

PARTISAN SCHOOL BOARD ELECTIONS

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Howard A. Stephenson

House Sponsor: Gregory H. Hughes

LONG TITLE

General Description:

This bill modifies the Election Code by amending provisions related to the election of the State Board of Education members.

Highlighted Provisions:

This bill:

- ▶ requires members of the State Board of Education to be elected in a partisan election;
- ▶ provides for filling a State Board of Education candidate vacancy;
- ▶ requires the governor to fill a vacancy in a member's term that expires after 2014 by appointing the person whose name is submitted by the party liaison of the same political party as the prior board member;
- ▶ repeals the involvement of the governor and the nominating and recruiting committee for a State Board of Education candidate selection process; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

⚡→ [None] This bill coordinates with H.B. 143, Ballot Placement Amendments, by providing substantive and technical amendments. ←⚡

Utah Code Sections Affected:

AMENDS:



- 28 **20A-1-501**, as last amended by Laws of Utah 2006, Chapter 264
- 29 **20A-1-507**, as enacted by Laws of Utah 1993, Chapter 1
- 30 **20A-6-301**, as last amended by Laws of Utah 2009, Chapter 202
- 31 **20A-6-302**, as last amended by Laws of Utah 2006, Chapter 326
- 32 **20A-14-103**, as last amended by Laws of Utah 2008, Chapter 8
- 33 **20A-14-104**, as last amended by Laws of Utah 2004, Chapter 19
- 34 **53A-1-101**, as last amended by Laws of Utah 2010, Chapter 162
- 35 **53A-1a-506.5**, as last amended by Laws of Utah 2010, Chapter 162
- 36 **53A-2-119**, as last amended by Laws of Utah 2010, Chapter 230
- 37 **53A-3-101**, as repealed and reenacted by Laws of Utah 1995, Chapter 1
- 38 **53A-11-102.5**, as last amended by Laws of Utah 2010, Chapter 210

38a **§→ Utah Code Sections Affected by Coordination Clause:**

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

39 REPEALS:

40 **20A-14-105**, as last amended by Laws of Utah 2003, Chapter 315



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

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

44 **20A-1-501. Candidate vacancies -- Procedure for filling.**

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

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

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

55 (ii) one or both:

56 (A) dies;

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

493 (1) "District school" means a public school under the control of a local school board
 494 elected pursuant to Title 20A, Chapter 14, ~~[Nomination]~~ Districts and Election of State and
 495 Local School Boards.

496 (2) A person having control of a minor who is enrolled in a regularly established
 497 private school or a home school may also enroll the minor in a public school for dual
 498 enrollment purposes.

499 (3) The minor may participate in any academic activity in the public school available to
 500 students in the minor's grade or age group, subject to compliance with the same rules and
 501 requirements that apply to a full-time student's participation in the activity.

502 (4) (a) A student enrolled in a dual enrollment program in a district school is
 503 considered a student of the district in which the district school of attendance is located for
 504 purposes of state funding to the extent of the student's participation in the district school
 505 programs.

506 (b) A student enrolled in a dual enrollment program in a charter school is considered a
 507 student of the charter school for purposes of state funding to the extent of the student's
 508 participation in the charter school programs.

509 (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
 510 State Board of Education shall make rules for purposes of dual enrollment to govern and
 511 regulate the transferability of credits toward graduation that are earned in a private or home
 512 school.

513 Section 12. **Repealer.**

514 This bill repeals:

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

516a **§→ Section 13. Coordinating S.B. 224 with H.B. 143 -- Substantive and technical amendments.**
 516b **If this S.B. 224 and HB. 143, Ballot Placement Amendments, both pass, it is the intent of the**
 516c **Legislature that the Office of Legislative Research and General Counsel shall prepare the Utah**
 516d **Code database for publication by amending Subsection 20A-6-302(1)(c) to read:**
 516e **" [(b)] (c) the names of candidates [for the State Board of Education] are placed on the ballot**
 516f **[as certified by the lieutenant governor under Section 20A-14-105;] in the order specified**
 516g **under Section 20A-6-305." ←§**

Legislative Review Note

as of 2-22-11 7:18 PM

Office of Legislative Research and General Counsel