

Representative Norman K Thurston proposes the following substitute bill:

STATE SCHOOL BOARD ELECTIONS AMENDMENTS

2015 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Norman K Thurston

Senate Sponsor: _____

LONG TITLE

General Description:

This bill changes the method, and related provisions, for electing members to the State Board of Education.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ provides that members of the State Board of Education are elected by electors chosen from members of the boards of local school districts;
- ▶ removes provisions relating to the State Board of Education from the Election Code;
- ▶ describes the process for choosing electors;
- ▶ describes the qualifications to become and remain a member of the State Board of Education;
- ▶ establishes State Board of Education districts;
- ▶ provides for filling a mid-term vacancy;
- ▶ requires a candidate for, or member of, the State Board of Education to file financial reports and to disclose conflict of interest information; and
- ▶ makes technical and conforming changes.



26 **Money Appropriated in this Bill:**

27 None

28 **Other Special Clauses:**

29 This bill provides a special effective date.

30 **Utah Code Sections Affected:**

31 AMENDS:

- 32 **20A-1-201**, as last amended by Laws of Utah 2014, Chapter 362
- 33 **20A-1-201.5**, as last amended by Laws of Utah 2013, Chapter 320
- 34 **20A-1-404**, as last amended by Laws of Utah 2008, Chapter 13
- 35 **20A-2-101.5**, as last amended by Laws of Utah 2013, Chapter 263
- 36 **20A-9-201**, as last amended by Laws of Utah 2014, Chapter 17
- 37 **20A-11-101**, as last amended by Laws of Utah 2014, Chapters 18, 158, and 337
- 38 **20A-11-402**, as last amended by Laws of Utah 2013, Chapter 320
- 39 **20A-11-403**, as last amended by Laws of Utah 2013, Chapter 420
- 40 **20A-11-1603**, as last amended by Laws of Utah 2014, Chapter 18
- 41 **53A-1-101**, as last amended by Laws of Utah 2010, Chapter 162
- 42 **53A-1-201**, as last amended by Laws of Utah 2013, Chapter 111
- 43 **53A-1a-506**, as last amended by Laws of Utah 2014, Chapters 291, 363, and 406
- 44 **53A-3-101**, as repealed and reenacted by Laws of Utah 1995, Chapter 1
- 45 **53A-11-102.5**, as last amended by Laws of Utah 2010, Chapter 210
- 46 **53A-15-1202**, as last amended by Laws of Utah 2012, Chapter 238

47 ENACTS:

- 48 **20A-14-101.2**, Utah Code Annotated 1953
- 49 **53A-1-107**, Utah Code Annotated 1953
- 50 **53A-1-114**, Utah Code Annotated 1953
- 51 **53A-1-115**, Utah Code Annotated 1953
- 52 **53A-1-116**, Utah Code Annotated 1953
- 53 **53A-1-117**, Utah Code Annotated 1953

54 RENUMBERS AND AMENDS:

- 55 **53A-1-108**, (Renumbered from 20A-14-103, as last amended by Laws of Utah 2011,
- 56 Third Special Session, Chapter 3)

57 **53A-1-109**, (Renumbered from 20A-11-1301, as last amended by Laws of Utah 2014,
58 Chapters 335 and 337)

59 **53A-1-110**, (Renumbered from 20A-11-1302, as last amended by Laws of Utah 2011,
60 Chapter 347)

61 **53A-1-111**, (Renumbered from 20A-11-1303, as last amended by Laws of Utah 2014,
62 Chapter 337)

63 **53A-1-112**, (Renumbered from 20A-11-1304, as enacted by Laws of Utah 1997,
64 Chapter 355)

65 **53A-1-113**, (Renumbered from 20A-11-1305, as last amended by Laws of Utah 2014,
66 Chapter 337)

67 REPEALS:

68 **20A-1-507**, as enacted by Laws of Utah 1993, Chapter 1

69 **20A-14-101.1**, as last amended by Laws of Utah 2013, Chapter 455

70 **20A-14-101.5**, as last amended by Laws of Utah 2013, Chapter 455

71 **20A-14-102**, as last amended by Laws of Utah 2013, Chapter 455

72 **20A-14-102.1**, as last amended by Laws of Utah 2013, Chapter 455

73 **20A-14-102.2**, as last amended by Laws of Utah 2013, Chapter 455

74 **20A-14-102.3**, as last amended by Laws of Utah 2013, Chapter 455

75 **20A-14-104**, as last amended by Laws of Utah 2004, Chapter 19

76 **20A-14-105**, as last amended by Laws of Utah 2011, Chapters 292, 327, 335 and last
77 amended by Coordination Clause, Laws of Utah 2011, Chapter 327

78 **20A-14-106**, as enacted by Laws of Utah 1995, Chapter 1

79

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

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

82 **20A-1-201. Date and purpose of regular general elections.**

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

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

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

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

- 88 (ii) United States Senators;
- 89 (iii) Representatives to the United States Congress;
- 90 (iv) governor, lieutenant governor, attorney general, state treasurer, and state auditor;
- 91 (v) senators and representatives to the Utah Legislature;
- 92 (vi) county officers;
- 93 [~~(vii) State School Board members;~~]
- 94 [~~(viii)~~] (vii) local school board members;
- 95 [~~(ix)~~] (viii) except as provided in Subsection (3), local district officers, as applicable;

96 and

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

98 (b) approve or reject:

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

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

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

105 (3) This section:

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

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

112 Section 2. Section **20A-1-201.5** is amended to read:

113 **20A-1-201.5. Primary election dates.**

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

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

119 for municipal offices.

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

123 Section 3. Section **20A-1-404** is amended to read:

124 **20A-1-404. Election controversies.**

125 (1) (a) (i) Whenever any controversy occurs between any election officer or other
126 person or entity charged with any duty or function under this title and any candidate, or the
127 officers or representatives of any political party, or persons who have made nominations, either
128 party to the controversy may file a verified petition with the district court.

129 (ii) If a petition is filed, the petitioner shall serve a copy of the petition on the
130 respondents on the same day that the petition is filed with the court.

131 (b) The verified petition shall identify concisely the nature of the controversy and the
132 relief sought.

133 (2) After reviewing the petition, the court shall:

134 (a) issue an order commanding the respondent named in the petition to appear before
135 the court to answer, under oath, to the petition;

136 (b) summarily hear and dispose of any issues raised by the petition to obtain:

137 (i) strict compliance with all filing deadlines for financial disclosure reports under:

138 (A) Section **10-3-208**, regarding campaign finance statements in municipal elections;

139 (B) Section **17-16-6.5**, regarding campaign finance statements for county offices;

140 (C) Title 20A, Chapter 11, Part 2, State Office Candidates - Campaign Organization
141 and Financial Reporting Requirements;

142 (D) Title 20A, Chapter 11, Part 3, Candidates for Legislative Office - Campaign
143 Organization and Financial Reporting Requirements;

144 (E) Title 20A, Chapter 11, Part 4, Officeholder Financial Reporting Requirements;

145 (F) Title 20A, Chapter 11, Part 5, Political Party Registration and Financial Reporting
146 Requirements;

147 (G) Title 20A, Chapter 11, Part 6, Political Action Committee Registration and
148 Financial Reporting Requirements;

149 (H) Title 20A, Chapter 11, Part 7, Campaign Financial Reporting by Corporations;

150 (I) Title 20A, Chapter 11, Part 8, Political Issues Committees - Registration and
151 Financial Reporting; and
152 [~~(J)~~ Title 20A, Chapter 11, Part 13, State and Local School Board Candidates; and]
153 [~~(K)~~ (J) Title 20A, Chapter 12, Part 3, Campaign and Financial Reporting
154 Requirements for Judicial Retention Elections; and
155 (ii) substantial compliance with all other provisions of this title by the parties to the
156 controversy; and
157 (c) make and enter orders and judgments, and issue the process of the court to enforce
158 all of those orders and judgments.

159 Section 4. Section **20A-2-101.5** is amended to read:

160 **20A-2-101.5. Convicted felons -- Restoration of right to vote and right to hold**
161 **office.**

162 (1) As used in this section, "convicted felon" means [~~a person~~] an individual convicted
163 of a felony in any state or federal court of the United States.

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

166 (a) the felon is sentenced to probation;

167 (b) the felon is granted parole; or

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

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

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

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

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

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

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

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

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

179 (4) An individual who has been convicted of a grievous sexual offense, as defined in
180 Section **76-1-601**, against a child, may not hold the office of [~~State Board of Education member~~

181 or] local school board member.

182 Section 5. Section 20A-9-201 is amended to read:

183 **20A-9-201. Declarations of candidacy -- Candidacy for more than one office or of**
184 **more than one political party prohibited with exceptions -- General filing and form**
185 **requirements -- Affidavit of impecuniosity.**

186 (1) Before filing a declaration of candidacy for election to any office, [~~a person~~] an
187 individual shall:

188 (a) be a United States citizen;

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

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

193 (2) (a) Except as provided in Subsection (2)(b), [~~a person~~] an individual may not:

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

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

197 (b) (i) [~~A person~~] An individual may file a declaration of candidacy for, or be a
198 candidate for, president or vice president of the United States and another office, if the [~~person~~]
199 individual resigns the [~~person's~~] individual's candidacy for the other office after the [~~person~~]
200 individual is officially nominated for president or vice president of the United States.

201 (ii) [~~A person~~] An individual may file a declaration of candidacy for, or be a candidate
202 for, more than one justice court judge office.

203 (iii) [~~A person~~] An individual may file a declaration of candidacy for lieutenant
204 governor even if the [~~person~~] individual filed a declaration of candidacy for another office in
205 the same election year if the [~~person~~] individual withdraws as a candidate for the other office in
206 accordance with Subsection 20A-9-202(6) before filing the declaration of candidacy for
207 lieutenant governor.

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

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

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

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

216 (A) a United States citizen;

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

219 (C) a registered voter in the county in which the [person] individual is seeking office;
220 and

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

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

228 (A) a United States citizen;

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

231 (C) a registered voter in the prosecution district in which the [person] individual is
232 seeking office; and

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

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

240 (A) as of the date of filing:

241 (I) is a United States citizen;

242 (II) is a registered voter in the county in which the [person] individual seeks office;

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

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

247 (IV) is qualified to be certified as a law enforcement officer, as defined in Section
248 53-13-103; and

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

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

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

256 (B) if the filing officer is not the lieutenant governor, that the financial disclosure is
257 provided to the lieutenant governor according to the procedures and requirements of Section
258 20A-11-1603.

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

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

264 (i) inform the candidate that:

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

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

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

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

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

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

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

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

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

283 (A) signing the pledge is voluntary; and

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

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

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

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

291 (i) accept the candidate's pledge; and

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

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

297 "State of Utah, County of ____

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

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

307 _____

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

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

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

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

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

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

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

319 (i) who is disqualified; or

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

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

323 (ii) The lieutenant governor shall:

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

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

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

334 (ii) [~~A person~~] An individual who is able to pay the filing fee may not claim
335 impecuniosity.

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

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

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

344 "Affidavit of Impecuniosity

345 Individual Name

346 _____ Address _____

347 Phone Number _____

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

351 Date _____ Signature _____

352 Affiant

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

354 _____
355 (signature)

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

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

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

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

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

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

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

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

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

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

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

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

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

381 (7) [~~Any person~~] An individual who fails to file a declaration of candidacy or
382 certificate of nomination within the time provided in this chapter is ineligible for nomination to
383 office.

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

386 Section 6. Section **20A-11-101** is amended to read:

387 **20A-11-101. Definitions.**

388 As used in this chapter:

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

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

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

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

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

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

398 member's capacity as a member of the personal campaign committee of the candidate or
399 officeholder; or

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

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

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

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

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

409 (5) "Chief election officer" means:

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

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

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

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

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

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

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

424 (v) remuneration from:

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

426 or

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

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

429 (vii) in-kind contributions.

430 (b) "Contribution" does not include:

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

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

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

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

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

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

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

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

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

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

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

453 (b) "Corporation" does not mean:

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

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

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

459 (10) "County political party officer" means a person whose name is required to be

460 submitted by a county political party to the lieutenant governor in accordance with Section
461 20A-8-402.

462 (11) "Detailed listing" means:

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

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

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

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

468 (b) for each expenditure:

469 (i) the amount of the expenditure;

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

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

472 (iv) the date the expenditure was made.

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

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

478 (13) "Election" means each:

479 (a) regular general election;

480 (b) regular primary election; and

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

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

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

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

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

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

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

491 required by this chapter;

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

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

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

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

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

503 (b) "Expenditure" does not include:

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

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

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

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

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

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

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

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

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

523 (21) "Incorporation election" means the election authorized by Section 10-2-111 or
524 10-2-127.

525 (22) "Incorporation petition" means a petition authorized by Section 10-2-109 or
526 10-2-125.

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

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

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

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

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

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

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

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

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

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

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

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

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

553 (33) "Personal use expenditure" has the same meaning as provided under Section
554 20A-11-104.

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

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

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

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

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

565 (i) a party committee;

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

568 (iii) an individual;

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

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

573 (vi) a personal campaign committee.

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

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

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

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

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

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

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

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

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

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

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

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

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

600 (iii) an individual;

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

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

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

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

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

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

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

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

615 less than fair market value.

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

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

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

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

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

626 (A) a ballot proposition; or

627 (B) an incorporation petition or incorporation election;

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

630 (A) a ballot proposition; or

631 (B) an incorporation petition or incorporation election;

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

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

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

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

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

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

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

646 convention, or election.

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

651 (b) "Poll" does not include:

652 (i) a ballot; or

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

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

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

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

658 ~~[(45)]~~ (43) "Publicly identified class of individuals" means a group of 50 or more
659 individuals sharing a common occupation, interest, or association that contribute to a political
660 action committee or political issues committee and whose names can be obtained by contacting
661 the political action committee or political issues committee upon whose financial statement the
662 individuals are listed.

663 ~~[(43)]~~ (44) "Public office" means the office of governor, lieutenant governor, state
664 auditor, state treasurer, attorney general, ~~[state school board member,]~~ state senator, state
665 representative, speaker of the House of Representatives, president of the Senate, and the leader,
666 whip, and assistant whip of any party caucus in either house of the Legislature.

667 ~~[(44)]~~ (45) (a) "Public service assistance" means the following when given or provided
668 to an officeholder to defray the costs of functioning in a public office or aid the officeholder to
669 communicate with the officeholder's constituents:

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

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

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

675 (i) anything provided by the state;

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

677 of their time on behalf of an officeholder;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

713 [~~(54)~~] (53) (a) "Source" means the person or entity that is the legal owner of the
714 tangible or intangible asset that comprises the contribution.

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

718 [~~(55)~~] (54) "State office" means the offices of governor, lieutenant governor, attorney
719 general, state auditor, and state treasurer.

720 [~~(56)~~] (55) "State office candidate" means a person who:

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

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

725 [~~(57)~~] (56) "Summary report" means the year end report containing the summary of a
726 reporting entity's contributions and expenditures.

727 [~~(58)~~] (57) "Supervisory board" means the individual or group of individuals that
728 allocate expenditures from a political issues committee.

729 Section 7. Section 20A-11-402 is amended to read:

730 **20A-11-402. Officeholder financial reporting requirements -- Termination of**
731 **duty to report.**

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

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

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

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

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

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

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

747 (a) a personal use expenditure; or

748 (b) an expenditure prohibited by law.

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

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

757 Section 8. Section 20A-11-403 is amended to read:

758 **20A-11-403. Failure to file -- Penalties.**

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

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

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

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

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

769 (b) within five days of discovery of a violation or receipt of a written complaint, notify

770 the officeholder of the violation or written complaint and direct the officeholder to file a
771 summary report correcting the problem.

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

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

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

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

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

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

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

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

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

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

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

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

804 Section 9. Section **20A-11-1603** is amended to read:

805 **20A-11-1603. Financial disclosure form -- Required when filing for candidacy --**
806 **Public availability.**

807 (1) Candidates seeking the following offices shall file a financial disclosure with the
808 filing officer at the time of filing a declaration of candidacy:

809 (a) state constitutional officer; or

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

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

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

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

817 (4) The financial disclosure form shall:

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

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

822 (c) be made publicly available on the Statewide Electronic Voter Information Website
823 administered by the lieutenant governor.

824 Section 10. Section **20A-14-101.2** is enacted to read:

825 **CHAPTER 14. ELECTION OF LOCAL SCHOOL BOARDS**

826 **20A-14-101.2. Title.**

827 This chapter is known as "Election of Local School Boards."

828 Section 11. Section **53A-1-101** is amended to read:

829 **53A-1-101. Definitions -- State Board of Education -- Districts.**

830 (1) As used in this part:

831 (a) "Candidate" means any person who:

832 (i) files a notice of intent to seek office under Subsection 53A-1-101(5); or
833 (ii) receives contributions, makes expenditures, or gives consent for any other person to
834 receive contributions or make expenditures to bring about the person's election to a state school
835 board office.

836 (b) "Conflict of interest" means an action that is taken by a state board officeholder that
837 the state board officeholder reasonably believes may cause direct financial benefit or detriment
838 to the state board officeholder, a member of the state board officeholder's immediate family, or
839 an entity that the state board officeholder is required to disclose under the provisions of this
840 section, if that benefit or detriment is distinguishable from the effects of that action on the
841 public or on the state board officeholder's profession, occupation, or association generally.

842 (c) (i) "Contribution" means any of the following when done for political purposes:

843 (A) a gift, subscription, donation, loan, advance, or deposit of money or anything of
844 value given to a candidate;

845 (B) an express, legally enforceable contract, promise, or agreement to make a gift,
846 subscription, donation, unpaid or partially unpaid loan, advance, or deposit of money or
847 anything of value to a candidate;

848 (C) any transfer of funds from a reporting entity to the candidate;

849 (D) compensation paid by any person or reporting entity other than the candidate for
850 personal services provided without charge to the candidate;

851 (E) remuneration from any organization or its directly affiliated organization that has a
852 registered lobbyist, or from any agency or subdivision of the state, including school districts;

853 (F) a loan made by a candidate deposited into the candidate's own campaign; and

854 (G) in-kind contributions.

855 (ii) "Contribution" does not include:

856 (A) services provided by an individual volunteering a portion or all of the individual's
857 time on behalf of the candidate if the services are provided without compensation by the
858 candidate or any other person;

859 (B) money lent to the candidate by a financial institution in the ordinary course of
860 business; or

861 (C) goods or services provided for the benefit of the candidate less than fair market
862 value that are not authorized by or coordinated with the candidate.

863 (d) "Coordinated with" means that goods or services provided for the benefit of a
864 candidate are provided:

865 (i) with the candidate's prior knowledge, if the candidate does not object;

866 (ii) by agreement with the candidate;

867 (iii) in coordination with the candidate; or

868 (iv) using official logos, slogans, and similar elements belonging to the candidate.

869 (e) "Detailed listing" means the same as that term is defined in Section [20A-11-101](#).

870 (f) "Entity" means a corporation, a partnership, a limited liability company, a limited
871 partnership, a sole proprietorship, an association, a cooperative, a trust, an organization, a joint
872 venture, a governmental entity, an unincorporated organization, or any other legal entity,
873 regardless of whether it is established primarily for the purpose of gain or economic profit.

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

876 (A) any disbursement from contributions, receipts, or the separate bank account
877 required by Title 20A, Chapter 11, Campaign and Financial Reporting Requirements;

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

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

883 (D) compensation paid by a filing entity for personal services rendered by a person
884 without charge to a candidate;

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

887 (F) goods or services provided by the filing entity to or for the benefit of a candidate
888 for political purposes at less than fair market value.

889 (ii) "Expenditure" does not include:

890 (A) services provided without compensation by an individual volunteering a portion or
891 all of the individual's time on behalf of a candidate; or

892 (B) money lent to a candidate by a financial institution in the ordinary course of
893 business.

894 (h) "Filing entity" means the reporting entity that is required to file a financial
895 statement required under Title 20A, Chapter 11, Campaign and Financial Reporting
896 Requirements, or Title 20A, Chapter 12, Part 2, Judicial Retention Elections.

897 (i) "Immediate family" means the state board officeholder's spouse, a child living in the
898 state board officeholder's immediate household, or an individual claimed as a dependent for
899 state or federal income tax purposes by the state board officeholder.

900 (j) "Income" means earnings, compensation, or any other payment made to an
901 individual for gain, regardless of source, whether denominated as wages, salary, commission,
902 pay, bonus, severance pay, incentive pay, contract payment, interest, per diem, expenses,
903 reimbursement, dividends, or otherwise.

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

906 (l) (i) "Owner or officer" means an individual who owns an ownership interest in an
907 entity or holds a position where the person has authority to manage, direct, control, or make
908 decisions for:

909 (A) the entity or a portion of the entity; or

910 (B) an employee, agent, or independent contractor of the entity.

911 (ii) "Owner or officer" includes:

912 (A) a member of a board of directors or other governing body of an entity; or

913 (B) a partner in any type of partnership.

914 (m) "Personal use expenditure" has the same meaning as that term is defined in Section
915 [20A-11-104](#).

916 (n) "Phase base" means:

917 (i) for phase two of the method of equal proportions, 0.70710678;

918 (ii) for phase three of the method of equal proportions, 0.77459667;

919 (iii) for phase four of the method of equal proportions, 0.81649658;

920 (iv) for phase five of the method of equal proportions, 0.84515425;

921 (v) for phase six of the method of equal proportions, 0.8660254; or

922 (vi) for phase seven of the method of equal proportions, 0.8819171.

923 (o) "Political purposes" means an act done with the intent or in a way to influence or
924 tend to influence, directly or indirectly, an elector to refrain from voting or to vote for or

925 against any candidate.

926 (p) "Population" means the number of students enrolled in a school district on October
927 1 of the preceding even-numbered year.

928 (q) "Preceding year" means the year immediately preceding the day on which the state
929 board officeholder files a financial disclosure form.

930 (r) (i) "Public service assistance" means the following when given or provided to a
931 state board officeholder to defray the costs of functioning as a state board officeholder or to aid
932 the state board officeholder to communicate with the state board officeholder's constituents:

933 (A) a gift, subscription, donation, unpaid or partially unpaid loan, advance, or deposit
934 of money or anything of value to a state board officeholder; or

935 (B) goods or services provided at less than fair market value to or for the benefit of the
936 state board officeholder.

937 (ii) "Public service assistance" does not include:

938 (A) anything provided by the state;

939 (B) services provided without compensation by an individual volunteering a portion or
940 all of the individual's time on behalf of a state board officeholder;

941 (C) money lent to a state board officeholder by a financial institution in the ordinary
942 course of business;

943 (D) news coverage or any publication by the news media; or

944 (E) any article, story, or other coverage as part of any regular publication of any
945 organization unless substantially all the publication is devoted to information about the state
946 board officeholder.

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

949 (t) "Reporting entity" means the same as that term is defined in Section [20A-11-101](#).

950 (u) "Reside" or "residence" has the same meaning as the term "residence" or "resident"
951 in Section [20A-2-105](#).

952 (v) "State board" means the State Board of Education.

953 (w) "State board office" means the office of State Board of Education member.

954 (x) "State board officeholder" means an individual who holds state board office.

955 (y) "State district" means a State Board of Education district.

- 956 (2) There are 15 state districts made up of local school districts, as follows:
- 957 (a) District 1 consists of Alpine School District;
- 958 (b) District 2 consists of Davis School District;
- 959 (c) District 3 consists of Granite School District;
- 960 (d) District 4 consists of Jordan School District;
- 961 (e) District 5 consists of Canyons School District;
- 962 (f) District 6 consists of Nebo School District and Provo School District;
- 963 (g) District 7 consists of Salt Lake School District and Murray School District;
- 964 (h) District 8 consists of Weber School District and Ogden School District;
- 965 (i) District 9 consists of Washington School District and Iron School District;
- 966 (j) District 10 consists of Cache School District and Logan School District;
- 967 (k) District 11 consists of Tooele School District and Box Elder School District;
- 968 (l) District 12 consists of Wasatch School District, Park City School District, Morgan
- 969 School District, South Summit School District, North Summit School District, and Rich
- 970 School District;
- 971 (m) District 13 consists of Uintah School District, Duchesne School District, and
- 972 Daggett School District;
- 973 (n) District 14 consists of Tintic School District, Millard School District, Juab School
- 974 District, Beaver School District, Sevier School District, South Sanpete School District, and
- 975 North Sanpete School District; and
- 976 (o) District 15 consists of Grand School District, Kane School District, Garfield School
- 977 District, Wayne School District, Piute School District, Carbon School District, San Juan
- 978 School District, and Emery School District.
- 979 (3) If a school district boundary changes, the boundary of a state district that would be
- 980 impacted by the change does not change until:
- 981 (a) the day after the last day of the next general session of the Legislature; or
- 982 (b) if the school district boundary change takes effect during a general session of the
- 983 Legislature, the day after the last day of the general session of the Legislature that begins
- 984 during the next calendar year.
- 985 ~~[(+)]~~ (4) Members of the [State Board of Education shall be nominated and] state board
- 986 shall be elected as provided in [Title 20A, Chapter 14, Nomination and Election of State and

987 Local School Boards] this section.

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

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

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

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

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

1000 (5) An individual seeking state board office shall, for a term beginning on or after
1001 January 1, 2018, file with the lieutenant governor, in the year preceding the year in which the
1002 term of office begins, a notice of intent to seek office no earlier than the first Tuesday in May,
1003 and no later than 5 p.m. on the third Tuesday in May.

1004 (6) For a state board office term beginning on or after January 1, 2018, no earlier than
1005 the first Tuesday in August, and no later than the last Tuesday in August of the year preceding
1006 the year in which the state board office term begins, the electors for a state board district shall,
1007 by majority vote, choose an individual who complies with the following to represent that state
1008 board district:

1009 (a) Subsection (5);

1010 (b) the requirements for serving in state board office; and

1011 (c) the residency requirements, described in Section [53A-1-108](#), for serving in state
1012 board office as the representative for that state board district.

1013 (7) The term for a state board office is two years.

1014 (8) If a vacancy occurs on the state board for any reason other than the expiration of the
1015 state board officeholder's term, the governor, with the consent of the Senate, shall fill the
1016 vacancy by appointment of an individual who complies with Subsections (6)(b) and (c) to serve
1017 the remainder of the unexpired term.

1018 Section 12. Section **53A-1-107** is enacted to read:

1019 **53A-1-107. Apportionment of electors.**

1020 (1) (a) If a state board district consists of less than three school districts, all members of
1021 the boards for those school districts are electors for that state board district.

1022 (b) If a state board district consists of three or more school districts, the boards of those
1023 school districts shall choose electors for that state board district in accordance with Subsection
1024 (5).

1025 (2) On April 1 of an odd-numbered year, the lieutenant governor shall apportion
1026 electors to each school district within a state board district that consists of three or more school
1027 districts in accordance with the method of equal proportions described in Subsection (3).

1028 (3) The lieutenant governor shall:

1029 (a) for a school district described in Subsection (2):

1030 (i) calculate the first phase priority number for the school district by dividing the
1031 school district's population by the square root of two;

1032 (ii) calculate the second phase priority number for the school district by multiplying the
1033 school district's first phase priority number by the second phase base; and

1034 (iii) calculate each subsequent phase priority number for the school district by
1035 multiplying the priority number of the previous phase for the school district by the phase base
1036 for the current phase, until completion of the seventh phase; and

1037 (b) (i) consolidate the priority numbers calculated for all school districts in all seven
1038 phases into a single list, in order of greatest to smallest;

1039 (ii) apportion one elector to the school district whose priority number appears first on
1040 the list described in Subsection (3)(b)(i); and

1041 (iii) apportion one elector to each subsequent school district whose priority number
1042 appears on the list described in Subsection (3)(b)(i) until immediately before one of the school
1043 districts would be apportioned electors in a number equal to the total number of members on
1044 the board of the local school district, plus one.

1045 (4) If, after complying with Subsection (3), a school district is apportioned less than
1046 two electors, the lieutenant governor shall apportion additional electors to the school district
1047 until the school district is apportioned two electors.

1048 (5) After the lieutenant governor completes the process of determining the number of

1049 electors for a school district, the board of a school district described in Subsection (1)(b) shall,
1050 on or before May 1 of an even-numbered year, by majority vote, select, from among the
1051 members of the school district board, electors to participate in choosing the next state board
1052 officeholder for the state district in which the school district is located.

1053 (6) If a school district board described in Subsection (1)(b) fails, before the deadline
1054 described in Subsection (5), to appoint one or more of the electors apportioned to the school
1055 district, the lieutenant governor shall, on or before June 1, appoint, from among the members
1056 of the school district board, the remaining electors that were not appointed by the school
1057 district board.

1058 Section 13. Section **53A-1-108**, which is renumbered from Section 20A-14-103 is
1059 renumbered and amended to read:

1060 ~~[20A-14-103].~~ **53A-1-108. State Board of Education members -- When**
1061 **elected -- Qualifications -- Avoiding conflicts of interest.**

1062 ~~[(1) (a) Unless otherwise provided by law, each State Board of Education member~~
1063 ~~elected from a State Board of Education District at the 2010 general election shall:]~~

1064 ~~[(i) serve out the term of office for which that member was elected; and]~~

1065 ~~[(ii) represent the realigned district if the member resides in that district.]~~

1066 ~~[(b) At the general election to be held in 2012, a State Board of Education member~~
1067 ~~elected from State Board of Education Districts 4, 7, 8, 10, 11, 12, 13, and 15 shall be elected~~
1068 ~~to serve a term of office of four years:]~~

1069 ~~[(c) In order to ensure that the terms of approximately half of the State Board of~~
1070 ~~Education members expire every two years:]~~

1071 ~~[(i) at the general election to be held in 2012, the State Board of Education member~~
1072 ~~elected from State Board of Education District 1 shall be elected to serve a term of office of~~
1073 ~~two years; and]~~

1074 ~~[(ii) at the general election to be held in 2014, the State Board of Education member~~
1075 ~~elected from State Board of Education District 1 shall be elected to serve a term of office of~~
1076 ~~four years:]~~

1077 (1) The term of a state board officeholder who is elected or appointed to a term that
1078 begins before January 1, 2018, ends on December 31, 2017, regardless of the term to which the
1079 state board officeholder was elected or appointed.

1080 (2) (a) ~~[A person seeking election to the State Board of Education]~~ An individual
 1081 seeking state board office shall have been a resident of the [State Board of Education district in
 1082 which the person is seeking election for at least one year as of the date of the election] state
 1083 board district that the individual is seeking to represent for at least one year immediately before
 1084 the day on which the individual's term of office will begin.

1085 (b) ~~[A person]~~ An individual who has resided within the ~~[State Board of Education]~~
 1086 state board district, as the boundaries of the district exist on the ~~[date of the election]~~ day on
 1087 which the individual's term of office will begin, for one year immediately preceding the [date
 1088 of the election shall be] day on which the individual's term of office will begin, is considered to
 1089 have met the requirements of this Subsection (2).

1090 ~~[(3) A State Board of Education member shall:]~~

1091 (3) A state board officeholder shall:

1092 (a) be and remain a ~~[registered voter in the State Board of Education district from~~
 1093 which the member was elected or appointed] resident of the state board district that the state
 1094 board officeholder was elected to represent; and

1095 (b) maintain the ~~[member's]~~ state board officeholder's primary residence within the
 1096 ~~[State Board of Education district from which the member was elected or appointed]~~ state
 1097 board district described in Subsection (3)(a) during the [member's] state board officeholder's
 1098 term of office.

1099 (4) A ~~[State Board of Education member]~~ state board officeholder may not, during the
 1100 ~~[member's]~~ state board officeholder's term of office, also serve as an employee of:

1101 (a) the State Board of Education;

1102 (b) the Utah State Office of Education; or

1103 (c) the Utah State Office of Rehabilitation.

1104 (5) An individual who has been convicted of a grievous sexual offense, as defined in
 1105 Section [76-1-601](#), against a child, may not hold a state board office.

1106 Section 14. Section **53A-1-109**, which is renumbered from Section 20A-11-1301 is
 1107 renumbered and amended to read:

1108 ~~[20A-11-1301].~~ **53A-1-109. State board office candidate -- Campaign finance**
 1109 **requirements -- Candidate as a political action committee officer -- No personal use --**
 1110 **Contribution reporting deadline -- Report other accounts.**

1111 (1) (a) (i) Each ~~[school]~~ state board office candidate shall deposit each contribution and
1112 public service assistance received in one or more separate accounts in a financial institution
1113 that are dedicated only to that purpose.

1114 (ii) A ~~[school]~~ state board office candidate may:

1115 (A) receive a contribution or public service assistance from a political action
1116 committee registered under Section [20A-11-601](#); and

1117 (B) be designated by a political action committee as an officer who has primary
1118 decision-making authority as described in Section [20A-11-601](#).

1119 (b) A ~~[school]~~ state board office candidate may not use money deposited in an account
1120 described in Subsection (1)(a)(i) for:

1121 (i) a personal use expenditure; or

1122 (ii) an expenditure prohibited by law.

1123 (2) A ~~[school]~~ state board office candidate may not deposit or mingle any contributions
1124 or public service assistance received into a personal or business account.

1125 (3) A ~~[school]~~ state board office candidate may not make any political expenditures
1126 prohibited by law.

1127 (4) If ~~[a person]~~ an individual who is no longer a ~~[school]~~ state board office candidate
1128 chooses not to expend the money remaining in a campaign account, the ~~[person]~~ individual
1129 shall continue to file the year-end summary report required by Section ~~[20A-11-1302]~~
1130 [53A-1-110](#) until the statement of dissolution and final summary report required by Section
1131 ~~[20A-11-1304]~~ [53A-1-112](#) are filed with the lieutenant governor.

1132 (5) (a) Except as provided in Subsection (5)(b) and Section ~~[20A-11-402, a person]~~
1133 [53A-1-114](#), an individual who is no longer a ~~[school]~~ state board office candidate may not
1134 expend or transfer the money in a campaign account in a manner that would cause the former
1135 ~~[school]~~ state board office candidate to recognize the money as taxable income under federal
1136 tax law.

1137 (b) ~~[A person]~~ An individual who is no longer a ~~[school]~~ state board office candidate
1138 may transfer the money in a campaign account in a manner that would cause the former
1139 ~~[school]~~ state board office candidate to recognize the money as taxable income under federal
1140 tax law if the transfer is made to a campaign account for federal office.

1141 (6) (a) As used in this Subsection (6) and Section ~~[20A-11-1303]~~ [53A-1-111](#),

1142 "received" means:

1143 (i) for a cash contribution, that the cash is given to a ~~[school]~~ state board office
1144 candidate or a member of the state board office candidate's personal campaign committee;

1145 (ii) for a contribution that is a negotiable instrument or check, that the negotiable
1146 instrument or check is negotiated; and

1147 (iii) for any other type of contribution, that any portion of the contribution's benefit
1148 inures to the ~~[school]~~ state board office candidate.

1149 (b) Each ~~[school]~~ state board office candidate shall report to the ~~[chief election officer]~~
1150 lieutenant governor each contribution and public service assistance received by the ~~[school]~~
1151 state board office candidate:

1152 (i) except as provided in Subsection (6)(b)(ii), within 30 days after the day on which
1153 the contribution or public service assistance is received; or

1154 (ii) within three business days after the day on which the contribution or public service
1155 assistance is received, if: ~~[(A) the school board office candidate is contested in a primary
1156 election and]~~ the contribution or public service assistance is received within 30 days before the
1157 ~~[day on which the primary election is held; or]~~ last Tuesday in August.

1158 ~~[(B) the school board office candidate is contested in a general election and the
1159 contribution or public service assistance is received within 30 days before the day on which the
1160 general election is held.]~~

1161 (c) Except as provided in Subsection (6)(d), for each contribution or provision of
1162 public service assistance that a ~~[school]~~ state board office candidate fails to report within the
1163 time period described in Subsection (6)(b), the ~~[chief election officer]~~ lieutenant governor shall
1164 impose a fine against the ~~[school]~~ state board office candidate in an amount equal to:

1165 (i) ~~[the greater of \$50 or]~~ 15% of the amount of the contribution; or

1166 (ii) ~~[the greater of \$50 or]~~ 15% of the value of the public service assistance.

1167 ~~[(d) A fine described in Subsection (6)(c) may not exceed the amount of the
1168 contribution or the value of the public service assistance to which the fine relates.]~~

1169 ~~[(e) The chief election officer shall:]~~

1170 (d) The lieutenant governor shall:

1171 (i) deposit money received under Subsection (6)(c) into the General Fund; and

1172 (ii) report on the ~~[chief election officer's]~~ lieutenant governor's website, in the location

1173 where reports relating to each ~~[school]~~ state board office candidate are available for public
1174 access:

1175 (A) each fine imposed by the ~~[chief election officer]~~ lieutenant governor against the
1176 ~~[school]~~ state board office candidate;

1177 (B) the amount of the fine;

1178 (C) the amount of the contribution to which the fine relates; and

1179 (D) the date of the contribution.

1180 (7) (a) As used in this Subsection (7), "account" means an account in a financial
1181 institution:

1182 (i) that is not described in Subsection (1)(a)(i); and

1183 (ii) into which or from which ~~[a person]~~ an individual who, as a candidate for an office,
1184 other than a ~~[school]~~ state board office for which the ~~[person]~~ individual files a ~~[declaration of~~
1185 ~~candidacy]~~ notice of intent to seek office or federal office, or as a holder of an office, other than
1186 a ~~[school]~~ state board office for which the ~~[person]~~ individual files a ~~[declaration of candidacy]~~
1187 notice of intent to seek office or federal office, deposits a contribution or makes an
1188 expenditure.

1189 (b) A ~~[school]~~ state board office candidate shall include on any financial statement
1190 filed in accordance with this part:

1191 (i) a contribution deposited in an account:

1192 (A) since the last campaign finance statement was filed; or

1193 (B) that has not been reported under a statute or ordinance that governs the account; or

1194 (ii) an expenditure made from an account:

1195 (A) since the last campaign finance statement was filed; or

1196 (B) that has not been reported under a statute or ordinance that governs the account.

1197 Section 15. Section **53A-1-110**, which is renumbered from Section 20A-11-1302 is
1198 renumbered and amended to read:

1199 ~~[20A-11-1302]~~. **53A-1-110. State board office candidate -- Financial**
1200 **reporting requirements -- Year-end summary report.**

1201 (1) (a) Each ~~[school]~~ state board office candidate shall file a summary report by
1202 January 10 of the year after the regular general election year.

1203 (b) In addition to the requirements of Subsection (1)(a), a former ~~[school]~~ state board

1204 office candidate [~~that~~] who has not filed the statement of dissolution and final summary report
1205 required under Section [~~20A-11-1304~~] 53A-1-112 shall continue to file a summary report on
1206 January 10 of each year.

1207 (2) (a) Each summary report shall include the following information as of December 31
1208 of the previous year:

1209 (i) the net balance of the last financial statement, if any;

1210 (ii) a single figure equal to the total amount of receipts reported on all interim reports,
1211 if any, during the previous year;

1212 (iii) a single figure equal to the total amount of expenditures reported on all interim
1213 reports, if any, filed during the previous year;

1214 (iv) a detailed listing of each receipt, contribution, and public service assistance since
1215 the last summary report that has not been reported in detail on an interim report;

1216 (v) for each nonmonetary contribution:

1217 (A) the fair market value of the contribution with that information provided by the
1218 contributor; and

1219 (B) a specific description of the contribution;

1220 (vi) a detailed listing of each expenditure made since the last summary report that has
1221 not been reported in detail on an interim report;

1222 (vii) for each nonmonetary expenditure, the fair market value of the expenditure;

1223 (viii) a net balance for the year consisting of the net balance from the last summary
1224 report, if any, plus all receipts minus all expenditures; and

1225 (ix) the name of a political action committee for which the [~~school~~] state board office
1226 candidate is designated as an officer who has primary decision-making authority under Section
1227 20A-11-601.

1228 (b) (i) For all individual contributions or public service assistance of \$50 or less, a
1229 single aggregate figure may be reported without separate detailed listings.

1230 (ii) Two or more contributions from the same source that have an aggregate total of
1231 more than \$50 may not be reported in the aggregate, but shall be reported separately.

1232 (c) In preparing the report, all receipts and expenditures shall be reported as of
1233 December 31 of the previous year.

1234 (d) A check or negotiable instrument received by a [~~school~~] state board office

1235 candidate on or before December 31 of the previous year shall be included in the summary
1236 report.

1237 (3) The ~~[school]~~ state board office candidate shall certify in the summary report that, to
1238 the best of the ~~[school]~~ state board office candidate's knowledge, all receipts and all
1239 expenditures have been reported as of December 31 of the previous year and that there are no
1240 bills or obligations outstanding and unpaid except as set forth in that report.

1241 Section 16. Section **53A-1-111**, which is renumbered from Section 20A-11-1303 is
1242 renumbered and amended to read:

1243 ~~[20A-11-1303].~~ **53A-1-111. State board office candidate and state board**
1244 **officeholder -- Financial reporting requirements -- Interim reports.**

1245 (1) (a) As used in this Subsection (1), "campaign account" means a separate campaign
1246 account required under Subsection ~~[20A-11-1301]~~ 53A-1-109(1)(a)(i).

1247 (b) Each ~~[school]~~ state board office candidate shall file an interim report at the
1248 following times in any year in which the candidate has filed a ~~[declaration of candidacy for a~~
1249 public] notice of intent to seek office for a state board office:

- 1250 ~~[(i) May 15;]~~
- 1251 ~~[(ii) seven days before the regular primary election date;]~~
- 1252 ~~[(iii) August 31; and]~~
- 1253 ~~[(iv) seven days before the regular general election date.]~~
- 1254 (i) June 1; and
- 1255 (ii) July 30.

1256 (c) Each ~~[school]~~ state board ~~[office holder]~~ officeholder who has a campaign account
1257 that has not been dissolved under Section ~~[20A-11-1304]~~ 53A-1-112 shall, in an even year, file
1258 an interim report at the following times, regardless of whether an election for the school board
1259 ~~[office holder's]~~ officeholder's office is held that year:

- 1260 ~~[(i) May 15;]~~
- 1261 ~~[(ii) seven days before the regular primary election date for that year;]~~
- 1262 ~~[(iii) August 31; and]~~
- 1263 ~~[(iv) seven days before the regular general election date.]~~
- 1264 (i) June 1; and
- 1265 (ii) July 30.

- 1266 (2) Each interim report shall include the following information:
- 1267 (a) the net balance of the last summary report, if any;
- 1268 (b) a single figure equal to the total amount of receipts reported on all prior interim
- 1269 reports, if any, during the calendar year in which the interim report is due;
- 1270 (c) a single figure equal to the total amount of expenditures reported on all prior
- 1271 interim reports, if any, filed during the calendar year in which the interim report is due;
- 1272 (d) a detailed listing of each contribution and public service assistance received since
- 1273 the last summary report that has not been reported in detail on a prior interim report;
- 1274 (e) for each nonmonetary contribution:
- 1275 (i) the fair market value of the contribution with that information provided by the
- 1276 contributor; and
- 1277 (ii) a specific description of the contribution;
- 1278 (f) a detailed listing of each expenditure made since the last summary report that has
- 1279 not been reported in detail on a prior interim report;
- 1280 (g) for each nonmonetary expenditure, the fair market value of the expenditure;
- 1281 (h) a net balance for the year consisting of the net balance from the last summary
- 1282 report, if any, plus all receipts since the last summary report minus all expenditures since the
- 1283 last summary report;
- 1284 (i) a summary page in the form required by the lieutenant governor that identifies:
- 1285 (i) beginning balance;
- 1286 (ii) total contributions during the period since the last statement;
- 1287 (iii) total contributions to date;
- 1288 (iv) total expenditures during the period since the last statement; and
- 1289 (v) total expenditures to date; and
- 1290 (j) the name of a political action committee for which the ~~[school]~~ state board office
- 1291 candidate or ~~[school]~~ state board ~~[office holder]~~ officeholder is designated as an officer who
- 1292 has primary decision-making authority under Section [20A-11-601](#).
- 1293 (3) (a) For all individual contributions or public service assistance of \$50 or less, a
- 1294 single aggregate figure may be reported without separate detailed listings.
- 1295 (b) Two or more contributions from the same source that have an aggregate total of
- 1296 more than \$50 may not be reported in the aggregate, but shall be reported separately.

1297 (4) (a) In preparing each interim report, all receipts and expenditures shall be reported
1298 as of five days before the required filing date of the report.

1299 (b) Any negotiable instrument or check received by a ~~[school]~~ state board office
1300 candidate or ~~[school]~~ state board ~~[office holder]~~ officeholder more than five days before the
1301 required filing date of a report required by this section shall be included in the interim report.

1302 Section 17. Section **53A-1-112**, which is renumbered from Section 20A-11-1304 is
1303 renumbered and amended to read:

1304 ~~[20A-11-1304]~~. **53A-1-112. State board office candidate -- Financial**
1305 **reporting requirements -- Termination of duty to report.**

1306 (1) Each ~~[school]~~ state board office candidate is subject to interim reporting
1307 requirements until the candidate withdraws or is ~~[eliminated in a primary]~~ defeated.

1308 (2) Each ~~[school]~~ state board office candidate is subject to year-end summary reporting
1309 requirements until the candidate has filed a statement of dissolution with the lieutenant
1310 governor stating that:

1311 (a) the ~~[school]~~ state board office candidate is no longer receiving contributions and is
1312 no longer making expenditures;

1313 (b) the ending balance on the last summary report filed is zero and the balance in the
1314 separate bank account required in Section ~~[20A-11-1301]~~ 53A-1-109 is zero; and

1315 (c) a final summary report in the form required by Section ~~[20A-11-1302]~~ 53A-1-110
1316 showing a zero balance is attached to the statement of dissolution.

1317 (3) A statement of dissolution and a final summary report may be filed at any time.

1318 (4) Each ~~[school]~~ state board office candidate shall continue to file the year-end
1319 summary report required by Section ~~[20A-11-1302]~~ 53A-1-110 until the statement of
1320 dissolution and final summary report required by this section are filed.

1321 Section 18. Section **53A-1-113**, which is renumbered from Section 20A-11-1305 is
1322 renumbered and amended to read:

1323 ~~[20A-11-1305]~~. **53A-1-113. State board office candidate -- Failure to file**
1324 **statement -- Penalties.**

1325 (1) (a) A ~~[school]~~ state board office candidate who fails to file a financial statement by
1326 the deadline is subject to a \$100 fine imposed ~~[in accordance with Section 20A-11-1005]~~ by
1327 the lieutenant governor.

1328 (b) If a ~~[school]~~ state board office candidate fails to file an interim report due on or
1329 before ~~[the regular primary election, on August 31, or before the regular general election, the~~
1330 ~~chief election officer]~~ June 1 or July 30, the lieutenant governor shall, after making a
1331 reasonable attempt to discover if the report was timely filed, ~~[inform the county clerk and other~~
1332 ~~appropriate election officials who:]~~ disqualify the state board office candidate from running for
1333 state board office during the current race.

1334 ~~[(i) (A) shall, if practicable, remove the name of the candidate from the ballots before~~
1335 ~~the ballots are delivered to voters; or]~~

1336 ~~[(B) shall, if removing the candidate's name from the ballot is not practicable, inform~~
1337 ~~the voters by any practicable method that the candidate has been disqualified and that votes~~
1338 ~~cast for the candidate will not be counted; and]~~

1339 ~~[(ii) may not count any votes for that candidate.]~~

1340 (c) Any ~~[school]~~ state board office candidate who fails to timely file ~~[timely]~~ a
1341 financial statement required by Subsection ~~[20A-11-1303(1)(b)(ii), (iii), or (iv)]~~
1342 53A-1-111(1)(b) is disqualified.

1343 (d) Notwithstanding Subsections (1)(b) and (1)(c), a ~~[school]~~ state board office
1344 candidate is not disqualified and the ~~[chief election officer]~~ lieutenant governor may not
1345 impose a fine if:

1346 ~~[(i) the candidate timely files the reports required by this section in accordance with~~
1347 ~~Section 20A-11-103;]~~

1348 ~~[(ii)]~~ (i) those reports are completed, detailing accurately and completely the
1349 information required by this part except for inadvertent omissions or insignificant errors or
1350 inaccuracies; and

1351 ~~[(iii)]~~ (ii) those omissions, errors, or inaccuracies described in Subsection (1)(d)~~[(ii)]~~(i)
1352 are corrected in:

1353 (A) an amended report; or

1354 (B) the next scheduled report.

1355 (2) (a) Within 30 days after a deadline for the filing of a summary report by a ~~[school]~~
1356 state board office candidate, the lieutenant governor shall review each filed summary report to
1357 ensure that:

1358 (i) each ~~[school]~~ state board candidate that is required to file a summary report has

1359 filed one; and

1360 (ii) each summary report contains the information required by this part.

1361 (b) If it appears that a [school] state board candidate has failed to file the summary
1362 report required by law, if it appears that a filed summary report does not conform to the law, or
1363 if the lieutenant governor has received a written complaint alleging a violation of the law or the
1364 falsity of any summary report, the lieutenant governor shall, within five days of discovery of a
1365 violation or receipt of a written complaint, notify the [school] state board office candidate of
1366 the violation or written complaint and direct the [school] state board office candidate to file a
1367 summary report correcting the problem.

1368 (c) (i) It is unlawful for a [school] state board office candidate to fail to file or amend a
1369 summary report within seven days after receiving notice from the lieutenant governor under
1370 this section.

1371 (ii) Each [school] state board office candidate who violates Subsection (2)(c)(i) is
1372 guilty of a class B misdemeanor.

1373 (iii) The lieutenant governor shall report all violations of Subsection (2)(c)(i) to the
1374 attorney general.

1375 (iv) In addition to the criminal penalty described in Subsection (2)(c)(ii), the lieutenant
1376 governor shall impose a civil fine of \$100 against a [school] state board office candidate who
1377 violates Subsection (2)(c)(i).

1378 Section 19. Section **53A-1-114** is enacted to read:

1379 **53A-1-114. State board officeholder financial reporting requirements --**
1380 **Termination of duty to report.**

1381 (1) A state board officeholder is active and subject to reporting requirements until the
1382 state board officeholder has filed a statement of dissolution with the lieutenant governor stating
1383 that:

1384 (a) the state board officeholder is no longer receiving contributions or public service
1385 assistance and is no longer making expenditures;

1386 (b) the ending balance on the last summary report filed is zero and the balance in the
1387 separate bank account required by Section [53A-1-109](#) is zero; and

1388 (c) a final summary report in the form required by Section [53A-1-112](#) showing a zero
1389 balance is attached to the statement of dissolution.

1390 (2) A statement of dissolution and a final summary report may be filed at any time.

1391 (3) Each state board officeholder shall continue to file the year-end summary report
1392 required by Section 53A-1-112 until the statement of dissolution and final summary report
1393 required by this section are filed with the lieutenant governor.

1394 (4) A state board officeholder may not use a contribution deposited into an account in
1395 accordance with this chapter for:

1396 (a) a personal use expenditure; or

1397 (b) an expenditure prohibited by law.

1398 (5) (a) Except as provided in Subsection (5)(b), an individual who is no longer a state
1399 board officeholder may not expend or transfer the money in a campaign account in a manner
1400 that would cause the former state board officeholder to recognize the money as taxable income
1401 under federal tax law.

1402 (b) An individual who is no longer a state board officeholder may transfer the money in
1403 a campaign account in a manner that would cause the former state board officeholder to
1404 recognize the money as taxable income under federal tax law if the transfer is made to a
1405 campaign account for federal office.

1406 Section 20. Section 53A-1-115 is enacted to read:

1407 **53A-1-115. Financial disclosure form -- Required when filing notice of intent to**
1408 **seek office -- Public availability.**

1409 (1) A candidate who is seeking state board office shall file a financial disclosure with
1410 the lieutenant governor at the time of filing a notice of intent to seek office.

1411 (2) The lieutenant governor may not accept a notice of intent to seek office described in
1412 Subsection (1) unless the notice of intent to seek office is accompanied by the financial
1413 disclosure required by this section.

1414 (3) The financial disclosure form shall contain the same requirements and shall be in
1415 the same format as the financial disclosure form described in Section 20A-11-1604.

1416 (4) The financial disclosure form shall:

1417 (a) be made available for public inspection at the Office of the Lieutenant Governor;

1418 and

1419 (b) be made publicly available on the Statewide Electronic Voter Information Website
1420 administered by the lieutenant governor.

1421 Section 21. Section **53A-1-116** is enacted to read:

1422 **53A-1-116. Failure to disclose conflict of interest -- Failure to comply with**
1423 **reporting requirements.**

1424 (1) Before or during any vote on any rule, resolution, order, or any other state board
1425 matter in which a state board officeholder has actual knowledge that the state board
1426 officeholder has a conflict of interest that is not stated on the financial disclosure form
1427 described in this section, the state board officeholder shall orally declare to the state board that
1428 the state board officeholder may have a conflict of interest and what that conflict of interest is.

1429 (2) Any public declaration of a conflict of interest that is made under Subsection (1)
1430 shall be noted in the minutes of the meeting or on the official record of the action taken.

1431 (3) A state board officeholder shall file a financial disclosure form:

1432 (a) on the tenth day of January of each year, or the following business day if the due
1433 date falls on a weekend or holiday; and

1434 (b) each time the state board officeholder changes employment.

1435 (4) The financial disclosure form described in Subsection (3) shall include:

1436 (a) the state board officeholder's name;

1437 (b) the name and address of each of the state board officeholder's current employers
1438 and each of the state board officeholder's employers during the preceding year;

1439 (c) for each employer described in Subsection (4)(b), a brief description of the
1440 employment, including the state board officeholder's occupation and, as applicable, job title;

1441 (d) for each entity in which the state board officeholder is an owner or officer, or was
1442 an owner or officer during the preceding year:

1443 (i) the name of the entity;

1444 (ii) a brief description of the type of business or activity conducted by the entity; and

1445 (iii) the state board officeholder's position in the entity;

1446 (e) in accordance with Subsection (5)(b), for each individual from whom, or entity
1447 from which, the state board officeholder has received \$5,000 or more in income during the
1448 preceding year:

1449 (i) the name of the individual or entity; and

1450 (ii) a brief description of the type of business or activity conducted by the individual or
1451 entity;

1452 (f) for each entity in which the state board officeholder holds any stocks or bonds
1453 having a fair market value of \$5,000 or more as of the date of the disclosure form or during the
1454 preceding year, but excluding funds that are managed by a third party, including blind trusts,
1455 managed investment accounts, and mutual funds:

1456 (i) the name of the entity; and

1457 (ii) a brief description of the type of business or activity conducted by the entity;

1458 (g) for each entity not listed in Subsections (4)(d) through (f) in which the state board
1459 officeholder currently serves, or served in the preceding year, on the board of directors or in
1460 any other type of paid leadership capacity:

1461 (i) the name of the entity or organization;

1462 (ii) a brief description of the type of business or activity conducted by the entity; and

1463 (iii) the type of advisory position held by the state board officeholder;

1464 (h) at the option of the state board officeholder, a description of any real property in
1465 which the state board officeholder holds an ownership or other financial interest that the state
1466 board officeholder believes may constitute a conflict of interest, including a description of the
1467 type of interest held by the state board officeholder in the property;

1468 (i) the name of the state board officeholder's spouse and any other adult residing in the
1469 state board officeholder's household who is not related by blood or marriage, as applicable;

1470 (j) for the state board officeholder's spouse, the information that a state board
1471 officeholder is required to provide under Subsection (4)(b);

1472 (k) a brief description of the employment and occupation of each adult who:

1473 (i) resides in the state board officeholder's household; and

1474 (ii) is not related to the state board officeholder by blood or marriage;

1475 (l) at the option of the state board officeholder, a description of any other matter or
1476 interest that the state board officeholder believes may constitute a conflict of interest;

1477 (m) the date the form was completed;

1478 (n) a statement that the state board officeholder believes that the form is true and
1479 accurate to the best of the state board officeholder's knowledge; and

1480 (o) the signature of the state board officeholder.

1481 (5) (a) The state board officeholder shall file the financial disclosure form with:

1482 (i) the secretary of the Senate, if the state board officeholder is a member of the Senate;

1483 (ii) the chief clerk of the House of Representatives, if the state board officeholder is a
1484 member of the House of Representatives; or

1485 (iii) the lieutenant governor, if the state board officeholder is a state board officeholder
1486 other than a state board officeholder described in Subsection (5)(a)(i) or (ii).

1487 (b) In making the disclosure described in Subsection (4)(e), a state board officeholder
1488 who provides goods or services to multiple customers or clients as part of a business or a
1489 licensed profession is only required to provide the information described in Subsection (4)(e) in
1490 relation to the entity or practice through which the state board officeholder provides the goods
1491 or services and is not required to provide the information described in Subsection (4)(e) in
1492 relation to the state board officeholder's individual customers or clients.

1493 (6) The lieutenant governor shall ensure that blank financial disclosure forms are
1494 available on the Internet and at the Office of the Lieutenant Governor.

1495 (7) The lieutenant governor shall make each version of a financial disclosure form or
1496 an amendment to a financial disclosure form received under this section available to the public
1497 for two years after the day on which the lieutenant governor receives the form.

1498 (8) The disclosure requirements described in this section do not prohibit a state board
1499 officeholder from voting or acting on any matter.

1500 (9) A state board officeholder may amend a financial disclosure form described in this
1501 part at any time.

1502 (10) A state board officeholder who violates the requirements of Subsection (1) is
1503 guilty of a class B misdemeanor.

1504 (11) (a) A state board officeholder who intentionally or knowingly violates a provision
1505 of this section, other than Subsection (1), is guilty of a class B misdemeanor.

1506 (b) In addition to the criminal penalty described in Subsection (11)(a), the lieutenant
1507 governor shall impose a civil penalty of \$100 against a state board officeholder who violates a
1508 provision of this section, other than Subsection (1).

1509 Section 22. Section **53A-1-117** is enacted to read:

1510 **53A-1-117. Failure to file -- Penalties.**

1511 (1) Within 30 days after the day on which a state board officeholder is required to file a
1512 financial disclosure form under Subsection [53A-1-116\(3\)\(a\)](#), the lieutenant governor shall
1513 review each filed financial disclosure form to ensure that:

1514 (a) each state board officeholder who is required to file a financial disclosure form has
1515 filed one; and

1516 (b) each financial disclosure form contains the information required under Section
1517 53A-1-116.

1518 (2) The lieutenant governor shall take the action described in Subsection (3) if:

1519 (a) a state board officeholder has failed to timely file a financial disclosure form;

1520 (b) a filed financial disclosure form does not comply with the requirements of Section
1521 53A-1-116; or

1522 (c) the lieutenant governor receives a written complaint alleging a violation of Section
1523 53A-1-116, other than Subsection 53A-1-116(1), and after receiving the complaint and giving
1524 the state board officeholder notice and an opportunity to be heard, the lieutenant governor
1525 determines that a violation occurred.

1526 (3) If a circumstance described in Subsection (2) occurs, the lieutenant governor shall,
1527 within five days after the day on which the lieutenant governor determines that a violation
1528 occurred, notify the state board officeholder of the violation and direct the state board
1529 officeholder to file an amended report correcting the problem.

1530 (4) (a) It is unlawful for a state board officeholder to fail to file or amend a financial
1531 disclosure form within seven days after the day on which the state board officeholder receives
1532 the notice described in Subsection (3).

1533 (b) A state board officeholder who violates Subsection (4)(a) is guilty of a class B
1534 misdemeanor.

1535 (c) The lieutenant governor shall report all violations of Subsection (4)(a) to the
1536 attorney general.

1537 (d) In addition to the criminal penalty described in Subsection (4)(b), the lieutenant
1538 governor shall impose a civil fine of \$100 against a state board officeholder who violates
1539 Subsection (4)(a).

1540 (5) The lieutenant governor shall deposit a fine collected under this part into the
1541 General Fund as a dedicated credit to pay for the costs of administering the provisions of this
1542 part.

1543 Section 23. Section **53A-1-201** is amended to read:

1544 **53A-1-201. Election and appointment of officers -- Removal from office.**

1545 (1) The State Board of Education shall elect from its members a chair, and at least one
1546 vice chair, but no more than three vice chairs, each year at a meeting held [~~any time between~~
1547 ~~November 15 and January 15.~~] no earlier than November 15 and no later than January 15.

1548 (2) (a) If the election of officers is held [~~subsequent to~~] after the election of a new
1549 member of the board, but [~~prior to the time that~~] before the new member takes office, the new
1550 member shall assume the position of the outgoing member for purposes of the election of
1551 officers.

1552 (b) In all other matters the outgoing member shall retain the full authority of the office
1553 until replaced as provided by law.

1554 [~~(3) The duties of these officers shall be determined by the board.~~]

1555 (3) The board shall determine the duties of the officers elected under this section.

1556 (4) The board shall appoint a secretary who serves at the pleasure of the board.

1557 (5) An officer [~~appointed or~~] elected by the board under this section may be removed
1558 from office for cause by a vote of two-thirds of the board.

1559 Section 24. Section **53A-1a-506** is amended to read:

1560 **53A-1a-506. Eligible students.**

1561 (1) As used in this section:

1562 (a) "District school" means a public school under the control of a local school board
1563 elected pursuant to Title 20A, Chapter 14, [~~Nomination and~~] Election of [~~State and~~] Local
1564 School Boards.

1565 (b) "Refugee" means a person who is eligible to receive benefits and services from the
1566 federal Office of Refugee Resettlement.

1567 (2) All resident students of the state qualify for admission to a charter school, subject
1568 to the limitations set forth in this section and Section [53A-1a-506.5](#).

1569 (3) (a) A charter school shall enroll an eligible student who submits a timely
1570 application, unless the number of applications exceeds the capacity of a program, class, grade
1571 level, or the charter school.

1572 (b) If the number of applications exceeds the capacity of a program, class, grade level,
1573 or the charter school, students shall be selected on a random basis, except as provided in
1574 Subsections (4) through (8).

1575 (4) A charter school may give an enrollment preference to:

- 1576 (a) a child or grandchild of an individual who has actively participated in the
1577 development of the charter school;
- 1578 (b) a child or grandchild of a member of the charter school governing board;
- 1579 (c) a sibling of a student presently enrolled in the charter school;
- 1580 (d) a child of an employee of the charter school;
- 1581 (e) students articulating between charter schools offering similar programs that are
1582 governed by the same governing board;
- 1583 (f) students articulating from one charter school to another pursuant to an articulation
1584 agreement between the charter schools that is approved by the State Charter School Board; or
- 1585 (g) students who reside within:
- 1586 (i) the school district in which the charter school is located;
- 1587 (ii) the municipality in which the charter school is located; or
- 1588 (iii) a two-mile radius of the charter school.
- 1589 (5) (a) Except as provided in Subsection (5)(b), a charter school that is approved by the
1590 State Board of Education after May 13, 2014, and is located in a high growth area shall give an
1591 enrollment preference to students who reside within a two-mile radius of the charter school.
- 1592 (b) The requirement to give an enrollment preference under Subsection (5)(a) does not
1593 apply to a charter school that was approved without a high priority status pursuant to
1594 Subsection [53A-1a-502.5\(6\)\(b\)](#).
- 1595 (6) If a district school converts to charter status, the charter school shall give an
1596 enrollment preference to students who would have otherwise attended it as a district school.
- 1597 (7) (a) A charter school whose mission is to enhance learning opportunities for
1598 refugees or children of refugee families may give an enrollment preference to refugees or
1599 children of refugee families.
- 1600 (b) A charter school whose mission is to enhance learning opportunities for English
1601 language learners may give an enrollment preference to English language learners.
- 1602 (8) A charter school may weight its lottery to give a slightly better chance of admission
1603 to educationally disadvantaged students, including:
- 1604 (a) low-income students;
- 1605 (b) students with disabilities;
- 1606 (c) English language learners;

- 1607 (d) migrant students;
- 1608 (e) neglected or delinquent students; and
- 1609 (f) homeless students.

1610 (9) A charter school may not discriminate in its admission policies or practices on the
1611 same basis as other public schools may not discriminate in their admission policies and
1612 practices.

1613 Section 25. Section **53A-3-101** is amended to read:

1614 **53A-3-101. Selection and election of members to local boards of education.**

1615 Members of local boards of education shall be elected as provided in Title 20A,
1616 Chapter 14, [~~Nomination and~~] Election of [~~State and~~] Local School Boards.

1617 Section 26. Section **53A-11-102.5** is amended to read:

1618 **53A-11-102.5. Dual enrollment.**

1619 (1) "District school" means a public school under the control of a local school board
1620 elected pursuant to Title 20A, Chapter 14, [~~Nomination and~~] Election of [~~State and~~] Local
1621 School Boards.

1622 (2) A person having control of a minor who is enrolled in a regularly established
1623 private school or a home school may also enroll the minor in a public school for dual
1624 enrollment purposes.

1625 (3) The minor may participate in any academic activity in the public school available to
1626 students in the minor's grade or age group, subject to compliance with the same rules and
1627 requirements that apply to a full-time student's participation in the activity.

1628 (4) (a) A student enrolled in a dual enrollment program in a district school is
1629 considered a student of the district in which the district school of attendance is located for
1630 purposes of state funding to the extent of the student's participation in the district school
1631 programs.

1632 (b) A student enrolled in a dual enrollment program in a charter school is considered a
1633 student of the charter school for purposes of state funding to the extent of the student's
1634 participation in the charter school programs.

1635 (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
1636 State Board of Education shall make rules for purposes of dual enrollment to govern and
1637 regulate the transferability of credits toward graduation that are earned in a private or home

1638 school.

1639 Section 27. Section **53A-15-1202** is amended to read:

1640 **53A-15-1202. Definitions.**

1641 As used in this part:

1642 (1) "District school" means a public school under the control of a local school board
1643 elected pursuant to Title 20A, Chapter 14, [~~Nomination and~~] Election of [~~State and~~] Local
1644 School Boards.

1645 (2) "Eligible student" means:

1646 (a) a student enrolled in a district school or charter school in Utah; or

1647 (b) beginning on July 1, 2013, a student:

1648 (i) who attends a private school or home school; and

1649 (ii) whose custodial parent or legal guardian is a resident of Utah.

1650 (3) "LEA" means a local education agency in Utah that has administrative control and
1651 direction for public education.

1652 (4) "Online course" means a course of instruction offered by the Statewide Online
1653 Education Program through the use of digital technology.

1654 (5) "Primary LEA of enrollment" means the LEA in which an eligible student is
1655 enrolled for courses other than online courses offered through the Statewide Online Education
1656 Program.

1657 (6) "Released-time" means a period of time during the regular school day a student is
1658 excused from school at the request of the student's parent or guardian pursuant to rules of the
1659 State Board of Education.

1660 Section 28. **Repealer.**

1661 This bill repeals:

1662 Section **20A-1-507, Midterm vacancies in the State Board of Education.**

1663 Section **20A-14-101.1, Definitions.**

1664 Section **20A-14-101.5, State Board of Education -- Number of members -- State
1665 Board of Education district boundaries.**

1666 Section **20A-14-102, State Board of Education districts.**

1667 Section **20A-14-102.1, Omissions from maps -- How resolved.**

1668 Section **20A-14-102.2, Uncertain boundaries -- How resolved.**

1669 Section **20A-14-102.3**, County clerk, Automated Geographic Reference Center,
1670 and lieutenant governor responsibilities -- Maps and voting precinct boundaries.

1671 Section **20A-14-104**, Becoming a candidate for membership on the State Board of
1672 Education -- Nominating and recruiting committee -- Membership -- Procedure -- Duties.

1673 Section **20A-14-105**, Becoming a candidate for membership on the State Board of
1674 Education -- Selection of candidates by the governor -- Ballot placement.

1675 Section **20A-14-106**, Vacancies on the State Board of Education.

1676 Section 29. **Effective date.**

1677 This bill takes effect on January 1, 2017, if:

1678 (1) the amendment to the Utah Constitution proposed by S.J.R. 5, Proposal to Amend
1679 Utah Constitution – State Board of Education Changes, 2015 General Session, passes the
1680 Legislature and is approved by a majority of those voting on the amendment at the next regular
1681 general election; or

1682 (2) the amendment to the Utah Constitution proposed by H.J.R. 16, Proposal to Amend
1683 Utah Constitution – Governance of Public Education, 2015 General Session, passes the
1684 Legislature and is approved by a majority of those voting on the amendment at the next regular
1685 general election.