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**BOARDS OF EDUCATION MEMBERSHIP**

**AMENDMENTS**

2007 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Curtis S. Bramble**

House Sponsor: \_\_\_\_\_

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Gene Davis	Patricia W. Jones	Dennis E. Stowell
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Mike Dmitrich	Peter C. Knudson	Kevin T. VanTassell
Dan R. Eastman	Mark B. Madsen	Michael G. Waddoups
Fred J. Fife	Ed Mayne	Carlene M. Walker

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**LONG TITLE**

**General Description:**

This bill modifies provisions governing the qualification, nomination, and election of members of the State Board of Education and local boards of education.

**Highlighted Provisions:**

This bill:

- ▶ requires members of the State Board of Education and local boards of education to be elected in partisan elections;
- ▶ provides candidate qualification, nomination, and election procedures;
- ▶ amends the procedures for filling midterm vacancies of members of the State Board of Education and local boards of education;
- ▶ repeals the State Board of Education nominating and recruiting committee; and
- ▶ makes technical corrections.



30 **Monies Appropriated in this Bill:**

31 None

32 **Other Special Clauses:**

33 None

34 **Utah Code Sections Affected:**

35 AMENDS:

36 **20A-1-501**, as last amended by Chapter 264, Laws of Utah 2006

37 **20A-1-507**, as enacted by Chapter 1, Laws of Utah 1993

38 **20A-6-301**, as last amended by Chapter 326, Laws of Utah 2006

39 **20A-6-302**, as last amended by Chapter 326, Laws of Utah 2006

40 **20A-9-403**, as last amended by Chapter 16, Laws of Utah 2006

41 **20A-14-103**, as repealed and reenacted by Chapter 2, Laws of Utah 2001, Second

42 Special Session

43 **20A-14-104**, as last amended by Chapter 19, Laws of Utah 2004

44 **20A-14-203**, as enacted by Chapter 1, Laws of Utah 1995

45 REPEALS AND REENACTS:

46 **20A-1-511**, as last amended by Chapter 108, Laws of Utah 1994

47 REPEALS:

48 **20A-14-105**, as last amended by Chapter 315, Laws of Utah 2003



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

51 Section 1. Section **20A-1-501** is amended to read:

52 **20A-1-501. Candidate vacancies -- Procedure for filling.**

53 (1) The state central committee of a political party, for candidates for United States  
54 senator, United States representative, governor, lieutenant governor, attorney general, state  
55 treasurer, and state auditor, and for state school board and legislative candidates whose  
56 legislative districts encompass more than one county, and the county central committee of a  
57 political party, for all other party candidates seeking an office elected at a regular general  
58 election, may certify the name of another candidate to the appropriate election officer if:

59 (a) after the close of the period for filing declarations of candidacy and continuing  
60 through the date 15 days before the date of the primary election:

61 (i) only one or two candidates from that party have filed a declaration of candidacy for  
62 that office; and

63 (ii) one or both:

64 (A) dies;

65 (B) resigns because of becoming physically or mentally disabled as certified by a  
66 physician; or

67 (C) is disqualified by an election officer for improper filing or nominating procedures;  
68 or

69 (b) after the close of the primary election and continuing through the date of the voter  
70 registration deadline for the general election as established in Section 20A-2-102.5, the party's  
71 candidate:

72 (i) dies;

73 (ii) resigns because of becoming physically or mentally disabled as certified by a  
74 physician;

75 (iii) is disqualified by an election officer for improper filing or nominating procedures;  
76 or

77 (iv) resigns to become a candidate for President or Vice-President of the United States.

78 (2) If no more than two candidates from a political party have filed a declaration of  
79 candidacy for an office elected at a regular general election and one resigns to become the party  
80 candidate for another position, the state central committee of that political party, for candidates  
81 for governor, lieutenant governor, attorney general, state treasurer, and state auditor, and for  
82 state school board and legislative candidates whose legislative districts encompass more than  
83 one county, and the county central committee of that political party, for all other party  
84 candidates, may certify the name of another candidate to the appropriate election officer.

85 (3) Each replacement candidate shall file a declaration of candidacy as required by  
86 Title 20A, Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy.

87 (4) A replacement candidate may not be certified for an election during the period  
88 beginning on the day after the date of the voter registration deadline and continuing through the  
89 date of the election.

90 Section 2. Section **20A-1-507** is amended to read:

91 **20A-1-507. Midterm vacancies in the State Board of Education.**

92 (1) If a vacancy occurs on the State Board of Education for any reason other than the  
 93 expiration of a member's term, the governor[~~, with the consent of the Senate,~~] shall fill the  
 94 vacancy by [~~appointment of a qualified member to serve out the unexpired term~~] immediately  
 95 appointing the person whose name was submitted by the party liaison of the same political  
 96 party as the prior board member.

97 (2) The lieutenant governor shall issue a certificate of appointment to the appointed  
 98 member and certify the appointment to the board.

99 Section 3. Section **20A-1-511** is repealed and reenacted to read:

100 **20A-1-511. Midterm vacancies on local school boards.**

101 (1) For a school district whose boundaries encompass more than a single municipality,  
 102 a vacancy on a local school board shall be filled by following the procedures for filling  
 103 midterm vacancies in county offices as described in Section 20A-1-508.

104 (2) For a school district contained completely within a municipality, a vacancy on a  
 105 local school board shall be filled by following the procedures for filling midterm vacancies in  
 106 county offices as described in Section 20A-1-508, except that the duties of the county  
 107 legislative body shall be performed by the municipal legislative body.

108 Section 4. Section **20A-6-301** is amended to read:

109 **20A-6-301. Paper ballots -- Regular general election.**

110 (1) Each election officer shall ensure that:

111 (a) all paper ballots furnished for use at the regular general election contain no captions  
 112 or other endorsements except as provided in this section;

113 (b) (i) the paper ballot contains a ballot stub at least one inch wide, placed across the  
 114 top of the ballot, and divided from the rest of ballot by a perforated line;

115 (ii) the ballot number and the words " Poll Worker's Initial \_\_\_\_ " are printed on the  
 116 stub; and

117 (iii) ballot stubs are numbered consecutively;

118 (c) immediately below the perforated ballot stub, the following endorsements are  
 119 printed in 18-point bold type:

120 (i) "Official Ballot for \_\_\_\_ County, Utah";

121 (ii) the date of the election; and

122 (iii) a facsimile of the signature of the county clerk and the words "county clerk";

123 (d) each ticket is placed in a separate column on the ballot in the order determined by  
124 the election officer with the party emblem, followed by the party name, at the head of the  
125 column;

126 (e) the party name or title is printed in capital letters not less than 1/4 of an inch high;

127 (f) a circle 1/2 inch in diameter is printed immediately below the party name or title,  
128 and the top of the circle is placed not less than two inches below the perforated line;

129 (g) unaffiliated candidates and candidates not affiliated with a registered political party  
130 are listed in one column, without a party circle, with the following instructions printed at the  
131 head of the column: "All candidates not affiliated with a political party are listed below. They  
132 are to be considered with all offices and candidates listed to the left. Only one vote is allowed  
133 for each office.";

134 (h) the columns containing the lists of candidates, including the party name and device,  
135 are separated by heavy parallel lines;

136 (i) the offices to be filled are plainly printed immediately above the names of the  
137 candidates for those offices;

138 (j) the names of candidates are printed in capital letters, not less than 1/8 nor more than  
139 1/4 of an inch high in heavy-faced type not smaller than ten-point, between lines or rules 3/8 of  
140 an inch apart;

141 (k) a square with sides measuring not less than 1/4 of an inch in length is printed at the  
142 right of the name of each candidate;

143 (l) for the offices of president and vice president and governor and lieutenant governor,  
144 one square with sides measuring not less than 1/4 of an inch in length is printed opposite a  
145 double bracket enclosing the right side of the names of the two candidates;

146 (m) immediately to the right of the unaffiliated ticket on the ballot, the ballot contains a  
147 write-in column long enough to contain as many written names of candidates as there are  
148 persons to be elected with:

149 (i) for each office on the ballot, the office to be filled plainly printed immediately  
150 above:

151 (A) a blank, horizontal line to enable the entry of a valid write-in candidate and a  
152 square with sides measuring not less than 1/4 of an inch in length printed at the right of the  
153 blank horizontal line; or

154 (B) for the offices of president and vice president and governor and lieutenant  
155 governor, two blank horizontal lines, one placed above the other, to enable the entry of two  
156 valid write-in candidates, and one square with sides measuring not less than 1/4 of an inch in  
157 length printed opposite a double bracket enclosing the right side of the two blank horizontal  
158 lines; and

159 (ii) the words "Write-In Voting Column" printed at the head of the column without a  
160 1/2 inch circle;

161 (n) when required, the ballot includes a nonpartisan ticket placed immediately to the  
162 right of the write-in ticket with the word "NONPARTISAN" in reverse type in an 18-point  
163 solid rule running vertically the full length of the nonpartisan ballot copy; and

164 (o) constitutional amendments or other questions submitted to the vote of the people,  
165 are printed on the ballot after the list of candidates.

166 (2) Each election officer shall ensure that:

167 (a) each person nominated by any political party or group of petitioners is placed on the  
168 ballot:

169 (i) under the party name and emblem, if any; or

170 (ii) under the title of the party or group as designated by them in their certificates of  
171 nomination or petition, or, if none is designated, then under some suitable title;

172 (b) the names of all unaffiliated candidates that qualify as required in Title 20A,  
173 Chapter 9, Part 5, Candidates not Affiliated with a Party, are placed on the ballot;

174 (c) the names of the candidates for president and vice president are used on the ballot  
175 instead of the names of the presidential electors; and

176 (d) the ballots contain no other names.

177 (3) When the ballot contains a nonpartisan section, the election officer shall ensure  
178 that:

179 (a) the designation of the office to be filled in the election and the number of  
180 candidates to be elected are printed in type not smaller than eight-point;

181 (b) the words designating the office are printed flush with the left-hand margin;

182 (c) the words, "Vote for one" or "Vote for two or more" extend to the extreme right of  
183 the column;

184 (d) the nonpartisan candidates are grouped according to the office for which they are

185 candidates;

186 (e) the names in each group are placed in alphabetical order with the surnames last[;  
187 except for candidates for the State Board of Education and local school boards]; and

188 [~~(f) the names of candidates for the State Board of Education are placed on the ballot as  
189 certified by the lieutenant governor under Section 20A-14-105;~~]

190 [~~(g) if candidates for membership on a local board of education were selected in a  
191 primary election, the name of the candidate who received the most votes in the primary election  
192 is listed first on the ballot;~~]

193 [~~(h) if candidates for membership on a local board of education were not selected in the  
194 primary election, the names of the candidates are listed on the ballot in the order determined by  
195 a lottery conducted by the county clerk; and]~~

196 [(†) (f) each group is preceded by the designation of the office for which the candidates  
197 seek election, and the words, "Vote for one" or "Vote for two or more," according to the  
198 number to be elected.

199 (4) Each election officer shall ensure that:

200 (a) proposed amendments to the Utah Constitution are listed on the ballot under the  
201 heading "Constitutional Amendment Number \_\_\_" with the number of the constitutional  
202 amendment as assigned under Section 20A-7-103 placed in the blank;

203 (b) propositions submitted to the voters by the Utah Legislature are listed on the ballot  
204 under the heading "State Proposition Number \_\_\_" with the number of the state proposition as  
205 assigned under Section 20A-7-103 placed in the blank;

206 (c) propositions submitted to the voters by a county are listed on the ballot under the  
207 heading "County Proposition Number \_\_\_" with the number of the county proposition as  
208 assigned by the county legislative body placed in the blank;

209 (d) propositions submitted to the voters by a school district are listed on the ballot  
210 under the heading "School District Proposition Number \_\_\_" with the number of the school  
211 district proposition as assigned by the county legislative body placed in the blank;

212 (e) state initiatives that have qualified for the ballot are listed on the ballot under the  
213 heading "Citizen's State Initiative Number \_\_\_" with the number of the state initiative as  
214 assigned by Section 20A-7-209 placed in the blank;

215 (f) county initiatives that have qualified for the ballot are listed on the ballot under the

216 heading "Citizen's County Initiative Number \_\_\_" with the number of the county initiative as  
217 assigned under Section 20A-7-508 placed in the blank;

218 (g) state referenda that have qualified for the ballot are listed on the ballot under the  
219 heading "Citizen's State Referendum Number \_\_\_" with the number of the state referendum as  
220 assigned under Sections ~~[20A-7-209]~~ 20A-7-103 and 20A-7-308 placed in the blank;

221 (h) county referenda that have qualified for the ballot are listed on the ballot under the  
222 heading "Citizen's County Referendum Number \_\_\_" with the number of the county referendum  
223 as assigned under Section 20A-7-608 placed in the blank; and

224 (i) bond propositions that have qualified for the ballot are listed on the ballot under the  
225 title assigned to each bond proposition under Section 11-14-206.

226 Section 5. Section **20A-6-302** is amended to read:

227 **20A-6-302. Paper ballots -- Placement of candidates' names.**

228 (1) Each election officer shall ensure, for paper ballots in regular general elections,  
229 that:

230 ~~[(a) except for candidates for state school board and local school boards:]~~

231 ~~[(i)]~~ (a) each candidate is listed by party; and

232 ~~[(ii)]~~ (b) candidates' surnames are listed in alphabetical order on the ballots when two  
233 or more candidates' names are required to be listed on a ticket under the title of an office[;].

234 ~~[(b) the names of candidates for the State Board of Education are placed on the ballot  
235 as certified by the lieutenant governor under Section 20A-14-105;]~~

236 ~~[(c) if candidates for membership on a local board of education were selected in a  
237 regular primary election, the name of the candidate who received the most votes in the regular  
238 primary election is listed first on the ballot; and]~~

239 ~~[(d) if candidates for membership on a local board of education were not selected in the  
240 regular primary election, the names of the candidates are listed on the ballot in the order  
241 determined by a lottery conducted by the county clerk.]~~

242 (2) (a) The election officer may not allow the name of a candidate who dies or  
243 withdraws before election day to be printed upon the ballots.

244 (b) If the ballots have already been printed, the election officer:

245 (i) shall, if possible, cancel the name of the dead or withdrawn candidate by drawing a  
246 line through the candidate's name before the ballots are delivered to voters; and



247 (ii) may not count any votes for that dead or withdrawn candidate.

248 (3) (a) When there is only one candidate for county attorney at the regular general  
249 election in counties that have three or fewer registered voters of the county who are licensed  
250 active members in good standing of the Utah State Bar, the county clerk shall cause that  
251 candidate's name and party affiliation, if any, to be placed on a separate section of the ballot  
252 with the following question: "Shall (name of candidate) be elected to the office of county  
253 attorney? Yes \_\_\_\_ No \_\_\_\_."

254 (b) If the number of "Yes" votes exceeds the number of "No" votes, the candidate is  
255 elected to the office of county attorney.

256 (c) If the number of "No" votes exceeds the number of "Yes" votes, the candidate is not  
257 elected and may not take office, nor may he continue in the office past the end of the term  
258 resulting from any prior election or appointment.

259 (d) When the name of only one candidate for county attorney is printed on the ballot  
260 under authority of this Subsection (3), the county clerk may not count any write-in votes  
261 received for the office of county attorney.

262 (e) If no qualified person files for the office of county attorney or if the candidate is not  
263 elected by the voters, the county legislative body shall appoint the county attorney as provided  
264 in Section 20A-1-509.2.

265 (f) If the candidate whose name would, except for this Subsection (3)(f), be placed on  
266 the ballot under Subsection (3)(a) has been elected on a ballot under Subsection (3)(a) to the  
267 two consecutive terms immediately preceding the term for which the candidate is seeking  
268 election, Subsection (3)(a) shall not apply and that candidate shall be considered to be an  
269 unopposed candidate the same as any other unopposed candidate for another office, unless a  
270 petition is filed with the county clerk before the date of that year's primary election that:

271 (i) requests the procedure set forth in Subsection (3)(a) to be followed; and

272 (ii) contains the signatures of registered voters in the county representing in number at  
273 least 25% of all votes cast in the county for all candidates for governor at the last election at  
274 which a governor was elected.

275 (4) (a) When there is only one candidate for district attorney at the regular general  
276 election in a prosecution district that has three or fewer registered voters of the district who are  
277 licensed active members in good standing of the Utah State Bar, the county clerk shall cause

278 that candidate's name and party affiliation, if any, to be placed on a separate section of the  
279 ballot with the following question: "Shall (name of candidate) be elected to the office of district  
280 attorney? Yes \_\_\_\_ No \_\_\_\_."

281 (b) If the number of "Yes" votes exceeds the number of "No" votes, the candidate is  
282 elected to the office of district attorney.

283 (c) If the number of "No" votes exceeds the number of "Yes" votes, the candidate is not  
284 elected and may not take office, nor may he continue in the office past the end of the term  
285 resulting from any prior election or appointment.

286 (d) When the name of only one candidate for district attorney is printed on the ballot  
287 under authority of this Subsection (4), the county clerk may not count any write-in votes  
288 received for the office of district attorney.

289 (e) If no qualified person files for the office of district attorney, or if the only candidate  
290 is not elected by the voters under this subsection, the county legislative body shall appoint a  
291 new district attorney for a four-year term as provided in Section 20A-1-509.2.

292 (f) If the candidate whose name would, except for this Subsection (4)(f), be placed on  
293 the ballot under Subsection (4)(a) has been elected on a ballot under Subsection (4)(a) to the  
294 two consecutive terms immediately preceding the term for which the candidate is seeking  
295 election, Subsection (4)(a) shall not apply and that candidate shall be considered to be an  
296 unopposed candidate the same as any other unopposed candidate for another office, unless a  
297 petition is filed with the county clerk before the date of that year's primary election that:

298 (i) requests the procedure set forth in Subsection (4)(a) to be followed; and

299 (ii) contains the signatures of registered voters in the county representing in number at  
300 least 25% of all votes cast in the county for all candidates for governor at the last election at  
301 which a governor was elected.

302 Section 6. Section **20A-9-403** is amended to read:

303 **20A-9-403. Regular primary elections.**

304 (1) (a) The fourth Tuesday of June of each even-numbered year is designated as regular  
305 primary election day.

306 (b) Each registered political party that chooses to use the primary election process to  
307 nominate some or all of its candidates shall comply with the requirements of this section.

308 (2) (a) As a condition for using the state's election system, each registered political

309 party that wishes to participate in the primary election shall:

310 (i) declare their intent to participate in the primary election;

311 (ii) identify one or more registered political parties whose members may vote for the  
312 registered political party's candidates and whether or not persons identified as unaffiliated with  
313 a political party may vote for the registered political party's candidates; and

314 (iii) certify that information to the lieutenant governor no later than 5 p.m. on March 1  
315 of each even-numbered year, except that when March 1 is a Saturday or Sunday, the  
316 certification deadline shall be extended until 5 p.m. on the following regular business day.

317 (b) As a condition for using the state's election system, each registered political party  
318 that wishes to participate in the primary election shall:

319 (i) certify the name and office of all of the registered political party's candidates to the  
320 lieutenant governor no later than 5 p.m. on May 13 of each even-numbered year, except that  
321 when May 13 is a Saturday or Sunday, the certification deadline shall be extended until 5 p.m.  
322 on the following regular business day; and

323 (ii) certify the name and office of each of its county candidates to the county clerks by  
324 5 p.m. on May 13 of each even-numbered year, except that when May 13 is a Saturday or  
325 Sunday, the certification deadline shall be extended until 5 p.m. on the following regular  
326 business day.

327 (c) By 5 p.m. on May 16 of each even-numbered year, or by 5 p.m. on the following  
328 regular business day if May 16 is a Saturday or Sunday, the lieutenant governor shall send the  
329 county clerks a certified list of the names of all statewide or multicounty candidates that must  
330 be printed on the primary ballot.

331 (d) (i) Except as provided in Subsection (2)(d)(ii), if a registered political party does  
332 not wish to participate in the primary election, it shall submit the names of its county  
333 candidates to the county clerks and the names of all of its candidates to the lieutenant governor  
334 by 5 p.m. on May 30 of each even-numbered year, except that when May 30 is a Saturday or  
335 Sunday, the submission deadline shall be extended until 5 p.m. on the following regular  
336 business day.

337 (ii) A registered political party's candidates for President and Vice-President of the  
338 United States shall be certified to the lieutenant governor as provided in Subsection  
339 20A-9-202(4).

340 (e) Each political party shall certify the names of its presidential and vice-presidential  
341 candidates and presidential electors to the lieutenant governor's office by September 3 of each  
342 presidential election year, or by the following regular business day if September 3 is a Saturday  
343 or Sunday.

344 [~~(3)~~ The county clerk shall:]

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

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

350 [~~(c)~~ conduct a lottery to determine the order of the candidates' names on the ballot.]

351 [~~(4)~~ (3) After the county clerk receives the certified list from a registered political  
352 party, the county clerk shall post or publish a primary election notice in substantially the  
353 following form:

354 "Notice is given that a primary election will be held Tuesday, June \_\_\_\_\_,  
355 \_\_\_\_\_(year), to nominate party candidates for the parties and nonpartisan offices listed on  
356 the primary ballot. The polling place for voting precinct \_\_\_\_\_ is \_\_\_\_\_. The polls will open at 7  
357 a.m. and continue open until 8 p.m. of the same day. Attest: county clerk".

358 [~~(5)~~ (4) (a) Candidates receiving the highest number of votes cast for each office at the  
359 regular primary election are nominated by their party or nonpartisan group for that office.

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

364 [~~(6)~~ (5) (a) When a tie vote occurs in any primary election for any national, state, or  
365 other office that represents more than one county, the governor, lieutenant governor, and  
366 attorney general shall, at a public meeting called by the governor and in the presence of the  
367 candidates involved, select the nominee by lot cast in whatever manner the governor  
368 determines.

369 (b) When a tie vote occurs in any primary election for any county office, the district  
370 court judges of the district in which the county is located shall, at a public meeting called by

371 the judges and in the presence of the candidates involved, select the nominee by lot cast in  
372 whatever manner the judges determine.

373 ~~[(7)]~~ (6) The expense of providing all ballots, blanks, or other supplies to be used at  
374 any primary election provided for by this section, and all expenses necessarily incurred in the  
375 preparation for or the conduct of that primary election shall be paid out of the treasury of the  
376 county or state, in the same manner as for the regular general elections.

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

378 **20A-14-103. State Board of Education members -- When elected -- Qualifications**  
379 **-- Avoiding conflicts of interest.**

380 (1) (a) In 2002 and every four years thereafter, one member each shall be elected from  
381 ~~[new]~~ Districts 2, 3, 5, 6, 9, 10, 14, and 15 to serve a four-year term.

382 (b) In 2004 and every four years thereafter, one member each shall be elected from  
383 ~~[new]~~ Districts 4, 7, 8, 11, 12, and 13 to serve a four-year term.

384 ~~[(c) (i) Because of the combination of certain former districts, the state school board~~  
385 ~~members elected from old Districts 2 and 4 who will reside in new District 1 may not serve out~~  
386 ~~the term for which they were elected, but shall stand for election in 2002 for a term of office of~~  
387 ~~four years from the realigned district in which each resides.]~~

388 ~~[(ii) If one of the incumbent state school board members from new District 1 indicates~~  
389 ~~in writing to the lieutenant governor that the school board member will not seek reelection, that~~  
390 ~~incumbent state school board member may serve until January 1, 2003 and the other incumbent~~  
391 ~~state school board member shall serve out the term for which the member was elected, which is~~  
392 ~~until January 1, 2005.]~~

393 (2) A member shall:

394 (a) be and remain a registered voter in the board district from which the member was  
395 elected or appointed; and

396 (b) maintain his primary residence within the board district from which the member  
397 was elected or appointed.

398 (3) A member of the State Board of Education may not, during the member's term of  
399 office, also serve as an employee of the board, the Utah State Office of Education, or the Utah  
400 State Office of Rehabilitation.

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

402           **20A-14-104. Becoming a candidate for membership on the State Board of**  
403 **Education.**

404           ~~[(1)(a)]~~ Persons interested in becoming a candidate for the State Board of Education  
405 shall file a declaration of candidacy according to the procedures and requirements of ~~[Sections~~  
406 ~~20A-9-201 and 20A-9-202]~~ Title 20A, Chapter 9, Candidate Qualifications and Nominating  
407 Procedures.

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

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

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

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

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

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

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

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

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

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

425           ~~[(i) teachers;]~~

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

427           ~~[(iii) parents;]~~

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

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

430           ~~[(vi) higher education;]~~

431           ~~[(3) (a) The members appointed under Subsections (2)(a)(i) through (vi) and (2)(b)(i)~~  
432 ~~through (vi) shall be appointed from lists containing at least two names submitted by~~

433 ~~organizations representing each of the respective sectors.]~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 464            [~~(iii) retailing;~~]
- 465            [~~(iv) natural resources;~~]
- 466            [~~(v) information technology;~~]
- 467            [~~(vi) construction;~~]
- 468            [~~(vii) banking;~~]
- 469            [~~(viii) science and engineering; and]~~
- 470            [~~(ix) medical and healthcare;~~]
- 471            [~~(e) higher education administration;~~]
- 472            [~~(f) applied technology education;~~]
- 473            [~~(g) public education administration;~~]
- 474            [~~(h) public education instruction;~~]
- 475            [~~(i) economic development;~~]
- 476            [~~(j) labor; and]~~
- 477            [~~(k) other life experiences that would benefit the State Board of Education.]~~

478            Section 9. Section **20A-14-203** is amended to read:

479            **20A-14-203. Becoming a member of a local board of education -- Declaration of**  
480 **candidacy -- Election.**

481            (1) An individual may become a candidate for a local school board by filing a  
482 declaration of candidacy with the county clerk and paying the fee as required by [~~Section~~  
483 ~~20A-9-202~~] Title 20A, Chapter 9, Candidate Qualifications and Nominating Procedures.

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

486            (b) A member of a local board of education shall serve until a successor is elected or  
487 appointed and qualified.

488            (c) A member of a local board of education is "qualified" when the member takes or  
489 signs the constitutional oath of office.

490            Section 10. **Repealer.**

491            This bill repeals:

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



**Legislative Review Note**

as of 1-24-07 11:36 AM

**Office of Legislative Research and General Counsel**

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**S.B. 194 - Boards of Education Membership Amendments**

**Fiscal Note**

2007 General Session

State of Utah

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**State Impact**

Enactment of this bill will not require additional appropriations.

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**Individual, Business and/or Local Impact**

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.

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