

Senator Curtis S. Bramble proposes the following substitute bill:

BOARDS OF EDUCATION MEMBERSHIP

AMENDMENTS

2007 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Curtis S. Bramble

House Sponsor: Stephen H. Urquhart

7	Cosponsors:	Brent H. Goodfellow	Wayne L. Niederhauser
8	Gregory S. Bell	John W. Hickman	Darin G. Peterson
9	D. Chris Buttars	Scott K. Jenkins	Howard A. Stephenson
10	Gene Davis	Patricia W. Jones	Dennis E. Stowell
11	Margaret Dayton	Sheldon L. Killpack	John L. Valentine
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.

Highlighted Provisions:

This bill:

- ▶ requires members of the State Board 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;
- ▶ 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-1-501**, as last amended by Chapter 264, Laws of Utah 2006

36 **20A-1-507**, as enacted by Chapter 1, Laws of Utah 1993

37 **20A-6-301**, as last amended by Chapter 326, Laws of Utah 2006

38 **20A-6-302**, as last amended by Chapter 326, Laws of Utah 2006

39 **20A-14-103**, as repealed and reenacted by Chapter 2, Laws of Utah 2001, Second

40 Special Session

41 **20A-14-104**, as last amended by Chapter 19, Laws of Utah 2004

42 REPEALS:

43 **20A-14-105**, as last amended by Chapter 315, Laws of Utah 2003



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

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

47 **20A-1-501. Candidate vacancies -- Procedure for filling.**

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

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

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

58 (ii) one or both:

- 59 (A) dies;
- 60 (B) resigns because of becoming physically or mentally disabled as certified by a
61 physician; or
- 62 (C) is disqualified by an election officer for improper filing or nominating procedures;
63 or
- 64 (b) after the close of the primary election and continuing through the date of the voter
65 registration deadline for the general election as established in Section 20A-2-102.5, the party's
66 candidate:
- 67 (i) dies;
- 68 (ii) resigns because of becoming physically or mentally disabled as certified by a
69 physician;
- 70 (iii) is disqualified by an election officer for improper filing or nominating procedures;
71 or
- 72 (iv) resigns to become a candidate for President or Vice-President of the United States.
- 73 (2) If no more than two candidates from a political party have filed a declaration of
74 candidacy for an office elected at a regular general election and one resigns to become the party
75 candidate for another position, the state central committee of that political party, for candidates
76 for governor, lieutenant governor, attorney general, state treasurer, and state auditor, and for
77 state school board and legislative candidates whose legislative districts encompass more than
78 one county, and the county central committee of that political party, for all other party
79 candidates, may certify the name of another candidate to the appropriate election officer.
- 80 (3) Each replacement candidate shall file a declaration of candidacy as required by
81 Title 20A, Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy.
- 82 (4) A replacement candidate may not be certified for an election during the period
83 beginning on the day after the date of the voter registration deadline and continuing through the
84 date of the election.

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

86 **20A-1-507. Midterm vacancies in the State Board of Education.**

- 87 (1) If a vacancy occurs on the State Board of Education for any reason other than the
88 expiration of a member's term, the governor[~~, with the consent of the Senate,~~] shall fill the
89 vacancy by [~~appointment of a qualified member to serve out the unexpired term~~] immediately

90 appointing the person whose name was submitted by the party liaison of the same political
91 party as the prior board member.

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

94 Section 3. Section **20A-6-301** is amended to read:

95 **20A-6-301. Paper ballots -- Regular general election.**

96 (1) Each election officer shall ensure that:

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

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

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

103 (iii) ballot stubs are numbered consecutively;

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

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

107 (ii) the date of the election; and

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

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

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

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

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

120 (h) the columns containing the lists of candidates, including the party name and device,

121 are separated by heavy parallel lines;

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

124 (j) the names of candidates are printed in capital letters, not less than 1/8 nor more than
125 1/4 of an inch high in heavy-faced type not smaller than ten-point, between lines or rules 3/8 of
126 an inch apart;

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

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

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

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

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

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

145 (ii) the words "Write-In Voting Column" printed at the head of the column without a
146 1/2 inch circle;

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

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

152 (2) Each election officer shall ensure that:
153 (a) each person nominated by any political party or group of petitioners is placed on the
154 ballot:
155 (i) under the party name and emblem, if any; or
156 (ii) under the title of the party or group as designated by them in their certificates of
157 nomination or petition, or, if none is designated, then under some suitable title;
158 (b) the names of all unaffiliated candidates that qualify as required in Title 20A,
159 Chapter 9, Part 5, Candidates not Affiliated with a Party, are placed on the ballot;
160 (c) the names of the candidates for president and vice president are used on the ballot
161 instead of the names of the presidential electors; and
162 (d) the ballots contain no other names.
163 (3) When the ballot contains a nonpartisan section, the election officer shall ensure
164 that:
165 (a) the designation of the office to be filled in the election and the number of
166 candidates to be elected are printed in type not smaller than eight-point;
167 (b) the words designating the office are printed flush with the left-hand margin;
168 (c) the words, "Vote for one" or "Vote for two or more" extend to the extreme right of
169 the column;
170 (d) the nonpartisan candidates are grouped according to the office for which they are
171 candidates;
172 (e) the names in each group are placed in alphabetical order with the surnames last,
173 except for candidates for ~~[the State Board of Education and]~~ local school boards;
174 ~~[(f) the names of candidates for the State Board of Education are placed on the ballot as~~
175 ~~certified by the lieutenant governor under Section 20A-14-105;]~~
176 ~~[(g)]~~ (f) if candidates for membership on a local board of education were selected in a
177 primary election, the name of the candidate who received the most votes in the primary election
178 is listed first on the ballot;
179 ~~[(h)]~~ (g) if candidates for membership on a local board of education were not selected
180 in the primary election, the names of the candidates are listed on the ballot in the order
181 determined by a lottery conducted by the county clerk; and
182 ~~[(i)]~~ (h) each group is preceded by the designation of the office for which the

183 candidates seek election, and the words, "Vote for one" or "Vote for two or more," according to
184 the number to be elected.

185 (4) Each election officer shall ensure that:

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

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

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

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

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

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

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

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

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

212 Section 4. Section **20A-6-302** is amended to read:

213 **20A-6-302. Paper ballots -- Placement of candidates' names.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

275 (e) If no qualified person files for the office of district attorney, or if the only candidate

276 is not elected by the voters under this subsection, the county legislative body shall appoint a
277 new district attorney for a four-year term as provided in Section 20A-1-509.2.

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

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

288 Section 5. Section **20A-14-103** is amended to read:

289 **20A-14-103. State Board of Education members -- When elected -- Qualifications**
290 **-- Avoiding conflicts of interest.**

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

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

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

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

304 (2) A member shall:

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

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

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

312 Section 6. Section **20A-14-104** is amended to read:

313 **20A-14-104. Becoming a candidate for membership on the State Board of**
314 **Education.**

315 ~~[(1)(a)]~~ Persons interested in becoming a candidate for the State Board of Education
316 shall file a declaration of candidacy according to the procedures and requirements of ~~[Sections~~
317 ~~20A-9-201 and 20A-9-202]~~ Title 20A, Chapter 9, Candidate Qualifications and Nominating
318 Procedures.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 369 [~~(a) business and industry administration;~~]
- 370 [~~(b) business and industry human resource management;~~]
- 371 [~~(c) business and industry finance;~~]
- 372 [~~(d) business and industry, including expertise in:~~]
- 373 [~~(i) metrics and evaluation;~~]
- 374 [~~(ii) manufacturing;~~]
- 375 [~~(iii) retailing;~~]
- 376 [~~(iv) natural resources;~~]
- 377 [~~(v) information technology;~~]
- 378 [~~(vi) construction;~~]
- 379 [~~(vii) banking;~~]
- 380 [~~(viii) science and engineering; and]~~
- 381 [~~(ix) medical and healthcare;~~]
- 382 [~~(e) higher education administration;~~]
- 383 [~~(f) applied technology education;~~]
- 384 [~~(g) public education administration;~~]
- 385 [~~(h) public education instruction;~~]
- 386 [~~(i) economic development;~~]
- 387 [~~(j) labor; and]~~
- 388 [~~(k) other life experiences that would benefit the State Board of Education.]~~

389 Section 7. **Repealer.**

390 This bill repeals:

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

S.B. 194 2nd Sub. (Salmon) - 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.
