

HB0186S05 compared with HB0186S04

~~text~~ shows text that was in HB0186S04 but was deleted in HB0186S05.

text shows text that was not in HB0186S04 but was inserted into HB0186S05.

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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: _____

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;

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- ▶ 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 Legislature or the voters do not pass the constitutional amendment described in the preceding paragraph; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides substantive revisor instructions.

This bill provides coordination clauses.

Utah Code Sections Affected:

AMENDS:

- 20A-1-504**, as last amended by Laws of Utah 2010, Chapter 197
- 20A-9-408**, as enacted by Laws of Utah 2014, Chapter 17
- 20A-11-403**, as last amended by Laws of Utah 2013, Chapter 420
- 20A-11-1301**, as last amended by Laws of Utah 2014, Chapters 335 and 337
- 20A-11-1303**, as last amended by Laws of Utah 2014, Chapter 337
- 20A-11-1305**, as last amended by Laws of Utah 2014, Chapter 337
- 20A-14-103**, as last amended by Laws of Utah 2011, Third Special Session, Chapter 3
- 20A-14-104**, as last amended by Laws of Utah 2004, Chapter 19
- 53A-1-101**, as last amended by Laws of Utah 2010, Chapter 162
- 53A-1-202**, as last amended by Laws of Utah 2010, Chapter 286
- 63I-2-220**, as last amended by Laws of Utah 2014, Chapter 3

REPEALS:

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

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Utah Code Sections Affected by Revisor Instructions:

20A-1-201, as last amended by Laws of Utah 2014, Chapter 362
20A-1-201.5, as last amended by Laws of Utah 2013, Chapter 320
20A-1-504, as last amended by Laws of Utah 2010, Chapter 197
20A-1-507, as enacted by Laws of Utah 1993, Chapter 1
20A-2-101.5, as last amended by Laws of Utah 2013, Chapter 263
20A-9-201, as last amended by Laws of Utah 2014, Chapter 17
20A-9-408, as enacted by Laws of Utah 2014, Chapter 17
20A-11-101, as last amended by Laws of Utah 2014, Chapters 18, 158, and 337
20A-11-402, as last amended by Laws of Utah 2013, Chapter 320
20A-11-403, as last amended by Laws of Utah 2013, Chapter 420
20A-11-1301, as last amended by Laws of Utah 2014, Chapters 335 and 337
20A-11-1302, as last amended by Laws of Utah 2011, Chapter 347
20A-11-1303, as last amended by Laws of Utah 2014, Chapter 337
20A-11-1304, as enacted by Laws of Utah 1997, Chapter 355
20A-11-1305, as last amended by Laws of Utah 2014, Chapter 337
20A-11-1603, as last amended by Laws of Utah 2014, Chapter 18
20A-14-101.1, as last amended by Laws of Utah 2013, Chapter 455
20A-14-101.5, as last amended by Laws of Utah 2013, Chapter 455
20A-14-102, as last amended by Laws of Utah 2013, Chapter 455
20A-14-102.1, as last amended by Laws of Utah 2013, Chapter 455
20A-14-102.2, as last amended by Laws of Utah 2013, Chapter 455
20A-14-102.3, as last amended by Laws of Utah 2013, Chapter 455
20A-14-103, as last amended by Laws of Utah 2011, Third Special Session, Chapter 3
20A-14-104, as last amended by Laws of Utah 2004, Chapter 19
20A-14-106, as enacted by Laws of Utah 1995, Chapter 1
53A-1-101, as last amended by Laws of Utah 2010, Chapter 162
53A-1-109, Utah Code Annotated 1953
53A-1-201, as last amended by Laws of Utah 2013, Chapter 111
53A-1-301, as last amended by Laws of Utah 2012, Chapter 425

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

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

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

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

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

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

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

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

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

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

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

"State of Utah, County of _____

I, _____, declare my intention of becoming a candidate for the office of _____ as a candidate for the _____ party. I do solemnly swear that: I will meet the qualifications to hold the office, both legally and constitutionally, if selected; I reside at _____ in the City or Town of _____, Utah, Zip Code _____, Phone No. _____; I will not knowingly violate

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any law governing campaigns and elections; I will file all campaign financial disclosure reports as required by law; and I understand that failure to do so will result in my disqualification as a candidate for this office and removal of my name from the ballot. The mailing address that I designate for receiving official election notices is

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

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

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

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

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

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

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

(v) other information required by the lieutenant governor;

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

(c) pay the filing fee.

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

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

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

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

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

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

(v) other information required by the lieutenant governor;

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

(c) pay the filing fee.

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

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

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

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

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

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

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amounts:

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

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

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

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

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

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

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

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

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

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

(c) An individual who files a notice of intent to gather signatures for candidacy,

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

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

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

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

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

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

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

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

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

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

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

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

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

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- (a) each officeholder that is required to file a summary report has filed one; and
- (b) each summary report contains the information required by this part.

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

- (a) impose a fine against the filing entity in accordance with Section 20A-11-1005; and
- (b) within five days of discovery of a violation or receipt of a written complaint, notify the officeholder of the violation or written complaint and direct the officeholder to file a summary report correcting the problem.

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

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

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

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

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

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

- (a) impose a fine against the filing entity in accordance with Section 20A-11-1005; and
- (b) within five days after the day on which the violation is discovered or a written

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

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

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

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

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

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

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

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

(ii) A school board office candidate may:

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

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

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

(i) a personal use expenditure; or

(ii) an expenditure prohibited by law.

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

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

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by law.

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

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

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

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

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

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

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

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

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

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

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

(B) the school board office candidate is contested in a general election and the

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contribution or public service assistance is received within 30 days before the day on which the general election is held.

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

- (i) the greater of \$50 or 15% of the amount of the contribution; or
- (ii) the greater of \$50 or 15% of the value of the public service assistance.

(d) A fine described in Subsection (6)(c) may not exceed the amount of the contribution or the value of the public service assistance to which the fine relates.

(e) The chief election officer shall:

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

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

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

(B) the amount of the fine;

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

(D) the date of the contribution.

(7) (a) As used in this Subsection (7), "account" means an account in a financial institution:

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

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

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

(i) a contribution deposited in an account:

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

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

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- (ii) an expenditure made from an account:
 - (A) since the last campaign finance statement was filed; or
 - (B) that has not been reported under a statute or ordinance that governs the account.

Section 5. Section **20A-11-1303** is amended to read:

20A-11-1303. School board office candidate and school board officeholder --

Financial reporting requirements -- Interim reports.

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

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

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

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

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

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

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

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

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

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

(iii) August 31; and

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

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

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

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

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

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

(iii) August 31; and

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

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

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

(b) a single figure equal to the total amount of receipts reported on all prior interim reports, if any, during the calendar year in which the interim report is due;

(c) a single figure equal to the total amount of expenditures reported on all prior interim reports, if any, filed during the calendar year in which the interim report is due;

(d) a detailed listing of each contribution and public service assistance received since the last summary report that has not been reported in detail on a prior interim report;

(e) for each nonmonetary contribution:

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

(ii) a specific description of the contribution;

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

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

(h) a net balance for the year consisting of the net balance from the last summary report, if any, plus all receipts since the last summary report minus all expenditures since the last summary report;

(i) a summary page in the form required by the lieutenant governor that identifies:

(i) beginning balance;

(ii) total contributions during the period since the last statement;

(iii) total contributions to date;

(iv) total expenditures during the period since the last statement; and

(v) total expenditures to date; and

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

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

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

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

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

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

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

Penalties.

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

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

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

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

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

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

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

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

(ii) those reports are completed, detailing accurately and completely the information

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required by this part except for inadvertent omissions or insignificant errors or inaccuracies; and

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

- (A) an amended report; or
- (B) the next scheduled report.

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

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

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

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

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

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

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

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

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

20A-14-103. State Board of Education members -- When elected -- Qualifications

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-- Avoiding conflicts of interest.

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

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

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

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

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

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

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

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

(3) A State Board of Education member shall:

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

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

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

(a) the State Board of Education;

(b) the Utah State Office of Education; or

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(c) the Utah State Office of Rehabilitation.

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

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

Education.

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

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

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

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

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

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

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

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

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

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

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

~~[(i) teachers;]~~

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

~~[(iii) parents;]~~

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

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

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

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

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~~through (vi) shall be appointed from lists containing at least two names submitted by organizations representing each of the respective sectors.]~~

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

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

~~[(b) The chair, or another member of the committee designated by the chair, shall schedule and convene all committee meetings.]~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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- ~~[(ii) manufacturing;]~~
- ~~[(iii) retailing;]~~
- ~~[(iv) natural resources;]~~
- ~~[(v) information technology;]~~
- ~~[(vi) construction;]~~
- ~~[(vii) banking;]~~
- ~~[(viii) science and engineering; and]~~
- ~~[(ix) medical and healthcare;]~~
- ~~[(e) higher education administration;]~~
- ~~[(f) applied technology education;]~~
- ~~[(g) public education administration;]~~
- ~~[(h) public education instruction;]~~
- ~~[(i) economic development;]~~
- ~~[(j) labor; and]~~
- ~~[(k) other life experiences that would benefit the State Board of Education.]~~

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

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

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

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

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

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

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

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

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

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applicable.]

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

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

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

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

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

(a) Section 63A-3-106;

(b) Section 63A-3-107; and

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

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

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

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

(1) Section 20A-3-704 is repealed January 1, 2016.

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

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

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

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

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

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

(b) Subsection 20A-1-504(3) is repealed;

(c) Subsection 20A-9-408(8)(b)(v) is repealed;

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

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

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

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

Section 12. **Repealer.**

This bill repeals:

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

Section 13. **Revisor instructions.**

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

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

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

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

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

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

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

(ii) United States Senators;

(iii) Representatives to the United States Congress;

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

(v) senators and representatives to the Utah Legislature;

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(vi) county officers;

~~[(vii) State School Board members;]~~

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

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

and

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

(b) approve or reject:

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

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

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

(3) This section:

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

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

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

20A-1-201.5. Primary election dates.

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

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

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

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

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

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

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

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

(4) amend Section 20A-2-101.5 to read:

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

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

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

(a) the felon is sentenced to probation;

(b) the felon is granted parole; or

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

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

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

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

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

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

(A) completed probation in relation to the felony;

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

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

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

(5) amend Section 20A-9-201 to read:

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

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

(a) be a United States citizen;

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

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

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

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

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

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

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

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

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

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

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

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

(A) a United States citizen;

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

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

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

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

(A) a United States citizen;

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

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

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

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

(A) as of the date of filing:

(I) is a United States citizen;

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

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

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

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

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

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

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

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

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

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

(i) inform the candidate that:

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

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

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

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

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

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

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

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

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

(A) signing the pledge is voluntary; and

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

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

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

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

(i) accept the candidate's pledge; and

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

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

"State of Utah, County of ____

I, _____, declare my candidacy for the office of _____, seeking the nomination of the _____ party, which is my preferred political party affiliation. I do solemnly swear that: I will meet the qualifications to hold the office, both legally and constitutionally, if selected; I reside at _____ in the City or Town of _____, Utah, Zip Code _____ Phone No. _____; I will not knowingly violate any law governing campaigns and elections; I will file all campaign financial disclosure reports as required by law; and I understand that failure to do so will result in my disqualification as a

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candidate for this office and removal of my name from the ballot. The mailing address that I designate for receiving official election notices is

_____.

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

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

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

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

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

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

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

(i) who is disqualified; or

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

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

(ii) The lieutenant governor shall:

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

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

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

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

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

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

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

"Affidavit of Impecuniosity

Individual Name _____

_____ Address _____

Phone Number _____

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

Date _____ Signature _____

Affiant

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

(signature)

Name and Title of Officer Authorized to Administer Oath _____"

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

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

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

(6) (a) If there is no legislative appropriation for the Western States Presidential

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Primary election, as provided in Part 8, Western States Presidential Primary, a candidate for president of the United States who is affiliated with a registered political party and chooses to participate in the regular primary election shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

"State of Utah, County of _____

I, _____, declare my intention of becoming a candidate for the office of _____ as a candidate for the _____ party. I do solemnly swear that: I will meet the qualifications

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

_____.

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

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

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

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

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

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

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

(v) other information required by the lieutenant governor;

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

(c) pay the filing fee.

(4) Notwithstanding Subsection 20A-9-202(2)(a), a member of a qualified political party who, under this section, is seeking the nomination of the qualified political party for the

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office of district attorney within a multicounty prosecution district that is to be filled at the next general election shall:

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

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

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

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

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

(v) other information required by the lieutenant governor;

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

(c) pay the filing fee.

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

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

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

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

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

(b) collecting signatures, on a form approved by the lieutenant governor's office, during

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the period beginning on January 1 of an even-numbered year and ending 14 days before the day on which the qualified political party's convention for the office is held, in the following amounts:

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

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

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

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

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

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

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

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

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

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

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the notice of intent to gather signatures for candidacy:

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

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

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

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

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

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

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

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

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

(7) amend Section 20A-11-101 to read:

"20A-11-101. Definitions.

As used in this chapter:

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

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

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

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

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

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

(e) a political consultant of a reporting entity.

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

(4) "Candidate" means any person who:

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

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

(5) "Chief election officer" means:

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

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

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

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

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

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

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

(v) remuneration from:

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

or

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

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

(vii) in-kind contributions.

(b) "Contribution" does not include:

(i) services provided by individuals volunteering a portion or all of their time on behalf of the filing entity if the services are provided without compensation by the filing entity or any other person;

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

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

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

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

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

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

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

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

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

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

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(b) "Corporation" does not mean:

- (i) a business organization's political action committee or political issues committee; or
- (ii) a business entity organized as a partnership or a sole proprietorship.

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

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

(11) "Detailed listing" means:

(a) for each contribution or public service assistance:

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

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

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

(b) for each expenditure:

(i) the amount of the expenditure;

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

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

(iv) the date the expenditure was made.

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

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

(13) "Election" means each:

(a) regular general election;

(b) regular primary election; and

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

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

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

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(b) clearly identifies a candidate or judge; and

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

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

(i) any disbursement from contributions, receipts, or from the separate bank account required by this chapter;

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

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

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

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

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

(b) "Expenditure" does not include:

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

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

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

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

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

(18) "Financial statement" includes any summary report, interim report, verified

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financial statement, or other statement disclosing contributions, expenditures, receipts, donations, or disbursements that is required by this chapter or Chapter 12, Part 2, Judicial Retention Elections.

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

(20) "Incorporation" means the process established by Title 10, Chapter 2, Part 1, Incorporation, by which a geographical area becomes legally recognized as a city or town.

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

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

(23) "Individual" means a natural person.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) a party committee;

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

(iii) an individual;

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

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

(vi) a personal campaign committee.

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

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

- (i) has already been paid, with money or other consideration;
- (ii) expects to be paid in the future, with money or other consideration; or
- (iii) understands that the person may, in the discretion of the reporting entity or another person on behalf of and with the knowledge of the reporting entity, be paid in the future, with money or other consideration.

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

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

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

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

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

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

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

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

(iii) an individual;

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

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

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

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

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

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

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

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

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

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

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

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

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

(A) a ballot proposition; or

(B) an incorporation petition or incorporation election;

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

(A) a ballot proposition; or

(B) an incorporation petition or incorporation election;

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

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

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

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

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

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

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

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

(b) "Poll" does not include:

(i) a ballot; or

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

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

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

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

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

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

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

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

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

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

(i) anything provided by the state;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(8) amend Section 20A-11-402 to read:

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

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

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

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

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

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

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

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

(a) a personal use expenditure; or

(b) an expenditure prohibited by law.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) within five days after the day on which the violation is discovered or a written complaint is received, notify the officeholder of the violation or written complaint and direct

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the officeholder to file an interim report correcting the problem.

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

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

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

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

(10) amend Section 20A-11-1603 to read:

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

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

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

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

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

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

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

(4) The financial disclosure form shall:

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

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

(c) be made publicly available on the Statewide Electronic Voter Information Website

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administered by the lieutenant governor.";

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

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

As used in this part:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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Board of Education district boundaries.

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

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

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

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

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

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

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

(a) ~~f(i)~~ be appointed by the governor, with the consent of the Senate; and

~~f(ii)~~ reside in and represent a State Board of Education district, described in Section 53A-1-108.

~~—— (b) The board of a local school district may recommend one or more individuals for the governor to consider appointing to the State Board of Education.~~

(2) The board shall consist of 15 members.

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

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

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

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

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

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

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

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

(c) Except as provided in Subsection (6)(d), the governor may not appoint an individual to more than two consecutive terms as a member of the board.

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

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

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

(a) the State Board of Education;

(b) the Utah State Office of Education; or

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

(14) amend Section 53A-1-301 to read:

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

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

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

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

(2) The State Board shall with the appointed superintendent develop a statewide

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education strategy focusing on core academics, including the development of:

- (a) core curriculum and graduation requirements;
- (b) a process to select instructional materials that best correlate to the core curriculum and graduation requirements that are supported by generally accepted scientific standards of evidence;
- (c) professional development programs for teachers, superintendents, and principals;
- (d) remediation programs;
- (e) a method for creating individual student learning targets, and a method of measuring an individual student's performance toward those targets;
- (f) progress-based assessments for ongoing performance evaluations of districts and schools;
- (g) incentives to achieve the desired outcome of individual student progress in core academics, and which do not create disincentives for setting high goals for the students;
- (h) an annual report card for school and district performance, measuring learning and reporting progress-based assessments;
- (i) a systematic method to encourage innovation in schools and school districts as they strive to achieve improvement in their performance; and
- (j) a method for identifying and sharing best demonstrated practices across districts and schools.

(3) The superintendent shall perform duties assigned by the board, including the following:

- (a) investigating all matters pertaining to the public schools;
- (b) adopting and keeping an official seal to authenticate the superintendent's official acts;
- (c) holding and conducting meetings, seminars, and conferences on educational topics;
- (d) presenting to the governor and the Legislature each December a report of the public school system for the preceding year to include:
 - (i) data on the general condition of the schools with recommendations considered desirable for specific programs;
 - (ii) a complete statement of fund balances;
 - (iii) a complete statement of revenues by fund and source;

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(iv) a complete statement of adjusted expenditures by fund, the status of bonded indebtedness, the cost of new school plants, and school levies;

(v) a complete statement of state funds allocated to each school district and charter school by source, including supplemental appropriations, and a complete statement of expenditures by each school district and charter school, including supplemental appropriations, by function and object as outlined in the U.S. Department of Education publication "Financial Accounting for Local and State School Systems";

(vi) a complete statement, by school district and charter school, of the amount of and percentage increase or decrease in expenditures from the previous year attributed to:

(A) wage increases, with expenditure data for base salary adjustments identified separately from step and lane expenditures;

(B) medical and dental premium cost adjustments; and

(C) adjustments in the number of teachers and other staff;

(vii) a statement that includes data on:

(A) fall enrollments;

(B) average membership;

(C) high school graduates;

(D) licensed and classified employees, including data reported by school districts on educator ratings pursuant to Section 53A-8a-405;

(E) pupil-teacher ratios;

(F) average class sizes calculated in accordance with State Board of Education rules adopted under Subsection 53A-3-602.5(4);

(G) average salaries;

(H) applicable private school data; and

(I) data from standardized norm-referenced tests in grades 5, 8, and 11 on each school and district;

(viii) statistical information regarding incidents of delinquent activity in the schools or at school-related activities with separate categories for:

(A) alcohol and drug abuse;

(B) weapon possession;

(C) assaults; and

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(D) arson;

(ix) information about:

(A) the development and implementation of the strategy of focusing on core academics;

(B) the development and implementation of competency-based education and progress-based assessments; and

(C) the results being achieved under Subsections (3)(d)(ix)(A) and (B), as measured by individual progress-based assessments and a comparison of Utah students' progress with the progress of students in other states using standardized norm-referenced tests as benchmarks; and

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

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

(i) data that are:

(A) comparable across schools and school districts;

(B) appropriate for use in longitudinal studies; and

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

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

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

(B) interpret the data visually; and

(C) draw conclusions that are statistically valid; and

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

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

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

(II) undertake or sponsor research to implement improved methods for analyzing

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education data;

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

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

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

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

(g) with the approval of the board, preparing and submitting to the governor a budget for the board to be included in the budget that the governor submits to the Legislature.

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

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

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

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

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

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

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

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

(i) include the pupil-teacher ratio for:

(A) each school district;

(B) the charter schools aggregated; and

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

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

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

"~~20A-14-102.~~ **53A-1-110. Board shapefile -- Lieutenant Governor's Office as repository.**

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

(b) The legal boundaries of State Board of Education districts are contained in the board shapefile on file with the lieutenant governor's office.

(2) (a) The lieutenant governor shall:

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

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

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

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

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

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

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

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

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

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

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

(1) As used in this section:

(a) "Affected party" means:

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

(ii) a ~~[candidate for state school]~~ potential appointee to the board whose State Board of Education district boundary is uncertain because the feature used to establish the district boundary in the board shapefile has been removed, modified, or is unable to be identified or who is uncertain about whether ~~[or not the candidate or another person]~~ the potential appointee or another individual resides in a particular State Board of Education district; or

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

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

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

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

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

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

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

(i) the board shapefile; and

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

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

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(i) review the board [block] shapefile;

(ii) review any relevant data; and

(iii) make a determination.

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

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

(ii) send a copy of the certification to:

(A) the affected party;

(B) the county clerk of the affected county; and

(C) the Automated Geographic Reference Center created under Section 63F-1-506.

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

(i) the [person] individual;

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

(iii) the county clerk of the affected county.";

(18) renumber Section 20A-14-102.3 as Section 53A-1-113 and amend to read:

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

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

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

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

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

(c) Within 30 days after receipt of a county map and data from a county clerk, the

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Automated Geographic Reference Center shall:

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

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

(iii) communicate those findings to the lieutenant governor.

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

(e) If the county clerk receives notice from the lieutenant governor that the county map and data submitted are incorrect, the county clerk shall:

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

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

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

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

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

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

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

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

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

~~[(e) If the county clerk receives notice from the lieutenant governor that the voting~~

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~~precinct map is incorrect, the county clerk shall:]~~

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

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

(19) amend Section 53A-1-201 to read:

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

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

~~(+)~~ (2) The State Board of Education shall elect from its members a chair, and at least one vice chair, but no more than three vice chairs, each year at a meeting held any time between November 15 and January 15.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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