

School Board Election Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: John Arthur

Senate Sponsor:

LONG TITLE**General Description:**

This bill amends provisions relating to the State Board of Education.

Highlighted Provisions:

This bill:

- makes the office of State Board of Education member a nonpartisan office;
- repeals provisions making the office of State Board of Education member a partisan office;
- requires the governor to fill a vacancy in the office of State Board of Education member by appointing, with the advice and consent of the Senate, an individual who meets the office's eligibility and residency requirements;
- beginning with the 2028 election cycle, requires a candidate for an office on the State Board of Education to participate in a nonpartisan primary election to narrow the number of candidates who participate in a nonpartisan general election; 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:**

20A-1-102, as last amended by Laws of Utah 2025, First Special Session, Chapter 6

20A-1-504, as last amended by Laws of Utah 2025, Chapter 90

20A-8-401, as last amended by Laws of Utah 2025, Chapter 448

20A-9-201, as last amended by Laws of Utah 2025, Second Special Session, Chapter 2

20A-9-202, as last amended by Laws of Utah 2025, Chapter 448

20A-9-403, as last amended by Laws of Utah 2025, Chapters 39, 448

20A-9-406, as last amended by Laws of Utah 2025, Second Special Session, Chapter 2

20A-9-408, as last amended by Laws of Utah 2025, Second Special Session, Chapter 2
20A-11-1301, as last amended by Laws of Utah 2025, Chapter 448
20A-11-1303, as last amended by Laws of Utah 2025, Chapters 90, 448
20A-11-1305, as last amended by Laws of Utah 2025, Chapter 448
20A-14-104.1, as last amended by Laws of Utah 2019, Chapter 507
20A-14-202, as last amended by Laws of Utah 2022, Chapter 265
20A-14-203, as last amended by Laws of Utah 2025, Second Special Session, Chapter 2

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

Section 1. 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:

(i) a county ballot and election; and

(ii) a ballot and election as a provider election officer as provided in Section 20A-5-400.1 or 20A-5-400.5;

(c) the municipal clerk for:

(i) a municipal ballot and election; and

(ii) a ballot and election as a provider election officer as provided in Section 20A-5-400.1 or 20A-5-400.5;

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

(i) a special district ballot and election; and

(ii) a ballot and election as a provider election officer as provided in Section 20A-5-400.1 or 20A-5-400.5; or

(e) the business administrator or superintendent of a school district for:

(i) a school district ballot and election; and

(ii) a ballot and election as a provider election officer as provided in Section 20A-5-400.1 or 20A-5-400.5.

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

(28) "Election results" means:

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

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

(29) "Election results database" means the following information generated by voting equipment:

(a) one or more electronic files that contains a digital interpretation of each ballot that is counted in an election;

(b) a ballot image; and

(c) other information related to a ballot that is adjudicated under Section 20A-4-105.

(30) "Election returns" means:

(a) the pollbook;

(b) the military and overseas absentee voter registration and voting certificates;

(c) one of the tally sheets;

(d) any unprocessed ballots;

(e) all counted ballots;

- (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

269 this title.

270 (66) "Regular ballot" means a ballot that is not a provisional ballot.

271 (67) "Regular general election" means the election held throughout the state on the first
272 Tuesday after the first Monday in November of each even-numbered year for the
273 purposes established in Section 20A-1-201.

274 (68) "Regular primary election" means the election, held on the date specified in Section
275 20A-1-201.5, to nominate candidates of political parties and candidates for nonpartisan
276 State Board of Education and local school board positions to advance to the regular
277 general election.

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

279 (70) "Return envelope" means the envelope, described in Subsection 20A-3a-202(4),
280 provided to a voter with a manual ballot:

281 (a) into which the voter places the manual ballot after the voter has voted the manual
282 ballot in order to preserve the secrecy of the voter's vote; and

283 (b) that includes the voter affidavit and a place for the voter's signature.

284 (71) "Sample ballot" means a mock ballot similar in form to the official ballot, published as
285 provided in Section 20A-5-405.

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

289 (73) "Special district officers" means those special district board members who are required
290 by law to be elected.

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

292 (75) "Spoiled ballot" means each ballot that:

293 (a) is spoiled by the voter;

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

295 (c) lacks the official endorsement.

296 (76) "Statewide special election" means a special election called by the governor or the
297 Legislature in which all registered voters in Utah may vote.

298 (77) "Tabulation system" means a device or system designed for the sole purpose of
299 tabulating votes cast by voters at an election.

300 (78) "Ticket" means a list of:

301 (a) political parties;

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

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

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

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

(i) for a vacancy in the office of attorney general, state treasurer, or state auditor, appointing a person who meets the qualifications for the office from three persons nominated by the state central committee of the same political party as the prior officeholder; or

(ii) for a vacancy in the office of State Board of Education member, appointing a person, with the advice and consent of the Senate, who meets the qualifications and residency requirements for filling the vacancy described in Section 20A-14-103.

~~[(ii) for a State Board of Education vacancy, if the individual who is being replaced:]~~

~~[(A) was elected at a nonpartisan State Board of Education election, by appointing, with the advice and consent of the Senate, an individual who meets the qualifications and residency requirements for filling the vacancy described in Section 20A-14-103;]~~

~~[(B) was elected at a partisan State Board of Education election, but is not a member of a political party, by appointing, with the advice and consent of the Senate, an individual who meets the qualifications and residency requirements for filling the vacancy described in Section 20A-14-103; or]~~

405 ~~[(C) was elected at a partisan State Board of Education election, and is a member~~
406 ~~of a political party, by appointing an individual who meets the qualifications~~
407 ~~for the office from three persons nominated by the state central committee of~~
408 ~~the same political party as the prior officeholder.]~~

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

412 (3)(a) Except as provided in Subsection (3)(b), an individual seeking appointment to fill
413 a vacancy described in this section shall make a complete conflict of interest
414 disclosure on the website described in Section 20A-11-1602.5:

- 415 (i) for a vacancy in the office of lieutenant governor, attorney general, state treasurer,
416 or state auditor, no later than the deadline for the individual to file an interim
417 report under Subsection 20A-11-204(3)(a); or
418 (ii) for a vacancy in the office of State Board of Education member, no later than the
419 deadline for the individual to file an interim report under Subsection
420 20A-11-1303(2)(a).

421 (b) An individual described in Subsection (3)(a) is not required to comply with
422 Subsection (3)(a) if the individual:

- 423 (i) currently holds an office described in Subsection (1)(a) or (2);
424 (ii) already, that same year, filed a conflict of interest disclosure for the office
425 described in Subsection (3)(b)(i), in accordance with Section 20A-11-1604; and
426 (iii) no later than the deadline described in Subsection (3)(a), indicates, in a written
427 statement, that the conflict of interest disclosure described in Subsection (3)(b)(ii)
428 is updated and accurate as of the date of the written statement.

429 (4) The lieutenant governor shall make each conflict of interest disclosure made by an
430 individual described in Subsection (3)(a) available for public inspection in accordance
431 with Subsection 20A-11-1603(4).

432 (5) A vacancy in an office described in Subsection (1)(a) or (2) does not occur unless the
433 individual occupying the office:

- 434 (a) has left the office; or
435 (b) submits an irrevocable letter of resignation to the governor.

436 Section 3. Section **20A-8-401** is amended to read:

437 **20A-8-401 . Registered political parties -- Bylaws -- Report name of midterm**
438 **vacancy candidate.**

- 439 (1)(a) Each new or unregistered state political party that seeks to become a registered
440 political party under the authority of this chapter shall file a copy of the party's
441 proposed constitution and bylaws at the time the party files the party's registration
442 information.
- 443 (b) Each registered state political party shall file revised copies of the party's constitution
444 or bylaws with the lieutenant governor no later than 5 p.m. on the first business day
445 that is at least 15 calendar days after the day on which the constitution or bylaws are
446 adopted or amended.
- 447 (2) Each state political party, each new political party seeking registration, and each
448 unregistered political party seeking registration shall ensure that the party's constitution
449 or bylaws contain:
- 450 (a) provisions establishing party organization, structure, membership, and governance
451 that include:
- 452 (i) a description of the position, selection process, qualifications, duties, and terms of
453 each party officer and committees defined by constitution and bylaws;
- 454 (ii) a provision requiring a designated party officer to serve as liaison with:
- 455 (A) the lieutenant governor on all matters relating to the political party's
456 relationship with the state; and
- 457 (B) each county legislative body on matters relating to the political party's
458 relationship with a county;
- 459 (iii) a description of the requirements for participation in party processes;
- 460 (iv) the dates, times, and quorum of any regularly scheduled party meetings,
461 conventions, or other conclaves; and
- 462 (v) a mechanism for making the names of delegates, candidates, and elected party
463 officers available to the public shortly after they are selected;
- 464 (b) a procedure for selecting party officers that allows active participation by party
465 members;
- 466 (c) a procedure for selecting party candidates at the federal, state, and county levels that
467 allows active participation by party members;
- 468 (d)(i) a procedure for selecting electors who are pledged to cast their votes in the
469 electoral college for the party's candidates for president and vice president of the
470 United States; and
- 471 (ii) a procedure for filling vacancies in the office of presidential elector because of
472 death, refusal to act, failure to attend, ineligibility, or any other cause;

- 473 (e) a procedure for filling vacancies in the office of representative or senator or a county
474 office, as described in Section 20A-1-508, because of death, resignation, or
475 ineligibility;
- 476 (f) a provision requiring the governor and lieutenant governor to run as a joint ticket;
- 477 (g) a procedure for replacing party candidates who die, acquire a disability that prevents
478 the candidate from continuing the candidacy, or are disqualified before a primary or
479 regular general election;
- 480 (h) provisions governing the deposit and expenditure of party funds, and governing the
481 accounting for, reporting, and audit of party financial transactions;
- 482 (i) provisions governing access to party records;
- 483 (j) a procedure for amending the constitution or bylaws that allows active participation
484 by party members or their representatives;
- 485 (k) a process for resolving grievances against the political party; and
- 486 (l) if desired by the political party, a process for consulting with, and obtaining the
487 opinion of, the political party's Utah Senate and Utah House of Representatives
488 members about:
- 489 (i) the performance of the two United States Senators from Utah, including
490 specifically:
- 491 (A) their views and actions regarding the defense of state's rights and federalism;
492 and
- 493 (B) their performance in representing Utah's interests;
- 494 (ii) the members' opinion about, or rating of, and support or opposition to the policy
495 positions of any candidates for United States Senate from Utah, including
496 incumbents, including specifically:
- 497 (A) their views and actions regarding the defense of state's rights and federalism;
498 and
- 499 (B) their performance in representing Utah's interests; and
- 500 (iii) the members' collective or individual endorsement or rating of a particular
501 candidate for United States Senate from Utah.
- 502 (3) If, in accordance with a political party's constitution or bylaws, a person files a
503 declaration or otherwise notifies the party of the person's candidacy as a legislative
504 office candidate or state office candidate, as defined in Section 20A-11-101, to be
505 appointed and fill a midterm vacancy in the office of representative or senator in the
506 Legislature, as described in Section 20A-1-503, or in a partisan state office as described

in Section 20A-1-504, 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 declaration or notification.

Section 4. Section **20A-9-201** is amended to read:

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

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

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

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

- (i) file a declaration of candidacy for, or be a candidate for, more than one office in Utah during any election year;
- (ii) appear on the ballot as the candidate of more than one political party; or
- (iii) 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 in the registered political party's bylaws.

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

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

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

(iv) For the 2026 election year only, an individual who files a declaration of

candidacy to seek the nomination of a qualified political party for constitutional office, multicounty office, or county office:

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

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

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

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

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

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

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

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

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

(A) a United States citizen;

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

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

(D) a current resident of the county in which the individual is seeking office and either has been a resident of that county for at least one year before the date of the election or was appointed and is currently serving as county attorney and

- 575 became a resident of the county within 30 calendar days after appointment to
576 the office.
- 577 (ii) An individual filing a declaration of candidacy for the office of county attorney
578 shall submit with the individual's declaration:
- 579 (A) a letter from the Utah Supreme Court, affirming that the individual is an
580 attorney in good standing;
- 581 (B) proof of the individual's application with the Utah State Bar, with an affidavit
582 describing the status of the individual's application; or
- 583 (C) an affidavit describing how the individual intends to comply with the
584 requirements for office of county attorney described in Subsection (3)(b)(i), [
585 ~~prior to~~] before taking office.
- 586 (iii) In addition to the requirements described in Subsection (3)(b)(ii), an individual
587 shall also provide the filing officer with the individual's license number with:
- 588 (A) the Utah State Bar, if the individual is a member; or
- 589 (B) any other state bar association, if the individual is a member.
- 590 (c)(i) Before accepting a declaration of candidacy for the office of district attorney,
591 the county clerk shall ensure that, as of the date of the election, the individual
592 filing that declaration of candidacy is:
- 593 (A) a United States citizen;
- 594 (B) an attorney licensed to practice law in the state who is an active member in
595 good standing of the Utah State Bar;
- 596 (C) a registered voter in the prosecution district in which the individual is seeking
597 office; and
- 598 (D) a current resident of the prosecution district in which the individual is seeking
599 office and either will have been a resident of that prosecution district for at
600 least one year before the date of the election or was appointed and is currently
601 serving as district attorney or county attorney and became a resident of the
602 prosecution district within 30 calendar days after receiving appointment to the
603 office.
- 604 (ii) An individual filing a declaration of candidacy for the office of district attorney
605 shall submit with the individual's declaration:
- 606 (A) a letter from the Utah Supreme Court, affirming that the individual is an
607 attorney in good standing;
- 608 (B) proof of the individual's application with the Utah State Bar, with an affidavit

- 609 describing the status of the individual's application; or
- 610 (C) an affidavit describing how the individual intends to comply with the
- 611 requirements for office of district attorney described in Subsection (3)(c)(i), [
- 612 ~~prior to~~] before taking office.
- 613 (iii) In addition to the requirements described in Subsection (3)(c)(ii), an individual
- 614 shall also provide the filing officer with the individual's license number with:
- 615 (A) the Utah State Bar, if the individual is a member; or
- 616 (B) any other state bar association, if the individual is a member.
- 617 (d) Before accepting a declaration of candidacy for the office of county sheriff, the
- 618 county clerk shall ensure that the individual filing the declaration:
- 619 (i) is a United States citizen;
- 620 (ii) is a registered voter in the county in which the individual seeks office;
- 621 (iii)(A) has successfully met the standards and training requirements established
- 622 for law enforcement officers under Title 53, Chapter 6, Part 2, Peace Officer
- 623 Training and Certification Act; or
- 624 (B) has met the waiver requirements in Section 53-6-206;
- 625 (iv) is qualified to be certified as a law enforcement officer, as defined in Section
- 626 53-13-103; and
- 627 (v) before the date of the election, will have been a resident of the county in which
- 628 the individual seeks office for at least one year.
- 629 (e)(i) An individual filing a declaration of candidacy for the office of attorney general
- 630 shall submit with the individual's declaration:
- 631 (A) a letter from the Utah Supreme Court, affirming that the individual is an
- 632 attorney in good standing;
- 633 (B) proof of the individual's application with the Utah State Bar, with an affidavit
- 634 describing the status of the individual's application; or
- 635 (C) an affidavit describing how the individual intends to comply with the
- 636 requirements for office of attorney general, described in [~~Article VII, Sec. 3,~~
- 637 ~~Utah Constitution, prior to~~] Utah Constitution, Article VII, Section 3, before
- 638 taking office.
- 639 (ii) In addition to the requirements described in Subsection (3)(e)(i), an individual
- 640 shall also provide the filing officer with the individual's license number with:
- 641 (A) the Utah State Bar, if the individual is a member; or
- 642 (B) any other state bar association, if the individual is a member.

(iii) An individual filing the declaration of candidacy for the office of attorney general shall also make the conflict of interest disclosure described in Section 20A-11-1603.

(f) Before accepting a declaration of candidacy for the office of governor, lieutenant governor, state auditor, state treasurer, state legislator, or State Board of Education member, the filing officer shall ensure that the individual filing the declaration of candidacy also makes the conflict of interest disclosure described in Section 20A-11-1603.

(4) If an individual who files a declaration of candidacy does not meet the qualification requirements for the office the individual is seeking, the filing officer may not accept the individual's declaration of candidacy.

(5) If an individual who files a declaration of candidacy meets the requirements described in Subsection (3), the filing officer shall:

(a) inform the individual that:

(i) subject to Section 20A-6-109, the individual's name will appear on the ballot as the individual's name is written on the individual's declaration of candidacy;

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

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

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

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

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

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

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

(ii) inform the individual that the individual ~~must~~ shall provide the filing officer with an email address that the individual actively monitors:

(A) to receive a communication from a filing officer or an election officer; and

(B) if the individual wishes to display a candidate profile on the Statewide

- Electronic Voter Information Website, to submit to the website the biographical and other information described in Subsection 20A-7-801 (4)(a)(ii);
- (iii) inform the individual that the email address described in Subsection (5)(c)(ii) is not a record under Title 63G, Chapter 2, Government Records Access and Management Act; and
- (iv) obtain from the individual the email address described in Subsection (5)(c)(ii);
- (d) provide the candidate with a copy of the pledge of fair campaign practices described under Section 20A-9-206 and inform the candidate that:
- (i) signing the pledge is voluntary; and
- (ii) signed pledges shall be filed with the filing officer;
- (e) accept the individual's declaration of candidacy; and
- (f) if the individual has filed for a partisan office, provide a certified copy of the declaration of candidacy to the chair of the county or state political party of which the individual is a member.
- (6) If the candidate elects to sign the pledge of fair campaign practices, the filing officer shall:
- (a) accept the candidate's pledge; and
- (b) if the candidate has filed for a partisan office, provide a certified copy of the candidate's pledge to the chair of the county or state political party of which the candidate is a member.
- (7)(a) ~~[Except]~~ Subject to Subsection (7)(b), and except for a candidate for president or vice president of the United States, the form of the declaration of candidacy shall:
- (i) be substantially as follows:
- "State of Utah, County of ____
- I, _____, declare my candidacy for the office of _____, seeking the nomination of the _____ party. I do solemnly swear, under penalty of perjury, that: I will meet the qualifications to hold the office, both legally and constitutionally, if selected; I reside at _____ in the City or Town of _____, Utah, Zip Code _____ Phone No. _____; I will not knowingly violate any law governing campaigns and elections; 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) except for a candidate for an office on the State Board of Education or a local school board, 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) The sworn statement described in Subsection (7)(a)(i) may not require a candidate for an office on the State Board of Education or a local school board to state that the candidate is seeking the nomination of a political party for that office.

~~[(b)]~~ (c) 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 local school district board; and]~~ a candidate for a local school board; and

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

(b) Except for ~~[presidential candidates]~~ a presidential candidate, the filing officer shall refund the filing fee to ~~[any]~~ a 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 5. Section **20A-9-202** is amended to read:

20A-9-202 . Declarations of candidacy for regular general elections.

(1)(a) An individual seeking to become a candidate for an elective office that is to be filled at the next regular general election shall:

(i) except as provided in Subsection (1)(c), file a declaration of candidacy in person with the filing officer on or after January 1 of the regular general election year, and, if applicable, before the individual circulates nomination petitions under Section 20A-9-405; and

(ii) pay the filing fee.

(b) Unless expressly provided otherwise in this title, for a registered political party that is not a qualified political party, the deadline for filing a declaration of candidacy for an elective office that is to be filled at the next regular general election is 5 p.m. on the first Monday after the fourth Saturday in April.

(c) Subject to Subsection [20A-9-201(7)(b)] 20A-9-201(7)(c), an individual may designate an agent to file a declaration of candidacy with the filing officer if:

(i) the individual is located outside of the state during the entire filing period;

(ii) the designated agent appears in person before the filing officer;

(iii) the individual communicates with the filing officer using an electronic device that allows the individual and filing officer to see and hear each other; and

(iv) the individual provides the filing officer with an email address to which the filing officer may send the individual the copies described in Subsection 20A-9-201(5).

(d) Each county clerk who receives a declaration of candidacy from a candidate for multicounty office shall transmit the filing fee and a copy of the candidate's

- 810 declaration of candidacy to the lieutenant governor within one business day after the
811 candidate files the declaration of candidacy.
- 812 (e) Each business day during the filing period, each county clerk shall notify the
813 lieutenant governor electronically or by telephone of candidates who have filed a
814 declaration of candidacy with the county clerk.
- 815 (f) Each individual seeking the office of lieutenant governor, the office of district
816 attorney, or the office of president or vice president of the United States shall comply
817 with the specific declaration of candidacy requirements established by this section.
- 818 (2)(a) Each individual intending to become a candidate for the office of district attorney
819 within a multicounty prosecution district that is to be filled at the next regular general
820 election shall:
- 821 (i) file a declaration of candidacy with the clerk designated in the interlocal
822 agreement creating the prosecution district on or after January 1 of the regular
823 general election year, and before the individual circulates nomination petitions
824 under Section 20A-9-405; and
- 825 (ii) pay the filing fee.
- 826 (b) The designated clerk shall provide to the county clerk of each county in the
827 prosecution district a certified copy of each declaration of candidacy filed for the
828 office of district attorney.
- 829 (3)(a) Before the deadline described in Subsection (1)(b), each lieutenant governor
830 candidate shall:
- 831 (i) file a declaration of candidacy with the lieutenant governor;
- 832 (ii) pay the filing fee; and
- 833 (iii) submit a letter from a candidate for governor who has received certification for
834 the primary-election ballot under Section 20A-9-403 that names the lieutenant
835 governor candidate as a joint-ticket running mate.
- 836 (b)(i) A candidate for lieutenant governor who fails to timely file is disqualified.
- 837 (ii) If a candidate for lieutenant governor is disqualified, another candidate may file
838 to replace the disqualified candidate.
- 839 (4) Before 5 p.m. no later than August 31, each registered political party shall:
- 840 (a) certify the names of the political party's candidates for president and vice president of
841 the United States to the lieutenant governor; or
- 842 (b) provide written authorization for the lieutenant governor to accept the certification of
843 candidates for president and vice president of the United States from the national

- 844 office of the registered political party.
- 845 (5)(a) A declaration of candidacy filed under this section is valid unless a written
846 objection is filed with the clerk or lieutenant governor no later than 5 p.m. on the last
847 business day that is at least 10 calendar days before the deadline described in
848 Subsection 20A-9-409(4)(c).
- 849 (b) If an objection is made, the clerk or lieutenant governor shall:
- 850 (i) mail or personally deliver notice of the objection to the affected candidate
851 immediately; and
- 852 (ii) decide any objection within 48 hours after it is filed.
- 853 (c) If the clerk or lieutenant governor sustains the objection, the candidate may cure the
854 problem by:
- 855 (i) amending the declaration or petition no later than 5 p.m. on the first business day
856 that is at least three calendar days after the day on which the objection is
857 sustained; or
- 858 (ii) filing a new declaration no later than 5 p.m. on the first business day that is at
859 least three calendar days after the day on which the objection is sustained.
- 860 (d)(i) The clerk's or lieutenant governor's decision upon objections to form is final.
- 861 (ii) The clerk's or lieutenant governor's decision upon substantive matters is
862 reviewable by a district court if prompt application is made to the court.
- 863 (iii) The decision of the district court is final unless the Utah Supreme Court, in the
864 exercise of its discretion, agrees to review the lower court decision.
- 865 (6) Any person who filed a declaration of candidacy may withdraw as a candidate by filing
866 a written affidavit with the clerk.
- 867 (7)(a) Except for a candidate who is certified by a registered political party under
868 Subsection (4), and except as provided in Section 20A-9-504, before 5 p.m. no later
869 than August 31 of a general election year, each individual running as a candidate for
870 vice president of the United States shall:
- 871 (i) file a declaration of candidacy, in person or via a designated agent, on a form
872 developed by the lieutenant governor, that:
- 873 (A) contains the individual's name, address, and telephone number;
- 874 (B) states that the individual meets the qualifications for the office of vice
875 president of the United States;
- 876 (C) names the presidential candidate, who has qualified for the general election
877 ballot, with which the individual is running as a joint-ticket running mate;

- 878 (D) states that the individual agrees to be the running mate of the presidential
879 candidate described in Subsection (7)(a)(i)(C); and
- 880 (E) contains any other necessary information identified by the lieutenant governor;
- 881 (ii) pay the filing fee; and
- 882 (iii) submit a letter from the presidential candidate described in Subsection
883 (7)(a)(i)(C) that names the individual as a joint-ticket running mate as a vice
884 presidential candidate.
- 885 (b) A designated agent described in Subsection (7)(a)(i) may not sign the declaration of
886 candidacy.
- 887 (c) A vice presidential candidate who fails to meet the requirements described in this
888 Subsection (7) may not appear on the general election ballot.
- 889 (8) An individual filing a declaration of candidacy for president or vice president of the
890 United States shall pay a filing fee of \$500.
- 891 Section 6. Section **20A-9-403** is amended to read:
- 892 **20A-9-403 . Regular primary elections.**
- 893 (1)(a) Candidates for elective office that are to be filled at the next regular general
894 election shall be nominated in a regular primary election by direct vote of the people
895 in the manner prescribed in this section. The regular primary election is held on the
896 date specified in Section 20A-1-201.5. Nothing in this section shall affect a
897 candidate's ability to qualify for a regular general election's ballot as an unaffiliated
898 candidate under Section 20A-9-501 or to participate in a regular general election as a
899 write-in candidate under Section 20A-9-601.
- 900 (b) Each registered political party that chooses to have the names of the registered
901 political party's candidates for elective office featured with party affiliation on the
902 ballot at a regular general election shall comply with the requirements of this section
903 and shall nominate the registered political party's candidates for elective office in the
904 manner described in this section.
- 905 (c) A filing officer may not permit an official ballot at a regular general election to be
906 produced or used if the ballot denotes affiliation between a registered political party
907 or any other political group and a candidate for elective office who is not nominated
908 in the manner prescribed in this section or in Subsection 20A-9-202(4).
- 909 (d) Unless noted otherwise, the dates in this section refer to those that occur in each
910 even-numbered year in which a regular general election will be held.
- 911 (2)(a) Each registered political party, in a statement filed with the lieutenant governor,

912 shall:

913 (i) either declare the registered political party's intent to participate in the next regular
914 primary election or declare that the registered political party chooses not to have
915 the names of the registered political party's candidates for elective office featured
916 on the ballot at the next regular general election; and

917 (ii) if the registered political party participates in the upcoming regular primary
918 election, identify one or more registered political parties whose members may
919 vote for the registered political party's candidates and whether individuals
920 identified as unaffiliated with a political party may vote for the registered political
921 party's candidates.

922 (b)(i) A registered political party that is a continuing political party shall file the
923 statement described in Subsection (2)(a) with the lieutenant governor no later than
924 5 p.m. on November 30 of each odd-numbered year.

925 (ii) An organization that is seeking to become a registered political party under
926 Section 20A-8-103 shall file the statement described in Subsection (2)(a) at the
927 time that the registered political party files the petition described in Section
928 20A-8-103.

929 (3)(a) Except as provided in Subsection (3)(e), an individual who submits a declaration
930 of candidacy under Section 20A-9-202 shall appear as a candidate for elective office
931 on the regular primary ballot of the registered political party listed on the declaration
932 of candidacy only if the individual is certified by the appropriate filing officer as
933 having submitted a nomination petition that was:

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

935 (ii) signed by at least 2% of the registered political party's members who reside in the
936 political division of the office that the individual seeks.

937 (b)(i) A candidate for elective office shall, in accordance with Section 20A-9-408.3,
938 submit signatures for a nomination petition to the appropriate filing officer for
939 verification and certification no later than 5 p.m. on March 31.

940 (ii) A candidate may supplement the candidate's submissions at any time on or before
941 the filing deadline.

942 (c)(i) The lieutenant governor shall determine for each elective office the total
943 number of signatures that ~~must~~ shall be submitted under Subsection (3)(a)(ii) or
944 20A-9-408(8) by counting the aggregate number of individuals residing in each
945 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 submission, using widely recognized statistical sampling techniques; and

- 980 (ii) provide for the transparent, orderly, and timely submission, verification, and
981 certification of nomination petition signatures.
- 982 (g) The county clerk shall:
- 983 (i) review the declarations of candidacy filed by candidates for ~~[local boards of~~
984 ~~education]~~ the State Board of Education and local school boards to determine if
985 more than two candidates have filed for the same [seat] office;
- 986 (ii) place the ~~[names of all candidates who have filed a declaration of candidacy for a~~
987 ~~local board of education seat]~~ name of each candidate who has filed a declaration
988 of candidacy for a State Board of Education or local school board office on the
989 nonpartisan section of the ballot if more than two candidates have filed for the
990 same [seat] office; and
- 991 (iii) place the ~~[local board of education]~~ State Board of Education and local school
992 board candidates' names on the ballot in accordance with Sections 20A-6-109 and
993 20A-6-110.
- 994 (4)(a) Before the deadline described in Subsection 20A-9-409(4)(c), the lieutenant
995 governor shall provide to the county clerks:
- 996 (i) a list of the names of all candidates for federal, constitutional, multi-county, single
997 county, and county offices who have received certifications under Subsection (3),
998 along with instructions on how those names shall appear on the primary election
999 ballot in accordance with Sections 20A-6-109 and 20A-6-110; and
- 1000 (ii) a list of unopposed candidates for elective office who have been nominated ~~[by a~~
1001 ~~registered political party under Subsection (5)(c) and instruct the county clerks]~~
1002 under Subsection (5)(d) and instructions to exclude the unopposed candidates
1003 from the primary election ballot.
- 1004 (b) A candidate for lieutenant governor and a candidate for governor campaigning as
1005 joint-ticket running mates shall appear jointly on the primary election ballot.
- 1006 (c) After the county clerk receives the certified list from the lieutenant governor under
1007 Subsection (4)(a), the county clerk shall post or publish a primary election notice in
1008 substantially the following form:
- 1009 "Notice is given that a primary election will be held Tuesday, June _____,
1010 _____(year), to nominate party candidates for the parties and candidates for nonpartisan
1011 State Board of Education and local school board positions listed on the primary ballot. The
1012 polling place for voting precinct _____ is _____. The polls will open at 7 a.m. and continue open
1013 until 8 p.m. of the same day. Attest: county clerk."

- (5)[(a) A candidate who, at the regular primary election, receives the highest number of votes cast for the office sought by the candidate is:]
- [(i) nominated for that office by the candidate's registered political party; or]
- [(ii) for a nonpartisan local school board position, nominated for that office.]
- (a) A candidate who receives the highest number of votes cast for an office in the regular primary election is the nominee of the candidate's registered political party 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) For a nonpartisan State Board of Education office or local school board office, the two candidates who receive the highest number of votes cast for the office in the regular primary election are nominated for that office.
- [(e)] (d)(i) As used in this Subsection [(5)(e)] (5)(d), 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[:] ;
- or
- (C) for a candidate for an office on the State Board of Education or a local school board, only one other individual filed a declaration of candidacy for the same 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.
- (iii) A candidate who is unopposed for an office on the State Board of Education or a local school board is nominated 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 7. Section **20A-9-406** is amended to read:

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

The following provisions apply to a qualified political party:

- (1) the qualified political party shall, no later than 5 p.m. on the first Monday of October of each odd-numbered year, certify to the lieutenant governor the identity of one or more registered political parties whose members may vote for the qualified political party's candidates and whether unaffiliated voters may vote for the qualified political party's candidates;
- (2) the following provisions do not apply to a nomination for the qualified political party:
 - (a) Subsections 20A-9-403(1) through (3)(b) and Subsections [~~(3)(d)(ii)~~] 20A-9-403(3)(d)(ii) through (4)(a);
 - (b) Subsection [~~20A-9-403(5)(e)~~] 20A-9-403(5)(d); and
 - (c) Section 20A-9-405;
- (3) an individual may only seek the nomination of the qualified political party by using a method described in Section 20A-9-407, Section 20A-9-408, or both;
- (4) the qualified political party shall comply with the provisions of Sections 20A-9-407, 20A-9-408, and 20A-9-409;
- (5) notwithstanding Subsection 20A-6-301(1)(a), (1)(e), or (2)(a), each election officer shall ensure that a ballot described in Section 20A-6-301 includes each individual nominated by a qualified political party:
 - (a) under the qualified political party's name, if any; or
 - (b) under the title of the qualified registered political party as designated by the qualified political party in the certification described in Subsection (1), or, if none is designated, then under some suitable title;
- (6) notwithstanding Subsection 20A-6-302(1)(a), each election officer shall ensure, for ballots in regular general elections, that each candidate who is nominated by the qualified political party is listed by party;
- (7) notwithstanding Subsection 20A-6-304(1)(e), each election officer shall ensure that the party designation of each candidate who is nominated by the qualified political party is

displayed adjacent to the candidate's name on a mechanical ballot;

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

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

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

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

(a) the names of all candidates of the qualified political party for federal, constitutional, multicounty, and county offices; and

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

(12) notwithstanding Subsection [~~20A-9-403(5)(e)~~] 20A-9-403(5)(d), a candidate who is unopposed for an elective office in the regular primary election of the qualified political party is nominated by the party for that office without appearing on the primary ballot; and

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

Section 8. Section **20A-9-408** is amended to read:

20A-9-408 . Signature-gathering process to seek the nomination of a qualified political party -- Removal of signature.

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

(2) Notwithstanding Subsection 20A-9-201(7)(a), the form of the declaration of candidacy for a member of a qualified political party who is nominated by, or who is seeking the nomination of, the qualified political party under this section shall be substantially as

described in Section 20A-9-408.5.

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

(a) except to the extent otherwise provided in Subsection (13)(a), during the applicable declaration of candidacy filing period described in Section 20A-9-201.5, and before gathering signatures under this section, file with the filing officer on a form approved by the lieutenant governor a notice of intent to gather signatures for candidacy that includes:

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

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

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

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

(v) other information required by the lieutenant governor;

(b) except as provided in Subsection 20A-9-202(1)(c), file a declaration of candidacy, in person, with the filing officer during the applicable declaration of candidacy filing period described in Section 20A-9-201.5; and

(c) pay the filing fee.

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

(a) during the applicable declaration of candidacy filing period described in Section 20A-9-201.5, and before gathering signatures under this section, file with the filing officer on a form approved by the lieutenant governor a notice of intent to gather signatures for candidacy that includes:

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

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

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

- 1150 (iv) the address and telephone number of the member; and
1151 (v) other information required by the lieutenant governor;
- 1152 (b) except as provided in Subsection 20A-9-202(1)(c), file a declaration of candidacy, in
1153 person, with the filing officer during the applicable declaration of candidacy filing
1154 period described in Section 20A-9-201.5; and
- 1155 (c) pay the filing fee.
- 1156 (5) Notwithstanding Subsection 20A-9-202(3)(a)(iii), a lieutenant governor candidate who
1157 files as the joint-ticket running mate of an individual who is nominated by a qualified
1158 political party, under this section, for the office of governor shall, during the applicable
1159 declaration of candidacy filing period described in Section 20A-9-201.5, file a
1160 declaration of candidacy and submit a letter from the candidate for governor that names
1161 the lieutenant governor candidate as a joint-ticket running mate.
- 1162 (6) The lieutenant governor shall ensure that the certification described in Subsection
1163 20A-9-701(1) also includes the name of each candidate nominated by a qualified
1164 political party under this section.
- 1165 (7) Notwithstanding Subsection 20A-9-701(2), the ballot shall, for each candidate who is
1166 nominated by a qualified political party under this section, designate the qualified
1167 political party that nominated the candidate.
- 1168 (8) A member of a qualified political party may seek the nomination of the qualified
1169 political party for an elective office by:
- 1170 (a) complying with the requirements described in this section; and
- 1171 (b) collecting signatures, on a form approved by the lieutenant governor that complies
1172 with Subsection 20A-9-405(3), during the period beginning on the day on which the
1173 member files a notice of intent to gather signatures and ending at the applicable
1174 deadline described in Subsection (12), in the following amounts:
- 1175 (i) for a statewide race, 28,000 signatures of registered voters in the state who are
1176 permitted by the qualified political party to vote for the qualified political party's
1177 candidates in a primary election;
- 1178 (ii) except as provided in Subsection (13)(b), for a congressional district race, 7,000
1179 signatures of registered voters who are residents of the congressional district and
1180 are permitted by the qualified political party to vote for the qualified political
1181 party's candidates in a primary election;
- 1182 (iii) for a state Senate district race, 2,000 signatures of registered voters who are
1183 residents of the state Senate district and are permitted by the qualified political

- 1184 party to vote for the qualified political party's candidates in a primary election;
- 1185 (iv) for a state House district race, 1,000 signatures of registered voters who are
- 1186 residents of the state House district and are permitted by the qualified political
- 1187 party to vote for the qualified political party's candidates in a primary election; or
- 1188 ~~[(v) for a State Board of Education race, the lesser of:]~~
- 1189 ~~[(A) 2,000 signatures of registered voters who are residents of the State Board of~~
- 1190 ~~Education district and are permitted by the qualified political party to vote for~~
- 1191 ~~the qualified political party's candidates in a primary election; or]~~
- 1192 ~~[(B) 3% of the registered voters of the qualified political party who are residents~~
- 1193 ~~of the applicable State Board of Education district; and]~~
- 1194 ~~[(vi)]~~ (v) for a county office race, signatures of 3% of the registered voters who are
- 1195 residents of the area permitted to vote for the county office and are permitted by
- 1196 the qualified political party to vote for the qualified political party's candidates in
- 1197 a primary election.
- 1198 (9)(a) This Subsection (9) applies only to the manual candidate qualification process.
- 1199 (b) In order for a member of the qualified political party to qualify as a candidate for the
- 1200 qualified political party's nomination for an elective office under this section, using
- 1201 the manual candidate qualification process, the member shall:
- 1202 (i) collect the signatures on a form approved by the lieutenant governor, using the
- 1203 same circulation and verification requirements described in Sections 20A-7-105
- 1204 and 20A-7-204; and
- 1205 (ii) in accordance with Section 20A-9-408.3, submit the signatures to the election
- 1206 officer before the applicable deadline described in Subsection (12).
- 1207 (c) Upon timely receipt of the signatures described in Subsections (8) and (9)(b), and in
- 1208 accordance with Section 20A-9-408.3, the election officer shall, no later than the
- 1209 earlier of 14 calendar days after the day on which the election officer receives the
- 1210 signatures, or one day before the day on which the qualified political party holds the
- 1211 convention to select a nominee for the elective office to which the signature packets
- 1212 relate:
- 1213 (i) check the name of each individual who completes the verification for a signature
- 1214 packet to determine whether each individual is at least 18 years old;
- 1215 (ii) submit the name of each individual described in Subsection (9)(c)(i) who is not at
- 1216 least 18 years old to the attorney general and the county attorney;
- 1217 (iii) with the assistance of the county clerk as applicable, determine whether each

- 1218 signer is a registered voter who is qualified to sign the petition, using the same
1219 method, described in Section 20A-1-1002, used to verify a signature on a petition;
1220 and
- 1221 (iv) certify whether each name is that of a registered voter who is qualified to sign the
1222 signature packet.
- 1223 (d)(i) A registered voter who physically signs a form under Subsections (8) and (9)(b)
1224 may have the voter's signature removed from the form by, no later than 5 p.m.
1225 three business days after the day on which the member submits the signature form
1226 to the election officer, submitting to the election officer a statement requesting
1227 that the voter's signature be removed.
- 1228 (ii) A statement described in Subsection (9)(d)(i) shall comply with the requirements
1229 described in Subsection 20A-1-1003(2).
- 1230 (iii) With the assistance of the county clerk as applicable, the election officer shall
1231 use the procedures described in Subsection 20A-1-1003(3) to determine whether
1232 to remove an individual's signature after receiving a timely, valid statement
1233 requesting removal of the signature.
- 1234 (e)(i) An election officer shall, in accordance with this Subsection (9)(e) and rules
1235 made under Section 20A-3a-106, conduct regular audits of signature comparisons
1236 made between signatures gathered under this section and voter signatures
1237 maintained by the election officer.
- 1238 (ii) An individual who conducts an audit of signature comparisons under this section
1239 may not audit the individual's own work.
- 1240 (iii) The election officer shall:
- 1241 (A) audit 1% of all signature comparisons described in Subsection (9)(e)(i) to
1242 determine the accuracy of the comparisons made;
- 1243 (B) record the individuals who conducted the audit;
- 1244 (C) record the audit results;
- 1245 (D) provide additional training or staff reassignments, as needed, based on the
1246 results of an audit described in Subsection (9)(e)(i); and
- 1247 (E) record any remedial action taken.
- 1248 (iv) The audit results described in Subsection (9)(e)(iii)(C) are a public record.
- 1249 (f) An election officer who certifies signatures under Subsection (9)(c) or
1250 20A-9-403(3)(d) shall, after certifying enough signatures to establish that a candidate
1251 has reached the applicable signature threshold described in Subsection (8) or

- 1252 20A-9-403(3)(a), as applicable, continue to certify signatures submitted for the
1253 candidate in excess of the number of signatures required, until the election officer
1254 either:
- 1255 (i) certifies signatures equal to 110% of the applicable signature threshold; or
 - 1256 (ii) has reviewed all signatures submitted for the candidate before reaching an
1257 amount equal to 110% of the applicable signature threshold.
- 1258 (10)(a) This Subsection (10) applies only to the electronic candidate qualification
1259 process.
- 1260 (b) In order for a member of the qualified political party to qualify as a candidate for the
1261 qualified political party's nomination for an elective office under this section, the
1262 member shall, before the deadline described in Subsection (12), collect signatures
1263 electronically:
- 1264 (i) in accordance with Section 20A-21-201; and
 - 1265 (ii) using progressive screens, in a format approved by the lieutenant governor, that
1266 complies with Subsection 20A-9-405(4).
- 1267 (c) Upon timely receipt of the signatures described in Subsections (8) and (9)(b), the
1268 election officer shall, no later than the earlier of 14 calendar days after the day on
1269 which the election officer receives the signatures, or one day before the day on which
1270 the qualified political party holds the convention to select a nominee for the elective
1271 office to which the signature packets relate:
- 1272 (i) check the name of each individual who completes the verification for a signature
1273 to determine whether each individual is at least 18 years old; and
 - 1274 (ii) submit the name of each individual described in Subsection (10)(c)(i) who is not
1275 at least 18 years old to the attorney general and the county attorney.
- 1276 (11)(a) An individual may not gather signatures under this section until after the
1277 individual files a notice of intent to gather signatures for candidacy described in this
1278 section.
- 1279 (b) An individual who files a notice of intent to gather signatures for candidacy,
1280 described in Subsection (3)(a) or (4)(a), is, beginning on the day on which the
1281 individual files the notice of intent to gather signatures for candidacy:
- 1282 (i) required to comply with the reporting requirements that a candidate for office is
1283 required to comply with; and
 - 1284 (ii) subject to the same enforcement provisions, and civil and criminal penalties, that
1285 apply to a candidate for office in relation to the reporting requirements described

in Subsection (11)(b)(i).

(c) Upon timely receipt of the signatures described in Subsections (8) and (9)(b), or Subsections (8) and (10)(b), the election officer shall, no later than the day before the day on which the qualified political party holds the convention to select a nominee for the elective office to which the signature packets relate, notify the qualified political party and the lieutenant governor of the name of each member of the qualified political party who qualifies as a nominee of the qualified political party, under this section, for the elective office to which the convention relates.

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

(12) The deadline before which a member of a qualified political party [~~must~~] shall collect and submit signatures to the election officer under this section is 5 p.m. on the last business day that is at least 14 calendar days before the day on which the qualified political party's convention for the office begins.

(13) For the 2026 election year only, an individual who desires to gather signatures to seek the nomination of a qualified political party for the office of United States representative shall:

(a) in accordance with Subsection (3)(a), file a notice of intent to gather signatures during the period beginning at 8 a.m. on the first business day of January and ending at 5 p.m. on March 13, 2026; and

(b) during the period beginning on the day on which the individual files the notice of intent to gather signatures and ending at 5 p.m. on March 13, 2026, on a form approved by the lieutenant governor that complies with Subsection 20A-9-405(3), collect 7,000 signatures of registered voters who are residents of the state and are permitted by the qualified political party to vote for the qualified political party's candidates in a primary election.

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

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

(1)(a)(i) Each school board office candidate shall deposit each contribution received in one or more separate accounts in a financial institution that are dedicated only

1320 to that purpose.

1321 (ii) A school board office candidate may:

1322 (A) receive a contribution from a political action committee registered under
1323 Section 20A-11-601; and

1324 (B) be designated by a political action committee as an officer who has primary
1325 decision-making authority as described in Section 20A-11-601.

1326 (b) A school board office candidate may not use money deposited in an account
1327 described in Subsection (1)(a)(i) for:

1328 (i) a personal use expenditure; or

1329 (ii) an expenditure prohibited by law.

1330 (c)(i) Each school board officeholder shall deposit each contribution and public
1331 service assistance received in one or more separate accounts in a financial
1332 institution that are dedicated only to that purpose.

1333 (ii) A school board officeholder may:

1334 (A) receive a contribution or public service assistance from a political action
1335 committee registered under Section 20A-11-601; and

1336 (B) be designated by a political action committee as an officer who has primary
1337 decision-making authority as described in Section 20A-11-601.

1338 (d) A school board officeholder may not use money deposited in an account described in
1339 Subsection (1)(a)(i) or (1)(c)(i) for:

1340 (i) a personal use expenditure; or

1341 (ii) an expenditure prohibited by law.

1342 (2)(a) A school board office candidate may not deposit or mingle any contributions
1343 received into a personal or business account.

1344 (b) A school board officeholder may not deposit or mingle any contributions or public
1345 service assistance received into a personal or business account.

1346 (3) A school board office candidate or school board officeholder may not make any
1347 political expenditures prohibited by law.

1348 (4) If a person who is no longer a school board office candidate chooses not to expend the
1349 money remaining in a campaign account, the person shall continue to file the year-end
1350 summary report required by Section 20A-11-1302 until the statement of dissolution and
1351 final summary report required by Section 20A-11-1304 are filed with the lieutenant
1352 governor.

1353 (5)(a) Except as provided in Subsection (5)(b) and Section 20A-11-402, a person who is

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

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

(6)(a) As used in this Subsection (6), "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 school board office candidate shall report to the chief election officer each contribution received by the school board office candidate:

(i) except as provided in Subsection (6)(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 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)]~~ (A) the 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)]~~ (B) the 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 school board office candidate fails to report within the time period described in Subsection (6)(b), the chief election officer shall impose a fine against the school board office candidate in an amount equal to:

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

(ii) 20% of the amount of the contribution, if the 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) ends.

(d) The lieutenant governor may waive the fine described in Subsection (6)(c) and issue

1388 a warning to the school board office candidate if:

1389 (i) the contribution that the school board office candidate fails to report is paid by the
1390 school board office candidate from the school board office candidate's personal
1391 funds;

1392 (ii) the school board office candidate has not previously violated Subsection (6)(c) in
1393 relation to a contribution paid by the school board office candidate from the
1394 school board office candidate's personal funds; and

1395 (iii) the lieutenant governor determines that the failure to timely report the
1396 contribution is due to the school board office candidate not understanding that the
1397 reporting requirement includes a contribution paid by a school board office
1398 candidate from the school board office candidate's personal funds.

1399 (e) The chief election officer shall:

1400 (i) deposit money received under Subsection (6)(c) into the General Fund; and

1401 (ii) report on the chief election officer's website, in the location where reports relating
1402 to each school board office candidate are available for public access:

1403 (A) each fine imposed by the chief election officer against the school board office
1404 candidate;

1405 (B) the amount of the fine;

1406 (C) the amount of the contribution to which the fine relates; and

1407 (D) the date of the contribution.

1408 (7) Within 31 calendar days after the day on which a school board office candidate receives
1409 a contribution that is cash or a negotiable instrument, exceeds \$50, and is from an
1410 unknown source, the school board office candidate shall disburse the contribution to an
1411 organization that is exempt from federal income taxation under Section 501(c)(3),
1412 Internal Revenue Code.

1413 (8)(a) As used in this Subsection (8), "account" means an account in a financial
1414 institution:

1415 (i) that is not described in Subsection (1)(a)(i); and

1416 (ii) into which or from which a person who, as a candidate for an office, other than a
1417 school board office for which the person files a declaration of candidacy or federal
1418 office, or as a holder of an office, other than a school board office for which the
1419 person files a declaration of candidacy or federal office, deposits a contribution or
1420 makes an expenditure.

1421 (b) A school board office candidate shall include on any financial statement filed in

1422 accordance with this part:

1423 (i) a contribution deposited in an account:

1424 (A) since the last campaign finance statement was filed; or

1425 (B) that has not been reported under a statute or ordinance that governs the
1426 account; or

1427 (ii) an expenditure made from an account:

1428 (A) since the last campaign finance statement was filed; or

1429 (B) that has not been reported under a statute or ordinance that governs the
1430 account.

1431 Section 10. Section **20A-11-1303** is amended to read:

1432 **20A-11-1303 . School board office candidate and school board officeholder --**

1433 **Financial reporting requirements -- Interim reports.**

1434 (1)(a) As used in this section, "received" means:

1435 (i) for a cash contribution, that the cash is given to a school board office candidate or
1436 a member of the school board office candidate's personal campaign committee;

1437 (ii) for a contribution that is a check or other negotiable instrument, that the check or
1438 other negotiable instrument is negotiated;

1439 (iii) for a direct deposit made into a campaign account by a person not associated
1440 with the campaign, the earlier of:

1441 (A) the day on which the school board office candidate or a member of the school
1442 board office candidate's personal campaign committee becomes aware of the
1443 deposit and the source of the deposit;

1444 (B) the day on which the school board office candidate or a member of the school
1445 board office candidate's personal campaign committee receives notice of the
1446 deposit and the source of the deposit by mail, email, text, or similar means; or

1447 (C) 31 calendar days after the day on which the direct deposit occurs; or

1448 (iv) for any other type of contribution, that any portion of the contribution's benefit
1449 inures to the school board office candidate.

1450 (b) As used in this Subsection (1), "campaign account" means a separate campaign
1451 account required under Subsection 20A-11-1301(1)(a)(i) or (c)(i).

1452 (c) Except as provided in Subsection (2), each school board office candidate shall file an
1453 interim report at the following times in any year in which the candidate has filed a
1454 declaration of candidacy for a public office:

1455 (i) May 15;

- 1456 (ii) seven calendar days before the regular primary election date;
- 1457 (iii) September 30; and
- 1458 (iv) seven calendar days before the regular general election date.
- 1459 (2) If a school board office candidate is a school board office candidate seeking
- 1460 appointment for a midterm vacancy, the school board office candidate:
- 1461 ~~[(a) shall file an interim report:]~~
- 1462 ~~[(i) for a vacancy described in Subsection 20A-1-504(1)(b)(ii)(A) or (B), no later~~
- 1463 ~~than three business days before the day on which the Senate meets to consider the~~
- 1464 ~~school board office candidate's nomination; or]~~
- 1465 ~~[(ii) for a vacancy described in Subsection 20A-1-504(1)(b)(ii)(C):]~~
- 1466 ~~[(A) no later than three business days before the day on which the political party~~
- 1467 ~~of the party for which the school board office candidate seeks nomination~~
- 1468 ~~meets to declare a nominee for the governor to appoint; or]~~
- 1469 ~~[(B) if the school board office candidate decides to seek the appointment with less~~
- 1470 ~~than three business days before the day on which the political party meets, or~~
- 1471 ~~the political party schedules the meeting to declare a nominee less than three~~
- 1472 ~~business days before the day of the meeting, no later than 5 p.m. on the last day~~
- 1473 ~~of business before the day on which the political party meets; and]~~
- 1474 ~~[(b)] (a) shall file an interim report no later than three business days before the day on~~
- 1475 ~~which the Senate meets to consider the school board office candidate's nomination;~~
- 1476 ~~and~~
- 1477 ~~(b) is not required to file an interim report at the times described in Subsection (1)(c).~~
- 1478 (3) Each interim report shall include the following information:
- 1479 (a) the net balance of the last summary report, if any;
- 1480 (b) a single figure equal to the total amount of receipts reported on all prior interim
- 1481 reports, if any, during the calendar year in which the interim report is due;
- 1482 (c) a single figure equal to the total amount of expenditures reported on all prior interim
- 1483 reports, if any, filed during the calendar year in which the interim report is due;
- 1484 (d) a detailed listing of:
- 1485 (i) for a school board office candidate, each contribution received since the last
- 1486 summary report that has not been reported in detail on a prior interim report; or
- 1487 (ii) for a school board officeholder, each contribution and public service assistance
- 1488 received since the last summary report that has not been reported in detail on a
- 1489 prior interim report;

- 1490 (e) for each nonmonetary contribution:
- 1491 (i) the fair market value of the contribution with that information provided by the
- 1492 contributor; and
- 1493 (ii) a specific description of the contribution;
- 1494 (f) a detailed listing of each expenditure made since the last summary report that has not
- 1495 been reported in detail on a prior interim report;
- 1496 (g) for each nonmonetary expenditure, the fair market value of the expenditure;
- 1497 (h) a net balance for the year consisting of the net balance from the last summary report,
- 1498 if any, plus all receipts since the last summary report minus all expenditures since the
- 1499 last summary report;
- 1500 (i) a summary page in the form required by the lieutenant governor that identifies:
- 1501 (i) beginning balance;
- 1502 (ii) total contributions during the period since the last statement;
- 1503 (iii) total contributions to date;
- 1504 (iv) total expenditures during the period since the last statement; and
- 1505 (v) total expenditures to date; and
- 1506 (j) the name of a political action committee for which the school board office candidate
- 1507 or school board officeholder is designated as an officer who has primary
- 1508 decision-making authority under Section 20A-11-601.
- 1509 (4)(a) In preparing each interim report, all receipts and expenditures shall be reported as
- 1510 of five calendar days before the required filing date of the report.
- 1511 (b) Any negotiable instrument or check received by a school board office candidate or
- 1512 school board officeholder more than five calendar days before the required filing date
- 1513 of a report required by this section shall be included in the interim report.

1514 Section 11. Section **20A-11-1305** is amended to read:

1515 **20A-11-1305 . School board office candidate -- Failure to file statement --**

1516 **Penalties.**

- 1517 (1) A school board office candidate who fails to file a financial statement by the deadline is
- 1518 subject to a fine imposed in accordance with Section 20A-11-1005.
- 1519 (2) If a school board office candidate fails to file an interim report described in Subsections
- 1520 20A-11-1303(1)(c)(i) through (iv), the lieutenant governor may send an electronic notice
- 1521 to the school board office candidate [~~and the political party of which the school board~~
- 1522 ~~office candidate is a member, if any, that states:] stating that:~~
- 1523 (a) [~~that~~]the school board office candidate failed to timely file the report; and

(b) ~~[that, if the school board office candidate fails to file the report within 24 hours after the deadline for filing the report, the school board office candidate will be disqualified and the political party will not be permitted to replace the candidate]~~ the school board office candidate will be disqualified if the school board office candidate fails to file the report within 24 hours after the deadline for filing the report.

(3)~~[(a)]~~ The lieutenant governor shall disqualify a school board office candidate and inform the county clerk and other appropriate election officials that the school board office candidate is disqualified if the school board office candidate fails to file an interim report described in Subsections 20A-11-1303(1)(c)(i) through (iv) within 24 hours after the deadline for filing the report.

~~[(b) The political party of a school board office candidate who is disqualified under Subsection (3)(a) may not replace the school board office candidate.]~~

(4) If a school board office candidate is disqualified under Subsection ~~[(3)(a)]~~ (3), the election officer shall:

(a) notify every opposing candidate for the school board office that the school board office candidate is disqualified;

(b) send an email notification to each voter who is eligible to vote in the school board office race for whom the election officer has an email address informing the voter that the school board office candidate is disqualified and that votes cast for the school board office candidate will not be counted;

(c) post notice of the disqualification on the election officer's website; and

(d) if practicable, remove the school board office candidate's name from the ballot.

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

(6) A school board office candidate is not disqualified if:

(a) the school board office candidate files the reports described in Subsections 20A-11-1303(1)(c)(i) through (iv) no later than 24 hours after the applicable deadlines for filing the reports;

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

(c) the omissions, errors, or inaccuracies described in Subsection (6)(b) are corrected in

an amended report or the next scheduled report.

(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 school board office candidate who is required to file a summary report has filed the report; and

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

(b) If it appears that a school board office candidate has failed to file the summary report required by law, if it appears that a filed summary report does not conform to the law, or if the lieutenant governor has received a written complaint alleging a violation of the law or the falsity of any summary report, the lieutenant governor shall, the first business day that is at least five calendar days after the day on which the lieutenant governor discovers the violation or receives the written complaint, notify the school board office candidate of the violation or written complaint and direct the school board office candidate to file a summary report correcting the problem.

(c)(i) It is unlawful for a school board office candidate to fail to file or amend a summary report within seven calendar days after receiving the notice described in Subsection[-] (7)(b) from the lieutenant governor.

(ii) Each school board 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 school board office candidate who violates Subsection (7)(c)(i).

Section 12. Section **20A-14-104.1** is amended to read:

20A-14-104.1 . State Board of Education -- Candidacy.

(1) A person interested in becoming a candidate for the office of State Board of Education member shall:

(a) file a declaration of candidacy in accordance with ~~[Sections 20A-9-201 and 20A-9-202;]~~ Section 20A-9-201 during the declaration of candidacy filing period described in Section 20A-9-201.5; or

~~[(b) file a certificate of nomination in accordance with Sections 20A-9-501, 20A-9-502, and 20A-9-503; or]~~

~~[(e)]~~ (b) seek placement on the ballot as a write-in candidate in accordance with ~~[Sections~~

20A-9-601 and 20A-9-602] Section 20A-9-601.

- (2) The office of State Board of Education member [~~may be filled by an individual running as a member of a political party, as unaffiliated, or as a write-in candidate~~] is a nonpartisan office.

Section 13. Section **20A-14-202** is amended to read:

**20A-14-202 . Local school boards -- Membership -- When elected --
Qualifications -- Avoiding conflicts of interest.**

- (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.
- (c) Before January 1, 2023, the board of education of a school district with a student population of 50,000 or more students comprises seven members.
- (d) Beginning on January 1, 2023:
- (i) the board of education of a school district with a student population of 50,000 or more students but fewer than 100,000 students:
- (A) except as provided in Subsection (1)(d)(i)(B), comprises seven members; or
- (B) comprises nine members if the board of education of the school district, by majority vote, increases the board to nine members; and
- (ii) the board of education of a school district with a student population of 100,000 or more students comprises nine members.
- (e) Student population is based on the October 1 student count submitted by districts to the State Board of Education.
- (f) If the number of members of a local school board changes under Subsection (1)(b), (c), or (d), the county or municipality, as applicable, shall redistrict and hold elections as provided in Sections 20A-14-201 and 20A-14-203.
- (g) Notwithstanding Subsections (1)(a) through (d), a school district with a seven-member or nine-member board does not decrease in size, regardless of subsequent changes in student population.
- (h)(i) Members of a local [~~board of education~~] school board shall be elected at each regular general election.
- (ii) Except as provided in Subsection (1)(h)(iii), in a regular general election year:
- (A) no more than three members of a local [~~board of education~~] school board may be elected to a five-member board;

(B) no more than four members of a local ~~[board of education]~~ school board may be elected to a seven-member board; and

(C) no more than five members of a local ~~[board of education]~~ school board may be elected to a nine-member board.

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

(i) One member of the local board of education shall be elected from each local 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 ~~[preceeding]~~ before 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 ~~[preceeding]~~ before 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.

Section 14. Section **20A-14-203** is amended to read:

20A-14-203 . Becoming a member of a local school board -- Declaration of candidacy -- Election.

(1) An individual may become a candidate for a local school board by:

(a) filing a declaration of candidacy with the county clerk during the applicable declaration of candidacy filing period described in Section 20A-9-201.5; and

(b) paying the fee described in Section ~~[20A-9-202]~~ 20A-9-201.

(2)(a) The term of office for an individual elected to a local ~~[board of education]~~ school board is four years, beginning on the first Monday in January after the election.

(b) A member of a local ~~[board of education]~~ school board shall serve until a successor is:

1660 (i) elected; or
1661 (ii) appointed and takes or signs the constitutional oath of office.
1662 Section 15. **Effective Date.**
1663 This bill takes effect on January 1, 2027.