



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

29 Section 1. Section **20A-14-104** is amended to read:

30 **20A-14-104. Becoming a candidate for membership on the State Board of**  
31 **Education -- Nominating and recruiting committees -- Membership -- Procedure --**  
32 **Duties.**

33 (1) (a) Persons interested in becoming a candidate for the State Board of Education  
34 shall file a declaration of candidacy according to the procedures and requirements of Sections  
35 20A-9-201 and 20A-9-202.

36 (b) By May 1 of the year in which a State Board of Education member's term expires,  
37 the lieutenant governor shall submit the name of each person who has filed a declaration of  
38 candidacy for the State Board of Education to the nominating and recruiting committee for the  
39 State Board of Education district in which the candidate resides.

40 [~~(2) (a) By November 1 of 2003 and every four years thereafter, a nominating and~~  
41 ~~recruiting committee consisting of 11 members, each to serve a four-year term, shall be~~  
42 ~~appointed as follows:]~~

43 [~~(i) one member appointed by the governing board of the Utah Farm Bureau;]~~

44 [~~(ii) one member appointed by the governing board of the Utah Manufacturer's~~  
45 ~~Association;]~~

46 [~~(iii) one member appointed by the governing board of the Utah Taxpayers~~  
47 ~~Association;]~~

48 [~~(iv) one member appointed by the governing board of the Utah State Chamber of~~  
49 ~~Commerce;]~~

50 [~~(v) one member jointly appointed by the governing boards of the Utah Food Industry~~  
51 ~~Association and Utah Retail Merchants Association;]~~

52 [~~(vi) one member appointed by the governing board of the American Federation of~~  
53 ~~Teachers/Utah;]~~

54 [~~(vii) one member appointed by the governing board of the Utah Education~~  
55 ~~Association;]~~

56 [~~(viii) one member appointed by the governing board of the Utah Parent Teacher~~  
57 ~~Association;]~~

58 [~~(ix) one member appointed by the governing board of the Utah School Boards~~

59 Association;]

60 [~~(x) one member appointed by the governing board of the Utah School Superintendents~~  
61 Association; and]

62 [~~(xi) one at large member appointed by the governor.~~]

63 (2) (a) A nominating and recruiting committee for each state board district shall consist  
64 of the local school board members who reside within the state board district.

65 (b) The members shall elect one member to serve as chair for the committee.

66 (3) (a) The chair, or another member of the committee designated by the chair, ~~shall~~

66a **MAY** ~~h~~

67 schedule and convene all committee meetings.

68 (b) ~~h~~ ~~(i) h~~ Any formal action by the committee requires the approval of a majority of  
69 committee members.

69a **h (ii) TO MEET THE REQUIREMENTS UNDER THIS SECTION, THE CHAIR MAY ESTABLISH AN**  
69b **ELECTION PROCESS TO SELECT CANDIDATES, INCLUDING SENDING CANDIDATE INFORMATION**  
69c **AND BALLOTS TO COMMITTEE MEMBERS, IN LIEU OF CONVENING A MEETING OF COMMITTEE**  
69d **MEMBERS. h**

70 (c) Members of the nominating and recruiting committee shall serve without  
71 compensation, but they may be reimbursed for expenses incurred in the performance of their  
72 official duties as established by the Division of Finance.

73 (4) ~~The~~ Each nominating and recruiting committee shall:

74 (a) recruit potential candidates for membership on the State Board of Education prior  
75 to the deadline to file a declaration of candidacy;

76 [~~(b) prepare a list of candidates for membership on the State Board of Education for~~  
77 ~~each state board district subject to election in that year using the qualifications under~~  
78 ~~Subsection (5);]~~

79 [~~(c) submit a list of at least three candidates for each state board position to the~~  
80 ~~governor by July 1; and]~~

81 [~~(d) ensure that the list includes appropriate background information on each~~  
82 ~~candidate.]~~

83 (b) by August 1 of each regular general election year when its state board district is  
84 subject to election in that year, select two candidates for the State Board of Education from the  
85 names of those who filed a declaration of candidacy for its district; and

86 (c) certify the names of the two candidates from its school board district to the  
87 lieutenant governor.

88 (5) ~~The~~ Each nominating committee shall select ~~a broad variety of~~ candidates who  
89 possess outstanding professional qualifications relating to the powers and duties of the State

90 Board of Education[, including experience in the following areas:].

91 [~~(a) business and industry administration;~~]

92 [~~(b) business and industry human resource management;~~]

93 [~~(c) business and industry finance;~~]

94 [~~(d) business and industry, including expertise in:~~]

95 [~~(i) metrics and evaluation;~~]

96 [~~(ii) manufacturing;~~]

97 [~~(iii) retailing;~~]

98 [~~(iv) natural resources;~~]

99 [~~(v) information technology;~~]

100 [~~(vi) construction;~~]

101 [~~(vii) banking;~~]

102 [~~(viii) science and engineering; and]~~

103 [~~(ix) medical and healthcare;~~]

104 [~~(e) higher education administration;~~]

105 [~~(f) applied technology education;~~]

106 [~~(g) public education administration;~~]

107 [~~(h) public education instruction;~~]

108 [~~(i) economic development;~~]

109 [~~(j) labor; and]~~

110 [~~(k) other life experiences that would benefit the State Board of Education.~~]

111 Section 2. Section **20A-14-105** is amended to read:

112 **20A-14-105. Becoming a candidate for membership on the State Board of**

113 **Education -- Selection of candidates by the governor -- Ballot placement.**

114 [~~(1) By August 1 of each regular general election year, the governor shall:~~]

115 [~~(a) for each state board district subject to election in that year, select two candidates~~  
116 ~~for the State Board of Education from the lists submitted by the state board district nominating~~  
117 ~~and recruiting committee; and]~~

118 [~~(b) certify the names of the two candidates from each school board district to the~~  
119 ~~lieutenant governor.]~~

120 [~~(2)~~] (1) If [~~the governor~~] a nominating and recruiting committee fails to select two

121 candidates for a state board district by [~~September 1, the nominating and recruiting committee~~  
122 ~~shall~~] August 1 as provided in Section 20A-14-104, the governor shall:

123 (a) select the two candidates; and

124 (b) notify the lieutenant governor of its selections by September 15.

125 [~~(3)~~] (2) The lieutenant governor shall:

126 (a) conduct a lottery to determine the order of the candidates' names on the ballot; and

127 (b) certify the names and order of the names to the county clerks for placement on the  
128 nonpartisan section of the ballot.

---

---

**Legislative Review Note**

as of 1-14-04 10:06 AM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**

---

---

**Fiscal Note**  
**Bill Number HB0084**

State School Board Candidates

26-Jan-04

10:24 AM

---

---

**State Impact**

No fiscal impact.

---

**Individual and Business Impact**

No fiscal impact.

---

Office of the Legislative Fiscal Analyst