

**School District Elections Amendments**

2026 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Jason B. Kyle**

Senate Sponsor:

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**LONG TITLE****General Description:**

This bill makes the office of local school board member an office that is elected via a partisan election.

**Highlighted Provisions:**

This bill:

- defines terms;
- makes the office of local school board member an office that is elected via a partisan election;
- modifies provisions relating to filling a midterm vacancy for the office of local school board member;
- provides for the election of a local school board member using the partisan primary election nomination process;
- modifies campaign reporting requirements and conflict of interest reporting requirements for a local school board office candidate or local school board officeholder;
- provides for the transition from a nonpartisan local board of education to a partisan local board of education; and
- makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

This bill provides a special effective date.

**Utah Code Sections Affected:**

AMENDS:

**17-70-401**, as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 13

**17-70-402**, as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 13

31 **17-70-403**, as renumbered and amended by Laws of Utah 2025, First Special Session,  
32 Chapter 13  
33 **20A-1-102**, as last amended by Laws of Utah 2025, First Special Session, Chapter 6  
34 **20A-1-404**, as last amended by Laws of Utah 2025, First Special Session, Chapter 16  
35 **20A-8-401**, as last amended by Laws of Utah 2025, Chapter 448  
36 **20A-9-101**, as last amended by Laws of Utah 2023, Chapters 15, 45  
37 **20A-9-201**, as last amended by Laws of Utah 2025, Second Special Session, Chapter 2  
38 **20A-9-403**, as last amended by Laws of Utah 2025, Chapters 39, 448  
39 **20A-11-101**, as last amended by Laws of Utah 2025, Chapter 448  
40 **20A-11-103**, as last amended by Laws of Utah 2025, First Special Session, Chapter 16  
41 **20A-11-201**, as last amended by Laws of Utah 2025, Chapter 448  
42 **20A-11-202**, as last amended by Laws of Utah 2022, Chapter 18  
43 **20A-11-203**, as last amended by Laws of Utah 2019, Chapter 74  
44 **20A-11-204**, as last amended by Laws of Utah 2025, Chapters 90, 448  
45 **20A-11-205**, as last amended by Laws of Utah 2013, Chapter 170  
46 **20A-11-206**, as last amended by Laws of Utah 2025, Chapter 448  
47 **20A-11-1301**, as last amended by Laws of Utah 2025, Chapter 448  
48 **20A-11-1302**, as last amended by Laws of Utah 2019, Chapter 74  
49 **20A-11-1303**, as last amended by Laws of Utah 2025, Chapters 90, 448  
50 **20A-11-1304**, as enacted by Laws of Utah 1997, Chapter 355  
51 **20A-11-1603**, as last amended by Laws of Utah 2023, Chapter 45  
52 **20A-11-1604**, as last amended by Laws of Utah 2025, Chapters 90, 448  
53 **20A-14-201**, as last amended by Laws of Utah 2025, Chapter 448  
54 **20A-14-202**, as last amended by Laws of Utah 2022, Chapter 265  
55 **53G-4-201**, as last amended by Laws of Utah 2019, Chapter 293

56 **REPEALS AND REENACTS:**

57 **20A-1-511**, as last amended by Laws of Utah 2025, Chapters 90, 448

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

60 Section 1. Section **17-70-401** is amended to read:

61 **17-70-401 . Definitions.**

62 As used in this part:

63 (1)(a) "Contribution" means any of the following when done for a political purpose:

64 (i) a gift, subscription, donation, loan, advance, deposit of money, or anything of

- 65 value given to the filing entity;
- 66 (ii) an express, legally enforceable contract, promise, or agreement to make a gift,
- 67 subscription, donation, unpaid or partially unpaid loan, advance, deposit of
- 68 money, or anything of value to the filing entity;
- 69 (iii) any transfer of funds from another reporting entity to the filing entity;
- 70 (iv) compensation paid by any person or reporting entity other than the filing entity
- 71 for personal services provided without charge to the filing entity;
- 72 (v) a loan made by a county office candidate or local school board candidate
- 73 deposited into the county office candidate's or local school board candidate's own
- 74 campaign account; or
- 75 (vi) an in-kind contribution.
- 76 (b) "Contribution" does not include:
- 77 (i) services provided by an individual volunteering a portion or all of the individual's
- 78 time on behalf of the filing entity if the services are provided without
- 79 compensation by the filing entity or any other person;
- 80 (ii) money lent to the filing entity by a financial institution in the ordinary course of
- 81 business; or
- 82 (iii) goods or services provided for the benefit of a county office candidate or local
- 83 school board candidate at less than fair market value that are not authorized by or
- 84 coordinated with the county office candidate or the local school board candidate.
- 85 (2) "County office" means an office described in Section 17-66-102 that is required to be
- 86 filled by an election.
- 87 (3) "County office candidate" means an individual who:
- 88 (a) files a declaration of candidacy for a county office; or
- 89 (b) receives a contribution, makes an expenditure, or gives consent for any other person
- 90 to receive a contribution or make an expenditure to bring about the individual's
- 91 nomination or election to a county office.
- 92 (4) "County [~~officer~~] officeholder" means an individual who holds a county office.
- 93 (5)(a) Except as provided in Subsection (5)(b), "expenditure" means any of the
- 94 following made by a reporting entity or an agent of a reporting entity on behalf of the
- 95 reporting entity:
- 96 (i) any disbursement from contributions, receipts, or the separate bank account
- 97 required under Section 17-70-403;
- 98 (ii) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money,

- 99 or anything of value made for a political purpose;
- 100 (iii) an express, legally enforceable contract, promise, or agreement to make any
- 101 purchase, payment, donation, distribution, loan, advance, deposit, gift of money,
- 102 or anything of value for a political purpose;
- 103 (iv) compensation paid by a filing entity for personal services rendered by a person
- 104 without charge to a reporting entity;
- 105 (v) a transfer of funds between the filing entity and a county office candidate's, or a
- 106 local school board candidate's, personal campaign committee; or
- 107 (vi) goods or services provided by the filing entity to or for the benefit of another
- 108 reporting entity for a political purpose at less than fair market value.
- 109 (b) "Expenditure" does not include:
- 110 (i) services provided without compensation by an individual volunteering a portion or
- 111 all of the individual's time on behalf of a reporting entity;
- 112 (ii) money lent to a reporting entity by a financial institution in the ordinary course of
- 113 business; or
- 114 (iii) anything described in Subsection (5)(a) that is given by a reporting entity to a
- 115 candidate or officer in another state.
- 116 (6) "Filing entity" means:
- 117 (a) a county office candidate;
- 118 (b) a county [~~officer~~] officeholder;
- 119 (c) a local school board office candidate;
- 120 (d) a local school board [~~member~~] officeholder; or
- 121 (e) a reporting entity that is required to meet a campaign finance disclosure requirement
- 122 adopted by a county in accordance with Section 17-70-403.
- 123 (7) "In-kind contribution" means anything of value, other than money, that is accepted by or
- 124 coordinated with a filing entity.
- 125 (8) "Local school board office candidate" means an individual who:
- 126 (a) files a declaration of candidacy for local school board; or
- 127 (b) receives a contribution, makes an expenditure, or gives consent for any other person
- 128 to receive a contribution or make an expenditure to bring about the individual's
- 129 nomination or election to a local school board.
- 130 (9)(a) "Personal use expenditure" means an expenditure that:
- 131 (i)(A) is not excluded from the definition of personal use expenditure by
- 132 Subsection (9)(c); and

- 133 (B) primarily furthers a personal interest of a county office candidate, county [  
134 ~~officer~~] officeholder, local school board office candidate, or a local school  
135 board [~~member~~] officeholder, or a member of a county office candidate's,  
136 county [~~officer's~~] officeholder's, local school board office candidate's, or local  
137 school board [~~member's~~] officeholder's family; or
- 138 (ii) would cause the county office candidate, county officer, local school board  
139 candidate, or local school board member to recognize the expenditure as taxable  
140 income under federal law.
- 141 (b) "Personal use expenditure" includes:
- 142 (i) a mortgage, rent, utility, or vehicle payment;
- 143 (ii) a household food item or supply;
- 144 (iii) a clothing expense, except:
- 145 (A) clothing bearing the county office candidate's or local school board office  
146 candidate's name or campaign slogan or logo that is used in the county office  
147 candidate's or local school board office candidate's campaign;
- 148 (B) clothing bearing the logo or name of a jurisdiction, district, government  
149 organization, government entity, caucus, or political party that the county [  
150 ~~officer~~] officeholder or local school board [~~member~~] officeholder represents or  
151 of which the county [~~officer~~] officeholder or local school board [~~member~~]  
152 officeholder is a member;
- 153 (C) repair or replacement of clothing that is damaged while the county office  
154 candidate or county [~~officer~~] officeholder is engaged in an activity of a county  
155 office candidate or county [~~officer~~] officeholder; or
- 156 (D) repair or replacement of clothing that is damaged while the local school board  
157 office candidate or local school board [~~member~~] officeholder is engaged in an  
158 activity of a local school board office candidate or local school board [~~member~~]  
159 officeholder;
- 160 (iv) admission to a sporting, artistic, or recreational event or other form of  
161 entertainment;
- 162 (v) dues, fees, or gratuities at a country club, health club, or recreational facility;
- 163 (vi) a salary payment made to:
- 164 (A) a county office candidate[;] or county [~~officer~~] officeholder, local school board  
165 office candidate, or local school board [~~member~~] officeholder; or
- 166 (B) a person who has not provided a bona fide service to a county office

- 167 candidate, county ~~[officer]~~ officeholder, local school board office candidate, or  
168 local school board ~~[member]~~ officeholder;
- 169 (vii) a vacation;
- 170 (viii) a vehicle expense;
- 171 (ix) a meal expense;
- 172 (x) a travel expense;
- 173 (xi) payment of an administrative, civil, or criminal penalty;
- 174 (xii) satisfaction of a personal debt;
- 175 (xiii) a personal service, including the service of an attorney, accountant, physician,  
176 or other professional person;
- 177 (xiv) a membership fee for a professional or service organization; ~~[and]~~ or
- 178 (xv) a payment in excess of the fair market value of the item or service purchased.
- 179 (c) "Personal use expenditure" does not include an expenditure made:
- 180 (i) for a political purpose;
- 181 (ii) for candidacy for county office or local school board office;
- 182 (iii) to fulfill a duty or activity of a county ~~[officer]~~ officeholder or local school board [  
183 ~~member~~] officeholder;
- 184 (iv) for a donation to a registered political party;
- 185 (v) for a contribution to another candidate's campaign account, including sponsorship  
186 of or attendance at an event, the primary purpose of which is to solicit a  
187 contribution for another candidate's campaign account;
- 188 (vi) to return all or a portion of a contribution to a contributor;
- 189 (vii) for the following items, if made in connection with the candidacy for county  
190 office or local school board office, or an activity or duty of a county ~~[officer]~~  
191 officeholder or local school board ~~[member]~~ officeholder:
- 192 (A) a mileage allowance at the rate established by the political subdivision that  
193 provides the mileage allowance;
- 194 (B) for motor fuel or special fuel, as defined in Section 59-13-102;
- 195 (C) a meal expense;
- 196 (D) a travel expense, including an expense incurred for airfare or a rental vehicle;
- 197 (E) a payment for a service provided by an attorney or accountant;
- 198 (F) a tuition payment or registration fee for participation in a meeting or  
199 conference;
- 200 (G) a gift;

- (H) a payment for rent, utilities, a supply, or furnishings, in connection with an office space;
- (I) a booth at a meeting or event; or
- (J) educational material;
- (viii) to purchase or mail informational material, a survey, or a greeting card;
- (ix) for a donation to a charitable organization, as defined in Section 13-22-2, including admission to or sponsorship of an event, the primary purpose of which is charitable solicitation, as defined in Section 13-22-2;
- (x) to repay a loan a county office candidate or local school board office candidate makes from the candidate's personal account to the candidate's campaign account;
- (xi) to pay membership dues to a national organization whose primary purpose is to address general public policy;
- (xii) for admission to or sponsorship of an event, the primary purpose of which is to promote the social, educational, or economic well-being of the state or the county office candidate's, county [~~officer's~~] officeholder's, local school board office candidate's, or local school board [~~member's~~] officeholder's community;
- (xiii) for one or more guests of a county office candidate, county [~~officer~~] officeholder, local school board office candidate, or local school board [~~member~~] officeholder to attend an event, meeting, or conference described in this Subsection (9)(c);
- (xiv) that is connected with the performance of an activity as a county office candidate or local school board [~~member~~] office candidate, or an activity or duty of a county [~~officer~~] officeholder or local school board [~~member~~] officeholder; or
- (xv) to pay childcare expenses of:
- (A) a county office candidate or local school board office candidate while the county office candidate or local school board office candidate is engaging in campaign activity; or
- (B) [~~an~~] a county officeholder or local school board officeholder while the county officeholder or local school board officeholder is engaging in the duties of an county officeholder or local school board officeholder.
- (10) "Political purpose" means an act done with the intent or in a way to influence or tend to influence, directly or indirectly, any person to refrain from voting or to vote for or against any candidate or a person seeking an office at any caucus, political convention, or election.
- (11) "Reporting entity":

- (a) means the same as that term is defined in Section 20A-11-101; and
- (b) includes a county office candidate, a county office candidate's personal campaign committee, a county ~~[officer]~~ officeholder, a local school board office candidate, a local school board office candidate's personal campaign committee, and a local school board ~~[member]~~ officeholder.

Section 2. Section **17-70-402** is amended to read:

**17-70-402 . Personal use expenditure -- Authorized and prohibited uses of campaign funds -- Enforcement -- Penalties.**

- (1) A county office candidate, county ~~[officer]~~ officeholder, local school board office candidate, or local school board ~~[member]~~ officeholder may not use money deposited into the separate bank account required under Section 17-70-403 for:
- (a) a personal use expenditure; or
- (b) an expenditure prohibited by law.
- (2)(a) A county clerk shall enforce this section prohibiting a personal use expenditure by:
- (i) evaluating a financial statement to identify a personal use expenditure; and
- (ii) commencing an adjudicative proceeding in accordance with applicable county ordinance or policy if the county clerk has probable cause to believe a county office candidate, county ~~[officer]~~ officeholder, local school board office candidate, or local school board ~~[member]~~ officeholder has made a personal use expenditure.
- (b) Following the adjudicative proceeding described in Subsection (2)(a)(ii), the county clerk may issue a signed order requiring a county office candidate, county ~~[officer]~~ officeholder, local school board office candidate, or local school board ~~[member]~~ officeholder who has made a personal use expenditure to:
- (i) remit an administrative penalty of an amount equal to 50% of the personal use expenditure to the county clerk; and
- (ii) deposit the amount of the personal use expenditure in the campaign account from which the personal use expenditure was disbursed.
- (c) The county clerk shall deposit money received under Subsection (2)(b)(i) into the county's general fund.

Section 3. Section **17-70-403** is amended to read:

**17-70-403 . Campaign financial disclosure in county elections.**

- (1) A county shall adopt an ordinance establishing campaign finance disclosure requirements for:
- (a) candidates for county office; and



- (b) candidates for local school board office who reside in that county.
- (2) The ordinance required by Subsection (1) shall include:
- (a) a requirement that each candidate for county office or local school board office report the candidate's itemized and total campaign contributions and expenditures at least once within the two weeks before the day of the election and at least once within two months after the day of the election;
  - (b) a definition of "contribution" and "expenditure" that requires reporting of nonmonetary contributions~~[-such as-]~~ , including in-kind contributions and contributions of tangible things;
  - (c) a requirement that the financial reports identify:
    - (i) for each contribution, the name of the donor of the contribution, if known, and the amount of the contribution; and
    - (ii) for each expenditure, the name of the recipient and the amount of the expenditure;
  - (d) a requirement that a candidate for county office or local school board office deposit a contribution in a separate campaign account into a financial institution;
  - (e) a prohibition against a candidate for county office or local school board office depositing or mingling any contributions received into a personal or business account;
  - (f) a requirement that a candidate for county office who receives a contribution that is cash or a negotiable instrument, exceeds \$50, and is from a donor whose name is unknown, shall, within 30 days after receiving the contribution, disburse the amount of the contribution to:
    - (i) the treasurer of the state or a political subdivision for deposit into the state's or political subdivision's general fund; or
    - (ii) an organization that is exempt from federal income taxation under Section 501(c)(3), Internal Revenue Code;
  - (g) a requirement that a candidate seeking appointment to fill a midterm vacancy in a county office or local school board office file the financial report described in Subsection (2)(c) with the county clerk:
    - (i) for a county office vacancy described in Subsection 20A-1-508(3) or (7), no later than three business days before the day on which the political party of the prior officeholder submits the candidate's name to the county legislative body as the individual the political party selects to fill the vacancy;
    - (ii) for a county or district attorney office vacancy described in Subsection 20A-1-509.1(5)(a), no later than three business days before the day on which the

- 303 political party of the prior officeholder submits the candidate's name to the county  
304 legislative body as one of the three individuals the party nominates to fill the  
305 vacancy;
- 306 (iii) for a county or district attorney office vacancy described in Section 20A-1-509.2:  
307 (A) no later than the deadline for the candidate to submit an application to fill the  
308 vacancy under Subsection 20A-1-509.2(2)(c); and  
309 (B) if, under Subsection 20A-1-509.2(3), more than three attorneys submit an  
310 application to fill the vacancy, no later than three business days before the day  
311 on which the political party of the prior officeholder submits the candidate's  
312 name to the county legislative body as one of the three individuals the party  
313 nominates to fill the vacancy; or
- 314 (iv) for a local school board office vacancy described in Section 20A-1-511, no later  
315 than three business days before the day on which the ~~[local school board meets to~~  
316 ~~interview each candidate interested in filling the vacancy in accordance with~~  
317 ~~Section 20A-1-511]~~ political party of the prior officeholder submits to the  
318 appointing authority the name of an individual to fill the vacancy in accordance  
319 with Section 20A-1-511; and
- 320 (h) a requirement that, upon receipt of the financial report described in Subsection (2)(g),  
321 the county clerk immediately submit a copy of the report to the county legislative  
322 body.
- 323 (3)(a) As used in this Subsection (3), "account" means an account in a financial  
324 institution:
- 325 (i) that is not described in Subsection (2)(d); and  
326 (ii) into which or from which a person who, as a candidate for an office, other than a  
327 county office for which the person files a declaration of candidacy or federal  
328 office, or as a holder of an office, other than a county office for which the person  
329 files a declaration of candidacy or federal office, deposits a contribution or makes  
330 an expenditure.
- 331 (b) The ordinance required by Subsection (1) shall include a requirement that a  
332 candidate for county office or local school board office include on a financial report  
333 filed in accordance with the ordinance a contribution deposited in or an expenditure  
334 made from an account:
- 335 (i) since the last financial report was filed; or  
336 (ii) that has not been reported under a statute or ordinance that governs the account.

- (4) If ~~[any]~~ a county fails to adopt a campaign finance disclosure ordinance described in Subsection (1), ~~[candidates]~~ a candidate for county office, other than community council office, and ~~[candidates]~~ a candidate for local school board office shall comply with the financial reporting requirements ~~[contained]~~ described in Subsections (5) through (10).
- (5) A candidate for ~~[elective office in a]~~ county office or local school board office:
- (a) shall deposit a contribution into a separate campaign account in a financial institution; and
  - (b) may not deposit or mingle any contributions received into a personal or business account.
- (6) ~~[Each]~~ A candidate for ~~[elective office in any]~~ county office who is not required to submit a campaign financial statement to the lieutenant governor, and each candidate for local school board office, shall file a signed campaign financial statement with the county clerk:
- (a) seven days before the date of the regular general election, reporting each contribution and each expenditure as of 10 days before the date of the regular general election; and
  - (b) no later than 30 days after the date of the regular general election.
- (7)(a) The statement filed seven days before the regular general election shall include:
- (i) a list of each contribution received by the candidate, and the name of the donor, if known; and
  - (ii) a list of each expenditure for political purposes made during the campaign period, and the recipient of each expenditure.
- (b) The statement filed 30 days after the regular general election shall include:
- (i) a list of each contribution received after the cutoff date for the statement filed seven days before the election, and the name of the donor; and
  - (ii) a list of all expenditures for political purposes made by the candidate after the cutoff date for the statement filed seven days before the election, and the recipient of each expenditure.
- (8)(a) As used in this Subsection (8), "account" means an account in a financial institution:
- (i) that is not described in Subsection (5)(a); and
  - (ii) into which or from which ~~[a person]~~ an individual who, as a candidate for ~~[an]~~ a county office or local school board office, other than a county office or local school board office for which the ~~[person]~~ individual filed a declaration of candidacy or federal office, or as a holder of ~~[an office]~~ a county office or local

- 371 school board office, other than a county office or local school board office for  
372 which the [person] individual filed a declaration of candidacy or federal office,  
373 deposits a contribution or makes an expenditure.
- 374 (b) A county office candidate and a local school board office candidate shall include on [  
375 any] a campaign financial statement filed in accordance with Subsection (6) or (7):
- 376 (i) a contribution deposited into an account:
- 377 (A) since the last campaign finance statement was filed; or  
378 (B) that has not been reported under a statute or ordinance that governs the  
379 account; or
- 380 (ii) an expenditure made from an account:
- 381 (A) since the last campaign finance statement was filed; or  
382 (B) that has not been reported under a statute or ordinance that governs the  
383 account.
- 384 (9) Within 30 days after receiving a contribution that is cash or a negotiable instrument,  
385 exceeds \$50, and is from a donor whose name is unknown, a county office candidate or  
386 local school board office candidate shall disburse the amount of the contribution to:
- 387 (a) the treasurer of the state or a political subdivision for deposit into the state's or  
388 political subdivision's general fund; or
- 389 (b) an organization that is exempt from federal income taxation under Section 501(c)(3),  
390 Internal Revenue Code.
- 391 (10) [~~Candidates~~] A candidate for [elective office in any county, and candidates] county  
392 office or for local school board office, who [are] is eliminated at a primary election shall  
393 file a signed campaign financial statement containing the information required by this  
394 section not later than 30 days after the primary election date.
- 395 (11)(a) A candidate seeking appointment to fill a midterm vacancy in a county office or  
396 local school board office shall:
- 397 (i) comply with Subsections (5) and (9); and  
398 (ii) file a signed campaign financial statement with the county clerk no later than the  
399 deadline described in Subsection (2)(g).
- 400 (b) Upon receipt of the campaign financial statement described in Subsection (11)(a)(ii),  
401 the county clerk shall immediately submit a copy of the statement to the county  
402 legislative body.
- 403 (12) Any individual who fails to comply with this section is guilty of an infraction.
- 404 (13)(a) [~~Counties~~] A county may, by ordinance, enact requirements relating to a county

office or local school board office that:

- (i) require greater disclosure of campaign contributions and expenditures; and
- (ii) impose additional penalties.

(b) The requirements described in Subsection (13)(a) apply to a local school board office candidate who resides in that county.

(14) If a candidate for county office or local school board office fails to file an interim report due before the election, the county clerk:

(a) may send an electronic notice to the candidate and the political party of which the candidate is a member, if any, that states:

- (i) that the candidate failed to timely file the report; and
- (ii) that, if the candidate fails to file the report within 24 hours after the deadline for filing the report, the candidate will be disqualified and the political party will not be permitted to replace the candidate; and

(b) impose a fine of \$100 on the candidate.

(15)(a) The county clerk shall disqualify a candidate for county office or local school board office and inform the appropriate election officials that the candidate is disqualified if the candidate fails to file an interim report described in Subsection (14) within 24 hours after the deadline for filing the report.

(b) The political party of a candidate for county office or local school board office who is disqualified under Subsection (15)(a) may not replace the candidate for county office or local school board office.

(c) A candidate who is disqualified under Subsection (15)(a) shall file with the county clerk a complete and accurate campaign finance statement within 30 days after the day on which the candidate is disqualified.

(16) If a county office candidate or local school board office candidate is disqualified under Subsection (15)(a), the election official:

(a) shall:

- (i) notify every opposing candidate for the county office or local school board office that the candidate is disqualified;
- (ii) send an email notification to each voter who is eligible to vote in the [~~county election office~~]race for whom the election official has an email address informing the voter that the candidate is disqualified and that votes cast for the candidate will not be counted;
- (iii) post notice of the disqualification on the county's website; and

- 439 (iv) if practicable, remove the candidate's name from the ballot by blacking out the  
440 candidate's name before the ballots are delivered to voters; and
- 441 (b) may not count any votes for that candidate.
- 442 (17) An election official may fulfill the requirement described in Subsection (16)(a) in  
443 relation to a mailed ballot, including a military or overseas ballot, by including with the  
444 ballot a written notice directing the voter to the county's website to inform the voter  
445 whether a candidate on the ballot is disqualified.
- 446 (18) A county office candidate or local office candidate is not disqualified if:
- 447 (a) the candidate files the interim reports described in Subsection (14) no later than 24  
448 hours after the applicable deadlines for filing the reports;
- 449 (b) the reports are completed, detailing accurately and completely the information  
450 required by this section except for inadvertent omissions or insignificant errors or  
451 inaccuracies; and
- 452 (c) the omissions, errors, or inaccuracies are corrected in an amended report or in the  
453 next scheduled report.
- 454 (19)(a) A report is considered timely filed if:
- 455 (i) the report is received in the county clerk's office no later than midnight, Mountain  
456 Time, at the end of the day on which the report is due;
- 457 (ii) the report is received in the county clerk's office with a United States Postal  
458 Service postmark three days or more before the date that the report was due; or
- 459 (iii) the candidate has proof that the report was mailed, with appropriate postage and  
460 addressing, three days before the report was due.
- 461 (b) For a county clerk's office that is not open until midnight at the end of the day on  
462 which a report is due, the county clerk shall permit a candidate to file the report via  
463 email or another electronic means designated by the county clerk.
- 464 (20)(a) Any private party in interest may bring an action in a court with jurisdiction  
465 under Title 78A, Judiciary and Judicial Administration, to enforce the provisions of  
466 this section or any ordinance adopted under this section.
- 467 (b) In a civil action filed under Subsection (20)(a), the court shall award costs and  
468 attorney fees to the prevailing party.
- 469 (21) Notwithstanding any provision of Title 63G, Chapter 2, Government Records Access  
470 and Management Act, the county clerk shall:
- 471 (a) make each campaign finance statement filed by a candidate available for public  
472 inspection and copying no later than one business day after the statement is filed; and

- (b) make the campaign finance statement filed by a candidate available for public inspection by:
- (i) posting an electronic copy or the contents of the statement on the county's website no later than seven business days after the day on which the statement is filed; and
  - (ii) in order to meet the requirements of Subsection 20A-11-103(4)(b)(ii), providing the lieutenant governor with a link to the electronic posting described in Subsection (21)(b)(i) no later than two business days after the day the statement is filed.

Section 4. Section **20A-1-102** is amended to read:

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

As used in this title:

- (1) "Active voter" means a registered voter who has not been classified as an inactive voter by the county clerk.
- (2) "Automatic tabulating equipment" means apparatus that automatically examines and counts votes recorded on ballots and tabulates the results.
- (3)(a) "Ballot" means the storage medium, including a paper, mechanical, or electronic storage medium, that records an individual voter's vote.  
(b) "Ballot" does not include a record to tally multiple votes.
- (4) "Ballot proposition" means a question, issue, or proposal that is submitted to voters on the ballot for their approval or rejection including:
  - (a) an opinion question specifically authorized by the Legislature;
  - (b) a constitutional amendment;
  - (c) an initiative;
  - (d) a referendum;
  - (e) a bond proposition;
  - (f) a judicial retention question;
  - (g) an incorporation of a city or town; or
  - (h) any other ballot question specifically authorized by the Legislature.
- (5) "Bind," "binding," or "bound" means securing more than one piece of paper together using staples or another means in at least three places across the top of the paper in the blank space reserved for securing the paper.
- (6) "Board of canvassers" means the entities established by Sections 20A-4-301 and 20A-4-306 to canvass election returns.
- (7) "Bond election" means an election held for the purpose of approving or rejecting the

proposed issuance of bonds by a government entity.

(8) "Business day" means a Monday, Tuesday, Wednesday, Thursday, or Friday that is not a holiday.

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

(10) "Calendar day" means any day, regardless of whether the day is a weekend, a holiday, a business day, or any other type of day.

(11) "Canvass" means the review of election returns and the official declaration of election results by the board of canvassers.

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

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

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

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

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

(17) "Counting room" means a suitable and convenient private place or room for use by the poll workers and counting judges to count ballots.

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

(19) "Date of the election" or "election day" or "day of the election":

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

(b) does not include:

(i) deadlines established for voting by mail, military-overseas voting, or emergency voting; or

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

(20) "Elected official" means:

(a) a person elected to an office under Section 20A-1-303 or Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project;

(b) a person who is considered to be elected to a municipal office in accordance with



Subsection 20A-1-206(1)(c)(ii); or

(c) a person who is considered to be elected to a special district office in accordance with Subsection 20A-1-206(3)(b)(ii).

(21) "Election" means a regular general election, a municipal general election, a statewide special election, a local special election, a regular primary election, a municipal primary election, and a special district election.

(22) "Election Assistance Commission" means the commission established by the Help America Vote Act of 2002, Pub. L. No. 107-252.

(23) "Election cycle" means the period beginning on the first day on which individuals are eligible to file declarations of candidacy and ending when the canvass is completed.

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

(a) preside over other poll workers at a polling place;

(b) act as the presiding election judge; or

(c) serve as a canvassing judge, counting judge, or receiving judge.

(25) "Election material" includes:

(a) the verification documentation described in Subsection 20A-3a-401(9)(b)(iv);

(b) the list of voters contacted to cure a ballot described in Subsection 20A-3a-401(10)(b);

(c) the record of rejected and resolved ballots described in Subsection 20A-3a-401(11)(a);

(d) any chain of custody documentation described in Section 20A-3a-401.1, including:

(i) the count of ballots described in Subsection 20A-3a-401.1(3); and

(ii) the batch log described in Subsection 20A-3a-401.1(5);

(e) the record of signature verification audits described in Subsection 20A-3a-402.5(4);

(f) the affidavit of compliance described in Subsection 20A-3a-404(2);

(g) the physical and electronic log of replicated ballots described in Subsection 20A-4-104(3);

(h) the physical or electronic log of adjudicated ballots described in Section 20A-5-802.5;

(i) the record of voter database access described in Subsection 20A-5-905(2);

(j) the reports on military and overseas voters described in Section 20A-16-202;

(k) scanned copies of return envelopes;

(l) a copy of the final election results database described in Section 20A-5-802.5; and

(m) the materials used in the programming of the automatic tabulating equipment.

(26) "Election officer" means:

(a) the lieutenant governor, for all statewide ballots and elections;

(b) the county clerk for:

- 575 (i) a county ballot and election; and  
576 (ii) a ballot and election as a provider election officer as provided in Section  
577 20A-5-400.1 or 20A-5-400.5;
- 578 (c) the municipal clerk for:  
579 (i) a municipal ballot and election; and  
580 (ii) a ballot and election as a provider election officer as provided in Section  
581 20A-5-400.1 or 20A-5-400.5;
- 582 (d) the special district clerk or chief executive officer for:  
583 (i) a special district ballot and election; and  
584 (ii) a ballot and election as a provider election officer as provided in Section  
585 20A-5-400.1 or 20A-5-400.5; or
- 586 (e) the business administrator or superintendent of a school district for:  
587 (i) a school district ballot and election; and  
588 (ii) a ballot and election as a provider election officer as provided in Section  
589 20A-5-400.1 or 20A-5-400.5.
- 590 (27) "Election official" means any election officer, election judge, or poll worker.
- 591 (28) "Election results" means:  
592 (a) for an election other than a bond election, the count of votes cast in the election and  
593 the election returns requested by the board of canvassers; or  
594 (b) for bond elections, the count of those votes cast for and against the bond proposition  
595 plus any or all of the election returns that the board of canvassers may request.
- 596 (29) "Election results database" means the following information generated by voting  
597 equipment:  
598 (a) one or more electronic files that contains a digital interpretation of each ballot that is  
599 counted in an election;  
600 (b) a ballot image; and  
601 (c) other information related to a ballot that is adjudicated under Section 20A-4-105.
- 602 (30) "Election returns" means:  
603 (a) the pollbook;  
604 (b) the military and overseas absentee voter registration and voting certificates;  
605 (c) one of the tally sheets;  
606 (d) any unprocessed ballots;  
607 (e) all counted ballots;  
608 (f) all excess ballots;

- (g) all unused ballots;
  - (h) all spoiled ballots;
  - (i) all ballot disposition forms, including any provisional ballot disposition forms;
  - (j) the final election results database described in Section 20A-5-802.5;
  - (k) all return envelopes;
  - (l) any provisional ballot envelopes; and
  - (m) the total votes cast form.
- (31) "Electronic signature" means an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.
- (32) "Holiday" means a legal holiday described in Subsections 63G-1-301(1) and (2).
- (33) "Inactive voter" means a registered voter who is listed as inactive by a county clerk under Subsection 20A-2-505(4)(c)(i) or (ii).
- (34) "Judicial office" means the office filled by any judicial officer.
- (35) "Judicial officer" means any justice or judge of a court of record or any county court judge.
- (36) "Local election" means a regular county election, a regular municipal election, a municipal primary election, a local special election, a special district election, and a bond election.
- (37) "Local political subdivision" means a county, a municipality, a special district, or a local school district.
- (38) "Local special election" means a special election called by the governing body of a local political subdivision in which all registered voters of the local political subdivision may vote.
- (39) "Manual ballot" means a paper document produced by an election officer on which an individual records an individual's vote by directly placing a mark on the paper document using a pen or other marking instrument.
- (40) "Mechanical ballot" means a record, including a paper record, electronic record, or mechanical record, that:
- (a) is created via electronic or mechanical means; and
  - (b) records an individual voter's vote cast via a method other than an individual directly placing a mark, using a pen or other marking instrument, to record an individual voter's vote.
- (41) "Municipal executive" means:

- (a) the mayor in the council-mayor form of government defined in Section 10-3b-102; or  
(b) the mayor in the council-manager form of government defined in Subsection 10-3b-103(6).

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

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

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

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

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

(47) "Municipality" means a city or town.

(48) "Official ballot" means the ballots distributed by the election officer for voters to record their votes.

(49) "Official endorsement" means the information on the ballot that identifies:

(a) the ballot as an official ballot;

(b) the date of the election; and

(c)(i) for a ballot prepared by an election officer other than a county clerk, the facsimile signature required by Subsection 20A-6-401(1)(a)(iii); or

(ii) for a ballot prepared by a county clerk, the words required by Subsection 20A-6-301(1)(b)(iii).

(50) "Official register" means the official record furnished to election officials by the election officer that contains the information required by Section 20A-5-401.

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

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

(b) "Poll worker" includes election judges.

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

(53) "Pollbook" means a record of the names of voters in the order that the voters appear to cast votes.

- (54) "Polling place" means a building where voting is conducted.
- (55) "Position" means a square, circle, rectangle, or other geometric shape on a ballot in which the voter marks the voter's choice.
- (56) "Presidential Primary Election" means the election established in Chapter 9, Part 8, Presidential Primary Election.
- (57) "Primary convention" means the political party conventions held during the year of the regular general election.
- (58) "Protective counter" means a separate counter, which cannot be reset, that:
- (a) is built into a voting machine; and
  - (b) records the total number of movements of the operating lever.
- (59) "Provider election officer" means an election officer who enters into a contract or interlocal agreement with a contracting election officer to conduct an election for the contracting election officer's local political subdivision in accordance with Section 20A-5-400.1.
- (60) "Provisional ballot" means a ballot voted provisionally by a person:
- (a) whose name is not listed on the official register at the polling place;
  - (b) whose legal right to vote is challenged as provided in this title; or
  - (c) whose identity was not sufficiently established by a poll worker.
- (61) "Provisional ballot envelope" means an envelope printed in the form required by Section 20A-6-105 that is used to identify provisional ballots and to provide information to verify a person's legal right to vote.
- (62)(a) "Public figure" means an individual who, due to the individual being considered for, holding, or having held a position of prominence in a public or private capacity, or due to the individual's celebrity status, has an increased risk to the individual's safety.
- (b) "Public figure" does not include an individual:
- (i) elected to public office; or
  - (ii) appointed to fill a vacancy in an elected public office.
- (63) "Qualify" or "qualified" means to take the oath of office and begin performing the duties of the position for which the individual was elected.
- (64) "Receiving judge" means the poll worker that checks the voter's name in the official register at a polling place and provides the voter with a ballot.
- (65) "Registration form" means a form by which an individual may register to vote under this title.

- (66) "Regular ballot" means a ballot that is not a provisional ballot.
- (67) "Regular general election" means the election held throughout the state on the first Tuesday after the first Monday in November of each even-numbered year for the purposes established in Section 20A-1-201.
- (68) "Regular primary election" means the election, held on the date specified in Section 20A-1-201.5, to nominate candidates of political parties~~[-and candidates for nonpartisan]~~ , including candidates for partisan local school board positions, to advance to the regular general election.
- (69) "Resident" means a person who resides within a specific voting precinct in Utah.
- (70) "Return envelope" means the envelope, described in Subsection 20A-3a-202(4), provided to a voter with a manual ballot:
- (a) into which the voter places the manual ballot after the voter has voted the manual ballot in order to preserve the secrecy of the voter's vote; and
  - (b) that includes the voter affidavit and a place for the voter's signature.
- (71) "Sample ballot" means a mock ballot similar in form to the official ballot, published as provided in Section 20A-5-405.
- (72) "Special district" means a local government entity under Title 17B, Limited Purpose Local Government Entities - Special Districts, and includes a special service district under Title 17D, Chapter 1, Special Service District Act.
- (73) "Special district officers" means those special district board members who are required by law to be elected.
- (74) "Special election" means an election held as authorized by Section 20A-1-203.
- (75) "Spoiled ballot" means each ballot that:
- (a) is spoiled by the voter;
  - (b) is unable to be voted because it was spoiled by the printer or a poll worker; or
  - (c) lacks the official endorsement.
- (76) "Statewide special election" means a special election called by the governor or the Legislature in which all registered voters in Utah may vote.
- (77) "Tabulation system" means a device or system designed for the sole purpose of tabulating votes cast by voters at an election.
- (78) "Ticket" means a list of:
- (a) political parties;
  - (b) candidates for an office; or
  - (c) ballot propositions.

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

(80) "Vacancy" means:

(a) except as provided in Subsection (80)(b), the absence of an individual to serve in a position created by state constitution or state statute, whether that absence occurs because of death, disability, disqualification, resignation, or other cause; or

(b) in relation to a candidate for a position created by state constitution or state statute, the removal of a candidate due to the candidate's death, resignation, or disqualification.

(81) "Valid voter identification" means:

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

(i) a currently valid Utah driver license;

(ii) a currently valid identification card issued under Title 53, Chapter 3, Part 8, Identification Card Act;

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

(A) the state; or

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

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

(v) a currently valid United States passport; or

(vi) a currently valid United States military identification card;

(b) one of the following identification cards, regardless of whether the card includes a photograph of the voter:

(i) a valid tribal identification card;

(ii) a Bureau of Indian Affairs card; or

(iii) a tribal treaty card; or

(c) two forms of identification not listed under Subsection (81)(a) or (b) but that bear the name of the voter and provide evidence that the voter resides in the voting precinct, which may include:

(i) before January 1, 2029, an original or copy of a current utility bill, dated no more than 90 calendar days before the date of the election;

(ii) before January 1, 2029, an original or copy of a bank or other financial account statement, dated no more than 90 calendar days before the date of the election;

(iii) a certified birth certificate;

- (iv) a valid social security card;
- (v) an original or copy of a check issued by the state or the federal government, dated no more than 90 calendar days before the date of the election;
- (vi) an original or copy of a paycheck from the voter's employer, dated no more than 90 calendar days before the date of the election;
- (vii) a currently valid Utah hunting or fishing license;
- (viii) certified naturalization documentation;
- (ix) a currently valid license issued by an authorized agency of the United States;
- (x) a certified copy of court records showing the voter's adoption or name change;
- (xi) a valid Medicaid card, Medicare card, or Electronic Benefits Transfer [~~Card~~] card;
- (xii) a currently valid identification card issued by:
  - (A) a local government within the state;
  - (B) an employer for an employee; or
  - (C) a college, university, technical school, or professional school located within the state; or
- (xiii) a current Utah vehicle registration.

(82) "Valid write-in candidate" means a candidate who has qualified as a write-in candidate by following the procedures and requirements of this title.

(83) "Vote by mail" means to vote, using a manual ballot that is mailed to the voter, by:

- (a) mailing the ballot to the location designated in the mailing; or
- (b) depositing the ballot in a ballot drop box designated by the election officer.

(84) "Voter" means an individual who:

- (a) meets the requirements for voting in an election;
- (b) meets the requirements of election registration;
- (c) is registered to vote; and
- (d) is listed in the official register.

(85) "Voter registration deadline" means the registration deadline provided in Section 20A-2-102.5.

(86) "Voting area" means the area within six feet of the voting booths, voting machines, and ballot box.

(87) "Voting booth" means:

- (a) the space or compartment within a polling place that is provided for the preparation of ballots, including the voting enclosure or curtain; or
- (b) a voting device that is free standing.



(88) "Voting device" means any device provided by an election officer for a voter to vote a mechanical ballot.

(89) "Voting precinct" means the smallest geographical voting unit, established under Chapter 5, Part 3, Duties of the County and Municipal Legislative Bodies.

(90) "Watcher" means an individual who complies with the requirements described in Section 20A-3a-801 to become a watcher for an election.

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

(92) "Write-in vote" means a vote cast for an individual, whose name is not printed on the ballot, in accordance with the procedures established in this title.

Section 5. Section **20A-1-404** is amended to read:

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

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

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

[(b)] (c) The verified petition shall identify concisely the nature of the controversy and the relief sought.

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

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

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

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

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

(B) Section 17-70-403, regarding campaign finance statements for county offices and local school board offices;

(C) Chapter 11, Part 2, Statewide Office Candidates - Campaign Organization and Financial Reporting Requirements;

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

(E) Chapter 11, Part 4, Officeholder Financial Reporting Requirements;

- 847 (F) Chapter 11, Part 5, Political Party Registration and Financial Reporting  
 848 Requirements;
- 849 (G) Chapter 11, Part 6, Political Action Committee Registration and Financial  
 850 Reporting Requirements;
- 851 (H) Chapter 11, Part 7, Campaign Financial Reporting by Corporations;
- 852 (I) Chapter 11, Part 8, Political Issues Committees - Registration and Financial  
 853 Reporting;
- 854 (J) Chapter 11, Part 13, State School Board Candidates; and
- 855 (K) Chapter 12, Part 3, Campaign and Financial Reporting
- 856 ~~[(C) Title 20A, Chapter 11, Part 2, State Office Candidates - Campaign~~  
 857 ~~Organization and Financial Reporting Requirements;]~~
- 858 ~~[(D) Title 20A, Chapter 11, Part 3, Candidates for Legislative Office - Campaign~~  
 859 ~~Organization and Financial Reporting Requirements;]~~
- 860 ~~[(E) Title 20A, Chapter 11, Part 4, Officeholder Financial Reporting Requirements;]~~
- 861 ~~[(F) Title 20A, Chapter 11, Part 5, Political Party Registration and Financial~~  
 862 ~~Reporting Requirements;]~~
- 863 ~~[(G) Title 20A, Chapter 11, Part 6, Political Action Committee Registration and~~  
 864 ~~Financial Reporting Requirements;]~~
- 865 ~~[(H) Title 20A, Chapter 11, Part 7, Campaign Financial Reporting by Corporations;]~~
- 866 ~~[(I) Title 20A, Chapter 11, Part 8, Political Issues Committees - Registration and~~  
 867 ~~Financial Reporting;]~~
- 868 ~~[(J) Title 20A, Chapter 11, Part 13, State School Board Candidates; and]~~
- 869 ~~[(K) Title 20A, Chapter 12, Part 3, Campaign and Financial Reporting~~  
 870 ~~Requirements for Judicial Retention Elections; and]~~
- 871 (ii) substantial compliance with all other provisions of this title by the parties to the  
 872 controversy; and
- 873 (c) make and enter orders and judgments, and issue the process of the court to enforce  
 874 all of those orders and judgments.
- 875 Section 6. Section **20A-1-511** is repealed and reenacted to read:
- 876 **20A-1-511 . Midterm vacancy on local school board.**
- 877 (1) As used in this section:
- 878 (a) "Appointing authority" means:
- 879 (i) for a school district contained entirely within one county, the legislative body of  
 880 the county; or

(ii) for a school district that contains all or part of more than one county, the legislative body of the county within which a majority of the population of the school district resides.

(b) "Filing deadline" means the final date for filing:

(i) a declaration of candidacy as provided in Section 20A-9-202; or

(ii) for an unaffiliated candidate, a certificate of nomination as provided in Section 20A-9-503.

(c) "Party liaison" means the political party officer designated to serve as a liaison with the lieutenant governor on all matters relating to the political party's relationship with the state as required by Section 20A-8-401.

(2)(a) Except as provided by Subsection (4), when a vacancy occurs for any reason in the office of local school board member, the vacancy shall be filled for the unexpired term at the next regular general election.

(b) The appointing authority shall fill the vacancy until the next regular general election by immediately appointing the individual whose name is submitted by the party liaison of the same political party as the local school board member being replaced.

(3)(a) If a vacancy described in Subsection (2)(a) occurs after the filing deadline, but before August 31 of an even-numbered year in which the term of office does not expire, the lieutenant governor shall:

(i) establish a date and time, that is before the date for a candidate to be certified for the ballot under Section 20A-9-701 and no later than 21 calendar days after the day on which the vacancy occurs, by which an individual intending to obtain a position on the ballot for the vacant office shall file a declaration of candidacy or, as applicable, a certificate of nomination; and

(ii) give notice of the vacancy and the date and time described in Subsection (3)(a)(i):  
(A) on the lieutenant governor's website; and  
(B) to each registered political party.

(b) An individual intending to obtain a position on the ballot for the vacant office:

(i) shall, before the date and time established under Subsection (3)(a)(i), file a declaration of candidacy or, if applicable, a certificate of nomination in accordance with Chapter 9, Candidate Qualifications and Nominating Procedures; and

(ii) may run in the regular general election if:  
(A) nominated as a party candidate; or

- 915           (B) qualified as an unaffiliated candidate.
- 916       (c) In relation to a registered political party that is not a qualified political party, if a  
917           vacancy described in Subsection (2)(a) occurs after the deadline described in  
918           Subsection 20A-9-202(1)(b), but before August 31 of an even-numbered year in  
919           which the term of office does not expire:
- 920           (i) an individual intending to obtain a position on the ballot for the vacant office  
921               shall, before the date and time established under Subsection (3)(a)(i), file a  
922               declaration of candidacy; and
- 923           (ii) the party liaison for each registered political party that is not a qualified political  
924               party may submit the name of an individual described in Subsection (3)(c)(i) to  
925               the lieutenant governor before 5 p.m. no later than August 30 for placement on the  
926               regular general election ballot.
- 927       (4) If a vacancy described in Subsection (2)(a) occurs on or after August 31 of an  
928           even-numbered year in which a term does not expire, the appointing authority shall fill  
929           the vacancy for the unexpired term by immediately appointing the individual whose  
930           name is submitted by the party liaison of the same political party as the local school  
931           board member being replaced.
- 932       (5) An individual seeking appointment to fill a vacancy described in this section shall, no  
933           later than the deadline for the individual to file an interim report under Subsection  
934           20A-11-1301(5), make a complete conflict of interest disclosure on the website  
935           described in Section 20A-11-1602.5.
- 936       (6) The lieutenant governor shall make each conflict of interest disclosure made by an  
937           individual described in Subsection (5) available for public inspection in accordance with  
938           Subsection 20A-11-1603(4).
- 939       (7) A vacancy in the office of local school board member does not occur unless the local  
940           school board member:
- 941           (a) has left office; or
- 942           (b) submits an irrevocable letter of resignation to the appointing authority.
- 943       Section 7. Section **20A-8-401** is amended to read:
- 944           **20A-8-401 . Registered political parties -- Bylaws -- Report name of midterm**  
945       **vacancy candidate.**
- 946       (1)(a) Each new or unregistered state political party that seeks to become a registered  
947           political party under the authority of this chapter shall file a copy of the party's  
948           proposed constitution and bylaws at the time the party files the party's registration

949 information.

950 (b) Each registered state political party shall file revised copies of the party's constitution  
951 or bylaws with the lieutenant governor no later than 5 p.m. on the first business day  
952 that is at least 15 calendar days after the day on which the constitution or bylaws are  
953 adopted or amended.

954 (2) Each state political party, each new political party seeking registration, and each  
955 unregistered political party seeking registration shall ensure that the party's constitution  
956 or bylaws contain:

957 (a) provisions establishing party organization, structure, membership, and governance  
958 that include:

959 (i) a description of the position, selection process, qualifications, duties, and terms of  
960 each party officer and committees defined by constitution and bylaws;

961 (ii) a provision requiring a designated party officer to serve as liaison with:

962 (A) the lieutenant governor on all matters relating to the political party's  
963 relationship with the state; and

964 (B) each county legislative body on matters relating to the political party's  
965 relationship with a county;

966 (iii) a description of the requirements for participation in party processes;

967 (iv) the dates, times, and quorum of any regularly scheduled party meetings,  
968 conventions, or other conclaves; and

969 (v) a mechanism for making the names of delegates, candidates, and elected party  
970 officers available to the public shortly after they are selected;

971 (b) a procedure for selecting party officers that allows active participation by party  
972 members;

973 (c) a procedure for selecting party candidates at the federal, state, and county levels that  
974 allows active participation by party members;

975 (d)(i) a procedure for selecting electors who are pledged to cast their votes in the  
976 electoral college for the party's candidates for president and vice president of the  
977 United States; and

978 (ii) a procedure for filling vacancies in the office of presidential elector because of  
979 death, refusal to act, failure to attend, ineligibility, or any other cause;

980 (e) a procedure for filling vacancies in [the] a partisan office~~[of representative or~~  
981 ~~senator or a county office, as described in Section 20A-1-508,]~~ because of death,  
982 resignation, or ineligibility;

- (f) a provision requiring the governor and lieutenant governor to run as a joint ticket;
- (g) a procedure for replacing party candidates who die, acquire a disability that prevents the candidate from continuing the candidacy, or are disqualified before a primary or regular general election;
- (h) provisions governing the deposit and expenditure of party funds, and governing the accounting for, reporting, and audit of party financial transactions;
- (i) provisions governing access to party records;
- (j) a procedure for amending the constitution or bylaws that allows active participation by party members or their representatives;
- (k) a process for resolving grievances against the political party; and
- (l) if desired by the political party, a process for consulting with, and obtaining the opinion of, the political party's Utah Senate and Utah House of Representatives members about:
- (i) the performance of the two United States Senators from Utah, including specifically:
- (A) their views and actions regarding the defense of state's rights and federalism;
- and
- (B) their performance in representing Utah's interests;
- (ii) the members' opinion about, or rating of, and support or opposition to the policy positions of any candidates for United States Senate from Utah, including incumbents, including specifically:
- (A) their views and actions regarding the defense of state's rights and federalism;
- and
- (B) their performance in representing Utah's interests; and
- (iii) the members' collective or individual endorsement or rating of a particular candidate for United States Senate from Utah.
- (3) If, in accordance with a political party's constitution or bylaws, ~~[a person]~~ an individual files a declaration of candidacy or otherwise notifies the party of the ~~[person's]~~ individual's candidacy as a ~~[legislative office candidate or state office candidate, as defined in Section 20A-11-101, to be appointed and fill a midterm vacancy in the office of representative or senator in the Legislature, as described in Section 20A-1-503, or in a state office as described in Section 20A-1-504]~~ party candidate for a public office, the party shall forward a copy of that declaration or notification to the lieutenant governor before 5 p.m. no later than the day following the day on which the party receives the

1017 declaration or notification.

1018 Section 8. Section **20A-9-101** is amended to read:

1019 **20A-9-101 . Definitions.**

1020 As used in this chapter:

1021 (1)(a) "Candidates for elective office" means persons who file a declaration of candidacy  
1022 under Section 20A-9-202 to run in a regular general election for a federal office,  
1023 constitutional office, multicounty office, or county office.

1024 (b) "Candidates for elective office" does not ~~mean~~ include candidates for:

1025 (i) justice or judge of court of record or not of record;

1026 (ii) presidential elector;

1027 (iii) any political party offices; and

1028 (iv) municipal or special district offices.

1029 (2) "Constitutional office" means the state offices of governor, lieutenant governor, attorney  
1030 general, state auditor, and state treasurer.

1031 (3) "Continuing political party" means the same as that term is defined in Section  
1032 20A-8-101.

1033 (4)(a) "County office" means an elective office where the officeholder is selected by  
1034 voters entirely within one county.

1035 (b) "County office" includes the following offices if the district for that office is entirely  
1036 within one county:

1037 (i) the office of state legislator;

1038 (ii) the office of state school board member; or

1039 (iii) the office of local school board member.

1040 ~~[(b)]~~ (c) "County office" does not ~~mean~~ include:

1041 (i) the office of justice or judge of any court of record or not of record;

1042 (ii) the office of presidential elector;

1043 (iii) any political party offices;

1044 (iv) any municipal or special district offices; ~~and~~ or

1045 (v) the office of United States Senator and United States Representative.

1046 (5) "Electronic candidate qualification process" means:

1047 (a) as it relates to a registered political party that is not a qualified political party, the  
1048 process for gathering signatures electronically to seek the nomination of a registered  
1049 political party, described in:

1050 (i) Section 20A-9-403;

- 1051 (ii) Section 20A-9-405, except Subsections 20A-9-405(3) and (5); and  
1052 (iii) Section 20A-21-201; and  
1053 (b) as it relates to a qualified political party, the process, for gathering signatures  
1054 electronically to seek the nomination of a registered political party, described in:  
1055 (i) Section 20A-9-405, except Subsections 20A-9-405(3) and (5);  
1056 (ii) Section 20A-9-408; and  
1057 (iii) Section 20A-21-201.
- 1058 (6) "Federal office" means an elective office for United States Senator and United States  
1059 Representative.
- 1060 (7) "Filing officer" means:  
1061 (a) the lieutenant governor, for:  
1062 (i) the office of United States Senator and United States Representative; and  
1063 (ii) all constitutional offices;  
1064 (b) for the office of a state senator, state representative, or the state school board, the  
1065 lieutenant governor or the applicable clerk described in Subsection (7)(c) or (d);  
1066 (c) the county clerk, for county offices and local school district offices;  
1067 (d) the county clerk in the filer's county of residence, for multicounty offices;  
1068 (e) the city or town clerk, for municipal offices; or  
1069 (f) the special district clerk, for special district offices.
- 1070 (8) "Local government office" includes county offices, municipal offices, and special  
1071 district offices and other elective offices selected by the voters from a political division  
1072 entirely within one county.
- 1073 (9) "Manual candidate qualification process" means the process for gathering signatures to  
1074 seek the nomination of a registered political party, using paper signature packets that a  
1075 signer physically signs.
- 1076 (10)(a) "Multicounty office" means an elective office where the officeholder is selected  
1077 by the voters from more than one county.
- 1078 (b) "Multicounty office" includes the following offices if the district for that office  
1079 includes all or part of at least two counties:  
1080 (i) the office of state legislator;  
1081 (ii) the office of state school board member; or  
1082 (iii) the office of local school board member.
- 1083 ~~[(b)]~~ (c) "Multicounty office" does not ~~[mean]~~ include:  
1084 (i) a county office;



- 1085 (ii) a federal office;
- 1086 (iii) the office of justice or judge of any court of record or not of record;
- 1087 (iv) the office of presidential elector;
- 1088 (v) any political party offices; or
- 1089 (vi) any municipal or special district offices.
- 1090 (11) "Municipal office" means an elective office in a municipality.
- 1091 (12)(a) "Political division" means a geographic unit from which an officeholder is
- 1092 elected and that an officeholder represents.
- 1093 (b) "Political division" includes a county, a city, a town, a special district, a school
- 1094 district, a legislative district, and a county prosecution district.
- 1095 (13) "Qualified political party" means a registered political party that:
- 1096 (a)(i) permits a delegate for the registered political party to vote on a candidate
- 1097 nomination in the registered political party's convention remotely; or
- 1098 (ii) provides a procedure for designating an alternate delegate if a delegate is not
- 1099 present at the registered political party's convention;
- 1100 (b) does not hold the registered political party's convention before the fourth Saturday in
- 1101 March of an even-numbered year;
- 1102 (c) permits a member of the registered political party to seek the registered political
- 1103 party's nomination for any elective office by the member choosing to seek the
- 1104 nomination by either or both of the following methods:
- 1105 (i) seeking the nomination through the registered political party's convention process,
- 1106 in accordance with the provisions of Section 20A-9-407; or
- 1107 (ii) seeking the nomination by collecting signatures, in accordance with the
- 1108 provisions of Section 20A-9-408; and
- 1109 (d)(i) if the registered political party is a continuing political party, no later than 5
- 1110 p.m. on the first Monday of October of an odd-numbered year, certifies to the
- 1111 lieutenant governor that, for the election in the following year, the registered
- 1112 political party intends to nominate the registered political party's candidates in
- 1113 accordance with the provisions of Section 20A-9-406; or
- 1114 (ii) if the registered political party is not a continuing political party, certifies at the
- 1115 time that the registered political party files the petition described in Section
- 1116 20A-8-103 that, for the next election, the registered political party intends to
- 1117 nominate the registered political party's candidates in accordance with the
- 1118 provisions of Section 20A-9-406.

- 1119 (14) "Signature," as it relates to a petition for a candidate to seek the nomination of a  
1120 registered political party, means:  
1121 (a) when using the manual candidate qualification process, a holographic signature  
1122 collected physically on a nomination petition described in Subsection 20A-9-405(3);  
1123 or  
1124 (b) when using the electronic candidate qualification process:  
1125 (i) an electronic signature collected under Subsection 20A-21-201(6)(c)(ii)(A); or  
1126 (ii) a holographic signature collected electronically under Subsection  
1127 20A-21-201(6)(c)(ii)(B).

1128 (15) "Special district office" means an elected office in a special district.

1129 Section 9. Section **20A-9-201** is amended to read:

1130 **20A-9-201 . Declarations of candidacy -- Candidacy for more than one office or**  
1131 **of more than one political party prohibited with exceptions -- General filing and form**  
1132 **requirements -- Affidavit of impecuniosity.**

1133 (1) Before filing a declaration of candidacy for election to any office, an individual shall:

- 1134 (a) be a United States citizen;  
1135 (b) meet the legal requirements of that office; and  
1136 (c) if seeking a registered political party's nomination as a candidate for elective office,  
1137 state to the filing officer:  
1138 (i) the registered political party of which the individual is a member; or  
1139 (ii) that the individual is not a member of a registered political party.

1140 (2)(a) Except as provided in Subsection (2)(b), an individual may not:

- 1141 (i) file a declaration of candidacy for, or be a candidate for, more than one office in  
1142 Utah during any election year;  
1143 (ii) appear on the ballot as the candidate of more than one political party; or  
1144 (iii) file a declaration of candidacy for a registered political party of which the  
1145 individual is not a member, except to the extent that the registered political party  
1146 permits otherwise in the registered political party's bylaws.

1147 (b)(i) An individual may file a declaration of candidacy for, or be a candidate for,  
1148 president or vice president of the United States and another office, if the  
1149 individual resigns the individual's candidacy for the other office after the  
1150 individual is officially nominated for president or vice president of the United  
1151 States.

1152 (ii) An individual may file a declaration of candidacy for, or be a candidate for, more

1153 than one justice court judge office.

1154 (iii) An individual may file a declaration of candidacy for lieutenant governor even if  
1155 the individual filed a declaration of candidacy for another office in the same  
1156 election year if the individual withdraws as a candidate for the other office in  
1157 accordance with Subsection 20A-9-202(6) before filing the declaration of  
1158 candidacy for lieutenant governor.

1159 (iv) For the 2026 election year only, an individual who files a declaration of  
1160 candidacy to seek the nomination of a qualified political party for constitutional  
1161 office, multicounty office, or county office:

1162 (A) may also be a candidate for United States representative;

1163 (B) may, if the individual desires to use the signature-gathering process to qualify  
1164 for the primary election ballot for the office of United States representative, file  
1165 a notice of intent to gather signatures for, and gather signatures for, that office;  
1166 and

1167 (C) shall, before filing a declaration of candidacy for the office of United States  
1168 representative, withdraw as a candidate for the constitutional office,  
1169 multicounty office, or county office for which the individual filed a declaration  
1170 of candidacy.

1171 (3)(a) Except for a candidate for president or vice president of the United States, before  
1172 the filing officer may accept any declaration of candidacy, the filing officer shall:

1173 (i) read to the individual the constitutional and statutory qualification requirements  
1174 for the office that the individual is seeking;

1175 (ii) require the individual to state whether the individual meets the requirements  
1176 described in Subsection (3)(a)(i);

1177 (iii) if the declaration of candidacy is for a county office, inform the individual that  
1178 an individual who holds a county elected office may not, at the same time, hold a  
1179 municipal elected office; and

1180 (iv) if the declaration of candidacy is for a legislative office, inform the individual  
1181 that Utah Constitution, Article VI, Section 6, prohibits a person who holds a  
1182 public office of profit or trust, under authority of the United States or Utah, from  
1183 being a member of the Legislature.

1184 (b)(i) Before accepting a declaration of candidacy for the office of county attorney,  
1185 the county clerk shall ensure that the individual filing that declaration of  
1186 candidacy is:

- 1187 (A) a United States citizen;
- 1188 (B) an attorney licensed to practice law in the state who is an active member in
- 1189 good standing of the Utah State Bar;
- 1190 (C) a registered voter in the county in which the individual is seeking office; and
- 1191 (D) a current resident of the county in which the individual is seeking office and
- 1192 either has been a resident of that county for at least one year before the date of
- 1193 the election or was appointed and is currently serving as county attorney and
- 1194 became a resident of the county within 30 calendar days after appointment to
- 1195 the office.
- 1196 (ii) An individual filing a declaration of candidacy for the office of county attorney
- 1197 shall submit with the individual's declaration:
- 1198 (A) a letter from the Utah Supreme Court, affirming that the individual is an
- 1199 attorney in good standing;
- 1200 (B) proof of the individual's application with the Utah State Bar, with an affidavit
- 1201 describing the status of the individual's application; or
- 1202 (C) an affidavit describing how the individual intends to comply with the
- 1203 requirements for office of county attorney described in Subsection (3)(b)(i),
- 1204 prior to taking office.
- 1205 (iii) In addition to the requirements described in Subsection (3)(b)(ii), an individual
- 1206 shall also provide the filing officer with the individual's license number with:
- 1207 (A) the Utah State Bar, if the individual is a member; or
- 1208 (B) any other state bar association, if the individual is a member.
- 1209 (c)(i) Before accepting a declaration of candidacy for the office of district attorney,
- 1210 the county clerk shall ensure that, as of the date of the election, the individual
- 1211 filing that declaration of candidacy is:
- 1212 (A) a United States citizen;
- 1213 (B) an attorney licensed to practice law in the state who is an active member in
- 1214 good standing of the Utah State Bar;
- 1215 (C) a registered voter in the prosecution district in which the individual is seeking
- 1216 office; and
- 1217 (D) a current resident of the prosecution district in which the individual is seeking
- 1218 office and either will have been a resident of that prosecution district for at
- 1219 least one year before the date of the election or was appointed and is currently
- 1220 serving as district attorney or county attorney and became a resident of the

- 1221 prosecution district within 30 calendar days after receiving appointment to the  
1222 office.
- 1223 (ii) An individual filing a declaration of candidacy for the office of district attorney  
1224 shall submit with the individual's declaration:
- 1225 (A) a letter from the Utah Supreme Court, affirming that the individual is an  
1226 attorney in good standing;
- 1227 (B) proof of the individual's application with the Utah State Bar, with an affidavit  
1228 describing the status of the individual's application; or
- 1229 (C) an affidavit describing how the individual intends to comply with the  
1230 requirements for office of district attorney described in Subsection (3)(c)(i),  
1231 prior to taking office.
- 1232 (iii) In addition to the requirements described in Subsection (3)(c)(ii), an individual  
1233 shall also provide the filing officer with the individual's license number with:
- 1234 (A) the Utah State Bar, if the individual is a member; or  
1235 (B) any other state bar association, if the individual is a member.
- 1236 (d) Before accepting a declaration of candidacy for the office of county sheriff, the  
1237 county clerk shall ensure that the individual filing the declaration:
- 1238 (i) is a United States citizen;
- 1239 (ii) is a registered voter in the county in which the individual seeks office;
- 1240 (iii)(A) has successfully met the standards and training requirements established  
1241 for law enforcement officers under Title 53, Chapter 6, Part 2, Peace Officer  
1242 Training and Certification Act; or
- 1243 (B) has met the waiver requirements in Section 53-6-206;
- 1244 (iv) is qualified to be certified as a law enforcement officer, as defined in Section  
1245 53-13-103; and
- 1246 (v) before the date of the election, will have been a resident of the county in which  
1247 the individual seeks office for at least one year.
- 1248 (e)(i) An individual filing a declaration of candidacy for the office of attorney general  
1249 shall submit with the individual's declaration:
- 1250 (A) a letter from the Utah Supreme Court, affirming that the individual is an  
1251 attorney in good standing;
- 1252 (B) proof of the individual's application with the Utah State Bar, with an affidavit  
1253 describing the status of the individual's application; or
- 1254 (C) an affidavit describing how the individual intends to comply with the

- 1255 requirements for office of attorney general, described in Article VII, Sec. 3,  
1256 Utah Constitution, prior to taking office.
- 1257 (ii) In addition to the requirements described in Subsection (3)(e)(i), an individual  
1258 shall also provide the filing officer with the individual's license number with:  
1259 (A) the Utah State Bar, if the individual is a member; or  
1260 (B) any other state bar association, if the individual is a member.
- 1261 (iii) An individual filing the declaration of candidacy for the office of attorney  
1262 general shall also make the conflict of interest disclosure described in Section  
1263 20A-11-1603.
- 1264 (f) Before accepting a declaration of candidacy for the office of governor, lieutenant  
1265 governor, state auditor, state treasurer, state legislator, ~~[or]~~ State Board of Education  
1266 member, or local board of education member, the filing officer shall ensure that the  
1267 individual filing the declaration of candidacy also makes the conflict of interest  
1268 disclosure described in Section 20A-11-1603.
- 1269 (4) If an individual who files a declaration of candidacy does not meet the qualification  
1270 requirements for the office the individual is seeking, the filing officer may not accept the  
1271 individual's declaration of candidacy.
- 1272 (5) If an individual who files a declaration of candidacy meets the requirements described  
1273 in Subsection (3), the filing officer shall:
- 1274 (a) inform the individual that:
- 1275 (i) subject to Section 20A-6-109, the individual's name will appear on the ballot as  
1276 the individual's name is written on the individual's declaration of candidacy;
- 1277 (ii) the individual may be required to comply with state or local campaign finance  
1278 disclosure laws; and
- 1279 (iii) the individual is required to file a financial statement before the individual's  
1280 political convention under:
- 1281 (A) Section 20A-11-204 for a candidate for constitutional office;  
1282 (B) Section 20A-11-303 for a candidate for the Legislature; ~~[or]~~  
1283 (C) Section 20A-9-1301 for a school board office candidate; or  
1284 ~~[(C)]~~ (D) local campaign finance disclosure laws, if applicable;
- 1285 (b) except for a presidential candidate, provide the individual with a copy of the current  
1286 campaign financial disclosure laws for the office the individual is seeking and inform  
1287 the individual that failure to comply will result in disqualification as a candidate and  
1288 removal of the individual's name from the ballot;

- 1289 (c)(i) provide the individual with a copy of Section 20A-7-801 regarding the  
 1290 Statewide Electronic Voter Information Website Program and inform the  
 1291 individual of the submission deadline under Subsection 20A-7-801(4)(a);  
 1292 (ii) inform the individual that the individual must provide the filing officer with an  
 1293 email address that the individual actively monitors:  
 1294 (A) to receive a communication from a filing officer or an election officer; and  
 1295 (B) if the individual wishes to display a candidate profile on the Statewide  
 1296 Electronic Voter Information Website, to submit to the website the  
 1297 biographical and other information described in Subsection 20A-7-801(4)(a)(ii);  
 1298 (iii) inform the individual that the email address described in Subsection (5)(c)(ii) is  
 1299 not a record under Title 63G, Chapter 2, Government Records Access and  
 1300 Management Act; and  
 1301 (iv) obtain from the individual the email address described in Subsection (5)(c)(ii);  
 1302 (d) provide the candidate with a copy of the pledge of fair campaign practices described  
 1303 under Section 20A-9-206 and inform the candidate that:  
 1304 (i) signing the pledge is voluntary; and  
 1305 (ii) signed pledges shall be filed with the filing officer;  
 1306 (e) accept the individual's declaration of candidacy; and  
 1307 (f) if the individual has filed for a partisan office, provide a certified copy of the  
 1308 declaration of candidacy to the chair of the county or state political party of which the  
 1309 individual is a member.
- 1310 (6) If the candidate elects to sign the pledge of fair campaign practices, the filing officer  
 1311 shall:  
 1312 (a) accept the candidate's pledge; and  
 1313 (b) if the candidate has filed for a partisan office, provide a certified copy of the  
 1314 candidate's pledge to the chair of the county or state political party of which the  
 1315 candidate is a member.
- 1316 (7)(a) Except for a candidate for president or vice president of the United States, the  
 1317 form of the declaration of candidacy shall:  
 1318 (i) be substantially as follows:  
 1319 "State of Utah, County of \_\_\_\_  
 1320 I, \_\_\_\_\_, declare my candidacy for the office of \_\_\_\_\_, seeking the  
 1321 nomination of the \_\_\_\_\_ party. I do solemnly swear, under penalty of perjury, that: I will meet  
 1322 the qualifications to hold the office, both legally and constitutionally, if selected; I reside at

\_\_\_\_\_ in the City or Town of \_\_\_\_\_, Utah, Zip Code \_\_\_\_\_ Phone No. \_\_\_\_\_; I will not knowingly violate any law governing campaigns and elections; if filing via a designated agent, I will be out of the state of Utah during the entire candidate filing period; I will file all campaign financial disclosure reports as required by law; and I understand that failure to do so will result in my disqualification as a candidate for this office and removal of my name from the ballot. The mailing address that I designate for receiving official election notices is \_\_\_\_\_.

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

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

(ii) require the candidate to state, in the sworn statement described in Subsection

(7)(a)(i):

(A) the registered political party of which the candidate is a member; or

(B) that the candidate is not a member of a registered political party.

(b) An agent designated under Subsection 20A-9-202(1)(c) to file a declaration of candidacy may not sign the form described in Subsection (7)(a) or Section 20A-9-408.5.

(8)(a) Except for a candidate for president or vice president of the United States, the fee for filing a declaration of candidacy is:

(i) \$50 for ~~[candidates for the]~~ a local school district board office candidate; and

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

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

(i) who is disqualified; or

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

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

(ii) The lieutenant governor shall:

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

(B) ensure that each county receives that proportion of the total amount paid to the lieutenant governor from the congressional district that the total vote of that



county for all candidates for representative in Congress bears to the total vote of all counties within the congressional district for all candidates for representative in Congress.

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

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

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

(B) Conviction of a criminal offense under Subsection (8)(d)(iii)(A) shall be considered an offense under this title for the purposes of assessing the penalties provided in Subsection 20A-1-609(2).

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

"Affidavit of Impecuniosity

Individual Name \_\_\_\_\_

\_\_\_\_\_ Address \_\_\_\_\_

Phone Number \_\_\_\_\_

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

Date \_\_\_\_\_

Signature \_\_\_\_\_ Affiant

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

\_\_\_\_\_  
(signature)

Name and Title of Officer Authorized to Administer Oath \_\_\_\_\_".

(v) The filing officer shall provide to a person who requests an affidavit of impecuniosity a

statement printed in substantially the following form, which may be included on the affidavit of impecuniosity:

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

(vi) The filing officer may request that a person who makes a claim of impecuniosity under this Subsection (8)(d) file a financial statement on a form prepared by the election official.

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

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

Section 10. Section **20A-9-403** is amended to read:

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

(1)(a) Candidates for elective office that are to be filled at the next regular general election shall be nominated in a regular primary election by direct vote of the people in the manner prescribed in this section.

(b) The regular primary election is held on the date ~~[specified]~~ described in Section 20A-1-201.5.~~[-Nothing in this]~~

(c) This section ~~[shall]~~ does not affect a candidate's ability to qualify for a regular general election's ballot as an unaffiliated candidate under Section 20A-9-501 or to participate in a regular general election as a write-in candidate under Section 20A-9-601.

~~[(b)]~~ (d) Each registered political party that chooses to have the names of the registered political party's candidates for elective office featured with party affiliation on the ballot at a regular general election shall comply with the requirements of this section and shall nominate the registered political party's candidates for elective office in the manner described in this section.

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

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

- 1422 (2)(a) Each registered political party, in a statement filed with the lieutenant governor,  
1423 shall:
- 1424 (i) either declare the registered political party's intent to participate in the next regular  
1425 primary election or declare that the registered political party chooses not to have  
1426 the names of the registered political party's candidates for elective office featured  
1427 on the ballot at the next regular general election; and
- 1428 (ii) if the registered political party participates in the upcoming regular primary  
1429 election, identify one or more registered political parties whose members may  
1430 vote for the registered political party's candidates and whether individuals  
1431 identified as unaffiliated with a political party may vote for the registered political  
1432 party's candidates.
- 1433 (b)(i) A registered political party that is a continuing political party shall file the  
1434 statement described in Subsection (2)(a) with the lieutenant governor no later than  
1435 5 p.m. on November 30 of each odd-numbered year.
- 1436 (ii) An organization that is seeking to become a registered political party under  
1437 Section 20A-8-103 shall file the statement described in Subsection (2)(a) at the  
1438 time that the registered political party files the petition described in Section  
1439 20A-8-103.
- 1440 (3)(a) Except as provided in Subsection (3)(e), an individual who submits a declaration  
1441 of candidacy under Section 20A-9-202 shall appear as a candidate for elective office  
1442 on the regular primary ballot of the registered political party listed on the declaration  
1443 of candidacy only if the individual is certified by the appropriate filing officer as  
1444 having submitted a nomination petition that was:
- 1445 (i) circulated and completed in accordance with Section 20A-9-405; and
- 1446 (ii) signed by at least 2% of the registered political party's members who reside in the  
1447 political division of the office that the individual seeks.
- 1448 (b)(i) A candidate for elective office shall, in accordance with Section 20A-9-408.3,  
1449 submit signatures for a nomination petition to the appropriate filing officer for  
1450 verification and certification no later than 5 p.m. on March 31.
- 1451 (ii) A candidate may supplement the candidate's submissions at any time on or before  
1452 the filing deadline.
- 1453 (c)(i) The lieutenant governor shall determine for each elective office the total  
1454 number of signatures that must be submitted under Subsection (3)(a)(ii) or  
1455 20A-9-408(8) by counting the aggregate number of individuals residing in each

elective office's political division who have designated a particular registered political party on the individuals' voter registration forms on or before November 15 of each odd-numbered year.

(ii) The lieutenant governor shall publish the determination for each elective office no later than November 30 of each odd-numbered year.

(d) The filing officer shall:

(i) except as otherwise provided in Section 20A-21-201, and in accordance with Section 20A-9-408.3, verify signatures on nomination petitions in a transparent and orderly manner, no later than 14 calendar days after the day on which a candidate submits the signatures to the filing officer;

(ii) for all qualifying candidates for elective office who submit nomination petitions to the filing officer, issue certifications referenced in Subsection (3)(a) no later than the deadline described in Subsection 20A-9-202(1)(b);

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

(iv) consider an individual who signs a nomination petition a member of a registered political party for purposes of Subsection (3)(a)(ii) if the individual has designated that registered political party as the individual's party membership on the individual's voter registration form; and

(v) except as otherwise provided in Section 20A-21-201 and with the assistance of the county clerk as applicable, use the procedures described in Section 20A-1-1002 to verify submitted nomination petition signatures, or use statistical sampling procedures to verify submitted nomination petition signatures in accordance with rules made under Subsection (3)(f).

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

(f) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the director of elections, within the Office of the Lieutenant Governor, may make rules that:

(i) provide for the use of statistical sampling procedures that:

(A) filing officers are required to use to verify signatures under Subsection (3)(d);

and

(B) reflect a bona fide effort to determine the validity of a candidate's entire

- 1490 submission, using widely recognized statistical sampling techniques; and
- 1491 (ii) provide for the transparent, orderly, and timely submission, verification, and
- 1492 certification of nomination petition signatures.
- 1493 ~~[(g) The county clerk shall:]~~
- 1494 ~~[(i) review the declarations of candidacy filed by candidates for local boards of~~
- 1495 ~~education to determine if more than two candidates have filed for the same seat;]~~
- 1496 ~~[(ii) place the names of all candidates who have filed a declaration of candidacy for a~~
- 1497 ~~local board of education seat on the nonpartisan section of the ballot if more than~~
- 1498 ~~two candidates have filed for the same seat; and]~~
- 1499 ~~[(iii) place the local board of education candidates' names on the ballot in accordance~~
- 1500 ~~with Sections 20A-6-109 and 20A-6-110.]~~
- 1501 (4)(a) Before the deadline described in Subsection 20A-9-409(4)(c), the lieutenant
- 1502 governor shall provide to the county clerks:
- 1503 (i) a list of the names of all candidates for federal, constitutional, multi-county, single
- 1504 county, and county offices who have received certifications under Subsection (3),
- 1505 along with instructions on how those names shall appear on the primary election
- 1506 ballot in accordance with Sections 20A-6-109 and 20A-6-110; and
- 1507 (ii) a list of unopposed candidates for elective office who have been nominated by a
- 1508 registered political party under Subsection (5)(c) and instruct the county clerks to
- 1509 exclude the unopposed candidates from the primary election ballot.
- 1510 (b) A candidate for lieutenant governor and a candidate for governor campaigning as
- 1511 joint-ticket running mates shall appear jointly on the primary election ballot.
- 1512 (c) After the county clerk receives the certified list from the lieutenant governor under
- 1513 Subsection (4)(a), the county clerk shall post or publish a primary election notice in
- 1514 substantially the following form:
- 1515 "Notice is given that a primary election will be held Tuesday, June \_\_\_\_,
- 1516 \_\_\_\_ (year), to nominate party candidates for the parties~~[- and candidates for nonpartisan]~~ ,
- 1517 including candidates for local school board positions listed on the primary ballot. The polling
- 1518 place for voting precinct \_\_\_\_ is \_\_\_\_\_. The polls will open at 7 a.m. and continue open until 8
- 1519 p.m. of the same day. Attest: county clerk."
- 1520 (5)(a) A candidate who, at the regular primary election, receives the highest number of
- 1521 votes cast for the office sought by the candidate is~~is~~]
- 1522 ~~[(i)]~~ nominated for that office by the candidate's registered political party~~[- or]~~ .
- 1523 ~~[(ii) for a nonpartisan local school board position, nominated for that office.]~~

(b) If two or more candidates are to be elected to the office at the regular general election, those party candidates equal in number to positions to be filled who receive the highest number of votes at the regular primary election are the nominees of the candidates' party for those positions.

(c)(i) As used in this Subsection (5)(c), a candidate is "unopposed" if:

(A) no individual other than the candidate receives a certification under Subsection (3) for the regular primary election ballot of the candidate's registered political party for a particular elective office; or

(B) for an office where more than one individual is to be elected or nominated, the number of candidates who receive certification under Subsection (3) for the regular primary election of the candidate's registered political party does not exceed the total number of candidates to be elected or nominated for that office.

(ii) A candidate who is unopposed for an elective office in the regular primary election of a registered political party is nominated by the party for that office without appearing on the primary election ballot.

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

(7) An individual may not file a declaration of candidacy for a registered political party of which the individual is not a member, except to the extent that the registered political party permits otherwise under the registered political party's bylaws.

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

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

As used in this chapter:

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

(b) "Address" does not include a post office box.

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

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

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

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

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

- 1558 member's capacity as a member of the personal campaign committee of the candidate  
1559 or officeholder; or
- 1560 (e) a political consultant of a reporting entity.
- 1561 (3) "Ballot proposition" includes initiatives, referenda, proposed constitutional  
1562 amendments, and any other ballot propositions submitted to the voters that are  
1563 authorized by the Utah Code Annotated 1953.
- 1564 (4) "Candidate" means ~~[any person]~~ an individual who:
- 1565 (a) files a declaration of candidacy for a public office; or
- 1566 (b) receives contributions, makes expenditures, or gives consent for ~~[any other]~~ a person  
1567 to receive contributions or make expenditures to bring about the ~~[person's]~~ individual's  
1568 nomination, appointment, or election to a public office.
- 1569 (5) "Chief election officer" means~~[:]~~
- 1570 ~~[(a)] the lieutenant governor[ for state office candidates, legislative office candidates,~~  
1571 ~~officeholders, political parties, political action committees, corporations, political~~  
1572 ~~issues committees, state school board candidates, judges, and labor organizations, as~~  
1573 ~~defined in Section 20A-11-1501; and]~~
- 1574 ~~[(b) the county clerk for local school board candidates].~~
- 1575 (6)(a) "Contribution" means any of the following when done for political purposes:
- 1576 (i) a gift, subscription, donation, loan, advance, or deposit of money or anything of  
1577 value given to the filing entity;
- 1578 (ii) an express, legally enforceable contract, promise, or agreement to make a gift,  
1579 subscription, donation, unpaid or partially unpaid loan, advance, or deposit of  
1580 money or anything of value to the filing entity;
- 1581 (iii) any transfer of funds from another reporting entity to the filing entity;
- 1582 (iv) compensation paid by any person or reporting entity other than the filing entity  
1583 for personal services provided without charge to the filing entity;
- 1584 (v) remuneration from:
- 1585 (A) any organization or its directly affiliated organization that has a registered  
1586 lobbyist; or
- 1587 (B) any agency or subdivision of the state, including school districts;
- 1588 (vi) a loan made by a candidate deposited to the candidate's own campaign; and
- 1589 (vii) in-kind contributions.
- 1590 (b) "Contribution" does not include:
- 1591 (i) services provided by individuals volunteering a portion or all of their time on

- 1592               behalf of the filing entity if the services are provided without compensation by the  
1593               filing entity or any other person;
- 1594               (ii) money lent to the filing entity by a financial institution in the ordinary course of  
1595               business;
- 1596               (iii) goods or services provided for the benefit of a political entity at less than fair  
1597               market value that are not authorized by or coordinated with the political entity; or  
1598               (iv) data or information described in Subsection (24)(b).
- 1599       (7) "Coordinated with" means that goods or services provided for the benefit of a political  
1600       entity are provided:
- 1601               (a) with the political entity's prior knowledge, if the political entity does not object;  
1602               (b) by agreement with the political entity;  
1603               (c) in coordination with the political entity; or  
1604               (d) using official logos, slogans, and similar elements belonging to a political entity.
- 1605       (8)(a) "Corporation" means a domestic or foreign, profit or nonprofit, business  
1606       organization that is registered as a corporation or is authorized to do business in a  
1607       state and makes any expenditure from corporate funds for:
- 1608               (i) the purpose of expressly advocating for political purposes; or  
1609               (ii) the purpose of expressly advocating the approval or the defeat of any ballot  
1610               proposition.
- 1611       (b) "Corporation" does not mean:
- 1612               (i) a business organization's political action committee or political issues committee;  
1613               or  
1614               (ii) a business entity organized as a partnership or a sole proprietorship.
- 1615       (9) "County political party" means, for each registered political party, all of the persons  
1616       within a single county who, under definitions established by the political party, are  
1617       members of the registered political party.
- 1618       (10) "County political party officer" means a person whose name is required to be  
1619       submitted by a county political party to the lieutenant governor in accordance with  
1620       Section 20A-8-402.
- 1621       (11) "Detailed listing" means:
- 1622               (a) for each contribution or public service assistance:
- 1623                       (i) the name and address of the individual or source making the contribution or public  
1624                       service assistance, except to the extent that the name or address of the individual  
1625                       or source is unknown;



- 1626 (ii) the amount or value of the contribution or public service assistance; and  
1627 (iii) the date the contribution or public service assistance was made; and  
1628 (b) for each expenditure:  
1629 (i) the amount of the expenditure;  
1630 (ii) the goods or services acquired by the expenditure; and  
1631 (iii) the date the expenditure was made.
- 1632 (12)(a) "Donor" means a person that gives money, including a fee, due, or assessment  
1633 for membership in the corporation, to a corporation without receiving full and  
1634 adequate consideration for the money.
- 1635 (b) "Donor" does not include a person that signs a statement that the corporation may not  
1636 use the money for an expenditure or political issues expenditure.
- 1637 (13) "Election" means each:  
1638 (a) regular general election;  
1639 (b) regular primary election; and  
1640 (c) special election at which candidates are eliminated and selected.
- 1641 (14) "Electioneering communication" means a communication that:  
1642 (a) has at least a value of \$10,000;  
1643 (b) clearly identifies a candidate or judge; and  
1644 (c) is disseminated through the Internet, newspaper, magazine, outdoor advertising  
1645 facility, direct mailing, broadcast, cable, or satellite provider within 45 calendar days  
1646 before the clearly identified candidate's or judge's election date.
- 1647 (15)(a) "Expenditure" means any of the following made by a reporting entity or an agent  
1648 of a reporting entity on behalf of the reporting entity:  
1649 (i) any disbursement from contributions, receipts, or from the separate bank account  
1650 required by this chapter;  
1651 (ii) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money,  
1652 or anything of value made for political purposes;  
1653 (iii) an express, legally enforceable contract, promise, or agreement to make any  
1654 purchase, payment, donation, distribution, loan, advance, deposit, gift of money,  
1655 or anything of value for political purposes;  
1656 (iv) compensation paid by a filing entity for personal services rendered by a person  
1657 without charge to a reporting entity;  
1658 (v) a transfer of funds between the filing entity and a candidate's personal campaign  
1659 committee;

- 1660 (vi) goods or services provided by the filing entity to or for the benefit of another  
1661 reporting entity for political purposes at less than fair market value; or  
1662 (vii) an independent expenditure, as defined in Section 20A-11-1702.
- 1663 (b) "Expenditure" does not include:  
1664 (i) services provided without compensation by individuals volunteering a portion or  
1665 all of their time on behalf of a reporting entity;  
1666 (ii) money lent to a reporting entity by a financial institution in the ordinary course of  
1667 business; or  
1668 (iii) anything listed in Subsection (15)(a) that is given by a reporting entity to  
1669 candidates for office or officeholders in states other than Utah.
- 1670 (16) "Federal office" means the office of president of the United States, United States  
1671 Senator, or United States Representative.
- 1672 (17) "Filing entity" means the reporting entity that is required to file a financial statement  
1673 required [by] under this chapter or Chapter 12, Part 2, Judicial Retention Elections.
- 1674 (18) "Financial statement" includes any summary report, interim report, verified financial  
1675 statement, or other statement disclosing contributions, expenditures, receipts, donations,  
1676 or disbursements that is required [~~by~~] under this chapter or Chapter 12, Part 2, Judicial  
1677 Retention Elections.
- 1678 (19) "Governing board" means the individual or group of individuals that determine the  
1679 candidates and committees that will receive expenditures from a political action  
1680 committee, political party, or corporation.
- 1681 (20) "Incorporation" means the process established by Title 10, Chapter 2a, Municipal  
1682 Incorporation, by which a geographical area becomes legally recognized as a city or  
1683 town.
- 1684 (21) "Incorporation election" means the election conducted under Section 10-2a-210.
- 1685 (22) "Incorporation petition" means a petition described in Section 10-2a-208.
- 1686 (23) "Individual" means a natural person.
- 1687 (24)(a) "In-kind contribution" means anything of value, other than money, that is  
1688 accepted by or coordinated with a filing entity.
- 1689 (b) "In-kind contribution" does not include survey results, voter lists, voter contact  
1690 information, demographic data, voting trend data, or other information that:  
1691 (i) is not commissioned for the benefit of a particular candidate or officeholder; and  
1692 (ii) is offered at no cost to a candidate or officeholder.
- 1693 (25) "Interim report" means a report identifying the contributions received and expenditures

made since the last report.

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

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

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

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

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

(28) "Loan" means any of the following provided by a person that benefits a filing entity if the person expects repayment or reimbursement:

(a) an expenditure made using any form of payment;

(b) money or funds received by the filing entity;

(c) the provision of a good or service with an agreement or understanding that payment or reimbursement will be delayed; or

(d) use of any line of credit.

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

(30) "Officeholder" means ~~[a person]~~ an individual who holds a public office.

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

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

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

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

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

- 1728 (i) solicit or receive contributions from any other person, group, or entity for political  
1729 purposes; or
- 1730 (ii) make expenditures to expressly advocate for any person to refrain from voting or  
1731 to vote for or against any candidate or person seeking election to a municipal or  
1732 county office.
- 1733 (b) "Political action committee" includes [~~groups~~] a group affiliated with a registered  
1734 political party but not authorized or organized by the governing board of the  
1735 registered political party that receive contributions or makes expenditures for  
1736 political purposes.
- 1737 (c) "Political action committee" does not [~~mean~~] include:
- 1738 (i) a party committee;
- 1739 (ii) any entity that provides goods or services to a candidate or committee in the  
1740 regular course of its business at the same price that would be provided to the  
1741 general public;
- 1742 (iii) an individual;
- 1743 (iv) individuals who are related and who make contributions from a joint checking  
1744 account;
- 1745 (v) a corporation, except a corporation a major purpose of which is to act as a  
1746 political action committee; or
- 1747 (vi) a personal campaign committee.
- 1748 (36)(a) "Political consultant" means a person who is paid by a reporting entity, or paid  
1749 by another person on behalf of and with the knowledge of the reporting entity, to  
1750 provide political advice to the reporting entity.
- 1751 (b) "Political consultant" includes a circumstance described in Subsection (36)(a), where  
1752 the person:
- 1753 (i) has already been paid, with money or other consideration;
- 1754 (ii) expects to be paid in the future, with money or other consideration; or
- 1755 (iii) understands that the person may, in the discretion of the reporting entity or  
1756 another person on behalf of and with the knowledge of the reporting entity, be  
1757 paid in the future, with money or other consideration.
- 1758 (37) "Political convention" means a county or state political convention held by a registered  
1759 political party to select candidates.
- 1760 (38) "Political entity" means a candidate, a political party, a political action committee, or a  
1761 political issues committee.

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

- (i) solicit or receive donations from any other person, group, or entity to assist in placing a ballot proposition on the ballot, assist in keeping a ballot proposition off the ballot, or to advocate that a voter refrain from voting or vote for or vote against any ballot proposition;
- (ii) make expenditures to expressly advocate for any person to sign or refuse to sign a ballot proposition or incorporation petition or refrain from voting, vote for, or vote against any proposed ballot proposition or an incorporation in an incorporation election; or
- (iii) make expenditures to assist in qualifying or placing a ballot proposition on the ballot or to assist in keeping a ballot proposition off the ballot.

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

- (i) a registered political party or a party committee;
- (ii) any entity that provides goods or services to an individual or committee in the regular course of its business at the same price that would be provided to the general public;
- (iii) an individual;
- (iv) individuals who are related and who make contributions from a joint checking account;
- (v) a corporation, except a corporation a major purpose of which is to act as a political issues committee; or
- (vi) a group of individuals who:
  - (A) associate together for the purpose of challenging or supporting a single ballot proposition, ordinance, or other governmental action by a county, city, town, special district, special service district, or other local political subdivision of the state;
  - (B) have a common liberty, property, or financial interest that is directly impacted by the ballot proposition, ordinance, or other governmental action;
  - (C) do not associate together, for the purpose described in Subsection (39)(b)(vi)(A), via a legal entity;
  - (D) do not receive funds for challenging or supporting the ballot proposition, ordinance, or other governmental action from a person other than an individual in the group; and

(E) do not expend a total of more than \$5,000 for the purpose described in Subsection (39)(b)(vi)(A).

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

- (i) a gift, subscription, unpaid or partially unpaid loan, advance, or deposit of money or anything of value given to a political issues committee;
- (ii) an express, legally enforceable contract, promise, or agreement to make a political issues donation to influence the approval or defeat of any ballot proposition;
- (iii) any transfer of funds received by a political issues committee from a reporting entity;
- (iv) compensation paid by another reporting entity for personal services rendered without charge to a political issues committee; and
- (v) goods or services provided to or for the benefit of a political issues committee at less than fair market value.

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

- (i) services provided without compensation by individuals volunteering a portion or all of their time on behalf of a political issues committee; or
- (ii) money lent to a political issues committee by a financial institution in the ordinary course of business.

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

- (i) any payment from political issues contributions made for the purpose of influencing the approval or the defeat of:
  - (A) a ballot proposition; or
  - (B) an incorporation petition or incorporation election;
- (ii) a purchase, payment, distribution, loan, advance, deposit, or gift of money made for the express purpose of influencing the approval or the defeat of:
  - (A) a ballot proposition; or
  - (B) an incorporation petition or incorporation election;
- (iii) an express, legally enforceable contract, promise, or agreement to make any political issues expenditure;
- (iv) compensation paid by a reporting entity for personal services rendered by a person without charge to a political issues committee; or

- 1830 (v) goods or services provided to or for the benefit of another reporting entity at less  
1831 than fair market value.
- 1832 (b) "Political issues expenditure" does not include:
- 1833 (i) services provided without compensation by individuals volunteering a portion or  
1834 all of their time on behalf of a political issues committee; or
- 1835 (ii) money lent to a political issues committee by a financial institution in the  
1836 ordinary course of business.
- 1837 (42) "Political purposes" means an act done with the intent or in a way to influence or tend  
1838 to influence, directly or indirectly, ~~[any person]~~ an individual to refrain from voting or to  
1839 vote for or against~~[-any]~~:
- 1840 (a) a candidate~~[-or a person]~~ ;
- 1841 (b) an individual seeking a municipal or county office at ~~[any]~~ a caucus, political  
1842 convention, or election; or
- 1843 ~~[(b)]~~ (c) a judge standing for retention at any election.
- 1844 (43)(a) "Poll" means the survey of a person regarding the person's opinion or knowledge  
1845 of an individual who has filed a declaration of candidacy for public office, or of a  
1846 ballot proposition that has legally qualified for placement on the ballot, which is  
1847 conducted in person or by telephone, facsimile, Internet, postal mail, or email.
- 1848 (b) "Poll" does not include:
- 1849 (i) a ballot; or
- 1850 (ii) an interview of a focus group that is conducted, in person, by one individual, if:
- 1851 (A) the focus group consists of more than three, and less than thirteen, individuals;  
1852 and
- 1853 (B) all individuals in the focus group are present during the interview.
- 1854 (44) "Primary election" means any regular primary election held under the election laws.
- 1855 (45) "Publicly identified class of individuals" means a group of 50 or more individuals  
1856 sharing a common occupation, interest, or association that contribute to a political action  
1857 committee or political issues committee and whose names can be obtained by contacting  
1858 the political action committee or political issues committee upon whose financial  
1859 statement the individuals are listed.
- 1860 ~~[(46) "Public office" means the office of governor, lieutenant governor, state auditor, state~~  
1861 ~~treasurer, attorney general, state school board member, state senator, state representative,~~  
1862 ~~speaker of the House of Representatives, president of the Senate, and the leader, whip,~~  
1863 ~~and assistant whip of any party caucus in either house of the Legislature.]~~

- 1864     (46) "Public office" means:  
1865         (a) legislative office;  
1866         (b) state school board office; or  
1867         (c) statewide office.
- 1868     (47)(a) "Public service assistance" means the following when given or provided to an  
1869         officeholder to defray the costs of functioning in a public office or aid the  
1870         officeholder to communicate with the officeholder's constituents:  
1871             (i) a gift, subscription, donation, unpaid or partially unpaid loan, advance, or deposit  
1872                 of money or anything of value to an officeholder; or  
1873             (ii) goods or services provided at less than fair market value to or for the benefit of  
1874                 the officeholder.
- 1875     (b) "Public service assistance" does not include:  
1876         (i) anything provided by the state;  
1877         (ii) services provided without compensation by individuals volunteering a portion or  
1878             all of their time on behalf of an officeholder;  
1879         (iii) money lent to an officeholder by a financial institution in the ordinary course of  
1880             business;  
1881         (iv) news coverage or any publication by the news media; or  
1882         (v) any article, story, or other coverage as part of any regular publication of any  
1883             organization unless substantially all the publication is devoted to information  
1884             about the officeholder.
- 1885     (48) "Receipts" means contributions and public service assistance.
- 1886     (49) "Registered lobbyist" means a person licensed under Title 36, Chapter 11, Lobbyist  
1887         Disclosure and Regulation Act.
- 1888     (50) "Registered political action committee" means any political action committee that is  
1889         required by this chapter to file a statement of organization with the Office of the  
1890         Lieutenant Governor.
- 1891     (51) "Registered political issues committee" means any political issues committee that is  
1892         required by this chapter to file a statement of organization with the Office of the  
1893         Lieutenant Governor.
- 1894     (52) "Registered political party" means an organization of voters that:  
1895         (a) participated in the last regular general election and polled a total vote equal to 2% or  
1896             more of the total votes cast for all candidates for the United States House of  
1897             Representatives for any of its candidates for any office; or



- 1898 (b) has complied with the petition and organizing procedures of Chapter 8, Political  
 1899 Party Formation and Procedures.
- 1900 (53)(a) "Remuneration" means a payment:
- 1901 (i) made to a legislator for the period the Legislature is in session; and  
 1902 (ii) that is approximately equivalent to an amount a legislator would have earned  
 1903 during the period the Legislature is in session in the legislator's ordinary course of  
 1904 business.
- 1905 (b) "Remuneration" does not mean anything of economic value given to a legislator by:
- 1906 (i) the legislator's primary employer in the ordinary course of business; or  
 1907 (ii) a person or entity in the ordinary course of business:
- 1908 (A) because of the legislator's ownership interest in the entity; or  
 1909 (B) for services rendered by the legislator on behalf of the person or entity.
- 1910 (54) "Reporting entity" means a candidate, a candidate's personal campaign committee, a  
 1911 judge, a judge's personal campaign committee, an officeholder, a party committee, a  
 1912 political action committee, a political issues committee, a corporation, or a labor  
 1913 organization, as defined in Section 20A-11-1501.
- 1914 [~~(55) "School board office" means the office of state school board.~~]
- 1915 [~~(56)~~ (55)(a) "Source" means the person or entity that is the legal owner of the tangible  
 1916 or intangible asset that comprises the contribution.
- 1917 (b) "Source" means, for political action committees and corporations, the political action  
 1918 committee and the corporation as entities, not the contributors to the political action  
 1919 committee or the owners or shareholders of the corporation.
- 1920 (56) "State school board office" means the office of state school board member.
- 1921 (57) "State school board office candidate" means an individual who:
- 1922 (a) files a declaration of candidacy for state school board office; or  
 1923 (b) receives contributions, makes expenditures, or gives consent for a person to receive  
 1924 contributions or make expenditures to bring about the individual's nomination,  
 1925 election, or appointment to state school board office.
- 1926 (58) "State school board officeholder" means an individual who holds a state school board  
 1927 office.
- 1928 [~~(57)~~ (59) "[State] Statewide office" means the offices of governor, lieutenant governor,  
 1929 attorney general, state auditor, and state treasurer.
- 1930 [~~(58)~~ (60) "[State] Statewide office candidate" means [~~a person~~] an individual who:
- 1931 (a) files a declaration of candidacy for a state office; or

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

~~[(59)]~~ (61) "Summary report" means the year end report containing the summary of a reporting entity's contributions and expenditures.

~~[(60)]~~ (62) "Supervisory board" means the individual or group of individuals that allocate expenditures from a political issues committee.

Section 12. Section **20A-11-103** is amended to read:

**20A-11-103 . Notice of pending interim and summary reports -- Form of submission -- Public availability -- Notice of reporting and filing requirements.**

(1)(a) Except as provided under Subsection (1)(b), on the last business day that is at least 10 calendar days before an interim report or summary report is due under this chapter or Chapter 12, Part 2, Judicial Retention Elections, the chief election officer shall inform the filing entity by electronic mail unless postal mail is requested:

- (i) that the financial statement is due;
- (ii) of the date that the financial statement is due; and
- (iii) of the penalty for failing to file the financial statement.

(b) The chief election officer is not required to provide notice:

- (i) to a candidate or political party of the financial statement that is due before the candidate's or political party's political convention;
- (ii) of a financial statement due in connection with a public hearing for an initiative under the requirements of Section 20A-7-204.1; or
- (iii) to a corporation or labor organization, as defined in Section 20A-11-1501.

(2) A filing entity shall electronically file a financial statement via electronic mail or the Internet according to specifications established by the chief election officer.

(3)(a) A financial statement is considered timely filed if the financial statement is received by the chief election officer's office before midnight~~[-Mountain Time,]~~ at the end of the day on which the financial statement is due.

~~[(b) For a county clerk's office that is not open until midnight at the end of the day on which a financial statement is due, the county clerk shall permit a candidate to file the financial statement via email or another electronic means designated by the county clerk.]~~

~~[(c)]~~ (b) ~~[A-]~~ The chief election officer may extend the time in which a filing entity is required to file a financial statement if a filing entity notifies the chief election officer

- 1966 of the existence of an extenuating circumstance that is outside the control of the filing  
 1967 entity.
- 1968 (4) Notwithstanding any provision of Title 63G, Chapter 2, Government Records Access  
 1969 and Management Act, the lieutenant governor shall:
- 1970 (a) make each campaign finance statement filed by a candidate available for public  
 1971 inspection and copying no later than one business day after the statement is filed; and
- 1972 (b) post on a website established by the lieutenant governor:
- 1973 (i) an electronic copy or the contents of each summary report or interim report filed  
 1974 under the requirements of this chapter or Chapter 12, Part 2, Judicial Retention  
 1975 Elections, no later than three business days after the date on which the summary  
 1976 report or interim report is electronically filed; or
- 1977 (ii) for a campaign finance statement filed under the requirements of Section 10-3-208,  
 1978 for a municipality, or Section 11-70-403, for a county, a link to the municipal or  
 1979 county website that hosts the campaign finance statement, no later than seven  
 1980 business days after the date on which the lieutenant governor receives the link  
 1981 from:
- 1982 (A) the municipal clerk or recorder, in accordance with Subsection  
 1983 10-3-208(11)(b)(ii); or
- 1984 (B) the county clerk, in accordance with Subsection 17-70-403(21)(b)(ii).
- 1985 (5) The lieutenant governor shall provide, on the website described in Subsection (4)(b), the  
 1986 ability for an individual to search across disclosures made by all filing entities to identify  
 1987 contributions or expenditures made by a specific person.
- 1988 (6) Between January 1 and January 15 of each year, the chief election officer shall provide  
 1989 notice, by postal mail or email, to each filing entity for which the chief election officer  
 1990 has a physical or email address, of the reporting and filing requirements described in this  
 1991 chapter.

1992 Section 13. Section **20A-11-201** is amended to read:

1993 **Part 2. Statewide Office Candidates - Campaign Organization and Financial**

1994

**Reporting Requirements**

1995 **20A-11-201 . Statewide office -- Separate bank account for campaign funds -- No**  
 1996 **personal use -- Statewide office candidate reporting deadline -- Report other accounts --**  
 1997 **Anonymous contributions.**

- 1998 (1)(a) ~~[Each state]~~ A statewide office candidate or ~~[the]~~ a statewide candidate's personal  
1999 campaign committee shall deposit each contribution received in one or more separate  
2000 campaign accounts in a financial institution.
- 2001 (b) ~~[A state]~~ A statewide office candidate or a statewide candidate's personal campaign  
2002 committee may not use money deposited in a campaign account for:  
2003 (i) a personal use expenditure; or  
2004 (ii) an expenditure prohibited by law.
- 2005 (c) ~~[Each state]~~ A statewide officeholder or ~~[the state]~~ a statewide officeholder's personal  
2006 campaign committee shall deposit each contribution and public service assistance  
2007 received in one or more separate campaign accounts in a financial institution.
- 2008 (d) A ~~[state]~~ statewide officeholder or a ~~[state]~~ statewide officeholder's personal campaign  
2009 committee may not use money deposited in a campaign account for:  
2010 (i) a personal use expenditure; or  
2011 (ii) an expenditure prohibited by law.
- 2012 (2)(a) A ~~[state]~~ statewide office candidate or ~~[the]~~ a statewide candidate's personal  
2013 campaign committee may not deposit or mingle any contributions received into a  
2014 personal or business account.
- 2015 (b) A ~~[state]~~ statewide officeholder or ~~[the state]~~ a statewide officeholder's personal  
2016 campaign committee may not deposit or mingle any contributions or public service  
2017 assistance received into a personal or business account.
- 2018 (3) If ~~[a person]~~ an individual who is no longer a ~~[state]~~ statewide office candidate chooses  
2019 not to expend the money remaining in a campaign account, the ~~[person]~~ individual shall  
2020 continue to file the year-end summary report required by Section 20A-11-203 until the  
2021 statement of dissolution and final summary report required by Section 20A-11-205 are  
2022 filed with the lieutenant governor.
- 2023 (4)(a) Except as provided in Subsection (4)(b) and Section 20A-11-402, ~~[a person]~~ an  
2024 individual who is no longer a ~~[state]~~ statewide office candidate may not expend or  
2025 transfer the money in a campaign account in a manner that would cause the former [  
2026 ~~state]~~ statewide office candidate to recognize the money as taxable income under  
2027 federal tax law.
- 2028 (b) ~~[A person]~~ An individual who is no longer a ~~[state]~~ statewide office candidate may  
2029 transfer the money in a campaign account in a manner that would cause the former [  
2030 ~~state]~~ statewide office candidate to recognize the money as taxable income under  
2031 federal tax law if the transfer is made to a campaign account for federal office.

- (5)(a) As used in this Subsection (5), "received" means the same as that term is defined in Subsection 20A-11-204(1)(b).
- (b) ~~[Each state]~~ A statewide office candidate shall report to the lieutenant governor each contribution received by the ~~[state]~~ statewide office candidate:
- (i) except as provided in Subsection (5)(b)(ii), within 31 calendar days after the day on which the contribution is received; or
  - (ii) within seven business days after the day on which the contribution is received, if:
    - (A) the ~~[state]~~ statewide office candidate is contested in a convention and the contribution is received within 30 calendar days before the day on which the convention is held;
    - (B) the ~~[state]~~ statewide office candidate is contested in a primary election and the contribution is received within 30 calendar days before the day on which the primary election is held; or
    - (C) the ~~[state]~~ statewide office candidate is contested in a general election and the contribution is received within 30 calendar days before the day on which the general election is held.
- (c) Except as provided in Subsection (5)(d), for each contribution that a ~~[state]~~ statewide office candidate fails to report within the time period described in Subsection (5)(b), the lieutenant governor shall impose a fine against the ~~[state]~~ statewide office candidate in an amount equal to:
- (i) 10% of the amount of the contribution, if the ~~[state]~~ statewide office candidate reports the contribution within 60 calendar days after the day on which the time period described in Subsection (5)(b) ends; or
  - (ii) 20% of the amount of the contribution, if the ~~[state]~~ statewide office candidate fails to report the contribution within 60 calendar days after the day on which the time period described in Subsection (5)(b) ends.
- (d) The lieutenant governor may waive the fine described in Subsection (5)(c) and issue a warning to the ~~[state]~~ statewide office candidate if:
- (i) the contribution that the ~~[state]~~ statewide office candidate fails to report is paid by the ~~[state]~~ statewide office candidate from the ~~[state]~~ statewide office candidate's personal funds;
  - (ii) the ~~[state]~~ statewide office candidate has not previously violated Subsection (5)(c) in relation to a contribution paid by the ~~[state]~~ statewide office candidate from the ~~[state]~~ statewide office candidate's personal funds; and

(iii) the lieutenant governor determines that the failure to timely report the contribution is due to the [state] statewide office candidate not understanding that the reporting requirement includes a contribution paid by a [state] statewide office candidate from the [state] statewide office candidate's personal funds.

(e) The lieutenant governor shall:

- (i) deposit money received under Subsection (5)(c) into the General Fund; and
- (ii) report on the lieutenant governor's website, in the location where reports relating to each [state] statewide office candidate are available for public access:
  - (A) each fine imposed by the lieutenant governor against the [state] statewide office candidate;
  - (B) the amount of the fine;
  - (C) the amount of the contribution to which the fine relates; and
  - (D) the date of the contribution.

(6)(a) As used in this Subsection (6), "account" means an account in a financial institution:

- (i) that is not described in Subsection (1)(a); and
- (ii) into which or from which a person who, as a candidate for an office, other than the [state] statewide office for which the person files a declaration of candidacy or federal office, or as a holder of an office, other than a [state] statewide office for which the person files a declaration of candidacy or federal office, deposits a contribution or makes an expenditure.

(b) A [state] statewide office candidate shall include on any financial statement filed in accordance with this part:

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

(7) Within 31 calendar days after the day on which a [state] statewide office candidate receives a contribution that is cash or a negotiable instrument, exceeds \$50, and is from an unknown source, the [state] statewide office candidate shall disburse the amount of

the contribution to an organization that is exempt from federal income taxation under Section 501(c)(3), Internal Revenue Code.

Section 14. Section **20A-11-202** is amended to read:

**20A-11-202 . Statewide office candidate -- Personal campaign committee required -- Candidate as a political action committee officer.**

(1)(a)[(i) Each state] A statewide office candidate shall select no more than one personal campaign committee, consisting of one or more persons, to receive contributions, make expenditures, and file reports connected with the candidate's campaign.

[(ii)] (i) A [state] statewide office candidate may serve as the candidate's own campaign committee.

[(iii)] (ii) A [state] statewide office candidate may be designated by a political action committee as an officer who has primary decision-making authority as described in Section 20A-11-601.

(b) Except for expenses made by a registered political party to benefit a party's candidates generally, a [state] statewide office candidate or other person acting in concert with or with the knowledge of the [state] statewide office candidate may not receive any contributions or make any expenditures on behalf of a [state] statewide office candidate other than through:

(i) a personal campaign committee established under this section; and

(ii) a political action committee established under Part 6, Political Action Committee Registration and Financial Reporting Requirements.

(2)(a) [~~The state~~] A statewide office candidate shall file a written statement signed by the candidate or authorized member of the statewide office candidate's personal campaign committee with the lieutenant governor that:

(i) informs the lieutenant governor that the [state] statewide office candidate's personal campaign committee has been selected; and

(ii) provides the name and address of each member and the secretary of the committee.

(b) A [state] statewide office candidate or the candidate's personal campaign committee may not make any expenditures on behalf of the statewide candidate until the statement has been filed.

(c) A [state] statewide office candidate may revoke the selection of any member of the campaign committee by:

- 2134 (i) revoking that individual's appointment or election in writing;  
2135 (ii) personally serving the written revocation on the member whose selection is  
2136 revoked; and  
2137 (iii) filing a copy of the written revocation with the lieutenant governor.  
2138 (d)(i) The [state] statewide office candidate may select a replacement to fill any  
2139 vacancy on the campaign committee.  
2140 (ii) The [state] statewide office candidate shall file that replacement's name and  
2141 address with the lieutenant governor.

- 2142 (3) A member of a [state] statewide office candidate's personal campaign committee may  
2143 not make an expenditure of more than \$1,000 unless the [state] statewide office  
2144 candidate or the secretary of the personal campaign committee authorizes the  
2145 expenditure in writing.  
2146 (4) A [state] statewide office candidate or the candidate's personal campaign committee may  
2147 not make any expenditures prohibited by law.

2148 Section 15. Section **20A-11-203** is amended to read:

2149 **20A-11-203 . Statewide office candidate -- Financial reporting requirements --**  
2150 **Year-end summary report.**

- 2151 (1)(a) [~~Each state~~] A statewide office candidate shall file a summary report by January 10  
2152 of the year after the regular general election year.  
2153 (b) In addition to the requirements of Subsection (1)(a), a former [state] statewide office  
2154 candidate that has not filed the statement of dissolution and final summary report  
2155 required under Section 20A-11-205 shall continue to file a summary report on  
2156 January 10 of each year.  
2157 (2)(a) Each summary report shall include the following information as of December 31  
2158 of the previous year:  
2159 (i) the net balance of the last financial statement, if any;  
2160 (ii) a single figure equal to the total amount of receipts reported on all interim reports,  
2161 if any;  
2162 (iii) a single figure equal to the total amount of expenditures reported on all interim  
2163 reports, if any, filed during the previous year;  
2164 (iv) a detailed listing of each contribution received since the last summary report that  
2165 has not been reported in detail on an interim report;  
2166 (v) for each nonmonetary contribution:  
2167 (A) the fair market value of the contribution with that information provided by the



contributor; and

(B) a specific description of the contribution;

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

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

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

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

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

(c) A check or negotiable instrument received by a [state] statewide office candidate or a [state] statewide office candidate's personal campaign committee on or before December 31 of the previous year shall be included in the summary report.

(3) An authorized member of the [state] statewide office candidate's personal campaign committee or the [state] statewide office candidate shall certify in the summary report that, to the best of the person's knowledge, all receipts and all expenditures have been reported as of December 31 of the previous year and that there are no bills or obligations outstanding and unpaid except as set forth in that report.

Section 16. Section **20A-11-204** is amended to read:

**20A-11-204 . Statewide office candidate and statewide officeholder -- Financial reporting requirements -- Interim reports.**

(1) As used in this section:

(a) "Campaign account" means a separate campaign account required under Subsection 20A-11-201(1)(a) or (c).

(b) "Received" means:

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

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

(iii) for a direct deposit made into a campaign account by a person not associated with the campaign, the earlier of:

- 2202 (A) the day on which the [state] statewide office candidate or a member of the [  
2203 state] statewide office candidate's personal campaign committee becomes aware  
2204 of the deposit and the source of the deposit;
- 2205 (B) the day on which the [state] statewide office candidate or a member of the [  
2206 state] statewide office candidate's personal campaign committee receives notice  
2207 of the deposit and the source of the deposit by mail, email, text, or similar  
2208 means; or
- 2209 (C) 31 calendar days after the day on which the direct deposit occurs; or
- 2210 (iv) for any other type of contribution, that any portion of the contribution's benefit  
2211 inures to the [state] statewide office candidate.
- 2212 (2) Except as provided in Subsection (3), each [state] statewide office candidate shall file an  
2213 interim report at the following times in any year in which the candidate has filed a  
2214 declaration of candidacy for a public office:
- 2215 (a)(i) seven calendar days before the candidate's political convention; or  
2216 (ii) for an unaffiliated candidate, the fourth Saturday in March;
- 2217 (b) seven calendar days before the regular primary election date;
- 2218 (c) September 30; and
- 2219 (d) seven calendar days before the regular general election date.
- 2220 (3) If a [state] statewide office candidate is a [state] statewide office candidate seeking  
2221 appointment for a midterm vacancy, the [state] statewide office candidate:
- 2222 (a) shall file an interim report:
- 2223 (i) no later than three business days before the day on which the political party of the  
2224 party for which the [state] statewide office candidate seeks nomination meets to  
2225 declare a nominee for the governor to appoint in accordance with Subsection  
2226 20A-1-504(1)(a); or
- 2227 (ii) if a [state] statewide office candidate decides to seek the appointment with less  
2228 than three business days before the day on which the political party meets, or the  
2229 political party schedules the meeting to declare a nominee less than three business  
2230 days before the day of the meeting, no later than 5 p.m. on the last day of business  
2231 before the day on which the political party meets; and
- 2232 (b) is not required to file an interim report at the times described in Subsection (2).
- 2233 (4) Each interim report shall include the following information:
- 2234 (a) the net balance of the last summary report, if any;
- 2235 (b) a single figure equal to the total amount of receipts reported on all prior interim

- 2236 reports, if any, during the calendar year in which the interim report is due;
- 2237 (c) a single figure equal to the total amount of expenditures reported on all prior interim
- 2238 reports, if any, filed during the calendar year in which the interim report is due;
- 2239 (d) a detailed listing of:
- 2240 (i) for a [state] statewide office candidate, each contribution received since the last
- 2241 summary report that has not been reported in detail on a prior interim report; or
- 2242 (ii) for a [state] statewide officeholder, each contribution and public service assistance
- 2243 received since the last summary report that has not been reported in detail on a
- 2244 prior interim report;
- 2245 (e) for each nonmonetary contribution:
- 2246 (i) the fair market value of the contribution with that information provided by the
- 2247 contributor; and
- 2248 (ii) a specific description of the contribution;
- 2249 (f) a detailed listing of each expenditure made since the last summary report that has not
- 2250 been reported in detail on a prior interim report;
- 2251 (g) for each nonmonetary expenditure, the fair market value of the expenditure;
- 2252 (h) a net balance for the year consisting of the net balance from the last summary report,
- 2253 if any, plus all receipts since the last summary report minus all expenditures since the
- 2254 last summary report;
- 2255 (i) a summary page in the form required by the lieutenant governor that identifies:
- 2256 (i) beginning balance;
- 2257 (ii) total contributions and public service assistance received during the period since
- 2258 the last statement;
- 2259 (iii) total contributions and public service assistance received to date;
- 2260 (iv) total expenditures during the period since the last statement; and
- 2261 (v) total expenditures to date; and
- 2262 (j) the name of a political action committee for which the [state] statewide office
- 2263 candidate or [state] statewide officeholder is designated as an officer who has primary
- 2264 decision-making authority under Section 20A-11-601.
- 2265 (5)(a) In preparing each interim report, all receipts and expenditures shall be reported as
- 2266 of five calendar days before the required filing date of the report.
- 2267 (b) Any negotiable instrument or check received by a [state] statewide office candidate or [
- 2268 state] a statewide officeholder more than five calendar days before the required filing
- 2269 date of a report required by this section shall be included in the interim report.

Section 17. Section **20A-11-205** is amended to read:

**20A-11-205 . Statewide office candidate -- Financial reporting requirements --**

**Termination of duty to report.**

- (1) ~~[Each state]~~ A statewide office candidate and the candidate's personal campaign committee is active and subject to interim reporting requirements until:
- (a) the statewide office candidate withdraws or is eliminated in a convention or primary;
  - or
  - (b) if seeking appointment as a midterm vacancy ~~[state]~~ statewide office candidate:
    - (i) the political party liaison fails to forward the person's name to the governor; or
    - (ii) the governor fails to appoint the person to fill the vacancy.
- (2) ~~[Each state]~~ A statewide office candidate and the candidate's personal campaign committee is active and subject to year-end summary reporting requirements until the candidate has filed a statement of dissolution with the lieutenant governor stating that:
- (a) the ~~[state]~~ statewide office candidate or the personal campaign committee is no longer receiving contributions and is no longer making expenditures;
  - (b) the ending balance on the last summary report filed is zero and the balance in the separate bank account required in Section 20A-11-201 is zero; and
  - (c) a final summary report in the form required by Section 20A-11-203 showing a zero balance is attached to the statement of dissolution.
- (3) A statement of dissolution and a final summary report may be filed at any time.
- (4) ~~[Each state]~~ A statewide office candidate and the statewide office candidate's personal campaign committee shall continue to file the year-end summary report required by Section 20A-11-203 until the statement of dissolution and final summary report required by this section are filed with the lieutenant governor.

Section 18. Section **20A-11-206** is amended to read:

**20A-11-206 . Statewide office candidate -- Failure to file reports -- Penalties.**

- (1) A ~~[state]~~ statewide office candidate who fails to file a financial statement before the deadline is subject to a fine imposed in accordance with Section 20A-11-1005.
- (2) If a ~~[state]~~ statewide office candidate fails to file an interim report described in Subsections 20A-11-204(2)(b) through (d), the lieutenant governor may send an electronic notice to the ~~[state]~~ statewide office candidate and the political party of which the ~~[state]~~ statewide office candidate is a member, if any, that states:
- (a) that the ~~[state]~~ statewide office candidate failed to timely file the report; and
  - (b) that, if the ~~[state]~~ statewide office candidate fails to file the report within 24 hours

2304 after the deadline for filing the report, the [state] statewide office candidate will be  
2305 disqualified and the political party will not be permitted to replace the statewide office  
2306 candidate.

2307 (3)(a) The lieutenant governor shall disqualify a [state] statewide office candidate and  
2308 inform the county clerk and other appropriate election officials that the [state]  
2309 statewide office candidate is disqualified if the [state] statewide office candidate fails  
2310 to file an interim report described in Subsections 20A-11-204(2)(b) through (d)  
2311 within 24 hours after the deadline for filing the report.

2312 (b) The political party of a [state] statewide office candidate who is disqualified under  
2313 Subsection (3)(a) may not replace the [state] statewide office candidate.

2314 (4) If a [state] statewide office candidate is disqualified under Subsection (3)(a), the election  
2315 officer shall:

2316 (a) notify every opposing candidate for the [state] statewide office that the [state]  
2317 statewide office candidate is disqualified;

2318 (b) send an email notification to each voter who is eligible to vote in the [state] statewide  
2319 office race for whom the lieutenant governor has an email address informing the  
2320 voter that the [state] statewide office candidate is disqualified and that votes cast for  
2321 the [state] statewide office candidate will not be counted;

2322 (c) post notice of the disqualification on the lieutenant governor's website; and

2323 (d) if practicable, remove the [state] statewide office candidate's name from the ballot.

2324 (5) An election officer may fulfill the requirement described in Subsection (4) in relation to  
2325 a mailed ballot, including a military or overseas ballot, by including with the ballot a  
2326 written notice directing the voter to the lieutenant governor's website to inform the voter  
2327 whether a candidate on the ballot is disqualified.

2328 (6) A [state] statewide office candidate is not disqualified if:

2329 (a) the [state] statewide office candidate timely files the reports described in Subsections  
2330 20A-11-204(2)(b) through (d) no later than 24 hours after the applicable deadlines for  
2331 filing the reports;

2332 (b) the reports are completed, detailing accurately and completely the information  
2333 required by this part except for inadvertent omissions or insignificant errors or  
2334 inaccuracies; and

2335 (c) the omissions, errors, or inaccuracies described in Subsection (6)(b) are corrected in  
2336 an amended report or the next scheduled report.

2337 (7)(a) Within 60 calendar days after a deadline for the filing of a summary report, the

lieutenant governor shall review each filed summary report to ensure that:

- (i) ~~[each state]~~ the statewide office candidate that is required to file a summary report has filed one; and
- (ii) each summary report contains the information required by this part.
- (b) If it appears that ~~[any state]~~ a statewide office candidate has failed to file the summary report required by law, if it appears that a filed summary report does not conform to the law, or if the lieutenant governor has received a written complaint alleging a violation of the law or the falsity of any summary report, the lieutenant governor shall, no later than the first business day that is at least five days after the day on which the lieutenant governor discovers the violation or receives the written complaint, notify the ~~[state]~~ statewide office candidate of the violation or written complaint and direct the ~~[state]~~ statewide office candidate to file a summary report correcting the problem.
- (c)(i) It is unlawful for a ~~[state]~~ statewide office candidate to fail to file or amend a summary report within seven calendar days after receiving notice from the lieutenant governor described in this Subsection (7).
- (ii) ~~[Each state]~~ A statewide office candidate who violates Subsection (7)(c)(i) is guilty of a class B misdemeanor.
- (iii) The lieutenant governor shall report all violations of Subsection (7)(c)(i) to the attorney general.
- (iv) In addition to the criminal penalty described in Subsection (7)(c)(ii), the lieutenant governor shall impose a civil fine of \$100 against a ~~[state]~~ statewide office candidate who violates Subsection (7)(c)(i).

Section 19. Section **20A-11-1301** is amended to read:

### **Part 13. State School Board Office Candidates**

**20A-11-1301 . State school board office -- Campaign finance requirements --  
Candidate as a political action committee officer -- No personal use -- Interim report --  
Contribution reporting deadline -- Report other accounts -- Anonymous contributions.**

(1)(a)~~(i)~~ Eaeh A state school board office candidate~~[-]~~ :

- (i) shall deposit each contribution received in one or more separate accounts in a financial institution that are dedicated only to that purpose~~[-]~~ ;
- (ii) ~~[A school board office candidate]~~ may:
  - (A) receive a contribution from a political action committee registered under Section 20A-11-601; and

2372 (B) be designated by a political action committee as an officer who has primary  
 2373 decision-making authority as described in Section 20A-11-601[-] ; and  
 2374 ~~[(b)] (iii) [A school board office candidate]~~ may not use money deposited in an  
 2375 account described in Subsection (1)(a)(i) for[-]  
 2376 ~~[(i)]~~ a personal use expenditure[-] ; or  
 2377 ~~[(ii)]~~ an expenditure prohibited by law.  
 2378 ~~[(c)] (b)~~ ~~[(i)]~~ Each A state school board officeholder[-] :  
 2379 (i) shall deposit each contribution and public service assistance received in one or  
 2380 more separate accounts in a financial institution that are dedicated only to that  
 2381 purpose[-] ;  
 2382 (ii) ~~[A school board officeholder]~~ may:  
 2383 (A) receive a contribution or public service assistance from a political action  
 2384 committee registered under Section 20A-11-601; and  
 2385 (B) be designated by a political action committee as an officer who has primary  
 2386 decision-making authority as described in Section 20A-11-601[-] ; and  
 2387 ~~[(d)] (iii) [A school board officeholder]~~ may not use money deposited in an account  
 2388 described in Subsection ~~[(1)(a)(i) or (1)(c)(i)]~~ (1)(a) or (b) for[-]  
 2389 ~~[(i)]~~ a personal use expenditure[-] ; or  
 2390 ~~[(ii)]~~ an expenditure prohibited by law.  
 2391 (2)~~[(a)]~~ A state school board office candidate or a state school board officeholder may  
 2392 not[-] ;  
 2393 (a) deposit or mingle any contributions or public service assistance received into a  
 2394 personal or business account[-] ; or  
 2395 ~~[(b) A school board officeholder may not deposit or mingle any contributions or public~~  
 2396 ~~service assistance received into a personal or business account.]~~  
 2397 ~~[(3) A school board office candidate or school board officeholder may not make any~~  
 2398 ~~political expenditures]~~  
 2399 (b) make a political expenditure prohibited by law.  
 2400 ~~[(4)] (3)~~ If ~~[a person]~~ an individual who is no longer a state school board office candidate  
 2401 chooses not to expend the money remaining in a campaign account, the ~~[person]~~  
 2402 individual shall continue to file the year-end summary report required ~~[by]~~ under Section  
 2403 20A-11-1302 until the individual files the statement of dissolution and final summary  
 2404 report required ~~[by]~~ under Section 20A-11-1304~~[-are filed with the lieutenant governor].~~  
 2405 ~~[(5)] (4)(a)~~ Except as provided in Subsection ~~[(5)(b)]~~ (4)(b) and Section 20A-11-402, [a

person] an individual who is no longer a state school board office candidate may not expend or transfer the money in a campaign account in a manner that would cause the former state school board office candidate to recognize the money as taxable income under federal tax law.

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

[~~(6)~~] (5)(a) As used in this Subsection [~~(6)~~] (5), "received" means the same as that term is defined in Subsection 20A-11-1303(1)(a).

(b) Except as provided in Subsection [~~(6)~~(d), each] (5)(d), a state school board office candidate shall file an interim report [~~to~~] with the chief election officer that includes each contribution received by the state school board office candidate:

(i) except as provided in Subsection [~~(6)~~(b)(ii)] (5)(b)(ii), within 31 calendar days after the day on which the contribution is received; or

(ii) within seven business days after the day on which the contribution is received, if:

(A) the state school board office candidate is contested in a convention and the contribution is received within 30 calendar days before the day on which the convention is held;

(B) the state school board office candidate is contested in a primary election and the contribution is received within 30 calendar days before the day on which the primary election is held; or

(C) the state school board office candidate is contested in a general election and the contribution is received within 30 calendar days before the day on which the general election is held.

(c) For each contribution that a state school board office candidate fails to report within the time period described in Subsection [~~(6)~~(b)] (5)(b), the chief election officer shall impose a fine against the state school board office candidate in an amount equal to:

(i) 10% of the amount of the contribution, if the state school board office candidate reports the contribution within 60 calendar days after the day on which the time period described in Subsection [~~(6)~~(b)] (5)(b) ends; or

(ii) 20% of the amount of the contribution, if the state school board office candidate fails to report the contribution within 60 calendar days after the day on which the time period described in Subsection [~~(6)~~(b)] (5)(b) ends.



- (d) The lieutenant governor may waive the fine described in Subsection [~~(6)(e)~~] (5)(b) and issue a warning to the state school board office candidate if:
- (i) the contribution that the state school board office candidate fails to report is paid by the state school board office candidate from the state school board office candidate's personal funds;
  - (ii) the state school board office candidate has not previously violated Subsection [~~(6)(e)~~] (5)(c) in relation to a contribution paid by the state school board office candidate from the state school board office candidate's personal funds; and
  - (iii) the lieutenant governor determines that the failure to timely report the contribution is due to the state school board office candidate not understanding that the reporting requirement includes a contribution paid by a state school board office candidate from the state school board office candidate's personal funds.

(e) The chief election officer shall:

- (i) deposit money received under Subsection [~~(6)(e)~~] (5)(c) into the General Fund; and
- (ii) report on the chief election officer's website, in the location where reports relating to each state school board office candidate are available for public access:
  - (A) each fine imposed by the chief election officer against the state school board office candidate;
  - (B) the amount of the fine;
  - (C) the amount of the contribution to which the fine relates; and
  - (D) the date of the contribution.

[~~(7)~~] (6) Within 31 calendar days after the day on which a state school board office candidate receives a contribution that is cash or a negotiable instrument, exceeds \$50, and is from an unknown source, the state school board office candidate shall disburse the contribution to an organization that is exempt from federal income taxation under Section 501(c)(3), Internal Revenue Code.

[~~(8)~~] (7)(a) As used in this Subsection [~~(8)~~] (7), "account" means an account in a financial institution:

- (i) that is not described in Subsection [~~(1)(a)(i)~~] (1)(a); and
- (ii) into which or from which a person who, as a candidate for an office, other than a state school board office for which the person files a declaration of candidacy or federal office, or as a holder of an office, other than a state school board office for which the person files a declaration of candidacy or federal office, deposits a contribution or makes an expenditure.

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

(i) a contribution deposited in an account:

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

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

(ii) an expenditure made from an account:

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

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

Section 20. Section **20A-11-1302** is amended to read:

**20A-11-1302 . State school board office candidate -- Financial reporting requirements -- Year-end summary report.**

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

(b) In addition to the ~~[requirements of]~~ requirement described in Subsection (1)(a), a former state school board office candidate that has not filed the statement of dissolution and final summary report required under Section 20A-11-1304 shall continue to file a summary report on or before January 10 of each year.

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

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

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

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

(iv) a detailed listing of each contribution received since the last summary report that has not been reported in detail on an interim report;

(v) for each nonmonetary contribution:

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

(B) a specific description of the contribution;

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

- (vii) for each nonmonetary expenditure, the fair market value of the expenditure;
- (viii) a net balance for the year consisting of the net balance from the last summary report, if any, plus all receipts minus all expenditures; and
- (ix) the name of a political action committee for which the state school board office candidate is designated as an officer who has primary decision-making authority under Section 20A-11-601.

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

(c) A check or negotiable instrument received by a state school board office candidate on or before December 31 of the previous year shall be included in the summary report.

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

Section 21. Section **20A-11-1303** is amended to read:

**20A-11-1303 . State school board office candidate and state school board officeholder -- Financial reporting requirements -- Interim reports.**

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

- (i) for a cash contribution, that the cash is given to a state school board office candidate or a member of the state school board office candidate's personal campaign committee;
- (ii) for a contribution that is a check or other negotiable instrument, that the check or other negotiable instrument is negotiated;
- (iii) for a direct deposit made into a campaign account by a person not associated with the campaign, the earlier of:
  - (A) the day on which the state school board office candidate or a member of the state school board office candidate's personal campaign committee becomes aware of the deposit and the source of the deposit;
  - (B) the day on which the state school board office candidate or a member of the state school board office candidate's personal campaign committee receives notice of the deposit and the source of the deposit by mail, email, text, or

2542 similar means; or

2543 (C) 31 calendar days after the day on which the direct deposit occurs; or

2544 (iv) for any other type of contribution, that any portion of the contribution's benefit  
2545 inures to the state school board office candidate.

2546 (b) As used in this Subsection (1), "campaign account" means a separate campaign  
2547 account required under Subsection [20A-11-1301(1)(a)(i) or (e)(i)] 20A-11-1301(1)(a)  
2548 or (b).

2549 (c) Except as provided in Subsection (2), each state school board office candidate shall  
2550 file an interim report at the following times in any year in which the candidate has  
2551 filed a declaration of candidacy for a public office:

2552 (i) May 15;

2553 (ii) seven calendar days before the regular primary election date;

2554 (iii) September 30; and

2555 (iv) seven calendar days before the regular general election date.

2556 (2) If a state school board office candidate is a school board office candidate seeking  
2557 appointment for a midterm vacancy, the state school board office candidate:

2558 (a) shall file an interim report:

2559 (i) for a vacancy described in Subsection 20A-1-504(1)(b)(ii)(A) or (B), no later than  
2560 three business days before the day on which the Senate meets to consider the state  
2561 school board office candidate's nomination; or

2562 (ii) for a vacancy described in Subsection 20A-1-504(1)(b)(ii)(C):

2563 (A) no later than three business days before the day on which the political party of  
2564 the party for which the state school board office candidate seeks nomination  
2565 meets to declare a nominee for the governor to appoint; or

2566 (B) if the state school board office candidate decides to seek the appointment with  
2567 less than three business days before the day on which the political party meets,  
2568 or the political party schedules the meeting to declare a nominee less than three  
2569 business days before the day of the meeting, no later than 5 p.m. on the last day  
2570 of business before the day on which the political party meets; and

2571 (b) is not required to file an interim report at the times described in Subsection (1)(c).

2572 (3) Each interim report shall include the following information:

2573 (a) the net balance of the last summary report, if any;

2574 (b) a single figure equal to the total amount of receipts reported on all prior interim  
2575 reports, if any, during the calendar year in which the interim report is due;

- 2576 (c) a single figure equal to the total amount of expenditures reported on all prior interim  
 2577 reports, if any, filed during the calendar year in which the interim report is due;
- 2578 (d) a detailed listing of:
- 2579 (i) for a state school board office candidate, each contribution received since the last  
 2580 summary report that has not been reported in detail on a prior interim report; or
- 2581 (ii) for a state school board officeholder, each contribution and public service  
 2582 assistance received since the last summary report that has not been reported in  
 2583 detail on a prior interim report;
- 2584 (e) for each nonmonetary contribution:
- 2585 (i) the fair market value of the contribution with that information provided by the  
 2586 contributor; and
- 2587 (ii) a specific description of the contribution;
- 2588 (f) a detailed listing of each expenditure made since the last summary report that has not  
 2589 been reported in detail on a prior interim report;
- 2590 (g) for each nonmonetary expenditure, the fair market value of the expenditure;
- 2591 (h) a net balance for the year consisting of the net balance from the last summary report,  
 2592 if any, plus all receipts since the last summary report minus all expenditures since the  
 2593 last summary report;
- 2594 (i) a summary page in the form required by the lieutenant governor that identifies:
- 2595 (i) beginning balance;
- 2596 (ii) total contributions during the period since the last statement;
- 2597 (iii) total contributions to date;
- 2598 (iv) total expenditures during the period since the last statement; and
- 2599 (v) total expenditures to date; and
- 2600 (j) the name of a political action committee for which the state school board office  
 2601 candidate or school board officeholder is designated as an officer who has primary  
 2602 decision-making authority under Section 20A-11-601.
- 2603 (4)(a) In preparing each interim report, all receipts and expenditures shall be reported as  
 2604 of five calendar days before the required filing date of the report.
- 2605 (b) Any negotiable instrument or check received by a state school board office candidate  
 2606 or state school board officeholder more than five calendar days before the required  
 2607 filing date of a report required by this section shall be included in the interim report.
- 2608 Section 22. Section **20A-11-1304** is amended to read:
- 2609 **20A-11-1304 . State school board office candidate -- Financial reporting**

**requirements -- Termination of duty to report.**

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

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

(a) the state school board office candidate is no longer receiving contributions and is no longer making expenditures;

(b) the ending balance on the last summary report filed is zero and the balance in the separate bank account required in Section 20A-11-1301 is zero; and

(c) a final summary report in the form required by Section 20A-11-1302 showing a zero balance is attached to the statement of dissolution.

(3) A state school board office candidate may file a statement of dissolution and a final summary report~~[may be filed]~~ at any time.

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

Section 23. Section **20A-11-1603** is amended to read:

**20A-11-1603 . Conflict of interest disclosure -- Required when filing for candidacy -- Public availability.**

(1)(a) Except as provided in Subsection (1)(c), candidates seeking the following offices shall make a complete conflict of interest disclosure on the website at the time of filing a declaration of candidacy:

(i) state constitutional officer;

(ii) state legislator; or

(iii) ~~[State Board of Education member]~~ state school board office.

(b) A candidate who fails to comply with Subsection (1)(a) shall make a complete conflict of interest disclosure on the website no later than 5:00 p.m. on January 10.

(c) A candidate is not required to comply with Subsection (1)(a) if the candidate:

(i) currently holds the office for which the candidate is seeking reelection;

(ii) already, that same year, filed the conflict of interest disclosure for the office described in Subsection (1)(c)(i), in accordance Section 20A-11-1604; and

(iii) at the time the candidate files the declaration of candidacy, indicates, in writing,

that the conflict of interest disclosure described in Subsection (1)(c)(ii) is updated and accurate as of the date of filing the declaration of candidacy.

(2) Except as provided in Subsection (1)(c), a filing officer:

(a) shall provide electronic notice to a candidate who fails to comply with Subsection (1)(a) that the candidate must make a complete conflict of interest disclosure on the website no later than the deadline described in Subsection (1)(b); and

(b) may not accept a declaration of candidacy for an office listed in Subsection (1)(a) until the candidate makes a complete conflict of interest disclosure on the website.

(3) The conflict of interest disclosure described in Subsection (1)(a) shall contain the same requirements and shall be in the same format as the conflict of interest disclosure described in Section 20A-11-1604.

(4) The lieutenant governor shall make the complete conflict of interest disclosure made by each candidate available for public inspection on the website.

Section 24. Section **20A-11-1604** is amended to read:

**20A-11-1604 . Failure to disclose conflict of interest -- Failure to comply with reporting requirements.**

(1)(a) Before or during the execution of any order, settlement, declaration, contract, or any other official act of office in which a state constitutional officer has actual knowledge that the state constitutional officer has a conflict of interest that is not stated in the conflict of interest disclosure, the state constitutional officer shall publicly declare that the state constitutional officer may have a conflict of interest and what that conflict of interest is.

(b) Before or during any vote on legislation or any legislative matter in which a legislator has actual knowledge that the legislator has a conflict of interest that is not stated in the conflict of interest disclosure, the legislator shall orally declare to the committee or body before which the matter is pending that the legislator may have a conflict of interest and what that conflict is.

(c) Before or during any vote on any rule, resolution, order, or any other board matter in which a member of the ~~[State Board of Education]~~ state school board officeholder has actual knowledge that the ~~[member]~~ state school board officeholder has a conflict of interest that is not stated in the conflict of interest disclosure, the ~~[member]~~ state school board officeholder shall orally declare to the state school board that the member may have a conflict of interest and what that conflict of interest is.

(2) Any public declaration of a conflict of interest that is made under Subsection (1) shall

be noted:

- (a) on the official record of the action taken, for a state constitutional officer;
- (b) in the minutes of the committee meeting or in the Senate or House Journal, as applicable, for a legislator; or
- (c) in the minutes of the meeting or on the official record of the action taken, for a [~~member of the State Board of Education~~] state school board officeholder.

(3) A state constitutional officer shall make a complete conflict of interest disclosure on the website:

- (a)(i) no sooner than January 1 each year, and before January 11 each year; or
- (ii) if the state constitutional officer takes office after January 10, within 10 calendar days after the day on which the state constitutional officer takes office; and
- (b) each time the state constitutional officer changes employment.

(4) A legislator shall make a complete conflict of interest disclosure on the website:

- (a)(i) no sooner than January 1 each year, and before January 11 each year; or
- (ii) if the legislator takes office after January 10, within 10 calendar days after the day on which the legislator takes office; and
- (b) each time the legislator changes employment.

(5) A [~~member of the State Board of Education~~] state school board officeholder shall make a complete conflict of interest disclosure on the website:

- (a)(i) no sooner than January 1 each year, and before January 11 each year; or
- (ii) if the [~~member~~] state school board officeholder takes office after January 10, within 10 calendar days after the day on which the [~~member~~] state school board officeholder takes office; and
- (b) each time the [~~member~~] state school board officeholder changes employment.

(6) A conflict of interest disclosure described in Subsection (3), (4), or (5) shall include:

- (a) the regulated officeholder's name;
- (b) subject to Subsection (7):
  - (i) the name and address of each of the regulated officeholder's current employers and each of the regulated officeholder's employers during the preceding year; and
  - (ii) for each employer described in this Subsection (6)(b), a brief description of the employment, including the regulated officeholder's occupation and, as applicable, job title;
- (c) for each entity in which the regulated officeholder is an owner or officer, or was an owner or officer during the preceding year:



- 2712 (i) the name of the entity;
- 2713 (ii) a brief description of the type of business or activity conducted by the entity; and
- 2714 (iii) the regulated officeholder's position in the entity;
- 2715 (d) in accordance with Subsection (8), for each individual from whom, or entity from
- 2716 which, the regulated officeholder has received \$5,000 or more in income during the
- 2717 preceding year:
- 2718 (i) the name of the individual or entity; and
- 2719 (ii) a brief description of the type of business or activity conducted by the individual
- 2720 or entity;
- 2721 (e) for each entity in which the regulated officeholder holds any stocks or bonds having
- 2722 a fair market value of \$5,000 or more as of the date of the disclosure form or during
- 2723 the preceding year, but excluding funds that are managed by a third party, including
- 2724 blind trusts, managed investment accounts, and mutual funds:
- 2725 (i) the name of the entity; and
- 2726 (ii) a brief description of the type of business or activity conducted by the entity;
- 2727 (f) for each entity not listed in Subsections (6)(c) through (e) in which the regulated
- 2728 officeholder currently serves, or served in the preceding year, in a paid leadership
- 2729 capacity or in a paid or unpaid position on a board of directors:
- 2730 (i) the name of the entity or organization;
- 2731 (ii) a brief description of the type of business or activity conducted by the entity; and
- 2732 (iii) the type of position held by the regulated officeholder;
- 2733 (g) at the option of the regulated officeholder, a description of any real property in which
- 2734 the regulated officeholder holds an ownership or other financial interest that the
- 2735 regulated officeholder believes may constitute a conflict of interest, including a
- 2736 description of the type of interest held by the regulated officeholder in the property;
- 2737 (h) subject to Subsection (7):
- 2738 (i) the name of the regulated officeholder's spouse; and
- 2739 (ii) the name of each of the regulated officeholder's spouse's current employers and
- 2740 each of the regulated officeholder's spouse's employers during the preceding year,
- 2741 if the regulated officeholder believes the employment may constitute a conflict of
- 2742 interest;
- 2743 (i) the name of any adult residing in the regulated officeholder's household who is not
- 2744 related to the officeholder by blood;
- 2745 (j) for each adult described in Subsection (6)(i), a brief description of the adult's

employment or occupation, if the regulated officeholder believes the adult's presence in the regulated officeholder's household may constitute a conflict of interest;

(k) at the option of the regulated officeholder, a description of any other matter or interest that the regulated officeholder believes may constitute a conflict of interest;

(l) the date the form was completed;

(m) a statement that the regulated officeholder believes that the form is true and accurate to the best of the regulated officeholder's knowledge; and

(n) the signature of the regulated officeholder.

(7)(a) In making the disclosure described in Subsection (6)(b) or (h), if a regulated officeholder or regulated officeholder's spouse is an at-risk government employee, as that term is defined in Subsection 63G-2-303(1)(a), the regulated officeholder may request the filing officer to redact from the conflict of interest disclosure:

(i) the regulated officeholder's employment information under Subsection (6)(b); and

(ii) the regulated officeholder's spouse's name and employment information under Subsection (6)(h).

(b) A filing officer who receives a redaction request under Subsection (7)(a) shall redact the disclosures made under Subsection (6)(b) or (h) before the filing officer makes the conflict of interest disclosure available for public inspection.

(8) In making the disclosure described in Subsection (6)(d), a regulated officeholder who provides goods or services to multiple customers or clients as part of a business or a licensed profession is only required to provide the information described in Subsection (6)(d) in relation to the entity or practice through which the regulated officeholder provides the goods or services and is not required to provide the information described in Subsection (6)(d) in relation to the regulated officeholder's individual customers or clients.

(9) The disclosure requirements described in this section do not prohibit a regulated officeholder from voting or acting on any matter.

(10) A regulated officeholder may amend a conflict of interest disclosure described in this part at any time.

(11) A regulated officeholder who violates the requirements of Subsection (1) is guilty of a class B misdemeanor.

(12)(a) A regulated officeholder who intentionally or knowingly violates a provision of this section, other than Subsection (1), is guilty of a class B misdemeanor.

(b) In addition to the criminal penalty described in Subsection (12)(a), the lieutenant

2780 governor shall impose a civil penalty of \$100 against a regulated officeholder who  
2781 violates a provision of this section, other than Subsection (1).

2782 Section 25. Section **20A-14-201** is amended to read:

2783 **20A-14-201 . Boards of education -- School board districts -- Creation --**  
2784 **Redistricting.**

- 2785 (1) The county legislative body, for local school districts whose boundaries encompass  
2786 more than a single municipality, and the municipal legislative body, for local school  
2787 districts contained completely within a municipality, shall divide the local school district  
2788 into local school board districts as required under Subsection 20A-14-202(1).
- 2789 (2) The county and municipal legislative bodies shall divide the school district so that the  
2790 local school board districts are substantially equal in population and are as contiguous  
2791 and compact as practicable.
- 2792 (3) County and municipal legislative bodies shall redistrict local school board districts to  
2793 meet the population, compactness, and contiguity requirements of this section:
- 2794 (a) at least once every 10 years;
- 2795 (b) for a new school district or a reorganized new school district that is approved by the  
2796 voters at a regular general election under Section 53G-3-301.1, 53G-3-301.3, or  
2797 53G-3-301.4, before April 1 of the following year;
- 2798 (c) whenever school districts are consolidated;
- 2799 (d) whenever a school district loses more than 20% of the population of the entire school  
2800 district to another school district;
- 2801 (e) whenever a school district loses more than 50% of the population of a local school  
2802 board district to another school district;
- 2803 (f) whenever a school district receives new residents equal to at least 20% of the  
2804 population of the school district at the time of the last redistricting because of a  
2805 transfer of territory from another school district; and
- 2806 (g) whenever it is necessary to increase the membership of a board as a result of changes  
2807 in student membership under Section 20A-14-202.
- 2808 (4) If a school district receives territory containing less than 20% of the population of the  
2809 transferee district at the time of the last redistricting, the local school board may assign  
2810 the new territory to one or more existing school board districts.
- 2811 (5) Except as provided in Subsection 53G-3-302(1)(b)(ii), redistricting does not affect the  
2812 right of any local school board member to complete the term for which the member was  
2813 elected.

- (6)(a) After redistricting, representation in a local school board district shall be determined as provided in this Subsection (6).
- (b) If, after redistricting, only one board member whose term extends beyond redistricting lives within a local school board district, that board member shall represent that local school board district.
- (c) If, after redistricting, two or more members whose terms extend beyond redistricting live within a local school board district, the members involved shall select one member by lot to represent the local school board district.
- (d) The other members shall serve at-large for the remainder of their terms.
- (e) The at-large board members shall serve in addition to the designated number of board members for the board in question for the remainder of their terms.
- (f) If there is no board member living within a local school board district whose term extends beyond redistricting, the seat shall be treated as vacant and filled as provided in ~~[this part]~~ Section 20A-1-511.

- (7)(a) If, before an election affected by redistricting, the county or municipal legislative body that conducted the redistricting determines that one or more members shall be elected to terms of two years to meet this part's requirements for staggered terms, the legislative body shall determine by lot which of the redistricted local school board districts will elect members to two-year terms and which will elect members to four-year terms.
- (b) All subsequent elections are for four-year terms.

- (8) Within 10 calendar days after the day of a local school board district boundary change, the county or municipal legislative body making the change shall send an accurate map or plat of the boundary change to the Utah Geospatial Resource Center created under Section 63A-16-505.

- (9) Subsections (4) through (7) do not apply to a redistricting that occurs under Subsection (3)(b).

Section 26. Section **20A-14-202** is amended to read:

**20A-14-202 . Local boards of education -- Membership -- When elected -- Qualifications -- Avoiding conflicts of interest -- Transition to partisan elections.**

- (1)(a) The board of education of a school district with a student population of less than 10,000 students comprises five members.
- (b) The board of education of a school district with a student population of 10,000 or more students but fewer than 50,000 students comprises seven members.

2848 ~~[(e) Before January 1, 2023, the board of education of a school district with a student~~  
 2849 ~~population of 50,000 or more students comprises seven members.]~~

2850 ~~[(d) (c) [Beginning on January 1, 2023:]~~

2851 (i) ~~[the]~~ The board of education of a school district with a student population of  
 2852 50,000 or more students but fewer than 100,000 students:

2853 (A) except as provided in Subsection ~~[(1)(d)(i)(B)]~~ (1)(c)(i)(B), comprises seven  
 2854 members; or

2855 (B) comprises nine members if the board of education of the school district, by  
 2856 majority vote, increases the board to nine members~~[; and]~~ .

2857 (ii) ~~[the]~~ The board of education of a school district with a student population of  
 2858 100,000 or more students comprises nine members.

2859 ~~[(e)]~~ (d) Student population is based on the October 1 student count submitted by  
 2860 districts to the State Board of Education.

2861 ~~[(f)]~~ (e) If the number of members of a local school board changes under Subsection [  
 2862 ~~(1)(b), (c), or (d)]~~ (1)(b) or (c), the county or municipality, as applicable, shall  
 2863 redistrict and hold elections as provided in Sections 20A-14-201 and 20A-14-203.

2864 ~~[(g)]~~ (f) Notwithstanding Subsections ~~[(1)(a) through (d)]~~ (1)(a) through (c), a school  
 2865 district with a seven-member or nine-member board does not decrease in size,  
 2866 regardless of subsequent changes in student population.

2867 ~~[(h)]~~ (g)(i) Members of a local board of education shall be elected at each regular  
 2868 general election.

2869 (ii) Except as provided in Subsection ~~[(1)(h)(iii)]~~ (1)(g)(iii), in a regular general  
 2870 election year:

2871 (A) no more than three members of a local board of education may be elected to a  
 2872 five-member board;

2873 (B) no more than four members of a local board of education may be elected to a  
 2874 seven-member board; and

2875 (C) no more than five members of a local board of education may be elected to a  
 2876 nine-member board.

2877 (iii) A number of members, in excess of the maximums described in Subsection [  
 2878 ~~(1)(h)(ii)]~~ (1)(g)(ii), may be elected only when required due to redistricting, to fill  
 2879 a vacancy, or to implement ~~[Subsections (1)(b) through (d)]~~ Subsection (1)(b) or (c).

2880 ~~[(i)]~~ (h) One member of the local board of education shall be elected from each local  
 2881 school board district.

- (2)(a) An individual seeking election to a local school board shall have been a resident of the local school board district in which the person is seeking election for at least one year immediately preceding the day of the general election at which the board position will be filled.
- (b) A person who has resided within the local school board district, as the boundaries of the district exist on the date of the general election, for one year immediately preceding the date of the election shall be considered to have met the requirements of this Subsection (2).

(3) A member of a local school board shall:

- (a) be and remain a registered voter in the local school board district from which the member is elected or appointed; and
- (b) maintain the member's primary residence within the local school board district from which the member is elected or appointed during the member's term of office.
- (4) A member of a local school board may not, during the member's term in office, also serve as an employee of that board.

(5)(a) An individual who takes office as a member of a local school board before 2027, via a nonpartisan election or an appointment to fill a vacancy, shall continue to serve as a member of the local school board until the end of the term to which the individual was elected or appointed.

(b) After the term described in Subsection (5)(a) ends, the vacancy shall be filled via a partisan election.

(c) If, before January 1, 2027, a vacancy occurs in a local school board office before the term of office ends, the vacancy shall be filled for the remainder of the term in accordance with provisions of Section 20A-1-511 that were in effect before January 1, 2027.

Section 27. Section **53G-4-201** is amended to read:

**53G-4-201 . Selection and election of members to local school boards.**

Members of local school boards shall be elected as provided in Title 20A, Election Code, including Title 20A, Chapter 14, Nomination and Election of State and Local School Boards.

Section 28. **Effective Date.**

This bill takes effect on January 1, 2027.