

Senator Ann Millner proposes the following substitute bill:

STATE SCHOOL BOARD MEMBERSHIP AND ELECTION

AMENDMENTS

2015 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Francis D. Gibson

Senate Sponsor: Evan J. Vickers

LONG TITLE

General Description:

This bill provides for partisan election of the members of the State Board of Education and provides for appointment of the members of the State Board of Education if the voters pass a constitutional amendment permitting appointment.

Highlighted Provisions:

This bill:

- ▶ provides for partisan election of the members of the State Board of Education and provides for appointment of the members of the State Board of Education if the voters pass a constitutional amendment permitting appointment;
- ▶ removes the nonvoting members from the State Board of Education;
- ▶ increases the compensation of members of the State Board of Education;
- ▶ modifies the reporting requirements of state board office candidates and officeholders;
- ▶ reverses the modifications described in the preceding paragraph if the voters pass a constitutional amendment permitting appointment of members of the State Board of Education;
- ▶ repeals provisions relating to election of state school board members if the



26 Legislature or the voters do not pass the constitutional amendment described in the preceding
27 paragraph; and

28 ▶ makes technical and conforming changes.

29 **Money Appropriated in this Bill:**

30 None

31 **Other Special Clauses:**

32 This bill provides substantive revisor instructions.

33 This bill provides coordination clauses.

34 **Utah Code Sections Affected:**

35 AMENDS:

36 **20A-1-504**, as last amended by Laws of Utah 2010, Chapter 197

37 **20A-9-408**, as enacted by Laws of Utah 2014, Chapter 17

38 **20A-11-403**, as last amended by Laws of Utah 2013, Chapter 420

39 **20A-11-1301**, as last amended by Laws of Utah 2014, Chapters 335 and 337

40 **20A-11-1303**, as last amended by Laws of Utah 2014, Chapter 337

41 **20A-11-1305**, as last amended by Laws of Utah 2014, Chapter 337

42 **20A-14-103**, as last amended by Laws of Utah 2011, Third Special Session, Chapter 3

43 **20A-14-104**, as last amended by Laws of Utah 2004, Chapter 19

44 **53A-1-101**, as last amended by Laws of Utah 2010, Chapter 162

45 **53A-1-202**, as last amended by Laws of Utah 2010, Chapter 286

46 **63I-2-220**, as last amended by Laws of Utah 2014, Chapter 3

47 REPEALS:

48 **20A-14-105**, as last amended by Laws of Utah 2011, Chapters 292, 327, 335 and last
49 amended by Coordination Clause, Laws of Utah 2011, Chapter 327

50 **Utah Code Sections Affected by Revisor Instructions:**

51 **20A-1-201**, as last amended by Laws of Utah 2014, Chapter 362

52 **20A-1-201.5**, as last amended by Laws of Utah 2013, Chapter 320

53 **20A-1-504**, as last amended by Laws of Utah 2010, Chapter 197

54 **20A-1-507**, as enacted by Laws of Utah 1993, Chapter 1

55 **20A-2-101.5**, as last amended by Laws of Utah 2013, Chapter 263

56 **20A-9-201**, as last amended by Laws of Utah 2014, Chapter 17

- 57 **20A-9-408**, as enacted by Laws of Utah 2014, Chapter 17
- 58 **20A-11-101**, as last amended by Laws of Utah 2014, Chapters 18, 158, and 337
- 59 **20A-11-402**, as last amended by Laws of Utah 2013, Chapter 320
- 60 **20A-11-403**, as last amended by Laws of Utah 2013, Chapter 420
- 61 **20A-11-1301**, as last amended by Laws of Utah 2014, Chapters 335 and 337
- 62 **20A-11-1302**, as last amended by Laws of Utah 2011, Chapter 347
- 63 **20A-11-1303**, as last amended by Laws of Utah 2014, Chapter 337
- 64 **20A-11-1304**, as enacted by Laws of Utah 1997, Chapter 355
- 65 **20A-11-1305**, as last amended by Laws of Utah 2014, Chapter 337
- 66 **20A-11-1603**, as last amended by Laws of Utah 2014, Chapter 18
- 67 **20A-14-101.1**, as last amended by Laws of Utah 2013, Chapter 455
- 68 **20A-14-101.5**, as last amended by Laws of Utah 2013, Chapter 455
- 69 **20A-14-102**, as last amended by Laws of Utah 2013, Chapter 455
- 70 **20A-14-102.1**, as last amended by Laws of Utah 2013, Chapter 455
- 71 **20A-14-102.2**, as last amended by Laws of Utah 2013, Chapter 455
- 72 **20A-14-102.3**, as last amended by Laws of Utah 2013, Chapter 455
- 73 **20A-14-103**, as last amended by Laws of Utah 2011, Third Special Session, Chapter 3
- 74 **20A-14-104**, as last amended by Laws of Utah 2004, Chapter 19
- 75 **20A-14-106**, as enacted by Laws of Utah 1995, Chapter 1
- 76 **53A-1-101**, as last amended by Laws of Utah 2010, Chapter 162
- 77 **53A-1-109**, Utah Code Annotated 1953
- 78 **53A-1-201**, as last amended by Laws of Utah 2013, Chapter 111
- 79 **53A-1-301**, as last amended by Laws of Utah 2012, Chapter 425



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

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

83 **20A-1-504. Midterm vacancies in the offices of attorney general, state treasurer,**
84 **state auditor, and lieutenant governor.**

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

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

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

94 (3) For a State Board of Education vacancy, if the individual who is being replaced is
95 not a member of a political party, the governor shall fill the vacancy, with the consent of the
96 Senate, by selecting an individual who meets the qualifications and residency requirements for
97 filling the vacancy.

98 Section 2. Section 20A-9-408 is amended to read:

99 **20A-9-408. Signature-gathering nomination process for qualified political party.**

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

103 (2) Notwithstanding Subsection 20A-9-201(4)(a), the form of the declaration of
104 candidacy for a member of a qualified political party who is nominated by, or who is seeking
105 the nomination of, the qualified political party under this section shall be substantially as
106 follows:

107 "State of Utah, County of ____

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

116 _____
117 _____.

118 Subscribed and sworn before me this _____(month\day\year). Notary Public (or

119 other officer qualified to administer oath)."

120 (3) Notwithstanding Subsection 20A-9-202(1)(a), and except as provided in Subsection
121 20A-9-202(4), a member of a qualified political party who, under this section, is seeking the
122 nomination of the qualified political party for an elective office that is to be filled at the next
123 general election shall:

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

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

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

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

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

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

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

138 (c) pay the filing fee.

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

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

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

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

- 150 (iii) the office for which the member is seeking to become a candidate;
- 151 (iv) the address and telephone number of the member; and
- 152 (v) other information required by the lieutenant governor;
- 153 (b) file a declaration of candidacy, in person, with the filing officer on or after the
- 154 second Friday in March and before 5 p.m. on the third Thursday in March before the next
- 155 regular general election; and
- 156 (c) pay the filing fee.
- 157 (5) Notwithstanding Subsection [20A-9-202\(3\)\(a\)\(iii\)](#), a lieutenant governor candidate
- 158 who files as the joint-ticket running mate of an individual who is nominated by a qualified
- 159 political party, under this section, for the office of governor shall submit a letter from the
- 160 candidate for governor that names the lieutenant governor candidate as a joint-ticket running
- 161 mate.
- 162 (6) The lieutenant governor shall ensure that the certification described in Subsection
- 163 [20A-9-701\(1\)](#) also includes the name of each candidate nominated by a qualified political party
- 164 under this section.
- 165 (7) Notwithstanding Subsection [20A-9-701\(2\)](#), the ballot shall, for each candidate who
- 166 is nominated by a qualified political party under this section, designate the qualified political
- 167 party that nominated the candidate.
- 168 (8) A member of a qualified political party may seek the nomination of the qualified
- 169 political party for an elective office by:
- 170 (a) complying with the requirements described in this section; and
- 171 (b) collecting signatures, on a form approved by the lieutenant governor's office, during
- 172 the period beginning on January 1 of an even-numbered year and ending 14 days before the day
- 173 on which the qualified political party's convention for the office is held, in the following
- 174 amounts:
- 175 (i) for a statewide race, 28,000 signatures of registered voters in the state who are
- 176 permitted by the qualified political party to vote for the qualified political party's candidates in
- 177 a primary election;
- 178 (ii) for a congressional district race, 7,000 signatures of registered voters who are
- 179 residents of the congressional district and are permitted by the qualified political party to vote
- 180 for the qualified political party's candidates in a primary election;

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

184 (iv) for a state House district race, 1,000 signatures of registered voters who are
185 residents of the state House district and are permitted by the qualified political party to vote for
186 the qualified political party's candidates in a primary election; [~~and~~]

187 (v) for a State Board of Education race, 4,000 signatures of registered voters who are
188 residents of the State Board of Education district and are permitted by the qualified political
189 party to vote for the qualified political party's candidates in a primary election; and

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

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

196 (i) collect the signatures on a form approved by the lieutenant governor's office, using
197 the same circulation and verification requirements described in Sections 20A-7-304 and
198 20A-7-305; and

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

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

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

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

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

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

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

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

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

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

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

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

232 Section 3. Section 20A-11-403 is amended to read:

233 **20A-11-403. Failure to file -- Penalties.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

279 Section 4. Section **20A-11-1301** is amended to read:

280 **20A-11-1301. School board office candidate -- Campaign finance requirements --**
281 **Candidate as a political action committee officer -- No personal use -- Contribution**
282 **reporting deadline -- Report other accounts.**

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

286 (ii) A school board office candidate may:

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

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

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

293 (i) a personal use expenditure; or

294 (ii) an expenditure prohibited by law.

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

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

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

303 (5) (a) Except as provided in Subsection (5)(b) and Section [20A-11-402](#), a person who
304 is no longer a school board office candidate may not expend or transfer the money in a

305 campaign account in a manner that would cause the former school board office candidate to
306 recognize the money as taxable income under federal tax law.

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

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

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

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

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

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

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

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

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

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

331 (c) Except as provided in Subsection (6)(d), for each contribution or provision of
332 public service assistance that a school board office candidate fails to report within the time
333 period described in Subsection (6)(b), the chief election officer shall impose a fine against the
334 school board office candidate in an amount equal to:

335 (i) the greater of \$50 or 15% of the amount of the contribution; or

336 (ii) the greater of \$50 or 15% of the value of the public service assistance.
337 (d) A fine described in Subsection (6)(c) may not exceed the amount of the
338 contribution or the value of the public service assistance to which the fine relates.
339 (e) The chief election officer shall:
340 (i) deposit money received under Subsection (6)(c) into the General Fund; and
341 (ii) report on the chief election officer's website, in the location where reports relating
342 to each school board office candidate are available for public access:
343 (A) each fine imposed by the chief election officer against the school board office
344 candidate;
345 (B) the amount of the fine;
346 (C) the amount of the contribution to which the fine relates; and
347 (D) the date of the contribution.
348 (7) (a) As used in this Subsection (7), "account" means an account in a financial
349 institution:
350 (i) that is not described in Subsection (1)(a)(i); and
351 (ii) into which or from which a person who, as a candidate for an office, other than a
352 school board office for which the person files a declaration of candidacy or federal office, or as
353 a holder of an office, other than a school board office for which the person files a declaration of
354 candidacy or federal office, deposits a contribution or makes an expenditure.
355 (b) A school board office candidate shall include on any financial statement filed in
356 accordance with this part:
357 (i) a contribution deposited in an account:
358 (A) since the last campaign finance statement was filed; or
359 (B) that has not been reported under a statute or ordinance that governs the account; or
360 (ii) an expenditure made from an account:
361 (A) since the last campaign finance statement was filed; or
362 (B) that has not been reported under a statute or ordinance that governs the account.
363 Section 5. Section **20A-11-1303** is amended to read:
364 **20A-11-1303. School board office candidate and school board officeholder --**
365 **Financial reporting requirements -- Interim reports.**
366 (1) (a) As used in this section, "received" means:

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

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

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

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

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

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

378 (i) (A) seven days before the school board office candidate's political convention; or

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

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

382 (iii) August 31; and

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

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

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

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

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

392 (ii) seven days before the regular primary election date for that year;

393 (iii) August 31; and

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

395 (2) Each interim report shall include the following information:

396 (a) the net balance of the last summary report, if any;

397 (b) a single figure equal to the total amount of receipts reported on all prior interim

- 398 reports, if any, during the calendar year in which the interim report is due;
- 399 (c) a single figure equal to the total amount of expenditures reported on all prior
400 interim reports, if any, filed during the calendar year in which the interim report is due;
- 401 (d) a detailed listing of each contribution and public service assistance received since
402 the last summary report that has not been reported in detail on a prior interim report;
- 403 (e) for each nonmonetary contribution:
- 404 (i) the fair market value of the contribution with that information provided by the
405 contributor; and
- 406 (ii) a specific description of the contribution;
- 407 (f) a detailed listing of each expenditure made since the last summary report that has
408 not been reported in detail on a prior interim report;
- 409 (g) for each nonmonetary expenditure, the fair market value of the expenditure;
- 410 (h) a net balance for the year consisting of the net balance from the last summary
411 report, if any, plus all receipts since the last summary report minus all expenditures since the
412 last summary report;
- 413 (i) a summary page in the form required by the lieutenant governor that identifies:
- 414 (i) beginning balance;
- 415 (ii) total contributions during the period since the last statement;
- 416 (iii) total contributions to date;
- 417 (iv) total expenditures during the period since the last statement; and
- 418 (v) total expenditures to date; and
- 419 (j) the name of a political action committee for which the school board office candidate
420 or school board office holder is designated as an officer who has primary decision-making
421 authority under Section [20A-11-601](#).
- 422 (3) (a) For all individual contributions or public service assistance of \$50 or less, a
423 single aggregate figure may be reported without separate detailed listings.
- 424 (b) Two or more contributions from the same source that have an aggregate total of
425 more than \$50 may not be reported in the aggregate, but shall be reported separately.
- 426 (4) (a) In preparing each interim report, all receipts and expenditures shall be reported
427 as of five days before the required filing date of the report.
- 428 (b) Any negotiable instrument or check received by a school board office candidate or

429 school board office holder more than five days before the required filing date of a report
430 required by this section shall be included in the interim report.

431 Section 6. Section **20A-11-1305** is amended to read:

432 **20A-11-1305. School board office candidate -- Failure to file statement --**

433 **Penalties.**

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

436 (b) If a school board office candidate fails to file an interim report due before the
437 regular primary election, on August 31, or before the regular general election, the chief election
438 officer shall, after making a reasonable attempt to discover if the report was timely filed,
439 inform the county clerk and other appropriate election officials who:

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

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

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

446 (c) Any school board office candidate who fails to file timely a financial statement
447 required by Subsection [20A-11-1303](#)(1)[~~(b)(ii), (iii), or (iv)~~](c) is disqualified.

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

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

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

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

457 (A) an amended report; or

458 (B) the next scheduled report.

459 (2) (a) Within 30 days after a deadline for the filing of a summary report by a school

460 board office candidate, the lieutenant governor shall review each filed summary report to
461 ensure that:

462 (i) each school board office candidate that is required to file a summary report has filed
463 one; and

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

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

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

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

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

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

482 Section 7. Section **20A-14-103** is amended to read:

483 **20A-14-103. State Board of Education members -- When elected -- Qualifications**
484 **-- Avoiding conflicts of interest.**

485 (1) [~~(a)~~] Unless otherwise provided by law, each State Board of Education member
486 elected from a State Board of Education district at [~~the 2010~~] or before the 2014 general
487 election shall [~~:(i)~~] serve out the term of office for which that member was elected [~~; and~~].

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

489 [~~(b) At the general election to be held in 2012, a State Board of Education member~~
490 ~~elected from State Board of Education Districts 4, 7, 8, 10, 11, 12, 13, and 15 shall be elected~~

491 ~~to serve a term of office of four years.]~~

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

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

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

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

503 (b) A person who has resided within the State Board of Education district, as the
504 boundaries of the district exist on the date of the election, for one year immediately preceding
505 the date of the election shall be considered to have met the requirements of this Subsection (2).

506 (3) A State Board of Education member shall:

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

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

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

513 (a) the State Board of Education;

514 (b) the Utah State Office of Education; or

515 (c) the Utah State Office of Rehabilitation.

516 Section 8. Section **20A-14-104** is amended to read:

517 **20A-14-104. Becoming a candidate for membership on the State Board of**
518 **Education.**

519 ~~[(1)(a) Persons]~~ A person interested in becoming a candidate for the State Board of
520 Education shall file a declaration of candidacy according to the procedures and requirements of
521 Sections [20A-9-201](#) and [20A-9-202](#).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

545 ~~[(3) (a) The members appointed under Subsections (2)(a)(i) through (vi) and (2)(b)(i)~~
546 ~~through (vi) shall be appointed from lists containing at least two names submitted by~~
547 ~~organizations representing each of the respective sectors.]~~

548 ~~[(b) At least one member of the nominating and recruiting committee shall reside~~
549 ~~within each state board district in which a member's term expires during the committee's~~
550 ~~two-year term of office.]~~

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

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

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

554 ~~[(c) Any formal action by the committee requires the approval of a majority of~~
555 ~~committee members.]~~

556 ~~[(d) Members of the nominating and recruiting committee shall serve without~~
557 ~~compensation, but they may be reimbursed for expenses incurred in the performance of their~~
558 ~~official duties as established by the Division of Finance.]~~

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

560 ~~[(a) recruit potential candidates for membership on the State Board of Education prior~~
561 ~~to the deadline to file a declaration of candidacy;]~~

562 ~~[(b) prepare a list of candidates for membership on the State Board of Education for~~
563 ~~each state board district subject to election in that year using the qualifications under~~
564 ~~Subsection (6);]~~

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

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

569 ~~[(6) The nominating committee shall select a broad variety of candidates who possess~~
570 ~~outstanding professional qualifications relating to the powers and duties of the State Board of~~
571 ~~Education, including experience in the following areas:]~~

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

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

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

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

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

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

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

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

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

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

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

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

584 ~~[(ix) medical and healthcare;]~~
585 ~~[(e) higher education administration;]~~
586 ~~[(f) applied technology education;]~~
587 ~~[(g) public education administration;]~~
588 ~~[(h) public education instruction;]~~
589 ~~[(i) economic development;]~~
590 ~~[(j) labor; and]~~
591 ~~[(k) other life experiences that would benefit the State Board of Education.]~~

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

593 Section 9. Section **53A-1-101** is amended to read:

594 **53A-1-101. State Board of Education -- Members.**

595 ~~[(†)]~~ Members of the State Board of Education shall be nominated and elected as
596 provided in Title 20A, Chapter 14, Nomination and Election of State and Local School Boards.

597 ~~[(2) (a) In addition to the members designated under Subsection (1), the following~~
598 ~~members shall serve as nonvoting members of the State Board of Education:]~~

599 ~~[(i) two members of the State Board of Regents, appointed by the chair of the State~~
600 ~~Board of Regents;]~~

601 ~~[(ii) one member of the Utah College of Applied Technology Board of Trustees,~~
602 ~~appointed by the chair of the board of trustees; and]~~

603 ~~[(iii) one member of the State Charter School Board, appointed by the chair of the State~~
604 ~~Charter School Board.]~~

605 ~~[(b) A nonvoting member shall continue to serve as a member without a set term until~~
606 ~~the member is replaced by the chair of the State Board of Regents, chair of the Utah College of~~
607 ~~Applied Technology Board of Trustees, or chair of the State Charter School Board, as~~
608 ~~applicable.]~~

609 Section 10. Section **53A-1-202** is amended to read:

610 **53A-1-202. Compensation for services -- Insurance -- Per diem and expenses.**

611 (1) Each member of the State Board of Education shall receive \$3,000 per year,
612 payable monthly, as compensation for services.

613 (2) A board member may participate in any group insurance plan provided to
614 employees of the State Office of Education as part of their compensation on the same basis as

615 required for employee participation.

616 (3) In addition to the provisions of Subsections (1) and (2), a board member may
617 receive per diem and travel expenses in accordance with:

618 (a) Section [63A-3-106](#);

619 (b) Section [63A-3-107](#); and

620 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and
621 [63A-3-107](#).

622 (4) In addition to the provisions of Subsections (1) through (3), a board member may
623 receive \$273 for each day on which the board member attends a meeting of the State Board of
624 Education.

625 Section 11. Section **63I-2-220** is amended to read:

626 **63I-2-220. Repeal dates, Title 20A.**

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

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

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

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

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

635 (5) If the amendment proposed to the Utah Constitution by S.J.R. 5, Proposal to
636 Amend Constitution - State Board of Education Changes, 2015 General Session is not
637 approved by a majority of those voting on the amendment in the 2016 general election, the
638 following occurs on January 1, 2017:

639 (a) Subsection [20A-1-504](#)(1)(a) is modified to read: "When a vacancy occurs for any
640 reason in the office of attorney general, state treasurer, or state auditor, it shall be filled for the
641 unexpired term at the next regular general election.";

642 (b) Subsection [20A-1-504](#)(3) is repealed;

643 (c) Subsection [20A-9-408](#)(8)(b)(v) is repealed;

644 (d) the reference in Subsection [20A-11-403](#)(4) to Subsection [20A-11-1303](#)(1)(d) is
645 changed to "Subsection [20A-11-1303](#)(1)(c)";

646 (e) Title 20A, Chapter 11, Part 13, State School Board Candidates, is repealed;

647 (f) Section 20A-14-103 is repealed; and

648 (g) Section 20A-14-104 is repealed.

649 Section 12. **Repealer.**

650 This bill repeals:

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

653 Section 13. **Revisor instructions.**

654 The Legislature intends that, if the amendment to the Utah Constitution proposed by S.J.R. 5,
655 Proposal to Amend Utah Constitution -- State Board of Education Changes, 2015 General
656 Session, passes the Legislature and is approved by a majority of those voting on the
657 amendment at the next regular general election, the Office of Legislative Research and General
658 Counsel, in preparing the Utah Code database for publication shall, on January 1, 2017:

659 (1) amend Section 20A-1-201 to read:

660 **"20A-1-201. Date and purpose of regular general elections.**

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

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

664 (a) choose persons to serve the terms established by law for the following offices:

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

666 (ii) United States Senators;

667 (iii) Representatives to the United States Congress;

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

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

670 (vi) county officers;

671 [~~vii~~] ~~State School Board members;~~

672 [~~viii~~] (vii) local school board members;

673 [~~ix~~] (viii) except as provided in Subsection (3), local district officers, as applicable;

674 and

675 [~~ix~~] (ix) any elected judicial officers; and

676 (b) approve or reject:

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

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

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

683 (3) This section:

684 (a) applies to a special service district for which the county legislative body or the
685 municipal legislative body, as applicable, has delegated authority for the special service district
686 to an administrative control board; and

687 (b) does not apply to a special service district for which the county legislative body or
688 the municipal legislative body, as applicable, has not delegated authority for the special service
689 district to an administrative control board.";

690 (2) amend Section 20A-1-201.5 to read:

691 **"20A-1-201.5. Primary election dates.**

692 (1) A regular primary election shall be held throughout the state on the fourth Tuesday
693 of June of each even numbered year as provided in Section 20A-9-403, to nominate persons for
694 national, state, local school board, and county offices.

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

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

701 (3) reverse the changes made to Section 20A-1-504 by this bill so that Section
702 20A-1-504 reads:

703 **"20A-1-504. Midterm vacancies in the offices of attorney general, state treasurer,**
704 **state auditor, and lieutenant governor.**

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

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

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

714 (4) amend Section [20A-2-101.5](#) to read:

715 **20A-2-101.5. Convicted felons -- Restoration of right to vote and right to hold**
716 **office.**

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

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

721 (a) the felon is sentenced to probation;

722 (b) the felon is granted parole; or

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

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

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

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

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

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

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

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

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

734 (4) An individual who has been convicted of a grievous sexual offense, as defined in
735 Section [76-1-601](#), against a child, may not hold the office of [~~State Board of Education member~~
736 ~~or~~] local school board member.";

737 (5) amend Section [20A-9-201](#) to read:

738 **20A-9-201. Declarations of candidacy -- Candidacy for more than one office or of**

739 **more than one political party prohibited with exceptions -- General filing and form**
740 **requirements -- Affidavit of impecuniosity.**

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

742 (a) be a United States citizen;

743 (b) meet the legal requirements of that office; and

744 (c) if seeking a registered political party's nomination as a candidate for elective office,
745 designate that registered political party as their preferred party affiliation on their declaration of
746 candidacy.

747 (2) (a) Except as provided in Subsection (2)(b), a person may not:

748 (i) file a declaration of candidacy for, or be a candidate for, more than one office in
749 Utah during any election year; or

750 (ii) appear on the ballot as the candidate of more than one political party.

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

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

757 (iii) A person may file a declaration of candidacy for lieutenant governor even if the
758 person filed a declaration of candidacy for another office in the same election year if the person
759 withdraws as a candidate for the other office in accordance with Subsection [20A-9-202\(6\)](#)
760 before filing the declaration of candidacy for lieutenant governor.

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

763 (A) read to the prospective candidate the constitutional and statutory qualification
764 requirements for the office that the candidate is seeking; and

765 (B) require the candidate to state whether or not the candidate meets those
766 requirements.

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

769 (A) a United States citizen;

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

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

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

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

780 (A) a United States citizen;

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

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

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

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

791 (A) as of the date of filing:

792 (I) is a United States citizen;

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

794 (III) (Aa) has successfully met the standards and training requirements established for
795 law enforcement officers under Title 53, Chapter 6, Part 2, Peace Officer Training and
796 Certification Act; or

797 (Bb) has met the waiver requirements in Section 53-6-206; and

798 (IV) is qualified to be certified as a law enforcement officer, as defined in Section
799 53-13-103; and

800 (B) as of the date of the election, shall have been a resident of the county in which the

801 person seeks office for at least one year.

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

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

807 (B) if the filing officer is not the lieutenant governor, that the financial disclosure is
808 provided to the lieutenant governor according to the procedures and requirements of Section
809 [20A-11-1603](#).

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

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

815 (i) inform the candidate that:

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

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

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

822 (I) Section [20A-11-204](#) for a candidate for constitutional office;

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

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

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

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

832 (iv) provide the candidate with a copy of the pledge of fair campaign practices
 833 described under Section 20A-9-206 and inform the candidate that:
 834 (A) signing the pledge is voluntary; and
 835 (B) signed pledges shall be filed with the filing officer;
 836 (v) accept the candidate's declaration of candidacy; and
 837 (vi) if the candidate has filed for a partisan office, provide a certified copy of the
 838 declaration of candidacy to the chair of the county or state political party of which the
 839 candidate is a member.

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

842 (i) accept the candidate's pledge; and
 843 (ii) if the candidate has filed for a partisan office, provide a certified copy of the
 844 candidate's pledge to the chair of the county or state political party of which the candidate is a
 845 member.

846 (4) (a) Except for presidential candidates, the form of the declaration of candidacy shall
 847 be substantially as follows:

848 "State of Utah, County of ____
 849 I, _____, declare my candidacy for the office of _____, seeking the
 850 nomination of the _____ party, which is my preferred political party affiliation. I do
 851 solemnly swear that: I will meet the qualifications to hold the office, both legally and
 852 constitutionally, if selected; I reside at _____ in the City or Town of _____,
 853 Utah, Zip Code _____ Phone No. _____; I will not knowingly violate any law governing
 854 campaigns and elections; I will file all campaign financial disclosure reports as required
 855 by law; and I understand that failure to do so will result in my disqualification as a
 856 candidate for this office and removal of my name from the ballot. The mailing address
 857 that I designate for receiving official election notices is

858 _____.
 859 _____

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

862 (b) An agent designated to file a declaration of candidacy under Section 20A-9-202

863 may not sign the form described in Subsection (4)(a).

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

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

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

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

871 (i) who is disqualified; or

872 (ii) who the filing officer determines has filed improperly.

873 (c) (i) The county clerk shall immediately pay to the county treasurer all fees received
874 from candidates.

875 (ii) The lieutenant governor shall:

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

878 (B) ensure that each county receives that proportion of the total amount paid to the
879 lieutenant governor from the congressional district that the total vote of that county for all
880 candidates for representative in Congress bears to the total vote of all counties within the
881 congressional district for all candidates for representative in Congress.

882 (d) (i) A person who is unable to pay the filing fee may file a declaration of candidacy
883 without payment of the filing fee upon a prima facie showing of impecuniosity as evidenced by
884 an affidavit of impecuniosity filed with the filing officer and, if requested by the filing officer,
885 a financial statement filed at the time the affidavit is submitted.

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

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

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

893 (iv) The filing officer shall ensure that the affidavit of impecuniosity is printed in

894 substantially the following form:

895 "Affidavit of Impecuniosity

896 Individual Name

897 _____ Address _____

898 Phone Number _____

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

902 Date _____ Signature _____

903 Affiant

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

905 _____
906 (signature)

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

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

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

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

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

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

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

924 (B) on or after the second Friday in March and before 5 p.m. on the third Thursday in

925 March before the next regular primary election;

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

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

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

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

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

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

936 (6) reverse the changes made to Section [20A-9-408](#) by this bill so that Section
937 [20A-9-408](#) reads:

938 **20A-9-408. Signature-gathering nomination process for qualified political party.**

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

942 (2) Notwithstanding Subsection [20A-9-201](#)(4)(a), the form of the declaration of
943 candidacy for a member of a qualified political party who is nominated by, or who is seeking
944 the nomination of, the qualified political party under this section shall be substantially as
945 follows:

946 "State of Utah, County of ____

947 I, _____, declare my intention of becoming a candidate for the office of

948 ____ as a candidate for the ____ party. I do solemnly swear that: I will meet the qualifications

949 to hold the office, both legally and constitutionally, if selected; I reside at _____ in

950 the City or Town of ____, Utah, Zip Code ____, Phone No. ____; I will not knowingly violate

951 any law governing campaigns and elections; I will file all campaign financial disclosure reports

952 as required by law; and I understand that failure to do so will result in my disqualification as a

953 candidate for this office and removal of my name from the ballot. The mailing address that I

954 designate for receiving official election notices is

955 _____

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

959 (3) Notwithstanding Subsection 20A-9-202(1)(a), and except as provided in Subsection
960 20A-9-202(4), a member of a qualified political party who, under this section, is seeking the
961 nomination of the qualified political party for an elective office that is to be filled at the next
962 general election shall:

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

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

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

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

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

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

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

977 (c) pay the filing fee.

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

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

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

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

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

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

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

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

995 (c) pay the filing fee.

996 (5) Notwithstanding Subsection 20A-9-202(3)(a)(iii), a lieutenant governor candidate
997 who files as the joint-ticket running mate of an individual who is nominated by a qualified
998 political party, under this section, for the office of governor shall submit a letter from the
999 candidate for governor that names the lieutenant governor candidate as a joint-ticket running
1000 mate.

1001 (6) The lieutenant governor shall ensure that the certification described in Subsection
1002 20A-9-701(1) also includes the name of each candidate nominated by a qualified political party
1003 under this section.

1004 (7) Notwithstanding Subsection 20A-9-701(2), the ballot shall, for each candidate who
1005 is nominated by a qualified political party under this section, designate the qualified political
1006 party that nominated the candidate.

1007 (8) A member of a qualified political party may seek the nomination of the qualified
1008 political party for an elective office by:

1009 (a) complying with the requirements described in this section; and

1010 (b) collecting signatures, on a form approved by the lieutenant governor's office, during
1011 the period beginning on January 1 of an even-numbered year and ending 14 days before the day
1012 on which the qualified political party's convention for the office is held, in the following
1013 amounts:

1014 (i) for a statewide race, 28,000 signatures of registered voters in the state who are
1015 permitted by the qualified political party to vote for the qualified political party's candidates in
1016 a primary election;

1017 (ii) for a congressional district race, 7,000 signatures of registered voters who are

1018 residents of the congressional district and are permitted by the qualified political party to vote
1019 for the qualified political party's candidates in a primary election;

1020 (iii) for a state Senate district race, 2,000 signatures of registered voters who are
1021 residents of the state Senate district and are permitted by the qualified political party to vote for
1022 the qualified political party's candidates in a primary election;

1023 (iv) for a state House district race, 1,000 signatures of registered voters who are
1024 residents of the state House district and are permitted by the qualified political party to vote for
1025 the qualified political party's candidates in a primary election; and

1026 (v) for a county office race, signatures of 3% of the registered voters who are residents
1027 of the area permitted to vote for the county office and are permitted by the qualified political
1028 party to vote for the qualified political party's candidates in a primary election.

1029 (9) (a) In order for a member of the qualified political party to qualify as a candidate
1030 for the qualified political party's nomination for an elective office under this section, the
1031 member shall:

1032 (i) collect the signatures on a form approved by the lieutenant governor's office, using
1033 the same circulation and verification requirements described in Sections [20A-7-304](#) and
1034 [20A-7-305](#); and

1035 (ii) submit the signatures to the election officer no later than 14 days before the day on
1036 which the qualified political party holds its convention to select candidates, for the elective
1037 office, for the qualified political party's nomination.

1038 (b) An individual may not gather signatures under this section until after the individual
1039 files a notice of intent to gather signatures for candidacy described in this section.

1040 (c) An individual who files a notice of intent to gather signatures for candidacy,
1041 described in Subsection (3)(a) or (4)(a), is, beginning on the day on which the individual files
1042 the notice of intent to gather signatures for candidacy:

1043 (i) required to comply with the reporting requirements that a candidate for office is
1044 required to comply with; and

1045 (ii) subject to the same enforcement provisions, and civil and criminal penalties, that
1046 apply to a candidate for office in relation to the reporting requirements described in Subsection
1047 (9)(c)(i).

1048 (d) Upon timely receipt of the signatures described in Subsections (8) and (9)(a), the

1049 election officer shall, no later than one day before the day on which the qualified political party
1050 holds the convention to select a nominee for the elective office to which the signature packets
1051 relate:

1052 (i) check the name of each individual who completes the verification for a signature
1053 packet to determine whether each individual is a resident of Utah and is at least 18 years old;

1054 (ii) submit the name of each individual described in Subsection (9)(d)(i) who is not a
1055 Utah resident or who is not at least 18 years old to the attorney general and the county attorney;

1056 (iii) determine whether each signer is a registered voter who is qualified to sign the
1057 petition, using the same method, described in Section [20A-7-206.3](#), used to verify a signature
1058 on a petition;

1059 (iv) certify whether each name is that of a registered voter who is qualified to sign the
1060 signature packet; and

1061 (v) notify the qualified political party and the lieutenant governor of the name of each
1062 member of the qualified political party who qualifies as a nominee of the qualified political
1063 party, under this section, for the elective office to which the convention relates.

1064 (e) Upon receipt of a notice of intent to gather signatures for candidacy described in
1065 this section, the lieutenant governor shall post the notice of intent to gather signatures for
1066 candidacy on the lieutenant governor's website in the same location that the lieutenant governor
1067 posts a declaration of candidacy.";

1068 (7) amend Section [20A-11-101](#) to read:

1069 **20A-11-101. Definitions.**

1070 As used in this chapter:

1071 (1) "Address" means the number and street where an individual resides or where a
1072 reporting entity has its principal office.

1073 (2) "Agent of a reporting entity" means:

1074 (a) a person acting on behalf of a reporting entity at the direction of the reporting
1075 entity;

1076 (b) a person employed by a reporting entity in the reporting entity's capacity as a
1077 reporting entity;

1078 (c) the personal campaign committee of a candidate or officeholder;

1079 (d) a member of the personal campaign committee of a candidate or officeholder in the

1080 member's capacity as a member of the personal campaign committee of the candidate or
1081 officeholder; or

1082 (e) a political consultant of a reporting entity.

1083 (3) "Ballot proposition" includes initiatives, referenda, proposed constitutional
1084 amendments, and any other ballot propositions submitted to the voters that are authorized by
1085 the Utah Code Annotated 1953.

1086 (4) "Candidate" means any person who:

1087 (a) files a declaration of candidacy for a public office; or

1088 (b) receives contributions, makes expenditures, or gives consent for any other person to
1089 receive contributions or make expenditures to bring about the person's nomination or election
1090 to a public office.

1091 (5) "Chief election officer" means:

1092 (a) the lieutenant governor for state office candidates, legislative office candidates,
1093 officeholders, political parties, political action committees, corporations, political issues
1094 committees, [~~state school board candidates,~~] judges, and labor organizations, as defined in
1095 Section [20A-11-1501](#); and

1096 (b) the county clerk for local school board candidates.

1097 (6) (a) "Contribution" means any of the following when done for political purposes:

1098 (i) a gift, subscription, donation, loan, advance, or deposit of money or anything of
1099 value given to the filing entity;

1100 (ii) an express, legally enforceable contract, promise, or agreement to make a gift,
1101 subscription, donation, unpaid or partially unpaid loan, advance, or deposit of money or
1102 anything of value to the filing entity;

1103 (iii) any transfer of funds from another reporting entity to the filing entity;

1104 (iv) compensation paid by any person or reporting entity other than the filing entity for
1105 personal services provided without charge to the filing entity;

1106 (v) remuneration from:

1107 (A) any organization or its directly affiliated organization that has a registered lobbyist;

1108 or

1109 (B) any agency or subdivision of the state, including school districts;

1110 (vi) a loan made by a candidate deposited to the candidate's own campaign; and

- 1111 (vii) in-kind contributions.
- 1112 (b) "Contribution" does not include:
- 1113 (i) services provided by individuals volunteering a portion or all of their time on behalf
- 1114 of the filing entity if the services are provided without compensation by the filing entity or any
- 1115 other person;
- 1116 (ii) money lent to the filing entity by a financial institution in the ordinary course of
- 1117 business; or
- 1118 (iii) goods or services provided for the benefit of a candidate or political party at less
- 1119 than fair market value that are not authorized by or coordinated with the candidate or political
- 1120 party.
- 1121 (7) "Coordinated with" means that goods or services provided for the benefit of a
- 1122 candidate or political party are provided:
- 1123 (a) with the candidate's or political party's prior knowledge, if the candidate or political
- 1124 party does not object;
- 1125 (b) by agreement with the candidate or political party;
- 1126 (c) in coordination with the candidate or political party; or
- 1127 (d) using official logos, slogans, and similar elements belonging to a candidate or
- 1128 political party.
- 1129 (8) (a) "Corporation" means a domestic or foreign, profit or nonprofit, business
- 1130 organization that is registered as a corporation or is authorized to do business in a state and
- 1131 makes any expenditure from corporate funds for:
- 1132 (i) the purpose of expressly advocating for political purposes; or
- 1133 (ii) the purpose of expressly advocating the approval or the defeat of any ballot
- 1134 proposition.
- 1135 (b) "Corporation" does not mean:
- 1136 (i) a business organization's political action committee or political issues committee; or
- 1137 (ii) a business entity organized as a partnership or a sole proprietorship.
- 1138 (9) "County political party" means, for each registered political party, all of the persons
- 1139 within a single county who, under definitions established by the political party, are members of
- 1140 the registered political party.
- 1141 (10) "County political party officer" means a person whose name is required to be

1142 submitted by a county political party to the lieutenant governor in accordance with Section
1143 20A-8-402.

1144 (11) "Detailed listing" means:

1145 (a) for each contribution or public service assistance:

1146 (i) the name and address of the individual or source making the contribution or public
1147 service assistance;

1148 (ii) the amount or value of the contribution or public service assistance; and

1149 (iii) the date the contribution or public service assistance was made; and

1150 (b) for each expenditure:

1151 (i) the amount of the expenditure;

1152 (ii) the person or entity to whom it was disbursed;

1153 (iii) the specific purpose, item, or service acquired by the expenditure; and

1154 (iv) the date the expenditure was made.

1155 (12) (a) "Donor" means a person that gives money, including a fee, due, or assessment
1156 for membership in the corporation, to a corporation without receiving full and adequate
1157 consideration for the money.

1158 (b) "Donor" does not include a person that signs a statement that the corporation may
1159 not use the money for an expenditure or political issues expenditure.

1160 (13) "Election" means each:

1161 (a) regular general election;

1162 (b) regular primary election; and

1163 (c) special election at which candidates are eliminated and selected.

1164 (14) "Electioneering communication" means a communication that:

1165 (a) has at least a value of \$10,000;

1166 (b) clearly identifies a candidate or judge; and

1167 (c) is disseminated through the Internet, newspaper, magazine, outdoor advertising
1168 facility, direct mailing, broadcast, cable, or satellite provider within 45 days of the clearly
1169 identified candidate's or judge's election date.

1170 (15) (a) "Expenditure" means any of the following made by a reporting entity or an
1171 agent of a reporting entity on behalf of the reporting entity:

1172 (i) any disbursement from contributions, receipts, or from the separate bank account

1173 required by this chapter;

1174 (ii) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money,
1175 or anything of value made for political purposes;

1176 (iii) an express, legally enforceable contract, promise, or agreement to make any
1177 purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of
1178 value for political purposes;

1179 (iv) compensation paid by a filing entity for personal services rendered by a person
1180 without charge to a reporting entity;

1181 (v) a transfer of funds between the filing entity and a candidate's personal campaign
1182 committee; or

1183 (vi) goods or services provided by the filing entity to or for the benefit of another
1184 reporting entity for political purposes at less than fair market value.

1185 (b) "Expenditure" does not include:

1186 (i) services provided without compensation by individuals volunteering a portion or all
1187 of their time on behalf of a reporting entity;

1188 (ii) money lent to a reporting entity by a financial institution in the ordinary course of
1189 business; or

1190 (iii) anything listed in Subsection (15)(a) that is given by a reporting entity to
1191 candidates for office or officeholders in states other than Utah.

1192 (16) "Federal office" means the office of president of the United States, United States
1193 Senator, or United States Representative.

1194 (17) "Filing entity" means the reporting entity that is required to file a financial
1195 statement required by this chapter or Chapter 12, Part 2, Judicial Retention Elections.

1196 (18) "Financial statement" includes any summary report, interim report, verified
1197 financial statement, or other statement disclosing contributions, expenditures, receipts,
1198 donations, or disbursements that is required by this chapter or Chapter 12, Part 2, Judicial
1199 Retention Elections.

1200 (19) "Governing board" means the individual or group of individuals that determine the
1201 candidates and committees that will receive expenditures from a political action committee,
1202 political party, or corporation.

1203 (20) "Incorporation" means the process established by Title 10, Chapter 2, Part 1,

1204 Incorporation, by which a geographical area becomes legally recognized as a city or town.

1205 (21) "Incorporation election" means the election authorized by Section 10-2-111 or
1206 10-2-127.

1207 (22) "Incorporation petition" means a petition authorized by Section 10-2-109 or
1208 10-2-125.

1209 (23) "Individual" means a natural person.

1210 (24) "In-kind contribution" means anything of value, other than money, that is accepted
1211 by or coordinated with a filing entity.

1212 (25) "Interim report" means a report identifying the contributions received and
1213 expenditures made since the last report.

1214 (26) "Legislative office" means the office of state senator, state representative, speaker
1215 of the House of Representatives, president of the Senate, and the leader, whip, and assistant
1216 whip of any party caucus in either house of the Legislature.

1217 (27) "Legislative office candidate" means a person who:

1218 (a) files a declaration of candidacy for the office of state senator or state representative;

1219 (b) declares oneself to be a candidate for, or actively campaigns for, the position of
1220 speaker of the House of Representatives, president of the Senate, or the leader, whip, and
1221 assistant whip of any party caucus in either house of the Legislature; or

1222 (c) receives contributions, makes expenditures, or gives consent for any other person to
1223 receive contributions or make expenditures to bring about the person's nomination, election, or
1224 appointment to a legislative office.

1225 (28) "Major political party" means either of the two registered political parties that
1226 have the greatest number of members elected to the two houses of the Legislature.

1227 (29) "Officeholder" means a person who holds a public office.

1228 (30) "Party committee" means any committee organized by or authorized by the
1229 governing board of a registered political party.

1230 (31) "Person" means both natural and legal persons, including individuals, business
1231 organizations, personal campaign committees, party committees, political action committees,
1232 political issues committees, and labor organizations, as defined in Section 20A-11-1501.

1233 (32) "Personal campaign committee" means the committee appointed by a candidate to
1234 act for the candidate as provided in this chapter.

1235 (33) "Personal use expenditure" has the same meaning as provided under Section
1236 20A-11-104.

1237 (34) (a) "Political action committee" means an entity, or any group of individuals or
1238 entities within or outside this state, a major purpose of which is to:

1239 (i) solicit or receive contributions from any other person, group, or entity for political
1240 purposes; or

1241 (ii) make expenditures to expressly advocate for any person to refrain from voting or to
1242 vote for or against any candidate or person seeking election to a municipal or county office.

1243 (b) "Political action committee" includes groups affiliated with a registered political
1244 party but not authorized or organized by the governing board of the registered political party
1245 that receive contributions or makes expenditures for political purposes.

1246 (c) "Political action committee" does not mean:

1247 (i) a party committee;

1248 (ii) any entity that provides goods or services to a candidate or committee in the regular
1249 course of its business at the same price that would be provided to the general public;

1250 (iii) an individual;

1251 (iv) individuals who are related and who make contributions from a joint checking
1252 account;

1253 (v) a corporation, except a corporation a major purpose of which is to act as a political
1254 action committee; or

1255 (vi) a personal campaign committee.

1256 (35) (a) "Political consultant" means a person who is paid by a reporting entity, or paid
1257 by another person on behalf of and with the knowledge of the reporting entity, to provide
1258 political advice to the reporting entity.

1259 (b) "Political consultant" includes a circumstance described in Subsection (35)(a),
1260 where the person:

1261 (i) has already been paid, with money or other consideration;

1262 (ii) expects to be paid in the future, with money or other consideration; or

1263 (iii) understands that the person may, in the discretion of the reporting entity or another
1264 person on behalf of and with the knowledge of the reporting entity, be paid in the future, with
1265 money or other consideration.

1266 (36) "Political convention" means a county or state political convention held by a
1267 registered political party to select candidates.

1268 (37) (a) "Political issues committee" means an entity, or any group of individuals or
1269 entities within or outside this state, a major purpose of which is to:

1270 (i) solicit or receive donations from any other person, group, or entity to assist in
1271 placing a ballot proposition on the ballot, assist in keeping a ballot proposition off the ballot, or
1272 to advocate that a voter refrain from voting or vote for or vote against any ballot proposition;

1273 (ii) make expenditures to expressly advocate for any person to sign or refuse to sign a
1274 ballot proposition or incorporation petition or refrain from voting, vote for, or vote against any
1275 proposed ballot proposition or an incorporation in an incorporation election; or

1276 (iii) make expenditures to assist in qualifying or placing a ballot proposition on the
1277 ballot or to assist in keeping a ballot proposition off the ballot.

1278 (b) "Political issues committee" does not mean:

1279 (i) a registered political party or a party committee;

1280 (ii) any entity that provides goods or services to an individual or committee in the
1281 regular course of its business at the same price that would be provided to the general public;

1282 (iii) an individual;

1283 (iv) individuals who are related and who make contributions from a joint checking
1284 account; or

1285 (v) a corporation, except a corporation a major purpose of which is to act as a political
1286 issues committee.

1287 (38) (a) "Political issues contribution" means any of the following:

1288 (i) a gift, subscription, unpaid or partially unpaid loan, advance, or deposit of money or
1289 anything of value given to a political issues committee;

1290 (ii) an express, legally enforceable contract, promise, or agreement to make a political
1291 issues donation to influence the approval or defeat of any ballot proposition;

1292 (iii) any transfer of funds received by a political issues committee from a reporting
1293 entity;

1294 (iv) compensation paid by another reporting entity for personal services rendered
1295 without charge to a political issues committee; and

1296 (v) goods or services provided to or for the benefit of a political issues committee at

1297 less than fair market value.

1298 (b) "Political issues contribution" does not include:

1299 (i) services provided without compensation by individuals volunteering a portion or all
1300 of their time on behalf of a political issues committee; or

1301 (ii) money lent to a political issues committee by a financial institution in the ordinary
1302 course of business.

1303 (39) (a) "Political issues expenditure" means any of the following when made by a
1304 political issues committee or on behalf of a political issues committee by an agent of the
1305 reporting entity:

1306 (i) any payment from political issues contributions made for the purpose of influencing
1307 the approval or the defeat of:

1308 (A) a ballot proposition; or

1309 (B) an incorporation petition or incorporation election;

1310 (ii) a purchase, payment, distribution, loan, advance, deposit, or gift of money made for
1311 the express purpose of influencing the approval or the defeat of:

1312 (A) a ballot proposition; or

1313 (B) an incorporation petition or incorporation election;

1314 (iii) an express, legally enforceable contract, promise, or agreement to make any
1315 political issues expenditure;

1316 (iv) compensation paid by a reporting entity for personal services rendered by a person
1317 without charge to a political issues committee; or

1318 (v) goods or services provided to or for the benefit of another reporting entity at less
1319 than fair market value.

1320 (b) "Political issues expenditure" does not include:

1321 (i) services provided without compensation by individuals volunteering a portion or all
1322 of their time on behalf of a political issues committee; or

1323 (ii) money lent to a political issues committee by a financial institution in the ordinary
1324 course of business.

1325 (40) "Political purposes" means an act done with the intent or in a way to influence or
1326 tend to influence, directly or indirectly, any person to refrain from voting or to vote for or
1327 against any candidate or a person seeking a municipal or county office at any caucus, political

1328 convention, or election.

1329 (41) (a) "Poll" means the survey of a person regarding the person's opinion or
1330 knowledge of an individual who has filed a declaration of candidacy for public office, or of a
1331 ballot proposition that has legally qualified for placement on the ballot, which is conducted in
1332 person or by telephone, facsimile, Internet, postal mail, or email.

1333 (b) "Poll" does not include:

1334 (i) a ballot; or

1335 (ii) an interview of a focus group that is conducted, in person, by one individual, if:

1336 (A) the focus group consists of more than three, and less than thirteen, individuals; and

1337 (B) all individuals in the focus group are present during the interview.

1338 (42) "Primary election" means any regular primary election held under the election
1339 laws.

1340 ~~[(45)]~~ (43) "Publicly identified class of individuals" means a group of 50 or more
1341 individuals sharing a common occupation, interest, or association that contribute to a political
1342 action committee or political issues committee and whose names can be obtained by contacting
1343 the political action committee or political issues committee upon whose financial statement the
1344 individuals are listed.

1345 ~~[(43)]~~ (44) "Public office" means the office of governor, lieutenant governor, state
1346 auditor, state treasurer, attorney general, ~~[state school board member,]~~ state senator, state
1347 representative, speaker of the House of Representatives, president of the Senate, and the leader,
1348 whip, and assistant whip of any party caucus in either house of the Legislature.

1349 ~~[(44)]~~ (45) (a) "Public service assistance" means the following when given or provided
1350 to an officeholder to defray the costs of functioning in a public office or aid the officeholder to
1351 communicate with the officeholder's constituents:

1352 (i) a gift, subscription, donation, unpaid or partially unpaid loan, advance, or deposit of
1353 money or anything of value to an officeholder; or

1354 (ii) goods or services provided at less than fair market value to or for the benefit of the
1355 officeholder.

1356 (b) "Public service assistance" does not include:

1357 (i) anything provided by the state;

1358 (ii) services provided without compensation by individuals volunteering a portion or all

1359 of their time on behalf of an officeholder;

1360 (iii) money lent to an officeholder by a financial institution in the ordinary course of
1361 business;

1362 (iv) news coverage or any publication by the news media; or

1363 (v) any article, story, or other coverage as part of any regular publication of any
1364 organization unless substantially all the publication is devoted to information about the
1365 officeholder.

1366 (46) "Receipts" means contributions and public service assistance.

1367 (47) "Registered lobbyist" means a person registered under Title 36, Chapter 11,
1368 Lobbyist Disclosure and Regulation Act.

1369 (48) "Registered political action committee" means any political action committee that
1370 is required by this chapter to file a statement of organization with the Office of the Lieutenant
1371 Governor.

1372 (49) "Registered political issues committee" means any political issues committee that
1373 is required by this chapter to file a statement of organization with the Office of the Lieutenant
1374 Governor.

1375 (50) "Registered political party" means an organization of voters that:

1376 (a) participated in the last regular general election and polled a total vote equal to 2%
1377 or more of the total votes cast for all candidates for the United States House of Representatives
1378 for any of its candidates for any office; or

1379 (b) has complied with the petition and organizing procedures of Chapter 8, Political
1380 Party Formation and Procedures.

1381 (51) (a) "Remuneration" means a payment:

1382 (i) made to a legislator for the period the Legislature is in session; and

1383 (ii) that is approximately equivalent to an amount a legislator would have earned
1384 during the period the Legislature is in session in the legislator's ordinary course of business.

1385 (b) "Remuneration" does not mean anything of economic value given to a legislator by:

1386 (i) the legislator's primary employer in the ordinary course of business; or

1387 (ii) a person or entity in the ordinary course of business:

1388 (A) because of the legislator's ownership interest in the entity; or

1389 (B) for services rendered by the legislator on behalf of the person or entity.

1390 (52) "Reporting entity" means a candidate, a candidate's personal campaign committee,
1391 a judge, a judge's personal campaign committee, an officeholder, a party committee, a political
1392 action committee, a political issues committee, a corporation, or a labor organization, as
1393 defined in Section [20A-11-1501](#).

1394 [~~(53)~~] "~~School board office~~" means the office of state school board.]

1395 [~~(54)~~] (53) (a) "Source" means the person or entity that is the legal owner of the
1396 tangible or intangible asset that comprises the contribution.

1397 (b) "Source" means, for political action committees and corporations, the political
1398 action committee and the corporation as entities, not the contributors to the political action
1399 committee or the owners or shareholders of the corporation.

1400 [~~(55)~~] (54) "State office" means the offices of governor, lieutenant governor, attorney
1401 general, state auditor, and state treasurer.

1402 [~~(56)~~] (55) "State office candidate" means a person who:

1403 (a) files a declaration of candidacy for a state office; or

1404 (b) receives contributions, makes expenditures, or gives consent for any other person to
1405 receive contributions or make expenditures to bring about the person's nomination, election, or
1406 appointment to a state office.

1407 [~~(57)~~] (56) "Summary report" means the year end report containing the summary of a
1408 reporting entity's contributions and expenditures.

1409 [~~(58)~~] (57) "Supervisory board" means the individual or group of individuals that
1410 allocate expenditures from a political issues committee.;

1411 (8) amend Section [20A-11-402](#) to read:

1412 **20A-11-402. Officeholder financial reporting requirements -- Termination of**
1413 **duty to report.**

1414 (1) An officeholder is active and subject to reporting requirements until the
1415 officeholder has filed a statement of dissolution with the lieutenant governor stating that:

1416 (a) the officeholder is no longer receiving contributions or public service assistance and
1417 is no longer making expenditures;

1418 (b) the ending balance on the last summary report filed is zero and the balance in the
1419 separate bank account required by Section [20A-11-201](#) [;] or [20A-11-301](#) [; ~~or 20A-11-1301~~] is
1420 zero; and

1421 (c) a final summary report in the form required by Section 20A-11-401 showing a zero
1422 balance is attached to the statement of dissolution.

1423 (2) A statement of dissolution and a final summary report may be filed at any time.

1424 (3) Each officeholder shall continue to file the year-end summary report required by
1425 Section 20A-11-401 until the statement of dissolution and final summary report required by
1426 this section are filed with the lieutenant governor.

1427 (4) An officeholder may not use a contribution deposited in an account in accordance
1428 with this chapter for:

1429 (a) a personal use expenditure; or

1430 (b) an expenditure prohibited by law.

1431 (5) (a) Except as provided in Subsection (5)(b), a person who is no longer an
1432 officeholder may not expend or transfer the money in a campaign account in a manner that
1433 would cause the former officeholder to recognize the money as taxable income under federal
1434 tax law.

1435 (b) A person who is no longer an officeholder may transfer the money in a campaign
1436 account in a manner that would cause the former officeholder to recognize the money as
1437 taxable income under federal tax law if the transfer is made to a campaign account for federal
1438 office.";

1439 (9) reverse the changes made to Section 20A-11-403 in Section 3 of this bill and
1440 amend Section 20A-11-403 to read:

1441 **"20A-11-403. Failure to file -- Penalties.**

1442 (1) Within 30 days after a deadline for the filing of a summary report, the lieutenant
1443 governor shall review each filed summary report to ensure that:

1444 (a) each officeholder that is required to file a summary report has filed one; and

1445 (b) each summary report contains the information required by this part.

1446 (2) If it appears that any officeholder has failed to file the summary report required by
1447 law, if it appears that a filed summary report does not conform to the law, or if the lieutenant
1448 governor has received a written complaint alleging a violation of the law or the falsity of any
1449 summary report, the lieutenant governor shall, if the lieutenant governor determines that a
1450 violation has occurred:

1451 (a) impose a fine against the filing entity in accordance with Section 20A-11-1005; and

1452 (b) within five days of discovery of a violation or receipt of a written complaint, notify
1453 the officeholder of the violation or written complaint and direct the officeholder to file a
1454 summary report correcting the problem.

1455 (3) (a) It is unlawful for any officeholder to fail to file or amend a summary report
1456 within seven days after receiving notice from the lieutenant governor under this section.

1457 (b) Each officeholder who violates Subsection (3)(a) is guilty of a class B
1458 misdemeanor.

1459 (c) The lieutenant governor shall report all violations of Subsection (3)(a) to the
1460 attorney general.

1461 (d) In addition to the criminal penalty described in Subsection (3)(b), the lieutenant
1462 governor shall impose a civil fine of \$100 against an officeholder who violates Subsection
1463 (3)(a).

1464 (4) Within 30 days after a deadline for the filing of an interim report by an officeholder
1465 under Subsection [20A-11-204\(1\)\(c\)](#)[;] or [20A-11-303\(1\)\(c\)](#)[, or ~~[20A-11-1303\(1\)\(c\)](#)~~], the
1466 lieutenant governor shall review each filed interim report to ensure that each interim report
1467 contains the information required for the report.

1468 (5) If it appears that any officeholder has failed to file an interim report required by
1469 law, if it appears that a filed interim report does not conform to the law, or if the lieutenant
1470 governor has received a written complaint alleging a violation of the law or the falsity of any
1471 interim report, the lieutenant governor shall, if the lieutenant governor determines that a
1472 violation has occurred:

1473 (a) impose a fine against the filing entity in accordance with Section [20A-11-1005](#); and

1474 (b) within five days after the day on which the violation is discovered or a written
1475 complaint is received, notify the officeholder of the violation or written complaint and direct
1476 the officeholder to file an interim report correcting the problem.

1477 (6) (a) It is unlawful for any officeholder to fail to file or amend an interim report
1478 within seven days after the day on which the officeholder receives notice from the lieutenant
1479 governor under this section.

1480 (b) Each officeholder who violates Subsection (6)(a) is guilty of a class B
1481 misdemeanor.

1482 (c) The lieutenant governor shall report all violations of Subsection (6)(a) to the

1483 attorney general.

1484 (d) In addition to the criminal penalty described in Subsection (6)(b), the lieutenant
1485 governor shall impose a civil fine of \$100 against an officeholder who violates Subsection
1486 (6)(a).";

1487 (10) amend Section [20A-11-1603](#) to read:

1488 **"20A-11-1603. Financial disclosure form -- Required when filing for candidacy --**
1489 **Public availability.**

1490 (1) [~~Candidates seeking the following offices~~] A candidate seeking the office of state
1491 constitutional officer or state legislator shall file a financial disclosure with the filing officer at
1492 the time of filing a declaration of candidacy[:].

1493 [~~(a) state constitutional officer;~~]

1494 [~~(b) state legislator; or~~]

1495 [~~(c) State Board of Education member.~~]

1496 (2) A filing officer may not accept a declaration of candidacy for an office listed in
1497 Subsection (1) unless the declaration of candidacy is accompanied by the financial disclosure
1498 required by this section.

1499 (3) The financial disclosure form shall contain the same requirements and shall be in
1500 the same format as the financial disclosure form described in Section [20A-11-1604](#).

1501 (4) The financial disclosure form shall:

1502 (a) be made available for public inspection at the filing officer's place of business;

1503 (b) if the filing officer is an individual other than the lieutenant governor, be provided
1504 to the lieutenant governor within five business days of the date of filing and be made publicly
1505 available at the Office of the Lieutenant Governor; and

1506 (c) be made publicly available on the Statewide Electronic Voter Information Website
1507 administered by the lieutenant governor.";

1508 (11) renumber Section [20A-14-101.1](#) as Section [53A-1-107](#) and amend to read:

1509 **"[~~20A-14-101.1~~] 53A-1-107. Definitions.**

1510 As used in this part:

1511 (1) "Board" means the State Board of Education.

1512 (2) "Board block assignment file" means the electronic file that assigns each of Utah's
1513 115,406 census blocks to a particular State Board of Education district.

1514 (3) "Board shapefile" means the electronic shapefile that stores the boundary of each of
1515 the 15 State Board of Education districts.

1516 (4) "Census block" means any one of the 115,406 individual geographic areas into
1517 which the Bureau of the Census of the United States Department of Commerce has divided the
1518 state of Utah, to each of which the Bureau of the Census has attached a discrete population
1519 tabulation from the 2010 decennial census.

1520 (5) "Shapefile" means the digital vector storage format for storing geometric location
1521 and associated attribute information.";

1522 (12) renumber Section 20A-14-101.5 as Section 53A-1-108 and amend to read:

1523 ~~["20A-14-101.5]~~ 53A-1-108. State Board of Education districts.

1524 ~~[(1) As used in this section:]~~

1525 ~~[(a) "County boundary" means the county boundary's location in the database as of~~
1526 ~~January 1, 2010.]~~

1527 ~~[(b) "Database" means the State Geographic Information Database created in Section~~
1528 ~~63F-1-507.]~~

1529 ~~[(c) "Local school district boundary" means the local school district boundary's~~
1530 ~~location in the database as of January 1, 2010.]~~

1531 ~~[(d) "Municipal boundary" means the municipal boundary's location in the database as~~
1532 ~~of January 1, 2010.]~~

1533 ~~[(2) The State Board of Education shall consist of 15 members, with one member to be~~
1534 ~~elected from each State Board of Education district.]~~

1535 ~~[(3)]~~ (1) The Legislature adopts the official census population figures and maps of the
1536 Bureau of the Census of the United States Department of Commerce developed in connection
1537 with the taking of the 2010 national decennial census as the official data for establishing State
1538 Board of Education district boundaries.

1539 ~~[(4)]~~ (2) (a) Effective January 1, 2023, the Legislature shall adopt the official census
1540 population figures and maps of the Bureau of the Census of the United States Department of
1541 Commerce developed in connection with the taking of the 2020 national decennial census as
1542 the official data for establishing State Board of Education district boundaries.

1543 (b) Using the data described in Subsection (2), the Legislature shall divide the state
1544 into 15 State Board of Education districts.

1545 (3) (a) Notwithstanding [Subsection (3)] Subsections (1) and (2), the Legislature enacts
1546 the district numbers and boundaries of the State Board of Education districts designated in the
1547 board shapefile [that is the electronic component of the bill that enacts this section].

1548 (b) [That] The board shapefile described in Subsection (3)(a), and the State Board of
1549 Education district boundaries generated from that board shapefile, may be accessed via the
1550 Utah Legislature's website.";

1551 (13) enact Section 53A-1-109 to read:

1552 **"53A-1-109. State Board of Education -- Members.**

1553 (1) A member of the State Board of Education shall:

1554 (a) be appointed by the governor, with the consent of the Senate; and

1555 (b) reside in and represent a State Board of Education district, described in Section
1556 53A-1-108.

1557 (2) The board shall consist of 15 members.

1558 (3) A board member shall, during the member's term of office, maintain the member's
1559 primary residence within the State Board of Education district that the member is appointed to
1560 represent.

1561 (4) An individual who has been convicted of a grievous sexual offense, as defined in
1562 Section 76-1-601, against a child, may not serve as a member of the board.

1563 (5) (a) The governor shall appoint the members of the board, as the terms of existing
1564 members end, as follows:

1565 (i) for terms beginning on January 1, 2019, the governor shall appoint board members
1566 residing in districts 1, 2, 3, 5, 6, 9, and 14 to terms of four years; and

1567 (ii) for terms beginning on January 1, 2021, the governor shall appoint board members
1568 residing in districts 4, 7, 8, 10, 11, 12, 13, and 15 to terms of four years.

1569 (b) The term of a member of the board is four years.

1570 (6) (a) If a vacancy occurs on the board for any reason before the end of the term for
1571 that board member, the governor shall appoint, with the consent of the Senate, an individual
1572 who resides in the applicable State Board of Education district to serve on the board for the
1573 remainder of the term of that board member.

1574 (b) The governor may remove an individual from the board for cause.

1575 (c) Except as provided in Subsection (6)(d), the governor may not appoint an

1576 individual to more than two consecutive terms as a member of the board.

1577 (d) The governor may appoint an individual appointed under Subsection (6)(a) to two
1578 consecutive terms on the board immediately following the partial initial term served by the
1579 board member.

1580 (7) A board member whose term expires shall continue to serve on the board until the
1581 member's replacement is appointed by the governor and confirmed by the Senate.

1582 (8) A board member may not, during the member's term of office, also serve as an
1583 employee of:

1584 (a) the State Board of Education;

1585 (b) the Utah State Office of Education; or

1586 (c) the Utah State Office of Rehabilitation.";

1587 (14) amend Section [53A-1-301](#) to read:

1588 **"53A-1-301. Appointment -- Qualifications -- Duties.**

1589 (1) (a) The State Board of Education, upon approval from the governor and with the
1590 consent of the Senate, shall appoint a superintendent of public instruction, hereinafter called
1591 the state superintendent, who is the executive officer of the board and serves at the pleasure of
1592 the board.

1593 (b) The board shall appoint the state superintendent on the basis of outstanding
1594 professional qualifications.

1595 (c) The state superintendent shall administer all programs assigned to the State Board
1596 of Education in accordance with the policies and the standards established by the board.

1597 (2) The State Board shall with the appointed superintendent develop a statewide
1598 education strategy focusing on core academics, including the development of:

1599 (a) core curriculum and graduation requirements;

1600 (b) a process to select instructional materials that best correlate to the core curriculum
1601 and graduation requirements that are supported by generally accepted scientific standards of
1602 evidence;

1603 (c) professional development programs for teachers, superintendents, and principals;

1604 (d) remediation programs;

1605 (e) a method for creating individual student learning targets, and a method of
1606 measuring an individual student's performance toward those targets;

- 1607 (f) progress-based assessments for ongoing performance evaluations of districts and
1608 schools;
- 1609 (g) incentives to achieve the desired outcome of individual student progress in core
1610 academics, and which do not create disincentives for setting high goals for the students;
- 1611 (h) an annual report card for school and district performance, measuring learning and
1612 reporting progress-based assessments;
- 1613 (i) a systematic method to encourage innovation in schools and school districts as they
1614 strive to achieve improvement in their performance; and
- 1615 (j) a method for identifying and sharing best demonstrated practices across districts and
1616 schools.
- 1617 (3) The superintendent shall perform duties assigned by the board, including the
1618 following:
- 1619 (a) investigating all matters pertaining to the public schools;
- 1620 (b) adopting and keeping an official seal to authenticate the superintendent's official
1621 acts;
- 1622 (c) holding and conducting meetings, seminars, and conferences on educational topics;
- 1623 (d) presenting to the governor and the Legislature each December a report of the public
1624 school system for the preceding year to include:
- 1625 (i) data on the general condition of the schools with recommendations considered
1626 desirable for specific programs;
- 1627 (ii) a complete statement of fund balances;
- 1628 (iii) a complete statement of revenues by fund and source;
- 1629 (iv) a complete statement of adjusted expenditures by fund, the status of bonded
1630 indebtedness, the cost of new school plants, and school levies;
- 1631 (v) a complete statement of state funds allocated to each school district and charter
1632 school by source, including supplemental appropriations, and a complete statement of
1633 expenditures by each school district and charter school, including supplemental appropriations,
1634 by function and object as outlined in the U.S. Department of Education publication "Financial
1635 Accounting for Local and State School Systems";
- 1636 (vi) a complete statement, by school district and charter school, of the amount of and
1637 percentage increase or decrease in expenditures from the previous year attributed to:

- 1638 (A) wage increases, with expenditure data for base salary adjustments identified
1639 separately from step and lane expenditures;
- 1640 (B) medical and dental premium cost adjustments; and
1641 (C) adjustments in the number of teachers and other staff;
- 1642 (vii) a statement that includes data on:
1643 (A) fall enrollments;
1644 (B) average membership;
1645 (C) high school graduates;
1646 (D) licensed and classified employees, including data reported by school districts on
1647 educator ratings pursuant to Section [53A-8a-405](#);
- 1648 (E) pupil-teacher ratios;
1649 (F) average class sizes calculated in accordance with State Board of Education rules
1650 adopted under Subsection [53A-3-602.5](#)(4);
1651 (G) average salaries;
1652 (H) applicable private school data; and
1653 (I) data from standardized norm-referenced tests in grades 5, 8, and 11 on each school
1654 and district;
- 1655 (viii) statistical information regarding incidents of delinquent activity in the schools or
1656 at school-related activities with separate categories for:
1657 (A) alcohol and drug abuse;
1658 (B) weapon possession;
1659 (C) assaults; and
1660 (D) arson;
- 1661 (ix) information about:
1662 (A) the development and implementation of the strategy of focusing on core
1663 academics;
1664 (B) the development and implementation of competency-based education and
1665 progress-based assessments; and
1666 (C) the results being achieved under Subsections (3)(d)(ix)(A) and (B), as measured by
1667 individual progress-based assessments and a comparison of Utah students' progress with the
1668 progress of students in other states using standardized norm-referenced tests as benchmarks;

1669 and

1670 (x) other statistical and financial information about the school system which the state
1671 superintendent considers pertinent;

1672 (e) collecting and organizing education data into an automated decision support system
1673 to facilitate school district and school improvement planning, accountability reporting,
1674 performance recognition, and the evaluation of educational policy and program effectiveness to
1675 include:

1676 (i) data that are:

1677 (A) comparable across schools and school districts;

1678 (B) appropriate for use in longitudinal studies; and

1679 (C) comprehensive with regard to the data elements required under applicable state or
1680 federal law or state board rule;

1681 (ii) features that enable users, most particularly school administrators, teachers, and
1682 parents, to:

1683 (A) retrieve school and school district level data electronically;

1684 (B) interpret the data visually; and

1685 (C) draw conclusions that are statistically valid; and

1686 (iii) procedures for the collection and management of education data that:

1687 (A) require the state superintendent of public instruction to:

1688 (I) collaborate with school districts in designing and implementing uniform data
1689 standards and definitions;

1690 (II) undertake or sponsor research to implement improved methods for analyzing
1691 education data;

1692 (III) provide for data security to prevent unauthorized access to or contamination of the
1693 data; and

1694 (IV) protect the confidentiality of data under state and federal privacy laws; and

1695 (B) require all school districts and schools to comply with the data collection and
1696 management procedures established under Subsection (3)(e);

1697 (f) administering and implementing federal educational programs in accordance with
1698 Title 53A, Chapter 1, Part 9, Implementing Federal Programs Act; and

1699 (g) with the approval of the board, preparing and submitting to the governor a budget

1700 for the board to be included in the budget that the governor submits to the Legislature.

1701 (4) The state superintendent shall distribute funds deposited in the Autism Awareness
1702 Restricted Account created in Section [53A-1-304](#) in accordance with the requirements of
1703 Section [53A-1-304](#).

1704 (5) Upon leaving office, the state superintendent shall deliver to the state
1705 superintendent's successor all books, records, documents, maps, reports, papers, and other
1706 articles pertaining to the state superintendent's office.

1707 (6) (a) For the purpose of Subsection (3)(d)(vii):

1708 (i) the pupil-teacher ratio for a school shall be calculated by dividing the number of
1709 students enrolled in a school by the number of full-time equivalent teachers assigned to the
1710 school, including regular classroom teachers, school-based specialists, and special education
1711 teachers;

1712 (ii) the pupil-teacher ratio for a school district shall be the median pupil-teacher ratio of
1713 the schools within a school district;

1714 (iii) the pupil-teacher ratio for charter schools aggregated shall be the median
1715 pupil-teacher ratio of charter schools in the state; and

1716 (iv) the pupil-teacher ratio for the state's public schools aggregated shall be the median
1717 pupil-teacher ratio of public schools in the state.

1718 (b) The printed copy of the report required by Subsection (3)(d) shall:

1719 (i) include the pupil-teacher ratio for:

1720 (A) each school district;

1721 (B) the charter schools aggregated; and

1722 (C) the state's public schools aggregated; and

1723 (ii) indicate the Internet website where pupil-teacher ratios for each school in the state
1724 may be accessed.";

1725 (15) renumber and amend Section [20A-14-102](#) as Section [53A-1-110](#), as follows:

1726 ~~"[20A-14-102.]~~ [53A-1-110](#). Board shapefile -- Lieutenant Governor's Office
1727 as repository.

1728 (1) (a) The Legislature shall file a copy of the board shapefile enacted by the
1729 Legislature with the lieutenant governor's office.

1730 (b) The legal boundaries of State Board of Education districts are contained in the

1731 board shapefile on file with the lieutenant governor's office.

1732 (2) (a) The lieutenant governor shall:

1733 (i) generate maps of each State Board of Education district from the board shapefile;

1734 and

1735 (ii) ensure that those maps are available for viewing on the lieutenant governor's
1736 website.

1737 (b) If there is any inconsistency between the maps and the board shapefile, the board
1738 shapefile is controlling.";

1739 (16) renumber and amend Section [20A-14-102.1](#) as Section [53A-1-111](#), as follows:

1740 ~~"[20A-14-102.1.]~~ **53A-1-111. Omissions from maps -- How resolved.**

1741 (1) If any area of the state is omitted from a State Board of Education district in the
1742 board shapefile enacted by the Legislature, the county clerk of the affected county, upon
1743 discovery of the omission, shall attach the area to the appropriate State Board of Education
1744 district according to the requirements of Subsections (2) and (3).

1745 (2) If the omitted area is surrounded by a single State Board of Education district, the
1746 county clerk shall attach the area to that district.

1747 (3) If the omitted area is contiguous to two or more State Board of Education districts,
1748 the county clerk shall attach the area to the district that has the least population, as determined
1749 by the Utah Population Estimates Committee.

1750 (4) The county clerk shall certify in writing and file with the lieutenant governor any
1751 attachment made under this section.";

1752 (17) renumber Section [20A-14-102.2](#) as Section [53A-1-112](#) and amend to read:

1753 ~~"[20A-14-102.2.]~~ **53A-1-112. Uncertain boundaries -- How resolved.**

1754 (1) As used in this section:

1755 (a) "Affected party" means:

1756 (i) a ~~[state school]~~ board member whose State Board of Education district boundary is
1757 uncertain because the feature used to establish the district boundary in the board shapefile has
1758 been removed, modified, or is unable to be identified or who is uncertain about whether ~~[or~~
1759 ~~not]~~ the member or another person resides in a particular State Board of Education district;

1760 (ii) a ~~[candidate for state school]~~ potential appointee to the board whose State Board of
1761 Education district boundary is uncertain because the feature used to establish the district

1762 boundary in the board shapefile has been removed, modified, or is unable to be identified or
1763 who is uncertain about whether [~~or not the candidate or another person~~] the potential appointee
1764 or another individual resides in a particular State Board of Education district; or

1765 (iii) [~~a person~~] an individual who is uncertain about which State Board of Education
1766 district contains the [~~person's~~] individual's residence because the feature used to establish the
1767 district boundary in the board shapefile has been removed, modified, or is unable to be
1768 identified.

1769 (b) "Feature" means a geographic or other tangible or intangible mark such as a road or
1770 political subdivision boundary that is used to establish a State Board of Education district
1771 boundary.

1772 (2) (a) An affected party may file a written request petitioning the lieutenant governor
1773 to determine:

1774 (i) the precise location of the State Board of Education district boundary;

1775 (ii) the number of the State Board of Education district in which [~~a person~~] an
1776 individual resides; or

1777 (iii) both Subsections (2)(a)(i) and (ii).

1778 (b) In order to make the determination required by Subsection (2)(a), the lieutenant
1779 governor shall review:

1780 (i) the board shapefile; and

1781 (ii) other relevant data such as aerial photographs, aerial maps, or other data about the
1782 area.

1783 (c) Within five days of receipt of the request, the lieutenant governor shall:

1784 (i) review the board [~~block~~] shapefile;

1785 (ii) review any relevant data; and

1786 (iii) make a determination.

1787 (d) If the lieutenant governor determines the precise location of the State Board of
1788 Education district boundary, the lieutenant governor shall:

1789 (i) prepare a certification identifying the appropriate State Board of Education district
1790 boundary and attaching a map, if necessary; and

1791 (ii) send a copy of the certification to:

1792 (A) the affected party;

1793 (B) the county clerk of the affected county; and
1794 (C) the Automated Geographic Reference Center created under Section 63F-1-506.

1795 (e) If the lieutenant governor determines the number of the State Board of Education
1796 district in which a particular [person] individual resides, the lieutenant governor shall send a
1797 letter identifying that district by number to:

1798 (i) the [person] individual;
1799 (ii) the affected party who filed the petition, if different than the [person] individual
1800 whose State Board of Education district number was identified; and

1801 (iii) the county clerk of the affected county.";
1802 (18) renumber Section 20A-14-102.3 as Section 53A-1-113 and amend to read:

1803 "[20A-14-102.3.] 53A-1-113. County clerk, Automated Geographic Reference
1804 Center, and lieutenant governor responsibilities -- Maps.

1805 (1) As used in this section, "redistricting boundary data" means the board shapefile.

1806 (2) Each county clerk shall obtain a copy of the redistricting boundary data for the
1807 clerk's county from the lieutenant governor's office.

1808 (3) (a) A county clerk may create one or more county maps that identify the boundaries
1809 of State Board of Education districts as generated from the redistricting boundary data.

1810 (b) Before publishing or distributing any map or data created by the county clerk that
1811 identifies the boundaries of State Board of Education districts within the county, the clerk shall
1812 submit the county map and data to the lieutenant governor and to the Automated Geographic
1813 Reference Center for review.

1814 (c) Within 30 days after receipt of a county map and data from a county clerk, the
1815 Automated Geographic Reference Center shall:

1816 (i) review the county map and data to evaluate if the county map and data accurately
1817 reflect the boundaries of State Board of Education districts established by the Legislature in the
1818 redistricting boundary data;

1819 (ii) determine whether the county map and data are correct or incorrect; and

1820 (iii) communicate those findings to the lieutenant governor.

1821 (d) The lieutenant governor shall either notify the county clerk that the county map and
1822 data are correct or inform the county clerk that the county map and data are incorrect.

1823 (e) If the county clerk receives notice from the lieutenant governor that the county map

1824 and data submitted are incorrect, the county clerk shall:

1825 (i) make the corrections necessary to conform the county map and data to the
1826 redistricting boundary data; and

1827 (ii) resubmit the corrected county map and data to the lieutenant governor for a new
1828 review under this Subsection (3).

1829 ~~[(4) (a) Subject to the requirements of this Subsection (4), each county clerk shall~~
1830 ~~establish voting precincts and polling places within each State Board of Education district~~
1831 ~~according to the procedures and requirements of Section 20A-5-303.]~~

1832 ~~[(b) Within five working days after approval of voting precincts and polling places by~~
1833 ~~the county legislative body as required by Section 20A-5-303, each county clerk shall submit a~~
1834 ~~voting precinct map identifying the boundaries of each voting precinct within the county to the~~
1835 ~~lieutenant governor and to the Automated Geographic Reference Center for review.]~~

1836 ~~[(c) Within 30 days after receipt of a voting precinct map from a county clerk, the~~
1837 ~~Automated Geographic Reference Center shall:]~~

1838 ~~[(i) review the voting precinct map to evaluate if the voting precinct map accurately~~
1839 ~~reflects the boundaries of State Board of Education districts established by the Legislature in~~
1840 ~~the redistricting boundary data;]~~

1841 ~~[(ii) determine whether the voting precinct map is correct or incorrect; and]~~

1842 ~~[(iii) communicate those findings to the lieutenant governor.]~~

1843 ~~[(d) The lieutenant governor shall either notify the county clerk that the voting precinct~~
1844 ~~map is correct or notify the county clerk that the voting precinct map is incorrect.]~~

1845 ~~[(e) If the county clerk receives notice from the lieutenant governor that the voting~~
1846 ~~precinct map is incorrect, the county clerk shall:]~~

1847 ~~[(i) make the corrections necessary to conform the voting precinct map to the~~
1848 ~~redistricting boundary data; and]~~

1849 ~~[(ii) resubmit the corrected voting precinct map to the lieutenant governor and to the~~
1850 ~~Automated Geographic Reference Center for a new review under this Subsection (4).]";~~

1851 (19) amend Section [53A-1-201](#) to read:

1852 **53A-1-201. Election and appointment of officers -- Removal from office.**

1853 (1) As used in this section, "board" means the State Board of Education.

1854 ~~[(1)]~~ (2) The State Board of Education shall elect from its members a chair, and at least

1855 one vice chair, but no more than three vice chairs, each year at a meeting held any time
 1856 between November 15 and January 15.

1857 ~~[(2)]~~ (3) (a) If the election of officers is held subsequent to the ~~[election]~~ appointment
 1858 of a new member of the board, but ~~[prior to the time that]~~ before the new member takes office,
 1859 the new member shall assume the position of the outgoing member for purposes of the election
 1860 of officers.

1861 (b) In all other matters the outgoing member shall retain the full authority of the office
 1862 until replaced as provided by law.

1863 ~~[(3)]~~ (4) The duties of these officers shall be determined by the board.

1864 ~~[(4)]~~ (5) The board shall appoint a secretary who serves at the pleasure of the board.

1865 ~~[(5)]~~ (6) An officer appointed or elected by the board under this section may be
 1866 removed from office for cause by a vote of two-thirds of the board.";

1867 (20) repeal Section 20A-1-507;

1868 (21) repeal Section 20A-11-1301;

1869 (22) repeal Section 20A-11-1302;

1870 (23) repeal Section 20A-11-1303;

1871 (24) repeal Section 20A-11-1304;

1872 (25) repeal Section 20A-11-1305;

1873 (26) repeal Section 20A-14-103;

1874 (27) repeal Section 20A-14-104;

1875 (28) repeal Section 20A-14-106; and

1876 (29) repeal Section 53A-1-101.

1877 **Section 14. Coordinating H.B. 186 with S.J. R. 5, Proposal to Amend Utah**
 1878 **Constitution -- State Board of Education Changes.**

1879 If this H.B. 186 passes and becomes law and S.J. R. 5, Proposal to Amend Utah
 1880 Constitution -- State Board of Education Changes, does not pass, it is the intent of the
 1881 Legislature that H.B. 186 does not take effect.

1882 **Section 15. Coordinating H.B. 186 with H.B. 360, Utah Education Amendments.**

1883 If this H.B. 186 and H.B. 360, Utah Education Amendments, both pass and become
 1884 law, it is the intent of the Legislature that the coordination clause in H.B. 360 does not take
 1885 effect.