

Representative Jim Nielson proposes the following substitute bill:

STATE BOARD OF EDUCATION MEMBER ELECTION

PROCESS AMENDMENTS

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Carol Spackman Moss

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies the election process for membership on the State Board of Education.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ requires the direct, nonpartisan election of members of the State Board of Education;
- ▶ repeals the involvement of the governor and the nominating and recruiting committee for the State Board of Education in the selection process;
- ▶ moves the election for the State Board of Education to an odd-numbered year;
- ▶ designates a county clerk as the election officer for the election to the State Board of Education; and
- ▶ makes technical corrections.

Money Appropriated in this Bill:

None

Other Special Clauses:

None



26 **Utah Code Sections Affected:**

27 AMENDS:

28 **20A-1-102**, as last amended by Laws of Utah 2010, Chapters 129, 197, and 254

29 **20A-1-201**, as last amended by Laws of Utah 2000, Chapter 241

30 **20A-1-201.5**, as last amended by Laws of Utah 2007, Chapters 256 and 329

31 **20A-4-304**, as last amended by Laws of Utah 2008, Chapter 82

32 **20A-5-401**, as last amended by Laws of Utah 2009, Chapter 45

33 **20A-5-409**, as last amended by Laws of Utah 2008, Chapter 225

34 **20A-6-301**, as last amended by Laws of Utah 2009, Chapter 202

35 **20A-6-302**, as last amended by Laws of Utah 2006, Chapter 326

36 **20A-9-202**, as last amended by Laws of Utah 2009, Chapter 119

37 **20A-11-101**, as last amended by Laws of Utah 2010, Chapters 197, 246, and 389

38 **20A-11-1302**, as last amended by Laws of Utah 2010, Chapter 389

39 **20A-11-1303**, as last amended by Laws of Utah 2010, Chapter 389

40 **20A-11-1305**, as last amended by Laws of Utah 2010, Chapter 389

41 **20A-14-103**, as last amended by Laws of Utah 2008, Chapter 8

42 **20A-14-104**, as last amended by Laws of Utah 2004, Chapter 19

43 REPEALS:

44 **20A-14-105**, as last amended by Laws of Utah 2003, Chapter 315



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

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

48 **20A-1-102. Definitions.**

49 As used in this title:

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

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

54 (3) (a) "Ballot" means the storage medium, whether paper, mechanical, or electronic,
55 upon which a voter records the voter's votes.

56 (b) "Ballot" includes ballot sheets, paper ballots, electronic ballots, and secrecy

57 envelopes.

58 (4) "Ballot sheet":

59 (a) means a ballot that:

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

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

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

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

64 (a) contain the names of offices and candidates and statements of ballot propositions to

65 be voted on; and

66 (b) are used in conjunction with ballot sheets that do not display that information.

67 (6) "Ballot proposition" means a question, issue, or proposal that is submitted to voters

68 on the ballot for their approval or rejection including:

69 (a) an opinion question specifically authorized by the Legislature;

70 (b) a constitutional amendment;

71 (c) an initiative;

72 (d) a referendum;

73 (e) a bond proposition;

74 (f) a judicial retention question; or

75 (g) any other ballot question specifically authorized by the Legislature.

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

77 20A-4-306 to canvass election returns.

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

79 the proposed issuance of bonds by a government entity.

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

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

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

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

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

85 election results by the board of canvassers.

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

87 the canvass.

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

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

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

94 (16) "Counting poll watcher" means a person selected as provided in Section
95 20A-3-201 to witness the counting of ballots.

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

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

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

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

104 (b) does not include:

105 (i) deadlines established for absentee voting; or

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

108 (20) "Election" means a regular general election, a municipal general election, a
109 statewide special election, a local special election, a regular primary election, a municipal
110 primary election, a school board general election, a school board primary election, and a local
111 district election.

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

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

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

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

118 (b) act as the presiding election judge; or

- 119 (c) serve as a canvassing judge, counting judge, or receiving judge.
- 120 (24) "Election officer" means:
- 121 (a) the lieutenant governor, for all statewide ballots;
- 122 (b) the county clerk or clerks for:
- 123 (i) all county ballots [~~and for~~];
- 124 (ii) certain ballots and elections as provided in Section 20A-5-400.5;
- 125 (iii) a school board primary election; and
- 126 (iv) a school board general election;
- 127 (c) the municipal clerk for all municipal ballots and for certain ballots and elections as
- 128 provided in Section 20A-5-400.5;
- 129 (d) the local district clerk or chief executive officer for certain ballots and elections as
- 130 provided in Section 20A-5-400.5; and
- 131 (e) the business administrator or superintendent of a school district for certain ballots
- 132 or elections as provided in Section 20A-5-400.5.
- 133 (25) "Election official" means any election officer, election judge, or poll worker.
- 134 (26) "Election results" means, for bond elections, the count of those votes cast for and
- 135 against the bond proposition plus any or all of the election returns that the board of canvassers
- 136 may request.
- 137 (27) "Election returns" includes the pollbook, all affidavits of registration, the military
- 138 and overseas absentee voter registration and voting certificates, one of the tally sheets, any
- 139 unprocessed absentee ballots, all counted ballots, all excess ballots, all unused ballots, all
- 140 spoiled ballots, the ballot disposition form, and the total votes cast form.
- 141 (28) "Electronic ballot" means a ballot that is recorded using a direct electronic voting
- 142 device or other voting device that records and stores ballot information by electronic means.
- 143 (29) (a) "Electronic voting device" means a voting device that uses electronic ballots.
- 144 (b) "Electronic voting device" includes a direct recording electronic voting device.
- 145 (30) "Inactive voter" means a registered voter who has:
- 146 (a) been sent the notice required by Section 20A-2-306; and
- 147 (b) failed to respond to that notice.
- 148 (31) "Inspecting poll watcher" means a person selected as provided in this title to
- 149 witness the receipt and safe deposit of voted and counted ballots.

150 (32) "Judicial office" means the office filled by any judicial officer.

151 (33) "Judicial officer" means any justice or judge of a court of record or any county
152 court judge.

153 (34) "Local district" means a local government entity under Title 17B, Limited Purpose
154 Local Government Entities - Local Districts, and includes a special service district under Title
155 17D, Chapter 1, Special Service District Act.

156 (35) "Local district officers" means those local district officers that are required by law
157 to be elected.

158 (36) "Local election" means a regular municipal election, a local special election, a
159 local district election, and a bond election.

160 (37) "Local political subdivision" means a county, a municipality, a local district, or a
161 local school district.

162 (38) "Local special election" means a special election called by the governing body of a
163 local political subdivision in which all registered voters of the local political subdivision may
164 vote.

165 (39) "Municipal executive" means:

166 (a) the mayor in the council-mayor form of government defined in Section 10-3b-102;
167 or

168 (b) the mayor in the council-manager form of government defined in Subsection
169 10-3b-103(6).

170 (40) "Municipal general election" means the election held in municipalities and local
171 districts on the first Tuesday after the first Monday in November of each odd-numbered year
172 for the purposes established in Section 20A-1-202.

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

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

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

179 (44) "Official ballot" means the ballots distributed by the election officer to the poll
180 workers to be given to voters to record their votes.

- 181 (45) "Official endorsement" means:
- 182 (a) the information on the ballot that identifies:
- 183 (i) the ballot as an official ballot;
- 184 (ii) the date of the election; and
- 185 (iii) the facsimile signature of the election officer; and
- 186 (b) the information on the ballot stub that identifies:
- 187 (i) the poll worker's initials; and
- 188 (ii) the ballot number.
- 189 (46) "Official register" means the official record furnished to election officials by the
- 190 election officer that contains the information required by Section 20A-5-401.
- 191 (47) "Paper ballot" means a paper that contains:
- 192 (a) the names of offices and candidates and statements of ballot propositions to be
- 193 voted on; and
- 194 (b) spaces for the voter to record the voter's vote for each office and for or against each
- 195 ballot proposition.
- 196 (48) "Political party" means an organization of registered voters that has qualified to
- 197 participate in an election by meeting the requirements of Chapter 8, Political Party Formation
- 198 and Procedures.
- 199 (49) (a) "Poll worker" means a person assigned by an election official to assist with an
- 200 election, voting, or counting votes.
- 201 (b) "Poll worker" includes election judges.
- 202 (c) "Poll worker" does not include a watcher.
- 203 (50) "Pollbook" means a record of the names of voters in the order that they appear to
- 204 cast votes.
- 205 (51) "Polling place" means the building where voting is conducted.
- 206 (52) "Position" means a square, circle, rectangle, or other geometric shape on a ballot
- 207 in which the voter marks the voter's choice.
- 208 (53) "Provisional ballot" means a ballot voted provisionally by a person:
- 209 (a) whose name is not listed on the official register at the polling place;
- 210 (b) whose legal right to vote is challenged as provided in this title; or
- 211 (c) whose identity was not sufficiently established by a poll worker.

212 (54) "Provisional ballot envelope" means an envelope printed in the form required by
213 Section 20A-6-105 that is used to identify provisional ballots and to provide information to
214 verify a person's legal right to vote.

215 (55) "Primary convention" means the political party conventions at which nominees for
216 the regular primary election are selected.

217 (56) "Protective counter" means a separate counter, which cannot be reset, that:

218 (a) is built into a voting machine; and

219 (b) records the total number of movements of the operating lever.

220 (57) "Qualify" or "qualified" means to take the oath of office and begin performing the
221 duties of the position for which the person was elected.

222 (58) "Receiving judge" means the poll worker that checks the voter's name in the
223 official register, provides the voter with a ballot, and removes the ballot stub from the ballot
224 after the voter has voted.

225 (59) "Registration form" means a book voter registration form and a by-mail voter
226 registration form.

227 (60) "Regular ballot" means a ballot that is not a provisional ballot.

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

231 (62) "Regular primary election" means the election on the fourth Tuesday of June of
232 each even-numbered year, to nominate candidates of political parties and nonpolitical groups to
233 advance to the regular general election.

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

235 (64) "Sample ballot" means a mock ballot similar in form to the official ballot printed
236 and distributed as provided in Section 20A-5-405.

237 (65) "School board general election" means an election at which a person is elected to
238 the State Board of Education.

239 (66) "School board primary election" means an election held:

240 (a) if more than two candidates file a declaration of candidacy for the same seat; and

241 (b) at which a candidate who receives the highest number of votes or the second
242 highest number of votes is nominated to advance to the school board general election.

243 ~~[(65)]~~ (67) "Scratch vote" means to mark or punch the straight party ticket and then
244 mark or punch the ballot for one or more candidates who are members of different political
245 parties.

246 ~~[(66)]~~ (68) "Secrecy envelope" means the envelope given to a voter along with the
247 ballot into which the voter places the ballot after the voter has voted it in order to preserve the
248 secrecy of the voter's vote.

249 ~~[(67)]~~ (69) "Special election" means an election held as authorized by Section
250 20A-1-204.

251 ~~[(68)]~~ (70) "Spoiled ballot" means each ballot that:

252 (a) is spoiled by the voter;

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

254 (c) lacks the official endorsement.

255 ~~[(69)]~~ (71) "Statewide special election" means a special election called by the governor
256 or the Legislature in which all registered voters in Utah may vote.

257 ~~[(70)]~~ (72) "Stub" means the detachable part of each ballot.

258 ~~[(71)]~~ (73) "Substitute ballots" means replacement ballots provided by an election
259 officer to the poll workers when the official ballots are lost or stolen.

260 ~~[(72)]~~ (74) "Ticket" means each list of candidates for each political party or for each
261 group of petitioners.

262 ~~[(73)]~~ (75) "Transfer case" means the sealed box used to transport voted ballots to the
263 counting center.

264 ~~[(74)]~~ (76) "Vacancy" means the absence of a person to serve in any position created
265 by statute, whether that absence occurs because of death, disability, disqualification,
266 resignation, or other cause.

267 ~~[(75)]~~ (77) "Valid voter identification" means:

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

270 (i) a currently valid Utah driver license;

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

272 (A) the state; or

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

- 274 (iii) a currently valid Utah permit to carry a concealed weapon;
- 275 (iv) a currently valid United States passport; or
- 276 (v) a currently valid United States military identification card;
- 277 (b) one of the following identification cards, whether or not the card includes a
- 278 photograph of the voter:
 - 279 (i) a valid tribal identification card;
 - 280 (ii) a Bureau of Indian Affairs card; or
 - 281 (iii) a tribal treaty card; or
 - 282 (c) two forms of identification not listed under Subsection [~~(75)~~] (77)(a) or (b) but that
 - 283 bear the name of the voter and provide evidence that the voter resides in the voting precinct,
 - 284 which may include:
 - 285 (i) a current utility bill or a legible copy thereof, dated within the 90 days before the
 - 286 election;
 - 287 (ii) a bank or other financial account statement, or a legible copy thereof;
 - 288 (iii) a certified birth certificate;
 - 289 (iv) a valid Social Security card;
 - 290 (v) a check issued by the state or the federal government or a legible copy thereof;
 - 291 (vi) a paycheck from the voter's employer, or a legible copy thereof;
 - 292 (vii) a currently valid Utah hunting or fishing license;
 - 293 (viii) certified naturalization documentation;
 - 294 (ix) a currently valid license issued by an authorized agency of the United States;
 - 295 (x) a certified copy of court records showing the voter's adoption or name change;
 - 296 (xi) a valid Medicaid card, Medicare card, or Electronic Benefits Transfer Card;
 - 297 (xii) a currently valid identification card issued by:
 - 298 (A) a local government within the state;
 - 299 (B) an employer for an employee; or
 - 300 (C) a college, university, technical school, or professional school located within the
 - 301 state; or
 - 302 (xiii) a current Utah vehicle registration.
 - 303 [~~(76)~~] (78) "Valid write-in candidate" means a candidate who has qualified as a
 - 304 write-in candidate by following the procedures and requirements of this title.

305 [~~(77)~~] (79) "Voter" means a person who:

306 (a) meets the requirements for voting in an election;

307 (b) meets the requirements of election registration;

308 (c) is registered to vote; and

309 (d) is listed in the official register book.

310 [~~(78)~~] (80) "Voter registration deadline" means the registration deadline provided in
311 Section 20A-2-102.5.

312 [~~(79)~~] (81) "Voting area" means the area within six feet of the voting booths, voting
313 machines, and ballot box.

314 [~~(80)~~] (82) "Voting booth" means:

315 (a) the space or compartment within a polling place that is provided for the preparation
316 of ballots, including the voting machine enclosure or curtain; or

317 (b) a voting device that is free standing.

318 [~~(81)~~] (83) "Voting device" means:

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

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

322 (c) an electronic voting device or other device used to make selections and cast a ballot
323 electronically, or any component thereof;

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

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

327 [~~(82)~~] (84) "Voting machine" means a machine designed for the sole purpose of
328 recording and tabulating votes cast by voters at an election.

329 [~~(83)~~] (85) "Voting poll watcher" means a person appointed as provided in this title to
330 witness the distribution of ballots and the voting process.

331 [~~(84)~~] (86) "Voting precinct" means the smallest voting unit established as provided by
332 law within which qualified voters vote at one polling place.

333 [~~(85)~~] (87) "Watcher" means a voting poll watcher, a counting poll watcher, an
334 inspecting poll watcher, and a testing watcher.

335 [~~(86)~~] (88) "Western States Presidential Primary" means the election established in

336 Title 20A, Chapter 9, Part 8.

337 [~~(87)~~] (89) "Write-in ballot" means a ballot containing any write-in votes.

338 [~~(88)~~] (90) "Write-in vote" means a vote cast for a person whose name is not printed on
339 the ballot according to the procedures established in this title.

340 Section 2. Section **20A-1-201** is amended to read:

341 **20A-1-201. Date and purpose of regular general elections and school board**
342 **election.**

343 (1) A regular general election shall be held throughout the state on the first Tuesday
344 after the first Monday in November of each even-numbered year.

345 (2) At the regular general election, the voters shall:

346 (a) choose persons to serve the terms established by law for the following offices:

347 (i) electors of President and Vice President of the United States;

348 (ii) United States Senators;

349 (iii) Representatives to the United States Congress;

350 (iv) governor, lieutenant governor, attorney general, state treasurer, and state auditor;

351 (v) senators and representatives to the Utah Legislature;

352 (vi) county officers;

353 [~~(vii) State School Board members;~~]

354 [~~(viii)~~] (vii) local school board members; and

355 [~~(ix)~~] (viii) any elected judicial officers; and

356 (b) approve or reject:

357 (i) any proposed amendments to the Utah Constitution that have qualified for the ballot
358 under procedures established in the Utah Code;

359 (ii) any proposed initiatives or referenda that have qualified for the ballot under
360 procedures established in the Utah Code; and

361 (iii) any other ballot propositions submitted to the voters that are authorized by the
362 Utah Code.

363 (3) A school board general election shall be held throughout the state on the same day
364 as the municipal general election to elect persons to serve on the State Board of Education for
365 the terms described in Section 20A-14-103.

366 Section 3. Section **20A-1-201.5** is amended to read:

367 **20A-1-201.5. Primary election dates.**

368 (1) A regular primary election shall be held throughout the state on the fourth Tuesday
369 of June of each even numbered year as provided in Section 20A-9-403, to nominate persons for
370 national, state, local school board, and county offices.

371 (2) (a) A municipal primary election shall be held, if necessary, on the second Tuesday
372 following the first Monday in September before the regular municipal election to nominate
373 persons for municipal offices.

374 (b) A school board primary election shall be held, if necessary, on the same day as the
375 municipal primary election to nominate persons to advance to the school board general
376 election.

377 (3) The Western States Presidential Primary election shall be held throughout the state
378 on the first Tuesday in February in the year in which a presidential election will be held.

379 Section 4. Section **20A-4-304** is amended to read:

380 **20A-4-304. Declaration of results -- Canvassers' report.**

381 (1) Each board of canvassers shall:

382 (a) declare "elected" or "nominated" those persons who:

383 (i) had the highest number of votes; and

384 (ii) sought election or nomination to an office completely within the board's
385 jurisdiction;

386 (b) declare:

387 (i) "approved" those ballot propositions that:

388 (A) had more "yes" votes than "no" votes; and

389 (B) were submitted only to the voters within the board's jurisdiction;

390 (ii) "rejected" those ballot propositions that:

391 (A) had more "no" votes than "yes" votes or an equal number of "no" votes and "yes"
392 votes; and

393 (B) were submitted only to the voters within the board's jurisdiction;

394 (c) certify the vote totals for persons and for and against ballot propositions that were
395 submitted to voters within and beyond the board's jurisdiction and transmit those vote totals to
396 the lieutenant governor; and

397 (d) if applicable, certify the results of each local district election to the local district

398 clerk.

399 (2) (a) As soon as the result is declared, the election officer shall prepare a report of the
400 result, which shall contain:

401 (i) the total number of votes cast in the board's jurisdiction;

402 (ii) the names of each candidate whose name appeared on the ballot;

403 (iii) the title of each ballot proposition that appeared on the ballot;

404 (iv) each office that appeared on the ballot;

405 (v) from each voting precinct:

406 (A) the number of votes for each candidate; and

407 (B) the number of votes for and against each ballot proposition;

408 (vi) the total number of votes given in the board's jurisdiction to each candidate, and
409 for and against each ballot proposition; and

410 (vii) a statement certifying that the information contained in the report is accurate.

411 (b) The election officer and the board of canvassers shall:

412 (i) review the report to ensure that it is correct; and

413 (ii) sign the report.

414 (c) The election officer shall:

415 (i) record or file the certified report in a book kept for that purpose;

416 (ii) prepare and transmit a certificate of nomination or election under the officer's seal
417 to each nominated or elected candidate;

418 (iii) publish a copy of the certified report:

419 (A) in one or more conspicuous places within the jurisdiction;

420 (B) in a conspicuous place on the county's website; and

421 (C) in a newspaper with general circulation in the board's jurisdiction; and

422 (iv) file a copy of the certified report with the lieutenant governor.

423 (3) When there has been a regular general or a statewide special election for statewide
424 officers, for officers that appear on the ballot in more than one county, or for a statewide or two
425 or more county ballot proposition, each board of canvassers shall:

426 (a) prepare a separate report detailing the number of votes for each candidate and the
427 number of votes for and against each ballot proposition; and

428 (b) transmit it by registered mail to the lieutenant governor.

429 (4) In each county election, municipal election, school board general election, local
430 district election, and local special election, the election officer shall transmit the reports to the
431 lieutenant governor within 14 days after the date of the election.

432 (5) In regular primary elections and in the Western States Presidential Primary, the
433 board shall transmit to the lieutenant governor:

434 (a) the county totals for multi-county races, to be telephoned or faxed to the lieutenant
435 governor:

436 (i) not later than the second Tuesday after the primary election for the regular primary
437 election; and

438 (ii) not later than the Tuesday following the election for the Western States Presidential
439 Primary; and

440 (b) a complete tabulation showing voting totals for all primary races, precinct by
441 precinct, to be mailed to the lieutenant governor on or before the third Friday following the
442 primary election.

443 (6) In a school board primary election, the board shall transmit to the lieutenant
444 governor:

445 (a) the county totals for a district that is in more than one county by telephone or fax
446 not later than the second Tuesday after the school board primary election; and

447 (b) a complete tabulation showing voting totals for all district races, within the county
448 precinct by precinct, by mail on or before the third Friday following the school board primary
449 election.

450 Section 5. Section **20A-5-401** is amended to read:

451 **20A-5-401. Official register -- Preparation -- Contents.**

452 (1) (a) Before the registration days for each regular general, municipal general, school
453 board general, regular primary, municipal primary, school board primary, or Western States
454 Presidential Primary election, each county clerk shall prepare an official register of voters for
455 each voting precinct that will participate in the election.

456 (b) The county clerk shall ensure that the official register is prepared for the
457 alphabetical entry of names and contains entry fields to provide for the following information:

458 (i) registered voter's name;

459 (ii) party affiliation;

- 460 (iii) grounds for challenge;
- 461 (iv) name of person challenging a voter;
- 462 (v) primary, November, special;
- 463 (vi) date of birth;
- 464 (vii) place of birth;
- 465 (viii) place of current residence;
- 466 (ix) street address;
- 467 (x) zip code;
- 468 (xi) identification and provisional ballot information as required under Subsection
- 469 (1)(d); and
- 470 (xii) space for the voter to sign his name for each election.
- 471 (c) When preparing the official register for the Western States Presidential Primary, the
- 472 county clerk shall include:
 - 473 (i) an entry field to record the name of the political party whose ballot the voter voted;
 - 474 and
 - 475 (ii) an entry field for the poll worker to record changes in the voter's party affiliation.
- 476 (d) When preparing the official register for any regular general election, municipal
- 477 general election, statewide special election, local special election, regular primary election,
- 478 municipal primary election, local district election, or election for federal office, the county
- 479 clerk shall include:
 - 480 (i) an entry field for the poll worker to record the type of identification provided by the
 - 481 voter;
 - 482 (ii) a column for the poll worker to record the provisional envelope ballot number for
 - 483 voters who receive a provisional ballot; and
 - 484 (iii) a space for the poll worker to record the type of identification that was provided by
 - 485 voters who receive a provisional ballot.
- 486 (2) (a) (i) For regular and municipal elections, primary elections, regular municipal
- 487 elections, school board general elections, school board primary elections, local district
- 488 elections, and bond elections, the county clerk shall make an official register only for voting
- 489 precincts affected by the primary, municipal, school board, local district, or bond election.
- 490 (ii) If a polling place to be used in a bond election serves both voters residing in the

491 local political subdivision calling the bond election and voters residing outside of that local
492 political subdivision, the official register shall designate whether each voter resides in or
493 outside of the local political subdivision.

494 (iii) Each county clerk, with the assistance of the clerk of each affected local district,
495 shall provide a detailed map or an indication on the registration list or other means to enable a
496 poll worker to determine the voters entitled to vote at an election of local district officers.

497 (b) Municipalities shall pay the costs of making the official register for municipal
498 elections.

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

500 **20A-5-409. Certification of candidates to county clerks.**

501 (1) No later than September 8 of each regular general election year, the lieutenant
502 governor shall certify to each county clerk the name of each candidate qualified to be printed
503 on the regular general election ballot for that county clerk's county.

504 (2) No later than September 30 of each school board general election year, the
505 lieutenant governor shall certify the names and order of the names of each candidate qualified
506 to be printed on the school board general election ballot for that county clerk's county.

507 Section 7. Section **20A-6-301** is amended to read:

508 **20A-6-301. Paper ballots -- Regular general election -- School board election.**

509 (1) Each election officer shall ensure that:

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

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

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

516 (iii) ballot stubs are numbered consecutively;

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

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

520 (ii) the date of the election; and

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

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

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

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

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

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

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

537 (j) the names of candidates are printed in capital letters, not less than 1/8 nor more than
538 1/4 of an inch high in heavy-faced type not smaller than 10 point, between lines or rules 3/8 of
539 an inch apart;

540 (k) a square with sides measuring not less than 1/4 of an inch in length is printed
541 immediately adjacent to the name of each candidate;

542 (l) for the offices of president and vice president and governor and lieutenant governor,
543 one square with sides measuring not less than 1/4 of an inch in length is printed on the same
544 side as but opposite a double bracket enclosing the names of the two candidates;

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

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

550 (A) a blank, horizontal line to enable the entry of a valid write-in candidate and a
551 square with sides measuring not less than 1/4 of an inch in length printed immediately adjacent
552 to the blank horizontal line; or

553 (B) for the offices of president and vice president and governor and lieutenant
554 governor, two blank horizontal lines, one placed above the other, to enable the entry of two
555 valid write-in candidates, and one square with sides measuring not less than 1/4 of an inch in
556 length printed on the same side as but opposite a double bracket enclosing the two blank
557 horizontal lines; and

558 (ii) the words "Write-In Voting Column" printed at the head of the column without a
559 1/2 inch circle;

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

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

565 (2) Each election officer shall ensure that:

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

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

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

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

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

575 (d) the ballots contain no other names.

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

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

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

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

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

584 candidates;

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

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

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

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

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

598 (4) Each election officer shall ensure that:

599 (a) proposed amendments to the Utah Constitution are listed on the ballot in
600 accordance with Section 20A-6-107;

601 (b) ballot propositions submitted to the voters are listed on the ballot in accordance
602 with Section 20A-6-107; and

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

605 Section 8. Section **20A-6-302** is amended to read:

606 **20A-6-302. Paper ballots -- Placement of candidates' names.**

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

609 (a) except for candidates for state school board and local school boards:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

644 (f) If the candidate whose name would, except for this Subsection (3)(f), be placed on
645 the ballot under Subsection (3)(a) has been elected on a ballot under Subsection (3)(a) to the

646 two consecutive terms immediately preceding the term for which the candidate is seeking
647 election, Subsection (3)(a) shall not apply and that candidate shall be considered to be an
648 unopposed candidate the same as any other unopposed candidate for another office, unless a
649 petition is filed with the county clerk before the date of that year's primary election that:

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

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

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

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

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

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

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

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

681 Section 9. Section **20A-9-202** is amended to read:

682 **20A-9-202. Declarations of candidacy for regular general elections and school**
683 **board general elections -- Requirements for candidates.**

684 (1) (a) Each person seeking to become a candidate for elective office for any county
685 office that is to be filled at the next regular general election shall:

686 (i) file a declaration of candidacy in person with the county clerk on or after the second
687 Friday in March and before 5 p.m. on the third Friday in March before the next regular general
688 election; and

689 (ii) pay the filing fee.

690 (b) Each person intending to become a candidate for any legislative office or
691 multicounty office that is to be filled at the next regular general election shall:

692 (i) file a declaration of candidacy in person with either the lieutenant governor or the
693 county clerk in the candidate's county of residence on or after the second Friday in March and
694 before 5 p.m. on the third Friday in March before the next regular general election; and

695 (ii) pay the filing fee.

696 (c) (i) Each county clerk who receives a declaration of candidacy from a candidate for
697 multicounty office shall transmit the filing fee and a copy of the candidate's declaration of
698 candidacy to the lieutenant governor within one working day after it is filed.

699 (ii) Each day during the filing period, each county clerk shall notify the lieutenant
700 governor electronically or by telephone of legislative candidates who have filed in their office.

701 (d) Each person seeking to become a candidate for elective office for any federal office
702 or constitutional office that is to be filled at the next regular general election shall:

703 (i) file a declaration of candidacy in person with the lieutenant governor on or after the
704 second Friday in March and before 5 p.m. on the third Friday in March before the next regular
705 general election; and

706 (ii) pay the filing fee.

707 (e) Each person seeking the office of lieutenant governor, the office of district attorney,

708 or the office of President or Vice President of the United States shall comply with the specific
709 declaration of candidacy requirements established by this section.

710 (2) (a) Each person intending to become a candidate for the office of district attorney
711 within a multicounty prosecution district that is to be filled at the next regular general election
712 shall:

713 (i) file a declaration of candidacy with the clerk designated in the interlocal agreement
714 creating the prosecution district on or after the second Friday in March and before 5 p.m. on the
715 third Friday in March before the next regular general election; and

716 (ii) pay the filing fee.

717 (b) The designated clerk shall provide to the county clerk of each county in the
718 prosecution district a certified copy of each declaration of candidacy filed for the office of
719 district attorney.

720 (3) (a) Within five working days of nomination, each lieutenant governor candidate
721 shall:

722 (i) file a declaration of candidacy with the lieutenant governor; and

723 (ii) pay the filing fee.

724 (b) (i) Any candidate for lieutenant governor who fails to file within five working days
725 is disqualified.

726 (ii) If a lieutenant governor is disqualified, another candidate shall be nominated to
727 replace the disqualified candidate.

728 (4) Each registered political party shall:

729 (a) certify the names of its candidates for President and Vice President of the United
730 States to the lieutenant governor no later than September 8; or

731 (b) provide written authorization for the lieutenant governor to accept the certification
732 of candidates for President and Vice President of the United States from the national office of
733 the registered political party.

734 (5) (a) To become a candidate for a State Board of Education office that is to be filled
735 at the next school board general election, a person shall:

736 (i) file a declaration of candidacy in person on or after July 1 and no later than the close
737 of normal office hours on July 15 before the next school board general election with:

738 (A) the county clerk, if the district is within one county; or

739 (B) either the lieutenant governor or the county clerk in the candidate's county of
740 residence, if the district is within more than one county; and

741 (ii) pay the filing fee.

742 (b) Each county clerk who receives a declaration of candidacy from a candidate for a
743 district that is within more than one county shall transmit the filing fee and a copy of the
744 candidate's declaration of candidacy to the lieutenant governor within one working day after it
745 is filed.

746 [~~5~~] (6) (a) A declaration of candidacy filed under this section is valid unless a written
747 objection is filed with the clerk or lieutenant governor within five days after the last day for
748 filing.

749 (b) If an objection is made, the clerk or lieutenant governor shall:

750 (i) mail or personally deliver notice of the objection to the affected candidate
751 immediately; and

752 (ii) decide any objection within 48 hours after it is filed.

753 (c) If the clerk or lieutenant governor sustains the objection, the candidate may cure the
754 problem by amending the declaration or petition within three days after the objection is
755 sustained or by filing a new declaration within three days after the objection is sustained.

756 (d) (i) The clerk's or lieutenant governor's decision upon objections to form is final.

757 (ii) The clerk's or lieutenant governor's decision upon substantive matters is reviewable
758 by a district court if prompt application is made to the court.

759 (iii) The decision of the district court is final unless the Supreme Court, in the exercise
760 of its discretion, agrees to review the lower court decision.

761 [~~6~~] (7) Any person who filed a declaration of candidacy may withdraw as a candidate
762 by filing a written affidavit with the clerk.

763 Section 10. Section **20A-11-101** is amended to read:

764 **20A-11-101. Definitions.**

765 As used in this chapter:

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

768 (2) "Ballot proposition" includes initiatives, referenda, proposed constitutional
769 amendments, and any other ballot propositions submitted to the voters that are authorized by

770 the Utah Code Annotated 1953.

771 (3) "Candidate" means any person who:

772 (a) files a declaration of candidacy for a public office; or

773 (b) receives contributions, makes expenditures, or gives consent for any other person to
774 receive contributions or make expenditures to bring about the person's nomination or election
775 to a public office.

776 (4) "Chief election officer" means:

777 (a) the lieutenant governor for state office candidates, legislative office candidates,
778 officeholders, political parties, political action committees, corporations, political issues
779 committees, state school board candidates, judges, and labor organizations, as defined in
780 Section 20A-11-1501; and

781 (b) the county clerk for local school board candidates.

782 (5) (a) "Contribution" means any of the following when done for political purposes:

783 (i) a gift, subscription, donation, loan, advance, or deposit of money or anything of
784 value given to the filing entity;

785 (ii) an express, legally enforceable contract, promise, or agreement to make a gift,
786 subscription, donation, unpaid or partially unpaid loan, advance, or deposit of money or
787 anything of value to the filing entity;

788 (iii) any transfer of funds from another reporting entity to the filing entity;

789 (iv) compensation paid by any person or reporting entity other than the filing entity for
790 personal services provided without charge to the filing entity;

791 (v) remuneration from:

792 (A) any organization or its directly affiliated organization that has a registered lobbyist;

793 or

794 (B) any agency or subdivision of the state, including school districts; and

795 (vi) goods or services provided to or for the benefit of the filing entity at less than fair
796 market value.

797 (b) "Contribution" does not include:

798 (i) services provided without compensation by individuals volunteering a portion or all
799 of their time on behalf of the filing entity;

800 (ii) money lent to the filing entity by a financial institution in the ordinary course of

801 business; or

802 (iii) goods or services provided for the benefit of a candidate or political party at less
803 than fair market value that are not authorized by or coordinated with the candidate or political
804 party.

805 (6) "Coordinated with" means that goods or services provided for the benefit of a
806 candidate or political party are provided:

807 (a) with the candidate's or political party's prior knowledge, if the candidate or political
808 party does not object;

809 (b) by agreement with the candidate or political party;

810 (c) in coordination with the candidate or political party; or

811 (d) using official logos, slogans, and similar elements belonging to a candidate or
812 political party.

813 (7) (a) "Corporation" means a domestic or foreign, profit or nonprofit, business
814 organization that is registered as a corporation or is authorized to do business in a state and
815 makes any expenditure from corporate funds for:

816 (i) the purpose of expressly advocating for political purposes; or

817 (ii) the purpose of expressly advocating the approval or the defeat of any ballot
818 proposition.

819 (b) "Corporation" does not mean:

820 (i) a business organization's political action committee or political issues committee; or

821 (ii) a business entity organized as a partnership or a sole proprietorship.

822 (8) "Detailed listing" means:

823 (a) for each contribution or public service assistance:

824 (i) the name and address of the individual or source making the contribution or public
825 service assistance;

826 (ii) the amount or value of the contribution or public service assistance; and

827 (iii) the date the contribution or public service assistance was made; and

828 (b) for each expenditure:

829 (i) the amount of the expenditure;

830 (ii) the person or entity to whom it was disbursed;

831 (iii) the specific purpose, item, or service acquired by the expenditure; and

- 832 (iv) the date the expenditure was made.
- 833 (9) "Election" means each:
- 834 (a) regular general election;
- 835 (b) regular primary election; and
- 836 (c) special election at which candidates are eliminated and selected.
- 837 (10) "Electioneering communication" means a communication that:
- 838 (a) has at least a value of \$10,000;
- 839 (b) clearly identifies a candidate or judge; and
- 840 (c) is disseminated through the Internet, newspaper, magazine, outdoor advertising
- 841 facility, direct mailing, broadcast, cable, or satellite provider within 45 days of the clearly
- 842 identified candidate's or judge's election date.
- 843 (11) (a) "Expenditure" means:
- 844 (i) any disbursement from contributions, receipts, or from the separate bank account
- 845 required by this chapter;
- 846 (ii) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money,
- 847 or anything of value made for political purposes;
- 848 (iii) an express, legally enforceable contract, promise, or agreement to make any
- 849 purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of
- 850 value for political purposes;
- 851 (iv) compensation paid by a filing entity for personal services rendered by a person
- 852 without charge to a reporting entity;
- 853 (v) a transfer of funds between the filing entity and a candidate's personal campaign
- 854 committee; or
- 855 (vi) goods or services provided by the filing entity to or for the benefit of another
- 856 reporting entity for political purposes at less than fair market value.
- 857 (b) "Expenditure" does not include:
- 858 (i) services provided without compensation by individuals volunteering a portion or all
- 859 of their time on behalf of a reporting entity;
- 860 (ii) money lent to a reporting entity by a financial institution in the ordinary course of
- 861 business; or
- 862 (iii) anything listed in Subsection (11)(a) that is given by a reporting entity to

863 candidates for office or officeholders in states other than Utah.

864 (12) "Filing entity" means the reporting entity that is required to file a financial
865 statement required by this chapter or Chapter 12, Part 2, Judicial Retention Elections.

866 (13) "Financial statement" includes any summary report, interim report, verified
867 financial statement, or other statement disclosing contributions, expenditures, receipts,
868 donations, or disbursements that is required by this chapter or Chapter 12, Part 2, Judicial
869 Retention Elections.

870 (14) "Governing board" means the individual or group of individuals that determine the
871 candidates and committees that will receive expenditures from a political action committee,
872 political party, or corporation.

873 (15) "Incorporation" means the process established by Title 10, Chapter 2, Part 1,
874 Incorporation, by which a geographical area becomes legally recognized as a city or town.

875 (16) "Incorporation election" means the election authorized by Section 10-2-111.

876 (17) "Incorporation petition" means a petition authorized by Section 10-2-109.

877 (18) "Individual" means a natural person.

878 (19) "Interim report" means a report identifying the contributions received and
879 expenditures made since the last report.

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

883 (21) "Legislative office candidate" means a person who:

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

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

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

891 (22) "Officeholder" means a person who holds a public office.

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

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

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

899 (26) "Personal use expenditure" has the same meaning as provided under Section
900 20A-11-104.

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

903 (i) solicit or receive contributions from any other person, group, or entity for political
904 purposes; or

905 (ii) make expenditures to expressly advocate for any person to refrain from voting or to
906 vote for or against any candidate or person seeking election to a municipal or county office.

907 (b) "Political action committee" includes groups affiliated with a registered political
908 party but not authorized or organized by the governing board of the registered political party
909 that receive contributions or makes expenditures for political purposes.

910 (c) "Political action committee" does not mean:

911 (i) a party committee;

912 (ii) any entity that provides goods or services to a candidate or committee in the regular
913 course of its business at the same price that would be provided to the general public;

914 (iii) an individual;

915 (iv) individuals who are related and who make contributions from a joint checking
916 account;

917 (v) a corporation, except a corporation a major purpose of which is to act as a political
918 action committee; or

919 (vi) a personal campaign committee.

920 (28) "Political convention" means a county or state political convention held by a
921 registered political party to select candidates.

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

924 (i) solicit or receive donations from any other person, group, or entity to assist in

925 placing a ballot proposition on the ballot, assist in keeping a ballot proposition off the ballot, or
926 to advocate that a voter refrain from voting or vote for or vote against any ballot proposition;

927 (ii) make expenditures to expressly advocate for any person to sign or refuse to sign a
928 ballot proposition or incorporation petition or refrain from voting, vote for, or vote against any
929 proposed ballot proposition or an incorporation in an incorporation election; or

930 (iii) make expenditures to assist in qualifying or placing a ballot proposition on the
931 ballot or to assist in keeping a ballot proposition off the ballot.

932 (b) "Political issues committee" does not mean:

933 (i) a registered political party or a party committee;

934 (ii) any entity that provides goods or services to an individual or committee in the
935 regular course of its business at the same price that would be provided to the general public;

936 (iii) an individual;

937 (iv) individuals who are related and who make contributions from a joint checking
938 account; or

939 (v) a corporation, except a corporation a major purpose of which is to act as a political
940 issues committee.

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

942 (i) a gift, subscription, unpaid or partially unpaid loan, advance, or deposit of money or
943 anything of value given to a political issues committee;

944 (ii) an express, legally enforceable contract, promise, or agreement to make a political
945 issues donation to influence the approval or defeat of any ballot proposition;

946 (iii) any transfer of funds received by a political issues committee from a reporting
947 entity;

948 (iv) compensation paid by another reporting entity for personal services rendered
949 without charge to a political issues committee; and

950 (v) goods or services provided to or for the benefit of a political issues committee at
951 less than fair market value.

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

953 (i) services provided without compensation by individuals volunteering a portion or all
954 of their time on behalf of a political issues committee; or

955 (ii) money lent to a political issues committee by a financial institution in the ordinary

956 course of business.

957 (31) (a) "Political issues expenditure" means any of the following:

958 (i) any payment from political issues contributions made for the purpose of influencing
959 the approval or the defeat of:

960 (A) a ballot proposition; or

961 (B) an incorporation petition or incorporation election;

962 (ii) a purchase, payment, distribution, loan, advance, deposit, or gift of money made for
963 the express purpose of influencing the approval or the defeat of:

964 (A) a ballot proposition; or

965 (B) an incorporation petition or incorporation election;

966 (iii) an express, legally enforceable contract, promise, or agreement to make any
967 political issues expenditure;

968 (iv) compensation paid by a reporting entity for personal services rendered by a person
969 without charge to a political issues committee; or

970 (v) goods or services provided to or for the benefit of another reporting entity at less
971 than fair market value.

972 (b) "Political issues expenditure" does not include:

973 (i) services provided without compensation by individuals volunteering a portion or all
974 of their time on behalf of a political issues committee; or

975 (ii) money lent to a political issues committee by a financial institution in the ordinary
976 course of business.

977 (32) "Political purposes" means an act done with the intent or in a way to influence or
978 tend to influence, directly or indirectly, any person to refrain from voting or to vote for or
979 against any candidate or a person seeking a municipal or county office at any caucus, political
980 convention, or election.

981 (33) "Primary election" means any regular primary election held under the election
982 laws.

983 (34) "Public office" means the office of governor, lieutenant governor, state auditor,
984 state treasurer, attorney general, state or local school board member, state senator, state
985 representative, speaker of the House of Representatives, president of the Senate, and the leader,
986 whip, and assistant whip of any party caucus in either house of the Legislature.

987 (35) (a) "Public service assistance" means the following when given or provided to an
988 officeholder to defray the costs of functioning in a public office or aid the officeholder to
989 communicate with the officeholder's constituents:

990 (i) a gift, subscription, donation, unpaid or partially unpaid loan, advance, or deposit of
991 money or anything of value to an officeholder; or

992 (ii) goods or services provided at less than fair market value to or for the benefit of the
993 officeholder.

994 (b) "Public service assistance" does not include:

995 (i) anything provided by the state;

996 (ii) services provided without compensation by individuals volunteering a portion or all
997 of their time on behalf of an officeholder;

998 (iii) money lent to an officeholder by a financial institution in the ordinary course of
999 business;

1000 (iv) news coverage or any publication by the news media; or

1001 (v) any article, story, or other coverage as part of any regular publication of any
1002 organization unless substantially all the publication is devoted to information about the
1003 officeholder.

1004 (36) "Publicly identified class of individuals" means a group of 50 or more individuals
1005 sharing a common occupation, interest, or association that contribute to a political action
1006 committee or political issues committee and whose names can be obtained by contacting the
1007 political action committee or political issues committee upon whose financial statement the
1008 individuals are listed.

1009 (37) "Receipts" means contributions and public service assistance.

1010 (38) "Registered lobbyist" means a person registered under Title 36, Chapter 11,
1011 Lobbyist Disclosure and Regulation Act.

1012 (39) "Registered political action committee" means any political action committee that
1013 is required by this chapter to file a statement of organization with the lieutenant governor's
1014 office.

1015 (40) "Registered political issues committee" means any political issues committee that
1016 is required by this chapter to file a statement of organization with the lieutenant governor's
1017 office.

1018 (41) "Registered political party" means an organization of voters that:
1019 (a) participated in the last regular general election and polled a total vote equal to 2%
1020 or more of the total votes cast for all candidates for the United States House of Representatives
1021 for any of its candidates for any office; or

1022 (b) has complied with the petition and organizing procedures of Chapter 8, Political
1023 Party Formation and Procedures.

1024 (42) (a) "Remuneration" means a payment:

1025 (i) made to a legislator for the period the Legislature is in session; and

1026 (ii) that is approximately equivalent to an amount a legislator would have earned
1027 during the period the Legislature is in session in the legislator's ordinary course of business.

1028 (b) "Remuneration" does not mean anything of economic value given to a legislator by:

1029 (i) the legislator's primary employer in the ordinary course of business; or

1030 (ii) a person or entity in the ordinary course of business:

1031 (A) because of the legislator's ownership interest in the entity; or

1032 (B) for services rendered by the legislator on behalf of the person or entity.

1033 (43) "Reporting entity" means a candidate, a candidate's personal campaign committee,
1034 a judge, a judge's personal campaign committee, an officeholder, a party committee, a political
1035 action committee, a political issues committee, a corporation, or a labor organization, as
1036 defined in Section 20A-11-1501.

1037 (44) "School board office" means the office of ~~[state school board or]~~:

1038 (a) the State Board of Education; or

1039 (b) a local school board.

1040 (45) (a) "Source" means the person or entity that is the legal owner of the tangible or
1041 intangible asset that comprises the contribution.

1042 (b) "Source" means, for political action committees and corporations, the political
1043 action committee and the corporation as entities, not the contributors to the political action
1044 committee or the owners or shareholders of the corporation.

1045 (46) "State office" means the offices of governor, lieutenant governor, attorney general,
1046 state auditor, and state treasurer.

1047 (47) "State office candidate" means a person who:

1048 (a) files a declaration of candidacy for a state office; or

1049 (b) receives contributions, makes expenditures, or gives consent for any other person to
1050 receive contributions or make expenditures to bring about the person's nomination or election
1051 to a state office.

1052 (48) "Summary report" means the year end report containing the summary of a
1053 reporting entity's contributions and expenditures.

1054 (49) "Supervisory board" means the individual or group of individuals that allocate
1055 expenditures from a political issues committee.

1056 Section 11. Section **20A-11-1302** is amended to read:

1057 **20A-11-1302. School board office candidate -- Financial reporting requirements**
1058 **-- Year-end summary report.**

1059 (1) (a) (i) Each [~~school board~~] State Board of Education office candidate shall file a
1060 summary report by January 10 of the year after the [~~regular~~] school board general election year.

1061 (ii) Each local school board office candidate shall file a summary report by January 10
1062 of the year after the regular general election year.

1063 (b) In addition to the requirements of Subsection (1)(a), a former school board office
1064 candidate that has not filed the statement of dissolution and final summary report required
1065 under Section 20A-11-1304 shall continue to file a summary report on January 10 of each year.

1066 (2) (a) Each summary report shall include the following information as of December 31
1067 of the previous year:

1068 (i) the net balance of the last financial statement, if any;

1069 (ii) a single figure equal to the total amount of receipts reported on all interim reports,
1070 if any, during the previous year;

1071 (iii) a single figure equal to the total amount of expenditures reported on all interim
1072 reports, if any, filed during the previous year;

1073 (iv) a detailed listing of each receipt, contribution, and public service assistance since
1074 the last summary report that has not been reported in detail on an interim report;

1075 (v) for each nonmonetary contribution:

1076 (A) the fair market value of the contribution with that information provided by the
1077 contributor; and

1078 (B) a specific description of the contribution;

1079 (vi) a detailed listing of each expenditure made since the last summary report that has

1080 not been reported in detail on an interim report;

1081 (vii) for each nonmonetary expenditure, the fair market value of the expenditure; and

1082 (viii) a net balance for the year consisting of the net balance from the last summary
1083 report, if any, plus all receipts minus all expenditures.

1084 (b) (i) For all individual contributions or public service assistance of \$50 or less, a
1085 single aggregate figure may be reported without separate detailed listings.

1086 (ii) Two or more contributions from the same source that have an aggregate total of
1087 more than \$50 may not be reported in the aggregate, but shall be reported separately.

1088 (c) In preparing the report, all receipts and expenditures shall be reported as of
1089 December 31 of the previous year.

1090 (d) A check or negotiable instrument received by a school board office candidate on or
1091 before December 31 of the previous year shall be included in the summary report.

1092 (3) The school board office candidate shall certify in the summary report that, to the
1093 best of the school board office candidate's knowledge, all receipts and all expenditures have
1094 been reported as of December 31 of the previous year and that there are no bills or obligations
1095 outstanding and unpaid except as set forth in that report.

1096 Section 12. Section **20A-11-1303** is amended to read:

1097 **20A-11-1303. School board office candidate -- Financial reporting requirements**
1098 **-- Interim reports.**

1099 (1) (a) Each ~~[school board]~~ State Board of Education office candidate shall file an
1100 interim report at the following times in any year in which the candidate has filed a declaration
1101 of candidacy ~~[for a public office]:~~

1102 ~~[(a) May 15, for state school board office candidates;]~~

1103 ~~[(b)]~~ (i) seven days before the ~~[regular]~~ school board primary election date; and

1104 ~~[(c) August 31; and]~~

1105 ~~[(d)]~~ (ii) seven days before the ~~[regular]~~ school general election date.

1106 (b) Each local school board office candidate shall file an interim report at the following
1107 times in any year in which the candidate has filed a declaration of candidacy:

1108 (i) seven days before the regular primary election date;

1109 (ii) August 31; and

1110 (iii) seven days before the regular general election date.

- 1111 (2) Each interim report shall include the following information:
- 1112 (a) the net balance of the last summary report, if any;
- 1113 (b) a single figure equal to the total amount of receipts reported on all prior interim
1114 reports, if any, during the calendar year in which the interim report is due;
- 1115 (c) a single figure equal to the total amount of expenditures reported on all prior
1116 interim reports, if any, filed during the calendar year in which the interim report is due;
- 1117 (d) a detailed listing of each contribution and public service assistance received since
1118 the last summary report that has not been reported in detail on a prior interim report;
- 1119 (e) for each nonmonetary contribution:
- 1120 (i) the fair market value of the contribution with that information provided by the
1121 contributor; and
- 1122 (ii) a specific description of the contribution;
- 1123 (f) a detailed listing of each expenditure made since the last summary report that has
1124 not been reported in detail on a prior interim report;
- 1125 (g) for each nonmonetary expenditure, the fair market value of the expenditure;
- 1126 (h) a net balance for the year consisting of the net balance from the last summary
1127 report, if any, plus all receipts since the last summary report minus all expenditures since the
1128 last summary report; and
- 1129 (i) a summary page in the form required by the lieutenant governor that identifies:
- 1130 (i) beginning balance;
- 1131 (ii) total contributions during the period since the last statement;
- 1132 (iii) total contributions to date;
- 1133 (iv) total expenditures during the period since the last statement; and
- 1134 (v) total expenditures to date.
- 1135 (3) (a) For all individual contributions or public service assistance of \$50 or less, a
1136 single aggregate figure may be reported without separate detailed listings.
- 1137 (b) Two or more contributions from the same source that have an aggregate total of
1138 more than \$50 may not be reported in the aggregate, but shall be reported separately.
- 1139 (4) (a) In preparing each interim report, all receipts and expenditures shall be reported
1140 as of five days before the required filing date of the report.
- 1141 (b) Any negotiable instrument or check received by a school board office candidate

1142 more than five days before the required filing date of a report required by this section shall be
1143 included in the interim report.

1144 Section 13. Section **20A-11-1305** is amended to read:

1145 **20A-11-1305. School board office candidate -- Failure to file statement --**

1146 **Penalties.**

1147 (1) (a) If a school board office candidate fails to file an interim report [~~due before the~~
1148 ~~regular primary election, on August 31, and before the regular general election~~], the chief
1149 election officer shall, after making a reasonable attempt to discover if the report was timely
1150 filed:

1151 (i) inform the county clerk and other appropriate election officials who:

1152 (A) (I) shall, if practicable, remove the name of the candidate from the ballots before
1153 the ballots are delivered to voters; or

1154 (II) shall, if removing the candidate's name from the ballot is not practicable, inform
1155 the voters by any practicable method that the candidate has been disqualified and that votes
1156 cast for candidate will not be counted; and

1157 (B) may not count any votes for that candidate; and

1158 (ii) impose a fine against the filing entity in accordance with Section 20A-11-1005.

1159 (b) Any school board office candidate who fails to file timely a financial statement
1160 required by this part is disqualified and the vacancy on the ballot may be filled as provided in
1161 Section 20A-1-501.

1162 (c) Notwithstanding Subsections (1)(a) and (1)(b), a school board office candidate is
1163 not disqualified and the chief election officer may not impose a fine if:

1164 (i) the candidate timely files the reports required by this section in accordance with
1165 Section 20A-11-103;

1166 (ii) those reports are completed, detailing accurately and completely the information
1167 required by this part except for inadvertent omissions or insignificant errors or inaccuracies;
1168 and

1169 (iii) those omissions, errors, or inaccuracies described in Subsection (1)(c)(ii) are
1170 corrected in:

1171 (A) an amended report; or

1172 (B) the next scheduled report.

1173 (2) (a) Within 30 days after a deadline for the filing of a summary report by a candidate
1174 for state school board, the lieutenant governor shall review each filed summary report to ensure
1175 that:

1176 (i) each state school board candidate that is required to file a summary report has filed
1177 one; and

1178 (ii) each summary report contains the information required by this part.

1179 (b) If it appears that any state school board candidate has failed to file the summary
1180 report required by law, if it appears that a filed summary report does not conform to the law, or
1181 if the lieutenant governor has received a written complaint alleging a violation of the law or the
1182 falsity of any summary report, the lieutenant governor shall, within five days of discovery of a
1183 violation or receipt of a written complaint, notify the state school board candidate of the
1184 violation or written complaint and direct the state school board candidate to file a summary
1185 report correcting the problem.

1186 (c) (i) It is unlawful for any state school board candidate to fail to file or amend a
1187 summary report within 14 days after receiving notice from the lieutenant governor under this
1188 section.

1189 (ii) Each state school board candidate who violates Subsection (2)(c)(i) is guilty of a
1190 class B misdemeanor.

1191 (iii) The lieutenant governor shall report all violations of Subsection (2)(c)(i) to the
1192 attorney general.

1193 (3) (a) Within 30 days after a deadline for the filing of a summary report, the county
1194 clerk shall review each filed summary report to ensure that:

1195 (i) each local school board candidate that is required to file a summary report has filed
1196 one; and

1197 (ii) each summary report contains the information required by this part.

1198 (b) If it appears that any local school board candidate has failed to file the summary
1199 report required by law, if it appears that a filed summary report does not conform to the law, or
1200 if the county clerk has received a written complaint alleging a violation of the law or the falsity
1201 of any summary report, the county clerk shall, within five days of discovery of a violation or
1202 receipt of a written complaint, notify the local school board candidate of the violation or
1203 written complaint and direct the local school board candidate to file a summary report

1204 correcting the problem.

1205 (c) (i) It is unlawful for any local school board candidate to fail to file or amend a
1206 summary report within 14 days after receiving notice from the county clerk under this section.

1207 (ii) Each local school board candidate who violates Subsection (3)(c)(i) is guilty of a
1208 class B misdemeanor.

1209 (iii) The county clerk shall report all violations of Subsection (3)(c)(i) to the district or
1210 county attorney.

1211 Section 14. Section ~~20A-14-103~~ is amended to read:

1212 **20A-14-103. State Board of Education members -- When elected -- Qualifications**
1213 **-- Avoiding conflicts of interest.**

1214 (1) (a) (i) A member elected in 2008 from District 2, 3, 5, 6, 9, 10, 14, or 15 shall serve
1215 a five-year term.

1216 [~~(1) (a) (ii)~~ In [~~2002~~] 2013 and every four years thereafter, one member each shall be
1217 elected from [~~new~~] Districts 2, 3, 5, 6, 9, 10, 14, and 15 to serve a four-year term.

1218 (b) (i) A member elected in 2010 from District 1, 4, 7, 8, 11, 12, or 13 shall serve a
1219 five-year term.

1220 [~~(b) (ii)~~ In [~~2004~~] 2015 and every four years thereafter, one member each shall be
1221 elected from new Districts 1, 4, 7, 8, 11, 12, and 13 to serve a four-year term.

1222 [~~(c) (i) Because of the combination of certain former districts, the state school board~~
1223 ~~members elected from old Districts 2 and 4 who will reside in new District 1 may not serve out~~
1224 ~~the term for which they were elected, but shall stand for election in 2002 for a term of office of~~
1225 ~~four years from the realigned district in which each resides.]~~

1226 [~~(ii) If one of the incumbent state school board members from new District 1 indicates~~
1227 ~~in writing to the lieutenant governor that the school board member will not seek reelection, that~~
1228 ~~incumbent state school board member may serve until January 1, 2003 and the other incumbent~~
1229 ~~state school board member shall serve out the term for which the member was elected, which is~~
1230 ~~until January 1, 2005.]~~

1231 (2) (a) A person seeking election to the state school board must have been a resident of
1232 the state school board district in which the person is seeking election for at least one year as of
1233 the date of the election.

1234 (b) A person who has resided within the state school board district, as the boundaries

1235 of the district exist on the date of the election, for one year immediately preceding the date of
1236 the election shall be considered to have met the requirements of this Subsection (2).

1237 (3) A member shall:

1238 (a) be and remain a registered voter in the state board district from which the member
1239 was elected or appointed; and

1240 (b) maintain the member's primary residence within the state board district from which
1241 the member was elected or appointed during the member's term of office.

1242 (4) A member of the State Board of Education may not, during the member's term of
1243 office, also serve as an employee of:

1244 (a) the board;

1245 (b) the Utah State Office of Education; or

1246 (c) the Utah State Office of Rehabilitation.

1247 Section 15. Section **20A-14-104** is amended to read:

1248 **20A-14-104. Becoming a candidate for membership on the State Board of**
1249 **Education.**

1250 (1) [~~(a) Persons interested in becoming~~] To become a candidate for the State Board of
1251 Education, a person shall file a declaration of candidacy according to the procedures and
1252 requirements of Sections 20A-9-201 and 20A-9-202.

1253 (2) (a) If more than two candidates file for the same State Board of Education district,
1254 the election officer shall:

1255 (i) hold a school board primary election by following the same procedures as for a
1256 regular primary election on the date specified in Section 20A-1-201.5; and

1257 (ii) place the names of all candidates who file a declaration of candidacy for a State
1258 Board of Education district on the school board primary ballot, in an order determined in the
1259 same manner as the order of the nonpartisan section of a regular primary ballot.

1260 (b) The candidate who receives the highest number of votes and the candidate who
1261 receives the second highest number of votes for one State Board of Education district advance
1262 to the school board general election.

1263 (3) (a) The election officer shall conduct a school board general election by following
1264 the same procedures as for a regular general election on the date specified in Section
1265 20A-1-201.

1266 (b) If no school board primary election was held, the election officer shall place the
1267 names of the candidates who file declarations of candidacy for the State Board of Education
1268 district on the school board general election ballot as provided in Section 20A-5-409.

1269 ~~[(b) By May 1 of the year in which a State Board of Education member's term expires,~~
1270 ~~the lieutenant governor shall submit the name of each person who has filed a declaration of~~
1271 ~~candidacy for the State Board of Education to the nominating and recruiting committee for the~~
1272 ~~State Board of Education.]~~

1273 ~~[(2) By November 1 of the year preceding each regular general election year, a~~
1274 ~~nominating and recruiting committee consisting of 12 members, each to serve a two-year term,~~
1275 ~~shall be appointed by the governor as follows:]~~

1276 ~~[(a) one member shall be appointed to represent each of the following business and~~
1277 ~~industry sectors:]~~

1278 ~~[(i) manufacturing and mining;]~~

1279 ~~[(ii) transportation and public utilities;]~~

1280 ~~[(iii) service, trade, and information technology;]~~

1281 ~~[(iv) finance, insurance, and real estate;]~~

1282 ~~[(v) construction; and]~~

1283 ~~[(vi) agriculture; and]~~

1284 ~~[(b) one member shall be appointed to represent each of the following education~~
1285 ~~sectors:]~~

1286 ~~[(i) teachers;]~~

1287 ~~[(ii) school administrators;]~~

1288 ~~[(iii) parents;]~~

1289 ~~[(iv) local school board members;]~~

1290 ~~[(v) charter schools; and]~~

1291 ~~[(vi) higher education.]~~

1292 ~~[(3) (a) The members appointed under Subsections (2)(a)(i) through (vi) and (2)(b)(i)~~
1293 ~~through (vi) shall be appointed from lists containing at least two names submitted by~~
1294 ~~organizations representing each of the respective sectors:]~~

1295 ~~[(b) At least one member of the nominating and recruiting committee shall reside~~
1296 ~~within each state board district in which a member's term expires during the committee's~~

1297 two-year term of office.]

1298 [~~(4) (a) The members shall elect one member to serve as chair for the committee.~~]

1299 [~~(b) The chair, or another member of the committee designated by the chair, shall~~

1300 ~~schedule and convene all committee meetings.~~]

1301 [~~(c) Any formal action by the committee requires the approval of a majority of~~

1302 ~~committee members.~~]

1303 [~~(d) Members of the nominating and recruiting committee shall serve without~~

1304 ~~compensation, but they may be reimbursed for expenses incurred in the performance of their~~

1305 ~~official duties as established by the Division of Finance.~~]

1306 [~~(5) The nominating and recruiting committee shall:~~]

1307 [~~(a) recruit potential candidates for membership on the State Board of Education prior~~

1308 ~~to the deadline to file a declaration of candidacy;~~]

1309 [~~(b) prepare a list of candidates for membership on the State Board of Education for~~

1310 ~~each state board district subject to election in that year using the qualifications under~~

1311 ~~Subsection (6);~~]

1312 [~~(c) submit a list of at least three candidates for each state board position to the~~

1313 ~~governor by July 1; and]~~

1314 [~~(d) ensure that the list includes appropriate background information on each~~

1315 ~~candidate.~~]

1316 [~~(6) The nominating committee shall select a broad variety of candidates who possess~~

1317 ~~outstanding professional qualifications relating to the powers and duties of the State Board of~~

1318 ~~Education, including experience in the following areas:]~~

1319 [~~(a) business and industry administration;~~]

1320 [~~(b) business and industry human resource management;~~]

1321 [~~(c) business and industry finance;~~]

1322 [~~(d) business and industry, including expertise in:~~]

1323 [~~(i) metrics and evaluation;~~]

1324 [~~(ii) manufacturing;~~]

1325 [~~(iii) retailing;~~]

1326 [~~(iv) natural resources;~~]

1327 [~~(v) information technology;~~]

- 1328 [~~(vi) construction;~~]
- 1329 [~~(vii) banking;~~]
- 1330 [~~(viii) science and engineering; and~~]
- 1331 [~~(ix) medical and healthcare;~~]
- 1332 [~~(e) higher education administration;~~]
- 1333 [~~(f) applied technology education;~~]
- 1334 [~~(g) public education administration;~~]
- 1335 [~~(h) public education instruction;~~]
- 1336 [~~(i) economic development;~~]
- 1337 [~~(j) labor; and~~]
- 1338 [~~(k) other life experiences that would benefit the State Board of Education.~~]

1339 Section 16. **Repealer.**

1340 This bill repeals:

1341 Section **20A-14-105, Becoming a candidate for membership on the State Board of**
1342 **Education -- Selection of candidates by the governor -- Ballot placement.**

FISCAL NOTE

H.B. 264 1st Sub. (Buff)

SHORT TITLE: **State Board of Education Member Election Process Amendments**

SPONSOR: **Nielson, J.**

2011 GENERAL SESSION, STATE OF UTAH

STATE GOVERNMENT (UCA 36-12-13(2)(b))

Enactment of this bill likely will not materially impact the state budget.

LOCAL GOVERNMENTS (UCA 36-12-13(2)(c))

Enactment of this bill likely will not result in direct, measurable costs for local governments.

DIRECT EXPENDITURES BY UTAH RESIDENTS AND BUSINESSES (UCA 36-12-13(2)(d))

Enactment of this bill likely will not result in direct, measurable expenditures by Utah residents or businesses.