

1 **EDUCATION ELECTIONS AND REPORTING AMENDMENTS**

2 2015 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Alvin B. Jackson**

5 House Sponsor: _____

7 **LONG TITLE**

8 **General Description:**

9 This bill amends provisions of the Election Code to make candidates for, and members
10 of, the State Board of Education and local school boards subject to partisan election and
11 modifies the reporting requirements of state school board office candidates and
12 officeholders.

13 **Highlighted Provisions:**

14 This bill:

- 15 ▶ provides that members of the State Board of Education and local school boards are
16 elected through partisan election;
- 17 ▶ modifies the reporting requirements of state school board office candidates and
18 officeholders;
- 19 ▶ removes the nominating committee, and related provisions, for selecting candidates
20 to run for the State Board of Education; and
- 21 ▶ makes technical changes.

22 **Money Appropriated in this Bill:**

23 None

24 **Other Special Clauses:**

25 None

26 **Utah Code Sections Affected:**

27 AMENDS:



- 28 **20A-1-102**, as last amended by Laws of Utah 2014, Chapters 17, 31, 231, 362, and 391
- 29 **20A-1-504**, as last amended by Laws of Utah 2010, Chapter 197
- 30 **20A-1-511**, as last amended by Laws of Utah 2012, Chapter 327
- 31 **20A-9-101**, as last amended by Laws of Utah 2014, Chapter 17
- 32 **20A-9-403**, as last amended by Laws of Utah 2014, Chapter 17
- 33 **20A-9-406**, as enacted by Laws of Utah 2014, Chapter 17
- 34 **20A-9-408**, as enacted by Laws of Utah 2014, Chapter 17
- 35 **20A-11-403**, as last amended by Laws of Utah 2013, Chapter 420
- 36 **20A-11-1301**, as last amended by Laws of Utah 2014, Chapters 335 and 337
- 37 **20A-11-1303**, as last amended by Laws of Utah 2014, Chapter 337
- 38 **20A-11-1305**, as last amended by Laws of Utah 2014, Chapter 337
- 39 **20A-14-103**, as last amended by Laws of Utah 2011, Third Special Session, Chapter 3
- 40 **20A-14-104**, as last amended by Laws of Utah 2004, Chapter 19

41 REPEALS:

- 42 **20A-14-105**, as last amended by Laws of Utah 2011, Chapters 292, 327, 335 and last
- 43 amended by Coordination Clause, Laws of Utah 2011, Chapter 327



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

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

47 **20A-1-102. Definitions.**

48 As used in this title:

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

51 (2) "Automatic tabulating equipment" means apparatus that automatically examines
52 and counts votes recorded on paper ballots or ballot sheets and tabulates the results.

53 (3) (a) "Ballot" means the storage medium, whether paper, mechanical, or electronic,
54 upon which a voter records the voter's votes.

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

57 (4) "Ballot label" means the cards, papers, booklet, pages, or other materials that:

58 (a) contain the names of offices and candidates and statements of ballot propositions to

59 be voted on; and

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

61 (5) "Ballot proposition" means a question, issue, or proposal that is submitted to voters
62 on the ballot for their approval or rejection including:

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

64 (b) a constitutional amendment;

65 (c) an initiative;

66 (d) a referendum;

67 (e) a bond proposition;

68 (f) a judicial retention question;

69 (g) an incorporation of a city or town; or

70 (h) any other ballot question specifically authorized by the Legislature.

71 (6) "Ballot sheet":

72 (a) means a ballot that:

73 (i) consists of paper or a card where the voter's votes are marked or recorded; and

74 (ii) can be counted using automatic tabulating equipment; and

75 (b) includes punch card ballots and other ballots that are machine-countable.

76 (7) "Bind," "binding," or "bound" means securing more than one piece of paper
77 together with a staple or stitch in at least three places across the top of the paper in the blank
78 space reserved for securing the paper.

79 (8) "Board of canvassers" means the entities established by Sections [20A-4-301](#) and
80 [20A-4-306](#) to canvass election returns.

81 (9) "Bond election" means an election held for the purpose of approving or rejecting
82 the proposed issuance of bonds by a government entity.

83 (10) "Book voter registration form" means voter registration forms contained in a
84 bound book that are used by election officers and registration agents to register persons to vote.

85 (11) "Business reply mail envelope" means an envelope that may be mailed free of
86 charge by the sender.

87 (12) "By-mail voter registration form" means a voter registration form designed to be
88 completed by the voter and mailed to the election officer.

89 (13) "Canvass" means the review of election returns and the official declaration of

90 election results by the board of canvassers.

91 (14) "Canvassing judge" means a poll worker designated to assist in counting ballots at
92 the canvass.

93 (15) "Contracting election officer" means an election officer who enters into a contract
94 or interlocal agreement with a provider election officer.

95 (16) "Convention" means the political party convention at which party officers and
96 delegates are selected.

97 (17) "Counting center" means one or more locations selected by the election officer in
98 charge of the election for the automatic counting of ballots.

99 (18) "Counting judge" means a poll worker designated to count the ballots during
100 election day.

101 (19) "Counting poll watcher" means a person selected as provided in Section
102 [20A-3-201](#) to witness the counting of ballots.

103 (20) "Counting room" means a suitable and convenient private place or room,
104 immediately adjoining the place where the election is being held, for use by the poll workers
105 and counting judges to count ballots during election day.

106 (21) "County officers" means those county officers that are required by law to be
107 elected.

108 (22) "Date of the election" or "election day" or "day of the election":

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

111 (b) does not include:

112 (i) deadlines established for absentee voting; or

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

115 (23) "Elected official" means:

116 (a) a person elected to an office under Section [20A-1-303](#);

117 (b) a person who is considered to be elected to a municipal office in accordance with
118 Subsection [20A-1-206\(1\)\(c\)\(ii\)](#); or

119 (c) a person who is considered to be elected to a local district office in accordance with
120 Subsection [20A-1-206\(3\)\(c\)\(ii\)](#).

121 (24) "Election" means a regular general election, a municipal general election, a
122 statewide special election, a local special election, a regular primary election, a municipal
123 primary election, and a local district election.

124 (25) "Election Assistance Commission" means the commission established by Public
125 Law 107-252, the Help America Vote Act of 2002.

126 (26) "Election cycle" means the period beginning on the first day persons are eligible to
127 file declarations of candidacy and ending when the canvass is completed.

128 (27) "Election judge" means a poll worker that is assigned to:

- 129 (a) preside over other poll workers at a polling place;
130 (b) act as the presiding election judge; or
131 (c) serve as a canvassing judge, counting judge, or receiving judge.

132 (28) "Election officer" means:

- 133 (a) the lieutenant governor, for all statewide ballots and elections;
134 (b) the county clerk for:
135 (i) a county ballot and election; and
136 (ii) a ballot and election as a provider election officer as provided in Section

137 [20A-5-400.1](#) or [20A-5-400.5](#);

138 (c) the municipal clerk for:

- 139 (i) a municipal ballot and election; and
140 (ii) a ballot and election as a provider election officer as provided in Section

141 [20A-5-400.1](#) or [20A-5-400.5](#);

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

- 143 (i) a local district ballot and election; and
144 (ii) a ballot and election as a provider election officer as provided in Section

145 [20A-5-400.1](#) or [20A-5-400.5](#); or

146 (e) the [~~business administrator or superintendent of a school district~~] county clerk for:

- 147 (i) a school district ballot and election; and
148 (ii) a ballot and election as a provider election officer as provided in Section

149 [20A-5-400.1](#) or [20A-5-400.5](#).

150 (29) "Election official" means any election officer, election judge, or poll worker.

151 (30) "Election results" means:

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

154 (b) for bond elections, the count of those votes cast for and against the bond
155 proposition plus any or all of the election returns that the board of canvassers may request.

156 (31) "Election returns" includes the pollbook, the military and overseas absentee voter
157 registration and voting certificates, one of the tally sheets, any unprocessed absentee ballots, all
158 counted ballots, all excess ballots, all unused ballots, all spoiled ballots, the ballot disposition
159 form, and the total votes cast form.

160 (32) "Electronic ballot" means a ballot that is recorded using a direct electronic voting
161 device or other voting device that records and stores ballot information by electronic means.

162 (33) "Electronic signature" means an electronic sound, symbol, or process attached to
163 or logically associated with a record and executed or adopted by a person with the intent to sign
164 the record.

165 (34) (a) "Electronic voting device" means a voting device that uses electronic ballots.

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

167 (35) "Inactive voter" means a registered voter who has:

168 (a) been sent the notice required by Section [20A-2-306](#); and

169 (b) failed to respond to that notice.

170 (36) "Inspecting poll watcher" means a person selected as provided in this title to
171 witness the receipt and safe deposit of voted and counted ballots.

172 (37) "Judicial office" means the office filled by any judicial officer.

173 (38) "Judicial officer" means any justice or judge of a court of record or any county
174 court judge.

175 (39) "Local district" means a local government entity under Title 17B, Limited Purpose
176 Local Government Entities - Local Districts, and includes a special service district under Title
177 17D, Chapter 1, Special Service District Act.

178 (40) "Local district officers" means those local district board members that are required
179 by law to be elected.

180 (41) "Local election" means a regular county election, a regular municipal election, a
181 municipal primary election, a local special election, a local district election, and a bond
182 election.

183 (42) "Local political subdivision" means a county, a municipality, a local district, or a
184 local school district.

185 (43) "Local special election" means a special election called by the governing body of a
186 local political subdivision in which all registered voters of the local political subdivision may
187 vote.

188 (44) "Municipal executive" means:

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

191 (b) the mayor in the council-manager form of government defined in Subsection
192 10-3b-103(6).

193 (45) "Municipal general election" means the election held in municipalities and, as
194 applicable, local districts on the first Tuesday after the first Monday in November of each
195 odd-numbered year for the purposes established in Section 20A-1-202.

196 (46) "Municipal legislative body" means the council of the city or town in any form of
197 municipal government.

198 (47) "Municipal office" means an elective office in a municipality.

199 (48) "Municipal officers" means those municipal officers that are required by law to be
200 elected.

201 (49) "Municipal primary election" means an election held to nominate candidates for
202 municipal office.

203 (50) "Official ballot" means the ballots distributed by the election officer to the poll
204 workers to be given to voters to record their votes.

205 (51) "Official endorsement" means:

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

207 (i) the ballot as an official ballot;

208 (ii) the date of the election; and

209 (iii) the facsimile signature of the election officer; and

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

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

212 (ii) the ballot number.

213 (52) "Official register" means the official record furnished to election officials by the

214 election officer that contains the information required by Section [20A-5-401](#).

215 (53) "Paper ballot" means a paper that contains:

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

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

220 (54) "Pilot project" means the election day voter registration pilot project created in
221 Section [20A-4-108](#).

222 (55) "Political party" means an organization of registered voters that has qualified to
223 participate in an election by meeting the requirements of Chapter 8, Political Party Formation
224 and Procedures.

225 (56) "Pollbook" means a record of the names of voters in the order that they appear to
226 cast votes.

227 (57) "Polling place" means the building where voting is conducted.

228 (58) (a) "Poll worker" means a person assigned by an election official to assist with an
229 election, voting, or counting votes.

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

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

232 (59) "Position" means a square, circle, rectangle, or other geometric shape on a ballot
233 in which the voter marks the voter's choice.

234 (60) "Primary convention" means the political party conventions held during the year
235 of the regular general election.

236 (61) "Protective counter" means a separate counter, which cannot be reset, that:

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

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

239 (62) "Provider election officer" means an election officer who enters into a contract or
240 interlocal agreement with a contracting election officer to conduct an election for the
241 contracting election officer's local political subdivision in accordance with Section
242 [20A-5-400.1](#).

243 (63) "Provisional ballot" means a ballot voted provisionally by a person:

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

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

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

247 (64) "Provisional ballot envelope" means an envelope printed in the form required by

248 Section 20A-6-105 that is used to identify provisional ballots and to provide information to

249 verify a person's legal right to vote.

250 (65) "Qualify" or "qualified" means to take the oath of office and begin performing the

251 duties of the position for which the person was elected.

252 (66) "Receiving judge" means the poll worker that checks the voter's name in the

253 official register, provides the voter with a ballot, and removes the ballot stub from the ballot

254 after the voter has voted.

255 (67) "Registration form" means a book voter registration form and a by-mail voter

256 registration form.

257 (68) "Regular ballot" means a ballot that is not a provisional ballot.

258 (69) "Regular general election" means the election held throughout the state on the first

259 Tuesday after the first Monday in November of each even-numbered year for the purposes

260 established in Section 20A-1-201.

261 (70) "Regular primary election" means the election on the fourth Tuesday of June of

262 each even-numbered year, to nominate candidates of political parties and candidates for

263 [nonpartisan] local school board positions to advance to the regular general election.

264 (71) "Resident" means a person who resides within a specific voting precinct in Utah.

265 (72) "Sample ballot" means a mock ballot similar in form to the official ballot printed

266 and distributed as provided in Section 20A-5-405.

267 (73) "Scratch vote" means to mark or punch the straight party ticket and then mark or

268 punch the ballot for one or more candidates who are members of different political parties.

269 (74) "Secrecy envelope" means the envelope given to a voter along with the ballot into

270 which the voter places the ballot after the voter has voted it in order to preserve the secrecy of

271 the voter's vote.

272 (75) "Special election" means an election held as authorized by Section 20A-1-203.

273 (76) "Spoiled ballot" means each ballot that:

274 (a) is spoiled by the voter;

275 (b) is unable to be voted because it was spoiled by the printer or a poll worker; or

276 (c) lacks the official endorsement.

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

279 (78) "Stub" means the detachable part of each ballot.

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

282 (80) "Ticket" means each list of candidates for each political party or for each group of
283 petitioners.

284 (81) "Transfer case" means the sealed box used to transport voted ballots to the
285 counting center.

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

289 (83) "Valid voter identification" means:

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

292 (i) a currently valid Utah driver license;

293 (ii) a currently valid identification card that is issued by:

294 (A) the state; or

295 (B) a branch, department, or agency of the United States;

296 (iii) a currently valid Utah permit to carry a concealed weapon;

297 (iv) a currently valid United States passport; or

298 (v) a currently valid United States military identification card;

299 (b) one of the following identification cards, whether or not the card includes a
300 photograph of the voter:

301 (i) a valid tribal identification card;

302 (ii) a Bureau of Indian Affairs card; or

303 (iii) a tribal treaty card; or

304 (c) two forms of identification not listed under Subsection (83)(a) or (b) but that bear
305 the name of the voter and provide evidence that the voter resides in the voting precinct, which
306 may include:

- 307 (i) a current utility bill or a legible copy thereof, dated within the 90 days before the
308 election;
- 309 (ii) a bank or other financial account statement, or a legible copy thereof;
- 310 (iii) a certified birth certificate;
- 311 (iv) a valid Social Security card;
- 312 (v) a check issued by the state or the federal government or a legible copy thereof;
- 313 (vi) a paycheck from the voter's employer, or a legible copy thereof;
- 314 (vii) a currently valid Utah hunting or fishing license;
- 315 (viii) certified naturalization documentation;
- 316 (ix) a currently valid license issued by an authorized agency of the United States;
- 317 (x) a certified copy of court records showing the voter's adoption or name change;
- 318 (xi) a valid Medicaid card, Medicare card, or Electronic Benefits Transfer Card;
- 319 (xii) a currently valid identification card issued by:
- 320 (A) a local government within the state;
- 321 (B) an employer for an employee; or
- 322 (C) a college, university, technical school, or professional school located within the
323 state; or
- 324 (xiii) a current Utah vehicle registration.
- 325 (84) "Valid write-in candidate" means a candidate who has qualified as a write-in
326 candidate by following the procedures and requirements of this title.
- 327 (85) "Voter" means a person who:
- 328 (a) meets the requirements for voting in an election;
- 329 (b) meets the requirements of election registration;
- 330 (c) is registered to vote; and
- 331 (d) is listed in the official register book.
- 332 (86) "Voter registration deadline" means the registration deadline provided in Section
333 [20A-2-102.5](#).
- 334 (87) "Voting area" means the area within six feet of the voting booths, voting
335 machines, and ballot box.
- 336 (88) "Voting booth" means:
- 337 (a) the space or compartment within a polling place that is provided for the preparation

338 of ballots, including the voting machine enclosure or curtain; or

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

340 (89) "Voting device" means:

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

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

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

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

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

349 (90) "Voting machine" means a machine designed for the sole purpose of recording
350 and tabulating votes cast by voters at an election.

351 (91) "Voting poll watcher" means a person appointed as provided in this title to
352 witness the distribution of ballots and the voting process.

353 (92) "Voting precinct" means the smallest voting unit established as provided by law
354 within which qualified voters vote at one polling place.

355 (93) "Watcher" means a voting poll watcher, a counting poll watcher, an inspecting
356 poll watcher, and a testing watcher.

357 (94) "Western States Presidential Primary" means the election established in Chapter 9,
358 Part 8, Western States Presidential Primary.

359 (95) "Write-in ballot" means a ballot containing any write-in votes.

360 (96) "Write-in vote" means a vote cast for a person whose name is not printed on the
361 ballot according to the procedures established in this title.

362 Section 2. Section 20A-1-504 is amended to read:

363 **20A-1-504. Midterm vacancies in the offices of attorney general, state treasurer,**
364 **state auditor, and lieutenant governor.**

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

368 (b) The governor shall fill the vacancy until the next regular general election by

369 appointing a person who meets the qualifications for the office from three persons nominated
 370 by the state central committee of the same political party as the prior officeholder.

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

374 Section 3. Section **20A-1-511** is amended to read:

375 **20A-1-511. Midterm vacancies on local school boards.**

376 (1) (a) A local school board shall fill vacancies on the board by ~~[appointment]~~
 377 appointing an individual from a list of names submitted by the same political party as the
 378 individual whose vacancy is being filled, except as otherwise provided in Subsection (2).

379 (b) If the board fails to make an appointment within 30 days after a vacancy occurs, the
 380 county legislative body, or municipal legislative body in a city district, shall fill the vacancy by
 381 ~~[appointment]~~ appointing an individual from a list of names submitted by the same political
 382 party as the individual whose vacancy is being filled.

383 (c) A member appointed and qualified under this Subsection (1) shall serve until a
 384 successor is elected or appointed and qualified.

385 (2) (a) A vacancy on the board shall be filled by an interim appointment, followed by
 386 an election to fill a two-year term if:

387 (i) the vacancy on the board occurs, or a letter of resignation is received by the board,
 388 at least 14 days before the deadline for filing a declaration of candidacy; and

389 (ii) two years of the vacated term will remain after the first Monday of January
 390 following the next school board election.

391 (b) Members elected under this Subsection (2) shall serve for the remaining two years
 392 of the vacated term and until a successor is elected and qualified.

393 (3) Before appointing ~~[a person]~~ an individual to fill a vacancy under this section, the
 394 local school board shall ~~[: (a) give public notice of the vacancy at least two weeks before the~~
 395 ~~local school board meets to fill the vacancy; (b) identify, in the notice: (i) the date, time, and~~
 396 ~~place of the meeting where the vacancy will be filled; and (ii) the person to whom a person~~
 397 ~~interested in being appointed to fill the vacancy may submit his name for consideration and any~~
 398 ~~deadline for submitting it; and (c)]~~, in an open meeting, interview each ~~[person]~~ individual
 399 whose name ~~[was]~~ is submitted for consideration and meets the qualifications for office

400 regarding the ~~[person's]~~ individual's qualifications.

401 (4) If the individual who is being replaced on the board is not a member of a political
 402 party, the local school board shall appoint a replacement or interim replacement for the
 403 individual by:

404 (a) giving public notice of the vacancy at least two weeks before the local school board
 405 meets to fill the vacancy;

406 (b) identifying, in the notice:

407 (i) the date, time, and place of the meeting where the vacancy will be filled; and

408 (ii) the individual to whom an individual interested in being appointed to fill the
 409 vacancy may submit his or her name for consideration and any deadline for submission; and

410 (c) in an open meeting, interviewing each individual whose name is submitted for
 411 consideration and meets the qualifications for office regarding the individual's qualifications.

412 Section 4. Section **20A-9-101** is amended to read:

413 **20A-9-101. Definitions.**

414 As used in this chapter:

415 (1) (a) "Candidates for elective office" means persons who file a declaration of
 416 candidacy under Section **20A-9-202** to run in a regular general election for a federal office,
 417 constitutional office, multicounty office, ~~[or]~~ county office, or local school district office.

418 (b) "Candidates for elective office" does not mean candidates for:

419 (i) justice or judge of court of record or not of record;

420 (ii) presidential elector;

421 (iii) any political party offices; and

422 (iv) municipal or local district offices.

423 (2) "Constitutional office" means the state offices of governor, lieutenant governor,
 424 attorney general, state auditor, and state treasurer.

425 (3) "Continuing political party" is as defined in Section **20A-8-101**.

426 (4) (a) "County office" means an elective office where the office holder is selected by
 427 voters entirely within one county.

428 (b) "County office" does not mean:

429 (i) the office of justice or judge of any court of record or not of record;

430 (ii) the office of presidential elector;

- 431 (iii) any political party offices;
- 432 (iv) any municipal or local district offices; and
- 433 (v) the office of United States Senator and United States Representative.
- 434 (5) "Federal office" means an elective office for United States Senator and United
- 435 States Representative.
- 436 (6) "Filing officer" means:
- 437 (a) the lieutenant governor, for:
- 438 (i) the office of United States Senator and United States Representative; and
- 439 (ii) all constitutional offices;
- 440 (b) the county clerk, for county offices and local school district offices, and the county
- 441 clerk in the filer's county of residence, for multicounty offices;
- 442 (c) the city or town clerk, for municipal offices; and
- 443 (d) the local district clerk, for local district offices.
- 444 (7) "Local district office" means an elected office in a local district.
- 445 (8) "Local government office" includes county offices, municipal offices, and local
- 446 district offices and other elective offices selected by the voters from a political division entirely
- 447 within one county.
- 448 (9) (a) "Multicounty office" means an elective office where the office holder is selected
- 449 by the voters from more than one county.
- 450 (b) "Multicounty office" does not mean:
- 451 (i) a county office;
- 452 (ii) a federal office;
- 453 (iii) the office of justice or judge of any court of record or not of record;
- 454 (iv) the office of presidential elector;
- 455 (v) any political party offices; and
- 456 (vi) any municipal or local district offices.
- 457 (10) "Municipal office" means an elective office in a municipality.
- 458 (11) (a) "Political division" means a geographic unit from which an office holder is
- 459 elected and that an office holder represents.
- 460 (b) "Political division" includes a county, a city, a town, a local district, a school
- 461 district, a legislative district, and a county prosecution district.

- 462 (12) "Qualified political party" means a registered political party that:
- 463 (a) permits voters who are unaffiliated with any political party to vote for the registered
464 political party's candidates in a primary election;
- 465 (b) (i) permits a delegate for the registered political party to vote on a candidate
466 nomination in the registered political party's convention remotely; or
- 467 (ii) provides a procedure for designating an alternate delegate if a delegate is not
468 present at the registered political party's convention;
- 469 (c) does not hold the registered political party's convention before April 1 of an
470 even-numbered year;
- 471 (d) permits a member of the registered political party to seek the registered political
472 party's nomination for any elective office by the member choosing to seek the nomination by
473 either or both of the following methods:
- 474 (i) seeking the nomination through the registered political party's convention process,
475 in accordance with the provisions of Section 20A-9-407; or
- 476 (ii) seeking the nomination by collecting signatures, in accordance with the provisions
477 of Section 20A-9-408; and
- 478 (e) no later than 5 p.m. on September 30 of an odd-numbered year, certifies to the
479 lieutenant governor that, for the election in the following year, the registered political party
480 intends to nominate the registered political party's candidates in accordance with the provisions
481 of Sections 20A-9-407 and 20A-9-408.

482 Section 5. Section 20A-9-403 is amended to read:

483 **20A-9-403. Regular primary elections.**

- 484 (1) (a) Candidates for elective office that are to be filled at the next regular general
485 election shall be nominated in a regular primary election by direct vote of the people in the
486 manner prescribed in this section. The fourth Tuesday of June of each even-numbered year is
487 designated as regular primary election day. Nothing in this section shall affect a candidate's
488 ability to qualify for a regular general election's ballot as an unaffiliated candidate under
489 Section 20A-9-501 or to participate in a regular general election as a write-in candidate under
490 Section 20A-9-601.
- 491 (b) Each registered political party that chooses to have the names of its candidates for
492 elective office featured with party affiliation on the ballot at a regular general election shall

493 comply with the requirements of this section and shall nominate its candidates for elective
494 office in the manner prescribed in this section.

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

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

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

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

506 (ii) if the registered political party participates in the upcoming regular primary
507 election, identify one or more registered political parties whose members may vote for the
508 registered political party's candidates and whether or not persons identified as unaffiliated with
509 a political party may vote for the registered political party's candidates; and

510 (iii) if the registered political party participates in the upcoming regular primary
511 election, indicate whether it chooses to nominate unopposed candidates without their name
512 appearing on the ballot, as described under Subsection (5)(c).

513 (b) A registered political party that is a continuing political party must file the
514 statement described in Subsection (2)(a) with the lieutenant governor no later than 5 p.m. on
515 November 15 of each odd-numbered year. An organization that is seeking to become a
516 registered political party under Section 20A-8-103 must file the statement described in
517 Subsection (2)(b) no later than 5 p.m. on February 15.

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

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

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

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

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

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

535 (d) The filing officer shall:

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

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

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

541 (iv) consider a person who signs a nomination petition a member of a registered
542 political party for purposes of Subsection (3)(a)(ii) if the person has designated that registered
543 political party as their preferred party affiliation on their voter registration form prior to 5 p.m.
544 on the final day in March; and

545 (v) utilize procedures described in Section [20A-7-206.3](#) to verify submitted nomination
546 petition signatures, or use statistical sampling procedures to verify submitted nomination
547 petition signatures pursuant to rules issued by the lieutenant governor under Subsection (3)(f).

548 (e) Notwithstanding any other provision in Subsection (3), a candidate for lieutenant
549 governor may appear on the regular primary ballot of a registered political party without
550 submitting nomination petitions if the candidate files a declaration of candidacy and complies
551 with Subsection [20A-9-202\(3\)](#).

552 (f) The lieutenant governor shall issue rules that provide for the use of statistical
553 sampling procedures for filing officers to verify signatures under Subsection (3)(d). The
554 statistical sampling procedures shall reflect a bona fide effort to determine the validity of a

555 candidate's entire submission, using widely recognized statistical sampling techniques. The
 556 lieutenant governor may also issue supplemental rules and guidance that provide for the
 557 transparent, orderly, and timely submission, verification, and certification of nomination
 558 petition signatures.

559 ~~[(g) The county clerk shall:]~~

560 ~~[(i) review the declarations of candidacy filed by candidates for local boards of
 561 education to determine if more than two candidates have filed for the same seat;]~~

562 ~~[(ii) place the names of all candidates who have filed a declaration of candidacy for a
 563 local board of education seat on the nonpartisan section of the ballot if more than two
 564 candidates have filed for the same seat; and]~~

565 ~~[(iii) determine the order of the local board of education candidates' names on the
 566 ballot in accordance with Section 20A-6-305.]~~

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

569 (i) a list of the names of all candidates for federal, constitutional, multi-county, ~~[and]~~
 570 county, and local school district offices who have received certifications under Subsection (3),
 571 along with instructions on how those names shall appear on the primary-election ballot in
 572 accordance with Section 20A-6-305; and

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

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

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

581 "Notice is given that a primary election will be held Tuesday, June _____,
 582 _____ (year), to nominate party candidates for the parties ~~[and candidates for nonpartisan
 583 local school board positions]~~ listed on the primary ballot. The polling place for voting precinct
 584 _____ is _____. The polls will open at 7 a.m. and continue open until 8 p.m. of the same day.
 585 Attest: county clerk."

586 (5) (a) Candidates, other than presidential candidates, receiving the highest number of
587 votes cast for each office at the regular primary election are nominated by their registered
588 political party for that office [~~or are nominated as a candidate for a nonpartisan local school~~
589 ~~board position~~].

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

594 (c) A candidate who is unopposed for an elective office in the regular primary election
595 of a registered political party is nominated by the party for that office without appearing on the
596 primary ballot, provided that the party has chosen to nominate unopposed candidates under
597 Subsection (2)(a)(iii). A candidate is "unopposed" if no person other than the candidate has
598 received a certification under Subsection (3) for the regular primary election ballot of the
599 candidate's registered political party for a particular elective office.

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

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

608 (c) When a tie vote occurs in any primary election for any local school board office, the
609 county clerks of the counties in which the local school board is located shall, at a public
610 meeting called by the county clerks and in the presence of the candidates involved, select the
611 nominee by lot cast in whatever manner the county clerks determine.

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

616 Section 6. Section **20A-9-406** is amended to read:

617 **20A-9-406. Qualified political party -- Requirements and exemptions.**

618 The following provisions apply to a qualified political party:

619 (1) the qualified political party shall certify to the lieutenant governor no later than 5
620 p.m. on March 1 of each even-numbered year:

621 (a) the identity of one or more registered political parties whose members may vote for
622 the qualified political party's candidates; and

623 (b) whether the qualified political party chooses to nominate unopposed candidates
624 without the names of the candidates appearing on the ballot, as described in Subsection

625 [20A-9-403\(5\)\(c\)](#);

626 (2) the provisions of Subsections [20A-9-403\(1\)](#) through [\(4\)\(a\)](#), Subsection
627 [20A-9-403\(5\)\(c\)](#), and Section [20A-9-405](#) do not apply to a nomination for the qualified
628 political party;

629 (3) an individual may only obtain a nomination for the qualified political party by using
630 a method described in Section [20A-9-407](#), Section [20A-9-408](#), or both;

631 (4) the qualified political party shall comply with the provisions of Sections
632 [20A-9-407](#), [20A-9-408](#), and [20A-9-409](#);

633 (5) notwithstanding Subsection [20A-6-301\(1\)\(a\)](#), [\(1\)\(g\)](#), or [\(2\)\(a\)](#), each election officer
634 shall ensure that a ballot described in Section [20A-6-301](#) includes each person nominated by a
635 qualified political party under Section [20A-9-407](#) or [20A-9-408](#):

636 (a) under the qualified political party's name and emblem, if any; or

637 (b) under the title of the qualified registered political party as designated by the
638 qualified political party in the certification described in Subsection (1), or, if none is
639 designated, then under some suitable title;

640 (6) notwithstanding Subsection [20A-6-302\(1\)\(a\)](#), each election officer shall ensure, for
641 paper ballots in regular general elections, that each candidate who is nominated by the qualified
642 political party is listed by party;

643 (7) notwithstanding Subsection [20A-6-303\(1\)\(g\)](#), each election officer shall ensure that
644 the party designation of each candidate who is nominated by the qualified political party is
645 printed immediately adjacent to the candidate's name on ballot sheets or ballot labels;

646 (8) notwithstanding Subsection [20A-6-304\(1\)\(g\)](#), each election officer shall ensure that
647 the party designation of each candidate who is nominated by the qualified political party is

648 displayed adjacent to the candidate's name on an electronic ballot;

649 (9) "candidates for elective office," defined in Subsection 20A-9-101(1)(a), also
650 includes an individual who files a declaration of candidacy under Section 20A-9-407 or
651 20A-9-408 to run in a regular general election for a federal office, constitutional office,
652 multicounty office, or county office;

653 (10) an individual who is nominated by, or seeking the nomination of, the qualified
654 political party is not required to comply with Subsection 20A-9-201(1)(c);

655 (11) notwithstanding Subsection 20A-9-403(3), the qualified political party is entitled
656 to have each of the qualified political party's candidates for elective office appear on the
657 primary ballot of the qualified political party with an indication that each candidate is a
658 candidate for the qualified political party;

659 (12) notwithstanding Subsection 20A-9-403(4)(a), the lieutenant governor shall include
660 on the list provided by the lieutenant governor to the county clerks:

661 (a) the names of all candidates of the qualified political party for federal, constitutional,
662 multicounty, ~~and~~ county, and local school district offices; and

663 (b) the names of unopposed candidates for elective office who have been nominated by
664 the qualified political party and instruct the county clerks to exclude such candidates from the
665 primary-election ballot;

666 (13) notwithstanding Subsection 20A-9-403(5)(c), a candidate who is unopposed for an
667 elective office in the regular primary election of the qualified political party is nominated by
668 the party for that office without appearing on the primary ballot, provided that the party has
669 chosen to nominate unopposed candidates under Subsection 20A-9-403(2)(a)(iii); and

670 (14) notwithstanding the provisions of Subsections 20A-9-403(1) and (2) and Section
671 20A-9-405, the qualified political party is entitled to have the names of its candidates for
672 elective office featured with party affiliation on the ballot at a regular general election.

673 Section 7. Section 20A-9-408 is amended to read:

674 **20A-9-408. Signature-gathering nomination process for qualified political party.**

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

678 (2) Notwithstanding Subsection 20A-9-201(4)(a), the form of the declaration of

679 candidacy for a member of a qualified political party who is nominated by, or who is seeking
680 the nomination of, the qualified political party under this section shall be substantially as
681 follows:

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

691 _____
692 _____.

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

695 (3) Notwithstanding Subsection 20A-9-202(1)(a), and except as provided in Subsection
696 20A-9-202(4), a member of a qualified political party who, under this section, is seeking the
697 nomination of the qualified political party for an elective office that is to be filled at the next
698 general election shall:

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

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

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

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

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

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

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

713 (c) pay the filing fee.

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

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

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

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

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

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

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

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

731 (c) pay the filing fee.

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

737 (6) The lieutenant governor shall ensure that the certification described in Subsection
738 20A-9-701(1) also includes the name of each candidate nominated by a qualified political party
739 under this section.

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

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

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

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

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

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

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

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

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

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

765 (vi) for a local school district office race, signatures of 3% of the registered voters who
766 are residents of the area permitted to vote for the local school district office and are permitted
767 by the qualified political party to vote for the qualified political party's candidates in a primary
768 election.

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

772 (i) collect the signatures on a form approved by the lieutenant governor's office, using
773 the same circulation and verification requirements described in Sections [20A-7-304](#) and
774 [20A-7-305](#); and

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

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

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

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

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

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

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

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

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

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

801 (v) notify the qualified political party and the lieutenant governor of the name of each
802 member of the qualified political party who qualifies as a nominee of the qualified political

803 party, under this section, for the elective office to which the convention relates.

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

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

809 **20A-11-403. Failure to file -- Penalties.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

855 Section 9. Section 20A-11-1301 is amended to read:

856 **20A-11-1301. School board office candidate -- Campaign finance requirements --**
857 **Candidate as a political action committee officer -- No personal use -- Contribution**
858 **reporting deadline -- Report other accounts.**

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

862 (ii) A school board office candidate may:

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

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

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

869 (i) a personal use expenditure; or

870 (ii) an expenditure prohibited by law.

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

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

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

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

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

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

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

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

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

895 (b) Each school board office candidate shall report to the chief election officer each

896 contribution and public service assistance received by the school board office candidate:

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

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

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

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

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

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

912 (ii) the greater of \$50 or 15% of the value of the public service assistance.

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

915 (e) The chief election officer shall:

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

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

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

921 (B) the amount of the fine;

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

923 (D) the date of the contribution.

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

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

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

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

933 (i) a contribution deposited in an account:

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

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

936 (ii) an expenditure made from an account:

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

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

939 Section 10. Section **20A-11-1303** is amended to read:

940 **20A-11-1303. School board office candidate and school board office holder --**

941 **Financial reporting requirements -- Interim reports.**

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

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

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

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

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

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

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

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

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

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

958 (iii) August 31; and
959 (iv) seven days before the regular general election date.
960 ~~[(c)]~~ (d) Each school board ~~[office holder]~~ officeholder who has a campaign account
961 that has not been dissolved under Section 20A-11-1304 shall, in an even year, file an interim
962 report at the following times, regardless of whether an election for the school board office
963 holder's office is held that year:
964 ~~[(i) May 15;]~~
965 (i) (A) seven days before the political convention for the political party of the school
966 board officeholder; or
967 (B) May 15, if the school board officeholder does not affiliate with a political party;
968 (ii) seven days before the regular primary election date for that year;
969 (iii) August 31; and
970 (iv) seven days before the regular general election date.
971 (2) Each interim report shall include the following information:
972 (a) the net balance of the last summary report, if any;
973 (b) a single figure equal to the total amount of receipts reported on all prior interim
974 reports, if any, during the calendar year in which the interim report is due;
975 (c) a single figure equal to the total amount of expenditures reported on all prior
976 interim reports, if any, filed during the calendar year in which the interim report is due;
977 (d) a detailed listing of each contribution and public service assistance received since
978 the last summary report that has not been reported in detail on a prior interim report;
979 (e) for each nonmonetary contribution:
980 (i) the fair market value of the contribution with that information provided by the
981 contributor; and
982 (ii) a specific description of the contribution;
983 (f) a detailed listing of each expenditure made since the last summary report that has
984 not been reported in detail on a prior interim report;
985 (g) for each nonmonetary expenditure, the fair market value of the expenditure;
986 (h) a net balance for the year consisting of the net balance from the last summary
987 report, if any, plus all receipts since the last summary report minus all expenditures since the
988 last summary report;

989 (i) a summary page in the form required by the lieutenant governor that identifies:
990 (i) beginning balance;
991 (ii) total contributions during the period since the last statement;
992 (iii) total contributions to date;
993 (iv) total expenditures during the period since the last statement; and
994 (v) total expenditures to date; and
995 (j) the name of a political action committee for which the school board office candidate
996 or school board office holder is designated as an officer who has primary decision-making
997 authority under Section [20A-11-601](#).

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

1000 (b) Two or more contributions from the same source that have an aggregate total of
1001 more than \$50 may not be reported in the aggregate, but shall be reported separately.

1002 (4) (a) In preparing each interim report, all receipts and expenditures shall be reported
1003 as of five days before the required filing date of the report.

1004 (b) Any negotiable instrument or check received by a school board office candidate or
1005 school board office holder more than five days before the required filing date of a report
1006 required by this section shall be included in the interim report.

1007 Section 11. Section **20A-11-1305** is amended to read:

1008 **20A-11-1305. School board office candidate -- Failure to file statement --**

1009 **Penalties.**

1010 (1) (a) A school board office candidate who fails to file a financial statement by the
1011 deadline is subject to a fine imposed in accordance with Section [20A-11-1005](#).

1012 (b) If a school board office candidate fails to file an interim report due before the
1013 regular primary election, on August 31, or before the regular general election, the chief election
1014 officer shall, after making a reasonable attempt to discover if the report was timely filed,
1015 inform the county clerk and other appropriate election officials who:

1016 (i) (A) shall, if practicable, remove the name of the candidate from the ballots before
1017 the ballots are delivered to voters; or

1018 (B) shall, if removing the candidate's name from the ballot is not practicable, inform
1019 the voters by any practicable method that the candidate has been disqualified and that votes

1020 cast for the candidate will not be counted; and

1021 (ii) may not count any votes for that candidate.

1022 (c) Any school board office candidate who fails to file timely a financial statement
1023 required by Subsection 20A-11-1303(1)[~~(b)(ii), (iii), or (iv)~~](c) is disqualified.

1024 (d) Notwithstanding Subsections (1)(b) and (1)(c), a school board office candidate is
1025 not disqualified and the chief election officer may not impose a fine if:

1026 (i) the candidate timely files the reports required by this section in accordance with
1027 Section 20A-11-103;

1028 (ii) those reports are completed, detailing accurately and completely the information
1029 required by this part except for inadvertent omissions or insignificant errors or inaccuracies;
1030 and

1031 (iii) those omissions, errors, or inaccuracies described in Subsection (1)(d)(ii) are
1032 corrected in:

1033 (A) an amended report; or

1034 (B) the next scheduled report.

1035 (2) (a) Within 30 days after a deadline for the filing of a summary report by a school
1036 board office candidate, the lieutenant governor shall review each filed summary report to
1037 ensure that:

1038 (i) each school board office candidate that is required to file a summary report has filed
1039 one; and

1040 (ii) each summary report contains the information required by this part.

1041 (b) If it appears that a school board office candidate has failed to file the summary
1042 report required by law, if it appears that a filed summary report does not conform to the law, or
1043 if the lieutenant governor has received a written complaint alleging a violation of the law or the
1044 falsity of any summary report, the lieutenant governor shall, within five days of discovery of a
1045 violation or receipt of a written complaint, notify the school board office candidate of the
1046 violation or written complaint and direct the school board office candidate to file a summary
1047 report correcting the problem.

1048 (c) (i) It is unlawful for a school board office candidate to fail to file or amend a
1049 summary report within seven days after receiving notice from the lieutenant governor under
1050 this section.

1051 (ii) Each school board office candidate who violates Subsection (2)(c)(i) is guilty of a
1052 class B misdemeanor.

1053 (iii) The lieutenant governor shall report all violations of Subsection (2)(c)(i) to the
1054 attorney general.

1055 (iv) In addition to the criminal penalty described in Subsection (2)(c)(ii), the lieutenant
1056 governor shall impose a civil fine of \$100 against a school board office candidate who violates
1057 Subsection (2)(c)(i).

1058 Section 12. Section ~~20A-14-103~~ is amended to read:

1059 **20A-14-103. State Board of Education members -- When elected -- Qualifications**
1060 **-- Avoiding conflicts of interest.**

1061 (1) ~~[(a)]~~ Unless otherwise provided by law, each State Board of Education member
1062 elected from a State Board of Education district at ~~[the 2010]~~ or before the 2014 general
1063 election shall ~~[(i)]~~ serve out the term of office for which that member was elected ~~[- and]~~.

1064 ~~[(ii) represent the realigned district if the member resides in that district.]~~

1065 ~~[(b) At the general election to be held in 2012, a State Board of Education member~~
1066 ~~elected from State Board of Education Districts 4, 7, 8, 10, 11, 12, 13, and 15 shall be elected~~
1067 ~~to serve a term of office of four years.]~~

1068 ~~[(c) In order to ensure that the terms of approximately half of the State Board of~~
1069 ~~Education members expire every two years:]~~

1070 ~~[(i) at the general election to be held in 2012, the State Board of Education member~~
1071 ~~elected from State Board of Education District 1 shall be elected to serve a term of office of~~
1072 ~~two years; and]~~

1073 ~~[(ii) at the general election to be held in 2014, the State Board of Education member~~
1074 ~~elected from State Board of Education District 1 shall be elected to serve a term of office of~~
1075 ~~four years:]~~

1076 (2) (a) A person seeking election to the State Board of Education shall have been a
1077 resident of the State Board of Education district in which the person is seeking election for at
1078 least one year as of the date of the election.

1079 (b) A person who has resided within the State Board of Education district, as the
1080 boundaries of the district exist on the date of the election, for one year immediately preceding
1081 the date of the election shall be considered to have met the requirements of this Subsection (2).

1082 (3) A State Board of Education member shall:

1083 (a) be and remain a registered voter in the State Board of Education district from which
1084 the member was elected or appointed; and

1085 (b) maintain the member's primary residence within the State Board of Education
1086 district from which the member was elected or appointed during the member's term of office.

1087 (4) A State Board of Education member may not, during the member's term of office,
1088 also serve as an employee of:

1089 (a) the State Board of Education;

1090 (b) the Utah State Office of Education; or

1091 (c) the Utah State Office of Rehabilitation.

1092 Section 13. Section ~~20A-14-104~~ is amended to read:

1093 **20A-14-104. Becoming a candidate for membership on the State Board of**
1094 **Education.**

1095 ~~[(1)(a) Persons]~~ A person interested in becoming a candidate for the State Board of
1096 Education shall file a declaration of candidacy according to the procedures and requirements of
1097 Sections ~~20A-9-201~~ and ~~20A-9-202~~.

1098 ~~[(b) By May 1 of the year in which a State Board of Education member's term expires,~~
1099 ~~the lieutenant governor shall submit the name of each person who has filed a declaration of~~
1100 ~~candidacy for the State Board of Education to the nominating and recruiting committee for the~~
1101 ~~State Board of Education.]~~

1102 ~~[(2) By November 1 of the year preceding each regular general election year, a~~
1103 ~~nominating and recruiting committee consisting of 12 members, each to serve a two-year term,~~
1104 ~~shall be appointed by the governor as follows:]~~

1105 ~~[(a) one member shall be appointed to represent each of the following business and~~
1106 ~~industry sectors:]~~

1107 ~~[(i) manufacturing and mining;]~~

1108 ~~[(ii) transportation and public utilities;]~~

1109 ~~[(iii) service, trade, and information technology;]~~

1110 ~~[(iv) finance, insurance, and real estate;]~~

1111 ~~[(v) construction; and]~~

1112 ~~[(vi) agriculture; and]~~

1113 ~~[(b) one member shall be appointed to represent each of the following education~~
1114 ~~sectors:]~~

1115 ~~[(i) teachers;]~~

1116 ~~[(ii) school administrators;]~~

1117 ~~[(iii) parents;]~~

1118 ~~[(iv) local school board members;]~~

1119 ~~[(v) charter schools; and]~~

1120 ~~[(vi) higher education.]~~

1121 ~~[(3) (a) The members appointed under Subsections (2)(a)(i) through (vi) and (2)(b)(i)~~
1122 ~~through (vi) shall be appointed from lists containing at least two names submitted by~~
1123 ~~organizations representing each of the respective sectors.]~~

1124 ~~[(b) At least one member of the nominating and recruiting committee shall reside~~
1125 ~~within each state board district in which a member's term expires during the committee's two-~~
1126 ~~year term of office.]~~

1127 ~~[(4) (a) The members shall elect one member to serve as chair for the committee.]~~

1128 ~~[(b) The chair, or another member of the committee designated by the chair, shall~~
1129 ~~schedule and convene all committee meetings.]~~

1130 ~~[(c) Any formal action by the committee requires the approval of a majority of~~
1131 ~~committee members.]~~

1132 ~~[(d) Members of the nominating and recruiting committee shall serve without~~
1133 ~~compensation, but they may be reimbursed for expenses incurred in the performance of their~~
1134 ~~official duties as established by the Division of Finance.]~~

1135 ~~[(5) The nominating and recruiting committee shall:]~~

1136 ~~[(a) recruit potential candidates for membership on the State Board of Education prior~~
1137 ~~to the deadline to file a declaration of candidacy;]~~

1138 ~~[(b) prepare a list of candidates for membership on the State Board of Education for~~
1139 ~~each state board district subject to election in that year using the qualifications under~~
1140 ~~Subsection (6);]~~

1141 ~~[(c) submit a list of at least three candidates for each state board position to the~~
1142 ~~governor by July 1; and]~~

1143 ~~[(d) ensure that the list includes appropriate background information on each~~

1144 candidate.]

1145 ~~[(6) The nominating committee shall select a broad variety of candidates who possess~~
1146 ~~outstanding professional qualifications relating to the powers and duties of the State Board of~~
1147 ~~Education, including experience in the following areas:]~~

1148 ~~[(a) business and industry administration;]~~

1149 ~~[(b) business and industry human resource management;]~~

1150 ~~[(c) business and industry finance;]~~

1151 ~~[(d) business and industry, including expertise in:]~~

1152 ~~[(i) metrics and evaluation;]~~

1153 ~~[(ii) manufacturing;]~~

1154 ~~[(iii) retailing;]~~

1155 ~~[(iv) natural resources;]~~

1156 ~~[(v) information technology;]~~

1157 ~~[(vi) construction;]~~

1158 ~~[(vii) banking;]~~

1159 ~~[(viii) science and engineering; and]~~

1160 ~~[(ix) medical and healthcare;]~~

1161 ~~[(e) higher education administration;]~~

1162 ~~[(f) applied technology education;]~~

1163 ~~[(g) public education administration;]~~

1164 ~~[(h) public education instruction;]~~

1165 ~~[(i) economic development;]~~

1166 ~~[(j) labor; and]~~

1167 ~~[(k) other life experiences that would benefit the State Board of Education.]~~

1168 Section 14. **Repealer.**

1169 This bill repeals:

1170 Section **20A-14-105**, **Becoming a candidate for membership on the State Board of**
1171 **Education -- Selection of candidates by the governor -- Ballot placement.**

Legislative Review Note
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Office of Legislative Research and General Counsel