

Senator Kevin T. VanTassell proposes the following substitute bill:

BOARDS OF EDUCATION MEMBERSHIP

AMENDMENTS

2007 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Curtis S. Bramble

House Sponsor: _____

7	Cosponsors:	Brent H. Goodfellow	Wayne L. Niederhauser
8	Gregory S. Bell	John W. Hickman	Darin G. Peterson
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12	Mike Dmitrich	Mark B. Madsen	Michael G. Waddoups
13	Dan R. Eastman	Ed Mayne	Carlene M. Walker
14	Fred J. Fife	Scott D. McCoy	

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 certain 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



28 ▶ makes technical corrections.

29 **Monies Appropriated in this Bill:**

30 None

31 **Other Special Clauses:**

32 None

33 **Utah Code Sections Affected:**

34 AMENDS:

35 **20A-1-102**, as last amended by Chapters 16, 264 and 326, Laws of Utah 2006

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

39 **20A-6-301**, as last amended by Chapter 326, Laws of Utah 2006

40 **20A-6-302**, as last amended by Chapter 326, Laws of Utah 2006

41 **20A-9-403**, as last amended by Chapter 16, Laws of Utah 2006

42 **20A-14-103**, as repealed and reenacted by Chapter 2, Laws of Utah 2001, Second

43 Special Session

44 **20A-14-104**, as last amended by Chapter 19, Laws of Utah 2004

45 **20A-14-203**, as enacted by Chapter 1, Laws of Utah 1995

46 REPEALS:

47 **20A-14-105**, as last amended by Chapter 315, Laws of Utah 2003



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

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

51 **20A-1-102. Definitions.**

52 As used in this title:

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

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

57 (3) "Ballot" means the storage medium, whether paper, mechanical, or electronic, upon
58 which a voter records his votes and includes ballot sheets, paper ballots, electronic ballots, and

59 secrecy envelopes.

60 (4) "Ballot sheet":

61 (a) means a ballot that:

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

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

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

65 (5) "Ballot label" means the cards, papers, booklet, pages, or other materials that

66 contain the names of offices and candidates and statements of ballot propositions to be voted

67 on and which are used in conjunction with ballot sheets that do not display that information.

68 (6) "Ballot proposition" means opinion questions specifically authorized by the

69 Legislature, constitutional amendments, initiatives, referenda, and judicial retention questions

70 that are submitted to the voters for their approval or rejection.

71 (7) "Board of canvassers" means the entities established by Sections 20A-4-301 and

72 20A-4-306 to canvass election returns.

73 (8) "Bond election" means an election held for the purpose of approving or rejecting

74 the proposed issuance of bonds by a government entity.

75 (9) "Book voter registration form" means voter registration forms contained in a bound

76 book that are used by election officers and registration agents to register persons to vote.

77 (10) "By-mail voter registration form" means a voter registration form designed to be

78 completed by the voter and mailed to the election officer.

79 (11) "Canvass" means the review of election returns and the official declaration of

80 election results by the board of canvassers.

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

82 the canvass.

83 (13) "Convention" means the political party convention at which party officers and

84 delegates are selected.

85 (14) "Counting center" means one or more locations selected by the election officer in

86 charge of the election for the automatic counting of ballots.

87 (15) "Counting judge" means a poll worker designated to count the ballots during

88 election day.

89 (16) "Counting poll watcher" means a person selected as provided in Section

90 20A-3-201 to witness the counting of ballots.

91 (17) "Counting room" means a suitable and convenient private place or room,
92 immediately adjoining the place where the election is being held, for use by the counting
93 judges to count ballots during election day.

94 (18) "County executive" has the meaning as provided in Subsection 68-3-12(2).

95 (19) "County legislative body" has the meaning as provided in Subsection 68-3-12(2).

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

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

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

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

105 (24) "Election judge" means each canvassing judge, counting judge, and receiving
106 judge.

107 (25) "Election officer" means:

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

109 (b) the county clerk or clerks for all county ballots and for certain ballots and elections
110 as provided in Section 20A-5-400.5;

111 (c) the municipal clerk for all municipal ballots and for certain ballots and elections as
112 provided in Section 20A-5-400.5;

113 (d) the special district clerk or chief executive officer for certain ballots and elections
114 as provided in Section 20A-5-400.5; and

115 (e) the business administrator or superintendent of a school district for certain ballots
116 or elections as provided in Section 20A-5-400.5.

117 (26) "Election official" means any election officer, election judge, poll worker, or
118 satellite registrar.

119 (27) "Election results" means, for bond elections, the count of those votes cast for and
120 against the bond proposition plus any or all of the election returns that the board of canvassers

121 may request.

122 (28) "Election returns" includes the pollbook, all affidavits of registration, the military
123 and overseas absentee voter registration and voting certificates, one of the tally sheets, any
124 unprocessed absentee ballots, all counted ballots, all excess ballots, all unused ballots, all
125 spoiled ballots, the ballot disposition form, and the total votes cast form.

126 (29) "Electronic ballot" means a ballot that is recorded using a direct electronic voting
127 device or other voting device that records and stores ballot information by electronic means.

128 (30) "Electronic voting system" means a system in which a voting device is used in
129 conjunction with ballots so that votes recorded by the voter are counted and tabulated by
130 automatic tabulating equipment.

131 (31) "Inactive voter" means a registered voter who has been sent the notice required by
132 Section 20A-2-306 and who has failed to respond to that notice.

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

135 (33) "Judicial office" means the office filled by any judicial officer.

136 (34) "Judicial officer" means any justice or judge of a court of record or any county
137 court judge.

138 (35) "Local election" means a regular municipal election, a local special election, a
139 special district election, and a bond election.

140 (36) "Local political subdivision" means a county, a municipality, a special district, or
141 a local school district.

142 (37) "Local special election" means a special election called by the governing body of a
143 local political subdivision in which all registered voters of the local political subdivision may
144 vote.

145 (38) "Municipal executive" means:

146 (a) the city council or town council in the traditional management arrangement
147 established by Title 10, Chapter 3, Part 1, Governing Body;

148 (b) the mayor in the council-mayor optional form of government defined in Section
149 10-3-101; and

150 (c) the manager in the council-manager optional form of government defined in
151 Section 10-3-101.

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

155 (40) "Municipal legislative body" means:

156 (a) the city council or town council in the traditional management arrangement
157 established by Title 10, Chapter 3, Part 1, Governing Body;

158 (b) the municipal council in the council-mayor optional form of government defined in
159 Section 10-3-101; and

160 (c) the municipal council in the council-manager optional form of government defined
161 in Section 10-3-101.

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

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

166 (43) "Nonpartisan local school board" means a local school board for a school district
167 that is within a county of the third, fourth, fifth, or sixth class, as defined in Section 17-50-501.

168 [~~43~~] (44) "Official ballot" means the ballots distributed by the election officer to the
169 poll workers to be given to voters to record their votes.

170 [~~44~~] (45) "Official endorsement" means:

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

172 (i) the ballot as an official ballot;

173 (ii) the date of the election; and

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

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

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

177 (ii) the ballot number.

178 [~~45~~] (46) "Official register" means the official record furnished to election officials
179 by the election officer that contains the information required by Section 20A-5-401.

180 [~~46~~] (47) "Paper ballot" means a paper that contains:

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

183 (b) spaces for the voter to record his vote for each office and for or against each ballot
184 proposition.

185 (48) "Partisan local school board" means a local school board for a school district that
186 is located within a county of the first or second class, as defined in Section 17-50-501.

187 [~~(47)~~] (49) "Political party" means an organization of registered voters that has
188 qualified to participate in an election by meeting the requirements of Title 20A, Chapter 8,
189 Political Party Formation and Procedures.

190 [~~(48)~~] (50) (a) "Poll worker" means a person assigned by an election official to assist
191 with an election, voting, or counting votes.

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

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

194 [~~(49)~~] (51) "Pollbook" means a record of the names of voters in the order that they
195 appear to cast votes.

196 [~~(50)~~] (52) "Polling place" means the building where voting is conducted.

197 [~~(51)~~] (53) "Position" means a square, circle, rectangle, or other geometric shape on a
198 ballot in which the voter marks his choice.

199 [~~(52)~~] (54) "Provisional ballot" means a ballot voted provisionally by a person:

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

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

202 (c) whose identity was not sufficiently established by an election judge.

203 [~~(53)~~] (55) "Provisional ballot envelope" means an envelope printed in the form
204 required by Section 20A-6-105 that is used to identify provisional ballots and to provide
205 information to verify a person's legal right to vote.

206 [~~(54)~~] (56) "Primary convention" means the political party conventions at which
207 nominees for the regular primary election are selected.

208 [~~(55)~~] (57) "Protective counter" means a separate counter, which cannot be reset, that is
209 built into a voting machine and records the total number of movements of the operating lever.

210 [~~(56)~~] (58) "Qualify" or "qualified" means to take the oath of office and begin
211 performing the duties of the position for which the person was elected.

212 [~~(57)~~] (59) "Receiving judge" means the poll worker that checks the voter's name in the
213 official register, provides the voter with a ballot, and removes the ballot stub from the ballot

214 after the voter has voted.

215 ~~[(58)]~~ (60) "Registration days" means the days designated in Section 20A-2-203 when
216 a voter may register to vote with a satellite registrar.

217 ~~[(59)]~~ (61) "Registration form" means a book voter registration form and a by-mail
218 voter registration form.

219 ~~[(60)]~~ (62) "Regular ballot" means a ballot that is not a provisional ballot.

220 ~~[(61)]~~ (63) "Regular general election" means the election held throughout the state on
221 the first Tuesday after the first Monday in November of each even-numbered year for the
222 purposes established in Section 20A-1-201.

223 ~~[(62)]~~ (64) "Regular primary election" means the election on the fourth Tuesday of
224 June of each even-numbered year, at which candidates of political parties and nonpolitical
225 groups are voted for nomination.

226 ~~[(63)]~~ (65) "Resident" means a person who resides within a specific voting precinct in
227 Utah.

228 ~~[(64)]~~ (66) "Sample ballot" means a mock ballot similar in form to the official ballot
229 printed and distributed as provided in Section 20A-5-405.

230 ~~[(65)]~~ (67) "Satellite registrar" means a person appointed under Section 20A-5-201 to
231 register voters and perform other duties.

232 ~~[(66)]~~ (68) "Scratch vote" means to mark or punch the straight party ticket and then
233 mark or punch the ballot for one or more candidates who are members of different political
234 parties.

235 ~~[(67)]~~ (69) "Secrecy envelope" means the envelope given to a voter along with the
236 ballot into which the voter places the ballot after he has voted it in order to preserve the secrecy
237 of the voter's vote.

238 ~~[(68)]~~ (70) "Special district" means those local government entities created under the
239 authority of Title 17A.

240 ~~[(69)]~~ (71) "Special district officers" means those special district officers that are
241 required by law to be elected.

242 ~~[(70)]~~ (72) "Special election" means an election held as authorized by Section
243 20A-1-204.

244 ~~[(71)]~~ (73) "Spoiled ballot" means each ballot that:

245 (a) is spoiled by the voter;

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

247 (c) lacks the official endorsement.

248 [~~(72)~~] (74) "Statewide special election" means a special election called by the governor
249 or the Legislature in which all registered voters in Utah may vote.

250 [~~(73)~~] (75) "Stub" means the detachable part of each ballot.

251 [~~(74)~~] (76) "Substitute ballots" means replacement ballots provided by an election
252 officer to the poll workers when the official ballots are lost or stolen.

253 [~~(75)~~] (77) "Ticket" means each list of candidates for each political party or for each
254 group of petitioners.

255 [~~(76)~~] (78) "Transfer case" means the sealed box used to transport voted ballots to the
256 counting center.

257 [~~(77)~~] (79) "Vacancy" means the absence of a person to serve in any position created
258 by statute, whether that absence occurs because of death, disability, disqualification,
259 resignation, or other cause.

260 [~~(78)~~] (80) "Valid voter identification" means:

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

263 (i) a currently valid Utah driver license;

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

265 (A) the state;

266 (B) a local government within the state; or

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

268 (iii) an identification card that is issued by an employer for an employee;

269 (iv) a currently valid identification card that is issued by a college, university, technical
270 school, or professional school that is located within the state;

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

272 (vi) a currently valid United States passport; or

273 (vii) a valid tribal identification card; or

274 (b) two forms of identification that bear the name of the voter and provide evidence
275 that the voter resides in the voting precinct, which may include:

- 276 (i) a voter identification card;
- 277 (ii) a current utility bill or a legible copy thereof;
- 278 (iii) a bank or other financial account statement, or a legible copy thereof;
- 279 (iv) a certified birth certificate;
- 280 (v) a valid Social Security card;
- 281 (vi) a check issued by the state or the federal government or a legible copy thereof;
- 282 (vii) a paycheck from the voter's employer, or a legible copy thereof;
- 283 (viii) a currently valid Utah hunting or fishing license;
- 284 (ix) a currently valid United States military identification card;
- 285 (x) certified naturalization documentation;
- 286 (xi) a currently valid license issued by an authorized agency of the United States;
- 287 (xii) a certified copy of court records showing the voter's adoption or name change;
- 288 (xiii) a Bureau of Indian Affairs card;
- 289 (xiv) a tribal treaty card;
- 290 (xv) a valid Medicaid card, Medicare card, or Electronic Benefits Transfer Card; or
- 291 (xvi) a form of identification listed in Subsection [~~(76)~~] (78)(a) that does not contain a
- 292 photograph, but establishes the name of the voter and provides evidence that the voter resides
- 293 in the voting precinct.

294 [~~(79)~~] (81) "Valid write-in candidate" means a candidate who has qualified as a

295 write-in candidate by following the procedures and requirements of this title.

296 [~~(80)~~] (82) "Voter" means a person who meets the requirements for voting in an

297 election, meets the requirements of election registration, is registered to vote, and is listed in

298 the official register book.

299 [~~(81)~~] (83) "Voter registration deadline" means the registration deadline provided in

300 Section 20A-2-102.5.

301 [~~(82)~~] (84) "Voting area" means the area within six feet of the voting booths, voting

302 machines, and ballot box.

303 [~~(83)~~] (85) "Voting booth" means:

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

307 [~~84~~] (86) "Voting device" means:

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

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

311 (c) a device used to make selections and cast a ballot electronically, or any component
312 thereof;

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

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

316 [~~85~~] (87) "Voting machine" means a machine designed for the sole purpose of
317 recording and tabulating votes cast by voters at an election.

318 [~~86~~] (88) "Voting poll watcher" means a person appointed as provided in this title to
319 witness the distribution of ballots and the voting process.

320 [~~87~~] (89) "Voting precinct" means the smallest voting unit established as provided by
321 law within which qualified voters vote at one polling place.

322 [~~88~~] (90) "Watcher" means a voting poll watcher, a counting poll watcher, an
323 inspecting poll watcher, and a testing watcher.

324 [~~89~~] (91) "Western States Presidential Primary" means the election established in
325 Title 20A, Chapter 9, Part 8.

326 [~~90~~] (92) "Write-in ballot" means a ballot containing any write-in votes.

327 [~~91~~] (93) "Write-in vote" means a vote cast for a person whose name is not printed on
328 the ballot according to the procedures established in this title.

329 Section 2. Section **20A-1-501** is amended to read:

330 **20A-1-501. Candidate vacancies -- Procedure for filling.**

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

337 (a) after the close of the period for filing declarations of candidacy and continuing

338 through the date 15 days before the date of the primary election:

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

341 (ii) one or both:

342 (A) dies;

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

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

346 or

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

350 (i) dies;

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

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

354 or

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

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

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

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

368 Section 3. Section **20A-1-507** is amended to read:

369 **20A-1-507. Midterm vacancies in the State Board of Education.**

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

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

377 Section 4. Section **20A-1-511** is amended to read:

378 **20A-1-511. Midterm vacancies on local school boards.**

379 (1) (a) A nonpartisan local school board shall fill vacancies on the board by
380 appointment, except as otherwise provided in Subsection (2).

381 (b) If the board fails to make an appointment within 30 days after a vacancy on a
382 nonpartisan local school board occurs, the county legislative body, or municipal legislative
383 body in a city district, shall fill the vacancy by appointment.

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

386 (2) (a) A vacancy on ~~[the]~~ a nonpartisan local school board shall be filled by an interim
387 appointment, followed by an election to fill a two-year term if:

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

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

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

394 (3) Before appointing a person to fill a vacancy on a nonpartisan local school board
395 under ~~[this section]~~ Subsections (1) and (2), the local school board shall:

396 (a) give public notice of the vacancy at least two weeks before the local school board
397 meets to fill the vacancy;

398 (b) identify, in the notice:

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

400 (ii) the person to whom a person interested in being appointed to fill the vacancy may
401 submit his name for consideration and any deadline for submitting it.

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

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

409 Section 5. Section **20A-6-301** is amended to read:

410 **20A-6-301. Paper ballots -- Regular general election.**

411 (1) Each election officer shall ensure that:

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

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

416 (ii) the ballot number and the words " Poll Worker's Initial ____ " are printed on the
417 stub; and

418 (iii) ballot stubs are numbered consecutively;

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

421 (i) "Official Ballot for ____ County, Utah";

422 (ii) the date of the election; and

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

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

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

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

430 (g) unaffiliated candidates and candidates not affiliated with a registered political party

431 are listed in one column, without a party circle, with the following instructions printed at the
432 head of the column: "All candidates not affiliated with a political party are listed below. They
433 are to be considered with all offices and candidates listed to the left. Only one vote is allowed
434 for each office.";

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

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

439 (j) the names of candidates are printed in capital letters, not less than 1/8 nor more than
440 1/4 of an inch high in heavy-faced type not smaller than ten-point, between lines or rules 3/8 of
441 an inch apart;

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

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

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

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

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

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

460 (ii) the words "Write-In Voting Column" printed at the head of the column without a
461 1/2 inch circle;

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

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

467 (2) Each election officer shall ensure that:

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

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

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

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

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

477 (d) the ballots contain no other names.

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

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

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

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

485 (d) the nonpartisan candidates are grouped according to the office for which they are
486 candidates;

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

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

491 ~~[(g)]~~ (f) if candidates for membership on a nonpartisan local board of education were
492 selected in a primary election, the name of the candidate who received the most votes in the

493 primary election is listed first on the ballot;

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

497 ~~[(i)]~~ (h) each group is preceded by the designation of the office for which the
498 candidates seek election, and the words, "Vote for one" or "Vote for two or more," according to
499 the number to be elected.

500 (4) Each election officer shall ensure that:

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

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

507 (c) propositions submitted to the voters by a county are listed on the ballot under the
508 heading "County Proposition Number ___" with the number of the county proposition as
509 assigned by the county legislative body placed in the blank;

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

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

516 (f) county initiatives that have qualified for the ballot are listed on the ballot under the
517 heading "Citizen's County Initiative Number ___" with the number of the county initiative as
518 assigned under Section 20A-7-508 placed in the blank;

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

522 (h) county referenda that have qualified for the ballot are listed on the ballot under the
523 heading "Citizen's County Referendum Number ___" with the number of the county referendum

524 as assigned under Section 20A-7-608 placed in the blank; and

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

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

528 **20A-6-302. Paper ballots -- Placement of candidates' names.**

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

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

532 (i) each candidate is listed by party; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 572 (i) requests the procedure set forth in Subsection (3)(a) to be followed; and
- 573 (ii) contains the signatures of registered voters in the county representing in number at
574 least 25% of all votes cast in the county for all candidates for governor at the last election at
575 which a governor was elected.

576 (4) (a) When there is only one candidate for district attorney at the regular general
577 election in a prosecution district that has three or fewer registered voters of the district who are
578 licensed active members in good standing of the Utah State Bar, the county clerk shall cause
579 that candidate's name and party affiliation, if any, to be placed on a separate section of the
580 ballot with the following question: "Shall (name of candidate) be elected to the office of district
581 attorney? Yes ____ No ____."

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

584 (c) If the number of "No" votes exceeds the number of "Yes" votes, the candidate is not
585 elected and may not take office, nor may he continue in the office past the end of the term

586 resulting from any prior election or appointment.

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

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

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

- 599 (i) requests the procedure set forth in Subsection (4)(a) to be followed; and
- 600 (ii) contains the signatures of registered voters in the county representing in number at
601 least 25% of all votes cast in the county for all candidates for governor at the last election at
602 which a governor was elected.

603 Section 7. Section **20A-9-403** is amended to read:

604 **20A-9-403. Regular primary elections.**

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

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

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

- 611 (i) declare their intent to participate in the primary election;
- 612 (ii) identify one or more registered political parties whose members may vote for the
613 registered political party's candidates and whether or not persons identified as unaffiliated with
614 a political party may vote for the registered political party's candidates; and

615 (iii) certify that information to the lieutenant governor no later than 5 p.m. on March 1
616 of each even-numbered year, except that when March 1 is a Saturday or Sunday, the

617 certification deadline shall be extended until 5 p.m. on the following regular business day.

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

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

624 (ii) certify the name and office of each of its county candidates to the county clerks by
625 5 p.m. on May 13 of each even-numbered year, except that when May 13 is a Saturday or
626 Sunday, the certification deadline shall be extended until 5 p.m. on the following regular
627 business day.

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

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

638 (ii) A registered political party's candidates for President and Vice-President of the
639 United States shall be certified to the lieutenant governor as provided in Subsection
640 20A-9-202(4).

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

645 (3) The county clerk shall:

646 (a) review the declarations of candidacy filed by candidates for nonpartisan local
647 boards of education to determine if more than two candidates have filed for the same seat;

648 (b) place the names of all candidates who have filed a declaration of candidacy for a
649 nonpartisan local board of education seat on the nonpartisan section of the ballot if more than
650 two candidates have filed for the same seat; and

651 (c) conduct a lottery to determine the order of the candidates' names on the ballot.

652 (4) After the county clerk receives the certified list from a registered political party,
653 the county clerk shall post or publish a primary election notice in substantially the following
654 form:

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

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

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

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

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

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

677 Section 8. Section **20A-14-103** is amended to read:

678 **20A-14-103. State Board of Education members -- When elected -- Qualifications**

679 -- **Avoiding conflicts of interest.**

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

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

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

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

693 (2) A member shall:

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

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

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

701 Section 9. Section **20A-14-104** is amended to read:

702 **20A-14-104. Becoming a candidate for membership on the State Board of**
703 **Education.**

704 ~~[(1) (a)]~~ Persons interested in becoming a candidate for the State Board of Education
705 shall file a declaration of candidacy according to the procedures and requirements of ~~[Sections~~
706 ~~20A-9-201 and 20A-9-202]~~ Title 20A, Chapter 9, Candidate Qualifications and Nominating
707 Procedures.

708 ~~[(b) By May 1 of the year in which a State Board of Education member's term expires,~~
709 ~~the lieutenant governor shall submit the name of each person who has filed a declaration of~~

710 ~~candidacy for the State Board of Education to the nominating and recruiting committee for the~~
711 ~~State Board of Education.]~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

740 ~~[(c) Any formal action by the committee requires the approval of a majority of~~

741 ~~committee members.]~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 772 [~~(f) applied technology education;~~]
- 773 [~~(g) public education administration;~~]
- 774 [~~(h) public education instruction;~~]
- 775 [~~(i) economic development;~~]
- 776 [~~(j) labor; and~~]
- 777 [~~(k) other life experiences that would benefit the State Board of Education.~~]

778 Section 10. Section **20A-14-203** is amended to read:

779 **20A-14-203. Becoming a member of a local board of education -- Declaration of**
780 **candidacy -- Election.**

781 (1) An individual may become a candidate for a local school board by filing a
782 declaration of candidacy with the county clerk and paying the fee as required by [~~Section~~
783 ~~20A-9-202.~~];

784 (a) Section 20A-9-202, for a nonpartisan local school board; or

785 (b) Title 20A, Chapter 9, Candidate Qualifications and Nominating Procedures, for a
786 partisan local school board.

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

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

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

793 Section 11. **Repealer.**

794 This bill repeals:

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

S.B. 194 1st Sub. (Green) - Boards of Education Membership Amendments

Fiscal Note

2007 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

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.
