection (1)(a) on a nomination petition form
2263 created by the lieutenant governor's office, in accordance with, and subject to, the same

2264 circulation and verification requirements described in Sections 20A-7-204 and 20A-7-205; and
2265 (c) submit the signatures described in Subsection (1)(a) to the election officer no later
2266 than 5 p.m. on the last business day in March.

2267 (2) Upon timely receipt of the signatures described in this section, the election officer
2268 shall, no later than fourteen days after the day on which the election officer receives the
2269 signatures:

2270 (a) check the name of each individual who completes the verification for a signature
2271 packet to determine whether each individual is a resident of Utah and is at least 18 years old;

2272 (b) submit the name of each individual described in Subsection (2)(a) who is not a
2273 Utah resident or who is not at least 18 years old to the attorney general and the county attorney;

2274 (c) determine whether each signer is a registered voter who is qualified to sign the
2275 nomination petition form, using the same method described in Section 20A-7-206.3 to verify a
2276 signature on a petition;

2277 (d) certify whether each name is the name of a registered voter who is qualified to sign
2278 the signature packet; and

2279 (e) certify the candidate for placement on the ballot if the election officer determines
2280 that the candidate:

2281 (i) has complied with the requirements of this section and Section 20A-14-104; and

2282 (ii) obtained the signatures described in Subsection (1)(a).

2283 (3) (a) If more than two candidates for the office of nonpartisan State Board of
2284 Education member qualify to be placed on the ballot for one State Board of Education District,
2285 the election officer shall certify the candidates for placement on the regular primary election
2286 ballot.

2287 (b) The election officer shall place the names of the two candidates for the office of
2288 nonpartisan State Board of Education member who receive the highest number of votes in a
2289 primary election for a State Board of Education District on the general election ballot.

2290 (c) If only one or two candidates for the office of nonpartisan State Board of Education
2291 member qualify to be placed on the ballot for one State Board of Education District, the
2292 election officer:

2293 (i) shall certify the name of each candidate for placement on the regular general
2294 election ballot; and

2295 (ii) may not place the name of a candidate described in Subsection (3)(c)(i) on the
2296 primary election ballot.

2297 Section 28. Section **53A-1-201** is amended to read:

2298 **53A-1-201. State Board of Education members -- Election and appointment of**
2299 **officers -- Removal from office.**

2300 ~~[(1) Members of the State Board of Education shall be nominated and elected as~~
2301 ~~provided in Title 20A, Chapter 14, Nomination and Election of State and Local School~~
2302 ~~Boards.]~~

2303 (1) The State Board of Education is composed of 13 members, as follows:

2304 (a) four members shall be elected in a nonpartisan election, one from each
2305 congressional district, in accordance with Title 20A, Chapter 14, Nomination and Election of
2306 State and Local School Boards;

2307 (b) four members shall be elected in a partisan election, one from each congressional
2308 district; and

2309 (c) five nonpartisan, at-large members shall be appointed by the governor, with the
2310 consent of the senate.

2311 (2) An individual who has been convicted of a grievous sexual offense, as defined in
2312 Section 76-1-601, against a child, may not hold the office of State Board of Education member.

2313 (3) In appointing the at-large members of the State Board of Education, the governor:

2314 (a) may not appoint an individual who is a resident of the same county as any other
2315 at-large member of the State Board of Education;

2316 (b) may not appoint an at-large member who is a resident of a county of the first,
2317 second, or third class, if less than three members of the State Board of Education are residents
2318 of a county of the fourth, fifth, or sixth class; and

2319 (c) may not appoint an individual to serve more than two consecutive terms.

2320 (4) (a) Four partisan State Board of Education members and four nonpartisan State
2321 Board of Education members shall be elected in the 2018 general election for terms beginning
2322 on January 1, 2019.

2323 (b) The following partisan State Board of Education members elected in the 2018
2324 general election shall serve initial terms of two years:

2325 (i) State Board of Education District one; and

2326 (ii) State Board of Education District two.

2327 (c) In the 2020 general election, and every four years after the 2020 general election,
2328 the State Board of Education members described in Subsection (4)(b) shall be elected to
2329 four-year terms.

2330 (d) The following partisan State Board of Education members elected in the 2018
2331 general election shall serve initial terms of four years, and shall be elected every four years
2332 after the 2018 general election to four-year terms:

2333 (i) State Board of Education District three; and

2334 (ii) State Board of Education District four.

2335 (e) The following nonpartisan State Board of Education members elected in the 2018
2336 general election shall serve initial terms of two years:

2337 (i) State Board of Education District three; and

2338 (ii) State Board of Education District four.

2339 (f) In the 2020 general election, and every four years after the 2020 general election,
2340 the State Board of Education members described in Subsection (4)(e) shall be elected to
2341 four-year terms.

2342 (g) The following nonpartisan State Board of Education members elected in the 2018
2343 general election shall serve initial terms of four years, and shall be elected every four years
2344 after the 2018 general election to four-year terms:

2345 (i) State Board of Education District one; and

2346 (ii) State Board of Education District two.

2347 (h) The governor shall appoint three of the State Board of Education members
2348 described in Subsection (1)(c) to serve initial terms of two years and two of the State Board of
2349 Education members described in Subsection (1)(c) to serve initial terms of four years.

2350 (i) Following the initial terms described in Subsection (4)(h), the governor shall
2351 appoint State Board of Education members described in Subsection (1)(c) to four-year terms.

2352 ~~[(2)]~~ (5) The State Board of Education shall elect from its members a chair, and at least
2353 one vice chair, but no more than three vice chairs, each year at a meeting held any time
2354 between November 15 and January 15.

2355 ~~[(3)]~~ (6) (a) If the election of officers is held subsequent to the election or the
2356 appointment and consent of a new member of the board, but prior to the time that the new

2357 member takes office, the new member shall assume the position of the outgoing member for
2358 purposes of the election of officers.

2359 (b) In all other matters the outgoing member shall retain the full authority of the office
2360 until replaced as provided by law.

2361 ~~[(4)] (7)~~ The ~~[duties of these officers shall be determined by the]~~ board shall determine
2362 the duties of the officers described in Subsection (5).

2363 ~~[(5)] (8)~~ The board shall appoint a secretary who serves at the pleasure of the board.

2364 ~~[(6)] (9)~~ An officer appointed or elected by the board under this section may be
2365 removed from office for cause by a vote of two-thirds of the board.

2366 Section 29. Section **63I-1-220** is amended to read:

2367 **63I-1-220. Repeal dates, Title 20A.**

2368 On January 1, 2017:

2369 (1) Subsection 20A-1-102~~[(54)](57)~~ is repealed.

2370 (2) Subsection 20A-2-102.5(1) the language that states "20A-4-108, or" is repealed.

2371 (3) Subsection 20A-2-201(3) the language that states "Except as provided in
2372 Subsection 20A-4-108(5)," is repealed.

2373 (4) Subsection 20A-2-202(3)(a) the language that states "Except as provided in
2374 Subsection 20A-4-108(6)," is repealed.

2375 (5) Subsection 20A-2-204(5)(a) the language that states "Except as provided in
2376 Subsection 20A-4-108(7)," is repealed.

2377 (6) Subsection 20A-2-205(7)(a) the language that states "Except as provided in
2378 Subsection 20A-4-108(8)," is repealed.

2379 (7) Subsection 20A-2-206(8)(b) the language that states "Except as provided in
2380 Subsection 20A-4-108(9)," is repealed.

2381 (8) Subsection 20A-2-307(2)(a) is repealed.

2382 (9) Subsection 20A-4-107(2)(b) the language that states "Except as provided in
2383 Subsection 20A-4-108(10)," is repealed.

2384 (10) Subsection 20A-4-107(3) the language that states "or if the voter is, in accordance
2385 with the pilot project, registered to vote under Subsection 20A-4-108(10)," is repealed.

2386 (11) Subsection 20A-4-107(4) the language that states "Except as provided in
2387 Subsection 20A-4-108(12)," is repealed.

2388 (12) Section 20A-4-108 is repealed.

2389 Section 30. **Repealer.**

2390 This bill repeals:

2391 Section **20A-14-102, State Board of Education districts.**

2392 Section **20A-14-102.1, Omissions from maps -- How resolved.**

2393 Section **20A-14-102.2, Uncertain boundaries -- How resolved.**

2394 Section **20A-14-102.3, County clerk, Automated Geographic Reference Center,
2395 and lieutenant governor responsibilities -- Maps and voting precinct boundaries.**

2396 Section **20A-14-105, Becoming a candidate for membership on the State Board of
2397 Education -- Selection of candidates by the governor -- Ballot placement.**

2398 Section **20A-14-106, Vacancies on the State Board of Education.**

2399 Section 31. **Effective date.**

2400 This bill takes effect on January 1, 2017, if the amendment to the Utah Constitution
2401 proposed by S.J.R. _____, Proposal to Amend Utah Constitution -- _____, 2016 General
2402 Session, passes the Legislature and is approved by a majority of those voting on the
2403 amendment at the next regular general election.