

1 **STATE SCHOOL BOARD MEMBERSHIP AND ELECTION**

2 **AMENDMENTS**

3 2015 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Francis D. Gibson**

6 Senate Sponsor: _____

8 **LONG TITLE**

9 **General Description:**

10 This bill amends provisions of the Election Code and Title 53A, State System of Public
11 Education, to change the membership of, and the process for election of members of,
12 the State Board of Education.

13 **Highlighted Provisions:**

14 This bill:

- 15 ▶ defines terms;
- 16 ▶ repeals the nominating and recruiting committee, and related provisions, for
17 selecting candidates for the office of State Board of Education member;
- 18 ▶ provides that an individual may be placed on the ballot as a nonpartisan candidate
19 for the office of State Board of Education member by filing a declaration of
20 candidacy, obtaining signatures, and complying with other provisions described in
21 this bill;
- 22 ▶ describes the election process and related provisions for a State Board of Education
23 member;
- 24 ▶ removes the nonvoting members from the State Board of Education; and
- 25 ▶ makes technical and conforming changes.

26 **Money Appropriated in this Bill:**

27 None



28 **Other Special Clauses:**

29 This bill provides revisor instructions.

30 **Utah Code Sections Affected:**

31 AMENDS:

- 32 **20A-1-507**, as enacted by Laws of Utah 1993, Chapter 1
- 33 **20A-6-301**, as last amended by Laws of Utah 2014, Chapters 17 and 169
- 34 **20A-6-302**, as last amended by Laws of Utah 2014, Chapter 17
- 35 **20A-6-303**, as last amended by Laws of Utah 2014, Chapter 17
- 36 **20A-6-304**, as last amended by Laws of Utah 2014, Chapter 17
- 37 **20A-9-201**, as last amended by Laws of Utah 2014, Chapter 17
- 38 **20A-9-202**, as last amended by Laws of Utah 2014, Chapter 17
- 39 **20A-9-403**, as last amended by Laws of Utah 2014, Chapter 17
- 40 **20A-9-407**, as enacted by Laws of Utah 2014, Chapter 17
- 41 **20A-9-408**, as enacted by Laws of Utah 2014, Chapter 17
- 42 **20A-9-701**, as last amended by Laws of Utah 2014, Chapter 17
- 43 **20A-11-1005**, as last amended by Laws of Utah 2013, Chapter 252
- 44 **20A-14-101.1**, as last amended by Laws of Utah 2013, Chapter 455
- 45 **20A-14-103**, as last amended by Laws of Utah 2011, Third Special Session, Chapter 3
- 46 **53A-1-101**, as last amended by Laws of Utah 2010, Chapter 162

47 ENACTS:

- 48 **20A-14-103.5**, Utah Code Annotated 1953
- 49 **20A-14-103.6**, Utah Code Annotated 1953

50 REPEALS:

- 51 **20A-14-104**, as last amended by Laws of Utah 2004, Chapter 19
- 52 **20A-14-105**, as last amended by Laws of Utah 2011, Chapters 292, 327, 335 and last
- 53 amended by Coordination Clause, Laws of Utah 2011, Chapter 327

54 **Utah Code Sections Affected by Revisor Instructions:**

- 55 **53A-1a-506**, Utah Code Annotated 1953
- 56 **53A-1a-506.5**, Utah Code Annotated 1953
- 57 **53A-2-119**, Utah Code Annotated 1953
- 58 **53A-3-101**, as repealed and reenacted by Laws of Utah 1995, Chapter 1

59 [53A-11-102.5](#), Utah Code Annotated 1953

60 [53A-15-1202](#), Utah Code Annotated 1953

61

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

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

64 **20A-1-507. Midterm vacancies in the State Board of Education.**

65 (1) If a vacancy occurs on the State Board of Education for any reason other than the
66 expiration of a member's term, the governor, with the consent of the Senate, shall appoint an
67 individual to fill the vacancy [~~by appointment of a qualified member to serve out~~] for the
68 unexpired term.

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

71 Section 2. Section **20A-6-301** is amended to read:

72 **20A-6-301. Paper ballots -- Regular general election.**

73 (1) Each election officer shall ensure that:

74 (a) all paper ballots furnished for use at the regular general election contain:

75 (i) no captions or other endorsements except as provided in this section;

76 (ii) no symbols, markings, or other descriptions of a political party or group, except for
77 a registered political party that has chosen to nominate its candidates in accordance with
78 Section [20A-9-403](#); and

79 (iii) no indication that a candidate for elective office has been nominated by, or has
80 been endorsed by, or is in any way affiliated with a political party or group, unless the
81 candidate has been nominated by a registered political party in accordance with Subsection
82 [20A-9-202](#)~~(4)~~(5) or Subsection [20A-9-403](#)(5).

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

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

87 (iii) ballot stubs are numbered consecutively;

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

- 90 (i) "Official Ballot for ____ County, Utah";
- 91 (ii) the date of the election; and
- 92 (iii) a facsimile of the signature of the county clerk and the words "county clerk";
- 93 (d) each ticket is placed in a separate column on the ballot in the order specified under
- 94 Section 20A-6-305 with the party emblem, followed by the party name, at the head of the
- 95 column;
- 96 (e) the party name or title is printed in capital letters not less than one-fourth of an inch
- 97 high;
- 98 (f) a circle one-half inch in diameter is printed immediately below the party name or
- 99 title, and the top of the circle is placed not less than two inches below the perforated line;
- 100 (g) unaffiliated candidates, candidates not affiliated with a registered political party,
- 101 and all other candidates for elective office who were not nominated by a registered political
- 102 party in accordance with Subsection 20A-9-202[(4)](5) or Subsection 20A-9-403(5), are listed
- 103 in one column in the order specified under Section 20A-6-305, without a party circle, with the
- 104 following instructions printed at the head of the column: "All candidates not affiliated with a
- 105 political party are listed below. They are to be considered with all offices and candidates listed
- 106 to the left. Only one vote is allowed for each office.";
- 107 (h) the columns containing the lists of candidates, including the party name and device,
- 108 are separated by heavy parallel lines;
- 109 (i) the offices to be filled are plainly printed immediately above the names of the
- 110 candidates for those offices;
- 111 (j) the names of candidates are printed in capital letters, not less than one-eighth nor
- 112 more than one-fourth of an inch high in heavy-faced type not smaller than 10 point, between
- 113 lines or rules three-eighths of an inch apart;
- 114 (k) a square with sides measuring not less than one-fourth of an inch in length is
- 115 printed immediately adjacent to the name of each candidate;
- 116 (l) for the offices of president and vice president and governor and lieutenant governor,
- 117 one square with sides measuring not less than one-fourth of an inch in length is printed on the
- 118 same side as but opposite a double bracket enclosing the names of the two candidates;
- 119 (m) in an election in which a voter is authorized to cast a write-in vote and where a
- 120 write-in candidate is qualified under Section 20A-9-601, immediately adjacent to the

121 unaffiliated ticket on the ballot, the ballot contains a write-in column long enough to contain as
122 many written names of candidates as there are persons to be elected with:

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

125 (A) a blank, horizontal line to enable the entry of a valid write-in candidate and a
126 square with sides measuring not less than one-fourth of an inch in length printed immediately
127 adjacent to the blank horizontal line; or

128 (B) for the offices of president and vice president and governor and lieutenant
129 governor, two blank horizontal lines, one placed above the other, to enable the entry of two
130 valid write-in candidates, and one square with sides measuring not less than one-fourth of an
131 inch in length printed on the same side as but opposite a double bracket enclosing the two
132 blank horizontal lines; and

133 (ii) the words "Write-In Voting Column" printed at the head of the column without a
134 one-half inch circle;

135 (n) when required, the ballot includes a nonpartisan ticket placed immediately adjacent
136 to the write-in ticket, or, if there is no write-in ticket, immediately adjacent to the unaffiliated
137 ticket, with the word "NONPARTISAN" in reverse type in an 18 point solid rule running
138 vertically the full length of the nonpartisan ballot copy; and

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

141 (2) Each election officer shall ensure that:

142 (a) each person nominated by any registered political party under Subsection
143 [20A-9-202](#)~~(4)~~(5) or Subsection [20A-9-403](#)(5), and no other person, is placed on the ballot:

144 (i) under the registered political party's name and emblem, if any; or

145 (ii) under the title of the registered political party as designated by them in their
146 certificates of nomination or petition, or, if none is designated, then under some suitable title;

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

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

151 (d) the ballots contain no other names.

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

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

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

157 (c) the words, "Vote for one" or "Vote for up to _____ (the number of candidates for
158 which the voter may vote)" extend to the extreme right of the column;

159 (d) the nonpartisan candidates are grouped according to the office for which they are
160 candidates;

161 (e) the names in each group are placed in the order specified under Section 20A-6-305
162 with the surnames last; and

163 (f) each group is preceded by the designation of the office for which the candidates
164 seek election, and the words, "Vote for one" or "Vote for up to _____ (the number of
165 candidates for which the voter may vote)," according to the number to be elected.

166 (4) Each election officer shall ensure that:

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

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

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

173 Section 3. Section 20A-6-302 is amended to read:

174 **20A-6-302. Paper ballots -- Placement of candidates' names.**

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

177 (a) each candidate is listed by party, if nominated by a registered political party under
178 Subsection 20A-9-202[~~(4)~~](5) or Subsection 20A-9-403(5);

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

181 (c) the names of candidates are placed on the ballot in the order specified under Section
182 20A-6-305.

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

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

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

194 (d) When the name of only one candidate for county attorney is printed on the ballot
195 under authority of this Subsection (2), the county clerk may not count any write-in votes
196 received for the office of county attorney.

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

200 (f) If the candidate whose name would, except for this Subsection (2)(f), be placed on
201 the ballot under Subsection (2)(a) has been elected on a ballot under Subsection (2)(a) to the
202 two consecutive terms immediately preceding the term for which the candidate is seeking
203 election, Subsection (2)(a) does not apply and that candidate shall be considered to be an
204 unopposed candidate the same as any other unopposed candidate for another office, unless a
205 petition is filed with the county clerk before the date of that year's primary election that:

206 (i) requests the procedure set forth in Subsection (2)(a) to be followed; and
207 (ii) contains the signatures of registered voters in the county representing in number at
208 least 25% of all votes cast in the county for all candidates for governor at the last election at
209 which a governor was elected.

210 (3) (a) When there is only one candidate for district attorney at the regular general
211 election in a prosecution district that has three or fewer registered voters of the district who are
212 licensed active members in good standing of the Utah State Bar, the county clerk shall cause
213 that candidate's name and party affiliation, if any, to be placed on a separate section of the

214 ballot with the following question: "Shall (name of candidate) be elected to the office of district
215 attorney? Yes ____ No ____."

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

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

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

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

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

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

237 Section 4. Section **20A-6-303** is amended to read:

238 **20A-6-303. Regular general election -- Ballot sheets.**

239 (1) Each election officer shall ensure that:

240 (a) copy on the ballot sheets or ballot labels, as applicable, are arranged in
241 approximately the same order as paper ballots;

242 (b) the titles of offices and the names of candidates are printed in vertical columns or in
243 a series of separate pages;

244 (c) the ballot sheet or any pages used for the ballot label are of sufficient number to

245 include, after the list of candidates:

246 (i) the names of candidates for judicial offices and any other nonpartisan offices; and

247 (ii) any ballot propositions submitted to the voters for their approval or rejection;

248 (d) (i) a voting square or position is included where the voter may record a straight

249 party ticket vote for all the candidates of one party by one mark or punch; and

250 (ii) the name of each political party listed in the straight party selection area includes

251 the word "party" at the end of the party's name;

252 (e) the tickets are printed in the order specified under Section 20A-6-305;

253 (f) the office titles are printed immediately adjacent to the names of candidates so as to

254 indicate clearly the candidates for each office and the number to be elected;

255 (g) the party designation of each candidate who has been nominated by a registered

256 political party under Subsection 20A-9-202~~(4)~~(5) or Subsection 20A-9-403(5) is printed

257 immediately adjacent to the candidate's name; and

258 (h) (i) if possible, all candidates for one office are grouped in one column or upon one

259 page;

260 (ii) if all candidates for one office cannot be listed in one column or grouped on one

261 page:

262 (A) the ballot sheet or ballot label shall be clearly marked to indicate that the list of

263 candidates is continued on the following column or page; and

264 (B) approximately the same number of names shall be printed in each column or on

265 each page.

266 (2) Each election officer shall ensure that:

267 (a) proposed amendments to the Utah Constitution are listed in accordance with

268 Section 20A-6-107;

269 (b) ballot propositions submitted to the voters are listed in accordance with Section

270 20A-6-107; and

271 (c) bond propositions that have qualified for the ballot are listed under the title

272 assigned to each bond proposition under Section 11-14-206.

273 Section 5. Section 20A-6-304 is amended to read:

274 **20A-6-304. Regular general election -- Electronic ballots.**

275 (1) Each election officer shall ensure that:

276 (a) the format and content of the electronic ballot is arranged in approximately the
277 same order as paper ballots;

278 (b) the titles of offices and the names of candidates are displayed in vertical columns or
279 in a series of separate display screens;

280 (c) the electronic ballot is of sufficient length to include, after the list of candidates:

281 (i) the names of candidates for judicial offices and any other nonpartisan offices; and

282 (ii) any ballot propositions submitted to the voters for their approval or rejection;

283 (d) (i) a voting square or position is included where the voter may record a straight
284 party ticket vote for all the candidates of one party by making a single selection; and

285 (ii) the name of each political party listed in the straight party selection area includes
286 the word "party" at the end of the party's name;

287 (e) the tickets are displayed in the order specified under Section 20A-6-305;

288 (f) the office titles are displayed above or at the side of the names of candidates so as to
289 indicate clearly the candidates for each office and the number to be elected;

290 (g) the party designation of each candidate who has been nominated by a registered
291 political party under Subsection 20A-9-202[(4)](5) or Subsection 20A-9-403(5) is displayed
292 adjacent to the candidate's name; and

293 (h) if possible, all candidates for one office are grouped in one column or upon one
294 display screen.

295 (2) Each election officer shall ensure that:

296 (a) proposed amendments to the Utah Constitution are displayed in accordance with
297 Section 20A-6-107;

298 (b) ballot propositions submitted to the voters are displayed in accordance with Section
299 20A-6-107; and

300 (c) bond propositions that have qualified for the ballot are displayed under the title
301 assigned to each bond proposition under Section 11-14-206.

302 Section 6. Section 20A-9-201 is amended to read:

303 **20A-9-201. Declarations of candidacy -- Candidacy for more than one office or of**
304 **more than one political party prohibited with exceptions -- General filing and form**
305 **requirements -- Affidavit of impecuniosity.**

306 (1) Before filing a declaration of candidacy for election to any office, a person shall:

307 (a) be a United States citizen;
308 (b) meet the legal requirements of that office; and
309 (c) if seeking a registered political party's nomination as a candidate for elective office,
310 designate that registered political party as their preferred party affiliation on their declaration of
311 candidacy.

312 (2) (a) Except as provided in Subsection (2)(b), a person may not:

313 (i) file a declaration of candidacy for, or be a candidate for, more than one office in
314 Utah during any election year; or

315 (ii) appear on the ballot as the candidate of more than one political party.

316 (b) (i) A person may file a declaration of candidacy for, or be a candidate for, president
317 or vice president of the United States and another office, if the person resigns the person's
318 candidacy for the other office after the person is officially nominated for president or vice
319 president of the United States.

320 (ii) A person may file a declaration of candidacy for, or be a candidate for, more than
321 one justice court judge office.

322 (iii) A person may file a declaration of candidacy for lieutenant governor even if the
323 person filed a declaration of candidacy for another office in the same election year if the person
324 withdraws as a candidate for the other office in accordance with Subsection ~~20A-9-202(6)~~(7)
325 before filing the declaration of candidacy for lieutenant governor.

326 (3) ~~(a)~~(i) Except for presidential candidates, before the filing officer may accept any
327 declaration of candidacy, the filing officer shall:

328 ~~(A)~~ (a) read to the prospective candidate the constitutional and statutory qualification
329 requirements for the office that the candidate is seeking; and

330 ~~(B)~~ (b) require the candidate to state whether or not the candidate meets those
331 requirements.

332 ~~(ii)~~ (4) Before accepting a declaration of candidacy for the office of county attorney,
333 the county clerk shall ensure that the person filing that declaration of candidacy is:

334 ~~(A)~~ (a) a United States citizen;

335 ~~(B)~~ (b) an attorney licensed to practice law in Utah who is an active member in good
336 standing of the Utah State Bar;

337 ~~(C)~~ (c) a registered voter in the county in which the person is seeking office; and

338 ~~[(D)]~~ (d) a current resident of the county in which the person is seeking office and
339 either has been a resident of that county for at least one year or was appointed and is currently
340 serving as county attorney and became a resident of the county within 30 days after
341 appointment to the office.

342 ~~[(iii)]~~ (5) Before accepting a declaration of candidacy for the office of district attorney,
343 the county clerk shall ensure that, as of the date of the election, the person filing that
344 declaration of candidacy is:

345 ~~[(A)]~~ (a) a United States citizen;

346 ~~[(B)]~~ (b) an attorney licensed to practice law in Utah who is an active member in good
347 standing of the Utah State Bar;

348 ~~[(C)]~~ (c) a registered voter in the prosecution district in which the person is seeking
349 office; and

350 ~~[(D)]~~ (d) a current resident of the prosecution district in which the person is seeking
351 office and either will have been a resident of that prosecution district for at least one year as of
352 the date of the election or was appointed and is currently serving as district attorney and
353 became a resident of the prosecution district within 30 days after receiving appointment to the
354 office.

355 ~~[(iv)]~~ (6) Before accepting a declaration of candidacy for the office of county sheriff,
356 the county clerk shall ensure that the person filing the declaration of candidacy:

357 ~~[(A)]~~ (a) as of the date of filing:

358 ~~[(i)]~~ (i) is a United States citizen;

359 ~~[(ii)]~~ (ii) is a registered voter in the county in which the person seeks office;

360 ~~[(iii)]~~ ~~[(Aa)]~~ (iii) (A) has successfully met the standards and training requirements
361 established for law enforcement officers under Title 53, Chapter 6, Part 2, Peace Officer
362 Training and Certification Act; or

363 ~~[(Bb)]~~ (B) has met the waiver requirements in Section [53-6-206](#); and

364 ~~[(iv)]~~ (iv) is qualified to be certified as a law enforcement officer, as defined in
365 Section [53-13-103](#); and

366 ~~[(B)]~~ (b) as of the date of the election, shall have been a resident of the county in which
367 the person seeks office for at least one year.

368 ~~[(v)]~~ (7) Before accepting a declaration of candidacy for the office of governor,

369 lieutenant governor, state auditor, state treasurer, attorney general, state legislator, or State
370 Board of Education member, the filing officer shall ensure:

371 ~~[(A)]~~ (a) that the person filing the declaration of candidacy also files the financial
372 disclosure required by Section 20A-11-1603; and

373 ~~[(B)]~~ (b) if the filing officer is not the lieutenant governor, that the financial disclosure
374 is provided to the lieutenant governor according to the procedures and requirements of Section
375 20A-11-1603.

376 ~~[(b)]~~ (8) If the prospective candidate states that the qualification requirements for the
377 office are not met, the filing officer may not accept the prospective candidate's declaration of
378 candidacy.

379 ~~[(e)]~~ (9) If the candidate meets the requirements of ~~[Subsection (3)(a)]~~ Subsections (3)
380 through (7) and states that the requirements of candidacy are met, the filing officer shall:

381 ~~[(i)]~~ (a) inform the candidate that:

382 ~~[(A)]~~ (i) the candidate's name will appear on the ballot as it is written on the
383 declaration of candidacy;

384 ~~[(B)]~~ (ii) the candidate may be required to comply with state or local campaign finance
385 disclosure laws; and

386 ~~[(C)]~~ (iii) the candidate is required to file a financial statement before the candidate's
387 political convention under:

388 ~~[(F)]~~ (A) Section 20A-11-204 for a candidate for constitutional office;

389 ~~[(H)]~~ (B) Section 20A-11-303 for a candidate for the Legislature; or

390 ~~[(H)]~~ (C) local campaign finance disclosure laws, if applicable;

391 ~~[(i)]~~ (b) except for a presidential candidate, provide the candidate with a copy of the
392 current campaign financial disclosure laws for the office the candidate is seeking and inform
393 the candidate that failure to comply will result in disqualification as a candidate and removal of
394 the candidate's name from the ballot;

395 ~~[(iii)]~~ (c) provide the candidate with a copy of Section 20A-7-801 regarding the
396 Statewide Electronic Voter Information Website Program and inform the candidate of the
397 submission deadline under Subsection 20A-7-801(4)(a);

398 ~~[(iv)]~~ (d) provide the candidate with a copy of the pledge of fair campaign practices
399 described under Section 20A-9-206 and inform the candidate that:

431 (12) (a) The lieutenant governor shall create a form for the declaration of candidacy for
432 a nonpartisan office to read substantially as follows:

433 "State of Utah, County of _____

434 I, _____, declare my candidacy for the office of _____. I do solemnly
435 swear that: I will meet the qualifications to hold the office, both legally and
436 constitutionally, if selected; I reside at _____ in the City or Town of _____,
437 Utah, Zip Code _____ Phone No. _____; I will not knowingly violate any law governing
438 campaigns and elections; I will file all campaign financial disclosure reports as required
439 by law; and I understand that failure to do so will result in my disqualification as a
440 candidate for this office and removal of my name from the ballot. The mailing address
441 that I designate for receiving official election notices is

442 _____.

443 _____

444 Subscribed and sworn before me this _____ (month\day\year).

445 Notary Public (or other officer qualified to administer oath.)"

446 (b) An agent designated to file a declaration of candidacy under Section [20A-9-202](#)
447 may not sign the form described in Subsection (12)(a).

448 ~~[(5)]~~ (13) (a) Except for presidential candidates, the fee for filing a declaration of
449 candidacy is:

- 450 (i) \$50 for candidates for the local school district board; and
- 451 (ii) \$50 plus 1/8 of 1% of the total salary for the full term of office legally paid to the
- 452 person holding the office for all other federal, state, and county offices.

453 (b) Except for presidential candidates, the filing officer shall refund the filing fee to
454 any candidate:

- 455 (i) who is disqualified; or
- 456 (ii) who the filing officer determines has filed improperly.

457 ~~[(e)-(i)]~~ (14) (a) The county clerk shall immediately pay to the county treasurer all fees
458 received from candidates.

459 ~~[(ii)]~~ (b) The lieutenant governor shall:

460 ~~[(A)]~~ (i) apportion to and pay to the county treasurers of the various counties all fees
461 received for filing of nomination certificates or acceptances; and

462 [~~(B)~~] (ii) ensure that each county receives that proportion of the total amount paid to
463 the lieutenant governor from the congressional district that the total vote of that county for all
464 candidates for representative in Congress bears to the total vote of all counties within the
465 congressional district for all candidates for representative in Congress.

466 [~~(d)~~-(i)] (15) (a) A person who is unable to pay the filing fee may file a declaration of
467 candidacy without payment of the filing fee upon a prima facie showing of impecuniosity as
468 evidenced by an affidavit of impecuniosity filed with the filing officer and, if requested by the
469 filing officer, a financial statement filed at the time the affidavit is submitted.

470 [(ii)] (b) A person who is able to pay the filing fee may not claim impecuniosity.

471 [(iii)-(A)] (c) False statements made on an affidavit of impecuniosity or a financial
472 statement filed under this section shall be subject to the criminal penalties provided under
473 Sections 76-8-503 and 76-8-504 and any other applicable criminal provision.

474 [~~(B)~~] (d) Conviction of a criminal offense under Subsection [~~(5)(d)(iii)(A)~~] (15)(c)
475 shall be considered an offense under this title for the purposes of assessing the penalties
476 provided in Subsection 20A-1-609(2).

477 [(iv)] (e) The filing officer shall ensure that the affidavit of impecuniosity is printed in
478 substantially the following form:

479 "Affidavit of Impecuniosity

480 Individual Name _____

481 _____ Address _____

482 Phone Number _____

483 I, _____ (name), do solemnly [swear] [affirm], under penalty of law
484 for false statements, that, owing to my poverty, I am unable to pay the filing fee required by
485 law.

486 Date _____ Signature _____

487 Affiant

488 Subscribed and sworn to before me on _____ (month/day/year)

489 _____
490 (signature)

491 Name and Title of Officer Authorized to Administer Oath _____"

492 [~~(v)~~] (f) The filing officer shall provide to a person who requests an affidavit of

493 impecuniosity a statement printed in substantially the following form, which may be included
494 on the affidavit of impecuniosity:

495 "Filing a false statement is a criminal offense. In accordance with Section [20A-1-609](#), a
496 candidate who is found guilty of filing a false statement, in addition to being subject to criminal
497 penalties, will be removed from the ballot."

498 ~~[(vi)]~~ (g) The filing officer may request that a person who makes a claim of
499 impecuniosity under this Subsection ~~[(5)(d)]~~ (15) file a financial statement on a form prepared
500 by the election official.

501 ~~[(6)]~~ (16) (a) If there is no legislative appropriation for the Western States Presidential
502 Primary election, as provided in Part 8, Western States Presidential Primary, a candidate for
503 president of the United States who is affiliated with a registered political party and chooses to
504 participate in the regular primary election shall:

505 (i) file a declaration of candidacy, in person or via a designated agent, with the
506 lieutenant governor:

507 (A) on a form developed and provided by the lieutenant governor; and

508 (B) on or after the second Friday in March and before 5 p.m. on the third Thursday in
509 March before the next regular primary election;

510 (ii) identify the registered political party whose nomination the candidate is seeking;

511 (iii) provide a letter from the registered political party certifying that the candidate may
512 participate as a candidate for that party in that party's presidential primary election; and

513 (iv) pay the filing fee of \$500.

514 (b) An agent designated to file a declaration of candidacy may not sign the form
515 described in Subsection ~~[(6)]~~ (16)(a)(i)(A).

516 ~~[(7)]~~ (17) Any person who fails to file a declaration of candidacy or certificate of
517 nomination within the time provided in this chapter is ineligible for nomination to office.

518 ~~[(8) A]~~ (18) Except as provided in Subsection [20A-9-202\(5\)\(c\)](#) or [20A-14-103.5\(4\)\(c\)](#),
519 a person may not amend or modify a declaration of candidacy filed under this section ~~[may not~~
520 ~~be amended or modified]~~ after the final date established for filing a declaration of candidacy.

521 Section 7. Section **20A-9-202** is amended to read:

522 **20A-9-202. Declarations of candidacy for regular general elections.**

523 (1) ~~[(a) Each person seeking]~~ An individual who desires to become a candidate for an

524 elective office, other than a State Board of Education office, that is to be filled at the next
525 regular general election shall:

526 ~~[(i)]~~ (a) file a declaration of candidacy in person with the filing officer;

527 (i) on or after January 1 of the regular general election year~~[-]~~ and before the candidate
528 circulates a nomination ~~[petitions]~~ petition under Section [20A-9-405](#); and

529 (ii) in accordance with the requirements of Section [20A-9-201](#); and

530 ~~[(ii)]~~ (b) pay the filing fee.

531 ~~[(b)]~~ (2) (a) Each county clerk who receives a declaration of candidacy from a
532 candidate for multicounty office shall transmit the filing fee and a copy of the candidate's
533 declaration of candidacy to the lieutenant governor within one working day after ~~[it is filed]~~ the
534 day on which the candidate files the declaration of candidacy.

535 ~~[(c)]~~ (b) Each day during the filing period, each county clerk shall notify the lieutenant
536 governor electronically or by telephone of candidates who have filed ~~[in their]~~ a declaration of
537 candidacy in the county clerk's office.

538 ~~[(d) Each person seeking]~~ (c) An individual who desires to become a candidate for the
539 office of lieutenant governor, the office of district attorney, or the office of president or vice
540 president of the United States shall comply with the specific declaration of candidacy
541 requirements ~~[established by]~~ described in this section.

542 ~~[(2)]~~ (3) (a) ~~[Each person intending]~~ An individual who desires to become a candidate
543 for the office of district attorney within a multicounty prosecution district that is to be filled at
544 the next regular general election shall:

545 (i) ~~[file a declaration of candidacy with the clerk designated in the interlocal agreement~~
546 ~~creating the prosecution district]~~ on or after January 1 of the regular general election year, and
547 before the candidate circulates nomination petitions under Section [20A-9-405](#), file a
548 declaration of candidacy with the clerk designated in the interlocal agreement creating the
549 prosecution district; and

550 (ii) pay the filing fee.

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

554 ~~[(3)]~~ (4) (a) On or before 5 p.m. on the first Monday after the third Saturday in April,

555 each lieutenant governor candidate shall:

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

557 (ii) pay the filing fee; and

558 (iii) submit a letter from a candidate for governor who has received certification for the
559 primary-election ballot under Section 20A-9-403 that names the lieutenant governor candidate
560 as a joint-ticket running mate.

561 (b) Any candidate for lieutenant governor who fails to timely file is disqualified. If a
562 lieutenant governor is disqualified, another candidate shall file to replace the disqualified
563 candidate.

564 ~~[(4)]~~ (5) Each registered political party shall:

565 (a) certify the names of ~~[its]~~ the registered political party's candidates for president and
566 vice president of the United States to the lieutenant governor no later than August 31; or

567 (b) provide written authorization for the lieutenant governor to accept the certification
568 of candidates for president and vice president of the United States from the national office of
569 the registered political party.

570 ~~[(5)]~~ (6) (a) A declaration of candidacy filed under this section is valid unless an
571 individual files a written objection ~~[is filed]~~ with the clerk or lieutenant governor within five
572 days after the ~~[last day for filing]~~ day of the deadline for filing a declaration of candidacy.

573 (b) If an ~~[objection is made]~~ individual files an objection, the clerk or lieutenant
574 governor shall:

575 (i) immediately mail or personally deliver notice of the objection to the affected
576 candidate ~~[immediately]~~; and

577 (ii) decide any objection within 48 hours after ~~[it]~~ the objection is filed.

578 (c) If the clerk or lieutenant governor sustains the objection, the candidate may, if
579 possible, cure the problem by amending the declaration or nomination petition, or by filing a
580 new declaration, within three days after the day on which the objection is sustained ~~[or by filing~~
581 ~~a new declaration within three days after the objection is sustained]~~.

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

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

585 (iii) The decision of the district court is final unless the Supreme Court, in the exercise

586 of [its] discretion, agrees to review the lower court decision.

587 ~~[(6)]~~ (7) ~~[Any person who filed a declaration of candidacy]~~ A candidate may withdraw
588 as a candidate by filing a written affidavit with the clerk.

589 ~~[(7) Except as provided in Subsection 20A-9-201(4)(b), notwithstanding a requirement~~
590 ~~in this section to file a declaration of candidacy in person, a person]~~

591 (8) Subject to Subsection 20A-9-201(11)(b), an individual may designate an agent to
592 file the form described in Subsection 20A-9-201~~[(4)]~~(11) in person with the filing officer if:

593 (a) the ~~[person]~~ individual is located outside the state during the filing period because:

594 (i) of employment with the state or the United States; or

595 (ii) the ~~[person]~~ individual is a member of:

596 (A) the active or reserve components of the Army, Navy, Air Force, Marine Corps, or
597 Coast Guard of the United States ~~[who]~~, and is on active duty;

598 (B) the Merchant Marine, the commissioned corps of the Public Health Service, or the
599 commissioned corps of the National Oceanic and Atmospheric Administration of the United
600 States; or

601 (C) the National Guard and is on activated status;

602 (b) the ~~[person]~~ individual communicates with the filing officer using an electronic
603 device that allows the ~~[person]~~ individual and filing officer to see and hear each other; and

604 (c) the ~~[person]~~ individual provides the filing officer with an email address to which
605 the filing officer may send the copies described in Subsection 20A-9-201~~[(3)]~~(9).

606 Section 8. Section 20A-9-403 is amended to read:

607 **20A-9-403. Regular primary elections.**

608 (1) (a) Candidates for elective office that are to be filled at the next regular general
609 election shall be nominated in a regular primary election by direct vote of the people in the
610 manner prescribed in this section. The fourth Tuesday of June of each even-numbered year is
611 designated as regular primary election day. Nothing in this section shall affect a candidate's
612 ability to qualify for a regular general election's ballot as an unaffiliated candidate under
613 Section 20A-9-501 or to participate in a regular general election as a write-in candidate under
614 Section 20A-9-601.

615 (b) Each registered political party that chooses to have the names of its candidates for
616 elective office featured with party affiliation on the ballot at a regular general election shall

617 comply with the requirements of this section and shall nominate its candidates for elective
618 office in the manner prescribed in this section.

619 (c) A filing officer may not permit an official ballot at a regular general election to be
620 produced or used if the ballot denotes affiliation between a registered political party or any
621 other political group and a candidate for elective office who was not nominated in the manner
622 prescribed in this section or in Subsection 20A-9-202~~(4)~~(5).

623 (d) Unless noted otherwise, the dates in this section refer to those that occur in each
624 even-numbered year in which a regular general election will be held.

625 (2) (a) Each registered political party, in a statement filed with the lieutenant governor,
626 shall:

627 (i) either declare their intent to participate in the next regular primary election or
628 declare that the registered political party chooses not to have the names of its candidates for
629 elective office featured on the ballot at the next regular general election;

630 (ii) if the registered political party participates in the upcoming regular primary
631 election, identify one or more registered political parties whose members may vote for the
632 registered political party's candidates and whether or not persons identified as unaffiliated with
633 a political party may vote for the registered political party's candidates; and

634 (iii) if the registered political party participates in the upcoming regular primary
635 election, indicate whether it chooses to nominate unopposed candidates without their name
636 appearing on the ballot, as described under Subsection (5)(c).

637 (b) A registered political party that is a continuing political party must file the
638 statement described in Subsection (2)(a) with the lieutenant governor no later than 5 p.m. on
639 November 15 of each odd-numbered year. An organization that is seeking to become a
640 registered political party under Section 20A-8-103 must file the statement described in
641 Subsection (2)(b) no later than 5 p.m. on February 15.

642 (3) (a) Except as provided in Subsection (3)(e), a person who has submitted a
643 declaration of candidacy under Section 20A-9-202 shall appear as a candidate for elective
644 office on the regular primary ballot of the registered political party listed on the declaration of
645 candidacy only if the person is certified by the appropriate filing officer as having submitted a
646 set of nomination petitions that was:

647 (i) circulated and completed in accordance with Section 20A-9-405; and

648 (ii) signed by at least two percent of the registered political party's members who reside
649 in the political division of the office that the person seeks.

650 (b) A candidate for elective office shall submit nomination petitions to the appropriate
651 filing officer for verification and certification no later than 5 p.m. on the final day in March.

652 Candidates may supplement their submissions at any time on or before the filing deadline.

653 (c) The lieutenant governor shall determine for each elective office the total number of
654 signatures that must be submitted under Subsection (3)(a)(ii) by counting the aggregate number
655 of persons residing in each elective office's political division who have designated a particular
656 registered political party on their voter registration forms as of November 1 of each
657 odd-numbered year. The lieutenant governor shall publish this determination for each elective
658 office no later than November 15 of each odd-numbered year.

659 (d) The filing officer shall:

660 (i) verify signatures on nomination petitions in a transparent and orderly manner;

661 (ii) for all qualifying candidates for elective office who submitted nomination petitions
662 to the filing officer, issue certifications referenced in Subsection (3)(a) no later than 5 p.m. on
663 the first Monday after the third Saturday in April;

664 (iii) consider active and inactive voters eligible to sign nomination petitions;

665 (iv) consider a person who signs a nomination petition a member of a registered
666 political party for purposes of Subsection (3)(a)(ii) if the person has designated that registered
667 political party as their preferred party affiliation on their voter registration form prior to 5 p.m.
668 on the final day in March; and

669 (v) utilize procedures described in Section [20A-7-206.3](#) to verify submitted nomination
670 petition signatures, or use statistical sampling procedures to verify submitted nomination
671 petition signatures pursuant to rules issued by the lieutenant governor under Subsection (3)(f).

672 (e) Notwithstanding any other provision in Subsection (3), a candidate for lieutenant
673 governor may appear on the regular primary ballot of a registered political party without
674 submitting nomination petitions if the candidate files a declaration of candidacy and complies
675 with Subsection [20A-9-202](#)~~(3)~~(4).

676 (f) The lieutenant governor shall issue rules that provide for the use of statistical
677 sampling procedures for filing officers to verify signatures under Subsection (3)(d). The
678 statistical sampling procedures shall reflect a bona fide effort to determine the validity of a

679 candidate's entire submission, using widely recognized statistical sampling techniques. The
680 lieutenant governor may also issue supplemental rules and guidance that provide for the
681 transparent, orderly, and timely submission, verification, and certification of nomination
682 petition signatures.

683 (g) The county clerk shall:

684 (i) review the declarations of candidacy filed by candidates for local boards of
685 education to determine if more than two candidates have filed for the same seat;

686 (ii) place the names of all candidates who have filed a declaration of candidacy for a
687 local board of education seat on the nonpartisan section of the ballot if more than two
688 candidates have filed for the same seat; and

689 (iii) determine the order of the local board of education candidates' names on the ballot
690 in accordance with Section [20A-6-305](#).

691 (4) (a) By 5 p.m. on the first Wednesday after the third Saturday in April, the lieutenant
692 governor shall provide to the county clerks:

693 (i) a list of the names of all candidates for federal, constitutional, multi-county, and
694 county offices who have received certifications under Subsection (3), along with instructions
695 on how those names shall appear on the primary-election ballot in accordance with Section
696 [20A-6-305](#); and

697 (ii) a list of unopposed candidates for elective office who have been nominated by a
698 registered political party under Subsection (5)(c) and instruct the county clerks to exclude such
699 candidates from the primary-election ballot.

700 (b) A candidate for lieutenant governor and a candidate for governor campaigning as
701 joint-ticket running mates shall appear jointly on the primary-election ballot.

702 (c) After the county clerk receives the certified list from the lieutenant governor under
703 Subsection (4)(a), the county clerk shall post or publish a primary election notice in
704 substantially the following form:

705 "Notice is given that a primary election will be held Tuesday, June ____,
706 ____ (year), to nominate party candidates for the parties and candidates for nonpartisan
707 local school board positions listed on the primary ballot. The polling place for voting precinct
708 ____ is _____. The polls will open at 7 a.m. and continue open until 8 p.m. of the same day.

709 Attest: county clerk."

710 (5) (a) Candidates, other than presidential candidates, receiving the highest number of
711 votes cast for each office at the regular primary election are nominated by their registered
712 political party for that office or are nominated as a candidate for a nonpartisan local school
713 board position.

714 (b) If two or more candidates, other than presidential candidates, are to be elected to
715 the office at the regular general election, those party candidates equal in number to positions to
716 be filled who receive the highest number of votes at the regular primary election are the
717 nominees of their party for those positions.

718 (c) A candidate who is unopposed for an elective office in the regular primary election
719 of a registered political party is nominated by the party for that office without appearing on the
720 primary ballot, provided that the party has chosen to nominate unopposed candidates under
721 Subsection (2)(a)(iii). A candidate is "unopposed" if no person other than the candidate has
722 received a certification under Subsection (3) for the regular primary election ballot of the
723 candidate's registered political party for a particular elective office.

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

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

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

736 Section 9. Section **20A-9-407** is amended to read:

737 **20A-9-407. Convention nomination process for qualified political party.**

738 (1) This section describes the requirements for a member of a qualified political party
739 who is seeking the nomination of a qualified political party for an elective office through the
740 qualified political party's convention nomination process.

741 (2) Notwithstanding Subsection 20A-9-201[(4)](11)(a), the form of the declaration of
742 candidacy for a member of a qualified political party who is nominated by, or who is seeking
743 the nomination of, the qualified political party under this section shall be substantially as
744 follows:

745 "State of Utah, County of ____
746 I, _____, declare my intention of becoming a candidate for the office of
747 ____ as a candidate for the ____ party. I do solemnly swear that: I will meet the qualifications
748 to hold the office, both legally and constitutionally, if selected; I reside at _____ in
749 the City or Town of ____, Utah, Zip Code ____, Phone No. ____; I will not knowingly violate
750 any law governing campaigns and elections; I will file all campaign financial disclosure reports
751 as required by law; and I understand that failure to do so will result in my disqualification as a
752 candidate for this office and removal of my name from the ballot. The mailing address that I
753 designate for receiving official election notices is
754 _____
755 _____.

756 Subscribed and sworn before me this _____(month\day\year). Notary Public (or
757 other officer qualified to administer oath)."

758 (3) Notwithstanding Subsection 20A-9-202(1)[(a)], and except as provided in
759 Subsection 20A-9-202[(4)](5), a member of a qualified political party who, under this section,
760 is seeking the nomination of the qualified political party for an elective office that is to be filled
761 at the next general election, shall:

762 (a) file a declaration of candidacy in person with the filing officer on or after the
763 second Friday in March and before 5 p.m. on the third Thursday in March before the next
764 regular general election; and

765 (b) pay the filing fee.

766 (4) Notwithstanding Subsection 20A-9-202[(2)](3)(a), a member of a qualified
767 political party who, under this section, is seeking the nomination of the qualified political party
768 for the office of district attorney within a multicounty prosecution district that is to be filled at
769 the next general election shall:

770 (a) file a declaration of candidacy with the county clerk designated in the interlocal
771 agreement creating the prosecution district on or after the second Friday in March and before 5

772 p.m. on the third Thursday in March before the next regular general election; and

773 (b) pay the filing fee.

774 (5) Notwithstanding Subsection 20A-9-202[~~(3)~~](4)(a)(iii), a lieutenant governor
775 candidate who files as the joint-ticket running mate of an individual who is nominated by a
776 qualified political party, under this section, for the office of governor shall submit a letter from
777 the candidate for governor that names the lieutenant governor candidate as a joint-ticket
778 running mate.

779 (6) The lieutenant governor shall ensure that the certification described in Subsection
780 20A-9-701(1) also includes the name of each candidate nominated by a qualified political party
781 under this section.

782 (7) Notwithstanding Subsection 20A-9-701(2), the ballot shall, for each candidate who
783 is nominated by a qualified political party under this section, designate the qualified political
784 party that nominated the candidate.

785 Section 10. Section 20A-9-408 is amended to read:

786 **20A-9-408. Signature-gathering nomination process for qualified political party.**

787 (1) This section describes the requirements for a member of a qualified political party
788 who is seeking the nomination of the qualified political party for an elective office through the
789 signature-gathering nomination process described in this section.

790 (2) Notwithstanding Subsection 20A-9-201[~~(4)~~](11)(a), the form of the declaration of
791 candidacy for a member of a qualified political party who is nominated by, or who is seeking
792 the nomination of, the qualified political party under this section shall be substantially as
793 follows:

794 "State of Utah, County of _____

795 I, _____, declare my intention of becoming a candidate for the office of
796 _____ as a candidate for the _____ party. I do solemnly swear that: I will meet the qualifications
797 to hold the office, both legally and constitutionally, if selected; I reside at _____ in
798 the City or Town of _____, Utah, Zip Code _____, Phone No. _____; I will not knowingly violate
799 any law governing campaigns and elections; I will file all campaign financial disclosure reports
800 as required by law; and I understand that failure to do so will result in my disqualification as a
801 candidate for this office and removal of my name from the ballot. The mailing address that I
802 designate for receiving official election notices is

803
804

805 Subscribed and sworn before me this _____(month\day\year). Notary Public (or
806 other officer qualified to administer oath)."

807 (3) Notwithstanding Subsection 20A-9-202(1)(~~a~~), and except as provided in
808 Subsection 20A-9-202(~~4~~)(5), a member of a qualified political party who, under this section,
809 is seeking the nomination of the qualified political party for an elective office that is to be filled
810 at the next general election shall:

811 (a) within the period beginning on January 1 before the next regular general election
812 and ending on the third Thursday in March of the same year, and before gathering signatures
813 under this section, file with the filing officer on a form approved by the lieutenant governor a
814 notice of intent to gather signatures for candidacy that includes:

815 (i) the name of the member who will attempt to become a candidate for a registered
816 political party under this section;

817 (ii) the name of the registered political party for which the member is seeking
818 nomination;

819 (iii) the office for which the member is seeking to become a candidate;

820 (iv) the address and telephone number of the member; and

821 (v) other information required by the lieutenant governor;

822 (b) file a declaration of candidacy, in person, with the filing officer on or after the
823 second Friday in March and before 5 p.m. on the third Thursday in March before the next
824 regular general election; and

825 (c) pay the filing fee.

826 (4) Notwithstanding Subsection 20A-9-202(~~2~~)(3)(a), a member of a qualified
827 political party who, under this section, is seeking the nomination of the qualified political party
828 for the office of district attorney within a multicounty prosecution district that is to be filled at
829 the next general election shall:

830 (a) on or after January 1 before the next regular general election, and before gathering
831 signatures under this section, file with the filing officer on a form approved by the lieutenant
832 governor a notice of intent to gather signatures for candidacy that includes:

833 (i) the name of the member who will attempt to become a candidate for a registered

834 political party under this section;

835 (ii) the name of the registered political party for which the member is seeking
836 nomination;

837 (iii) the office for which the member is seeking to become a candidate;

838 (iv) the address and telephone number of the member; and

839 (v) other information required by the lieutenant governor;

840 (b) file a declaration of candidacy, in person, with the filing officer on or after the
841 second Friday in March and before 5 p.m. on the third Thursday in March before the next
842 regular general election; and

843 (c) pay the filing fee.

844 (5) Notwithstanding Subsection [20A-9-202](#)~~(3)~~(4)(a)(iii), a lieutenant governor
845 candidate who files as the joint-ticket running mate of an individual who is nominated by a
846 qualified political party, under this section, for the office of governor shall submit a letter from
847 the candidate for governor that names the lieutenant governor candidate as a joint-ticket
848 running mate.

849 (6) The lieutenant governor shall ensure that the certification described in Subsection
850 [20A-9-701](#)(1) also includes the name of each candidate nominated by a qualified political party
851 under this section.

852 (7) Notwithstanding Subsection [20A-9-701](#)(2), the ballot shall, for each candidate who
853 is nominated by a qualified political party under this section, designate the qualified political
854 party that nominated the candidate.

855 (8) A member of a qualified political party may seek the nomination of the qualified
856 political party for an elective office by:

857 (a) complying with the requirements described in this section; and

858 (b) collecting signatures, on a form approved by the lieutenant governor's office, during
859 the period beginning on January 1 of an even-numbered year and ending 14 days before the day
860 on which the qualified political party's convention for the office is held, in the following
861 amounts:

862 (i) for a statewide race, 28,000 signatures of registered voters in the state who are
863 permitted by the qualified political party to vote for the qualified political party's candidates in
864 a primary election;

865 (ii) for a congressional district race, 7,000 signatures of registered voters who are
866 residents of the congressional district and are permitted by the qualified political party to vote
867 for the qualified political party's candidates in a primary election;

868 (iii) for a state Senate district race, 2,000 signatures of registered voters who are
869 residents of the state Senate district and are permitted by the qualified political party to vote for
870 the qualified political party's candidates in a primary election;

871 (iv) for a state House district race, 1,000 signatures of registered voters who are
872 residents of the state House district and are permitted by the qualified political party to vote for
873 the qualified political party's candidates in a primary election; and

874 (v) for a county office race, signatures of 3% of the registered voters who are residents
875 of the area permitted to vote for the county office and are permitted by the qualified political
876 party to vote for the qualified political party's candidates in a primary election.

877 (9) (a) In order for a member of the qualified political party to qualify as a candidate
878 for the qualified political party's nomination for an elective office under this section, the
879 member shall:

880 (i) collect the signatures on a form approved by the lieutenant governor's office, using
881 the same circulation and verification requirements described in Sections [20A-7-304](#) and
882 [20A-7-305](#); and

883 (ii) submit the signatures to the election officer no later than 14 days before the day on
884 which the qualified political party holds its convention to select candidates, for the elective
885 office, for the qualified political party's nomination.

886 (b) An individual may not gather signatures under this section until after the individual
887 files a notice of intent to gather signatures for candidacy described in this section.

888 (c) An individual who files a notice of intent to gather signatures for candidacy,
889 described in Subsection (3)(a) or (4)(a), is, beginning on the day on which the individual files
890 the notice of intent to gather signatures for candidacy:

891 (i) required to comply with the reporting requirements that a candidate for office is
892 required to comply with; and

893 (ii) subject to the same enforcement provisions, and civil and criminal penalties, that
894 apply to a candidate for office in relation to the reporting requirements described in Subsection
895 (9)(c)(i).

896 (d) Upon timely receipt of the signatures described in Subsections (8) and (9)(a), the
897 election officer shall, no later than one day before the day on which the qualified political party
898 holds the convention to select a nominee for the elective office to which the signature packets
899 relate:

900 (i) check the name of each individual who completes the verification for a signature
901 packet to determine whether each individual is a resident of Utah and is at least 18 years old;

902 (ii) submit the name of each individual described in Subsection (9)(d)(i) who is not a
903 Utah resident or who is not at least 18 years old to the attorney general and the county attorney;

904 (iii) determine whether each signer is a registered voter who is qualified to sign the
905 petition, using the same method, described in Section 20A-7-206.3, used to verify a signature
906 on a petition;

907 (iv) certify whether each name is that of a registered voter who is qualified to sign the
908 signature packet; and

909 (v) notify the qualified political party and the lieutenant governor of the name of each
910 member of the qualified political party who qualifies as a nominee of the qualified political
911 party, under this section, for the elective office to which the convention relates.

912 (e) Upon receipt of a notice of intent to gather signatures for candidacy described in
913 this section, the lieutenant governor shall post the notice of intent to gather signatures for
914 candidacy on the lieutenant governor's website in the same location that the lieutenant governor
915 posts a declaration of candidacy.

916 Section 11. Section 20A-9-701 is amended to read:

917 **20A-9-701. Certification of party candidates to county clerks -- Display on ballot.**

918 (1) No later than August 31 of each regular general election year, the lieutenant
919 governor shall certify to each county clerk the names of each candidate nominated under
920 Subsection 20A-9-202[(4)](5) or Subsection 20A-9-403(5) for offices to be voted upon at the
921 regular general election in that county clerk's county.

922 (2) The names shall be certified by the lieutenant governor and shall be displayed on
923 the ballot as they are provided on the candidate's declaration of candidacy. No other names
924 may appear on the ballot as affiliated with, endorsed by, or nominated by any other registered
925 political party, political party, or other political group.

926 Section 12. Section 20A-11-1005 is amended to read:

927 **20A-11-1005. Fines for failing to file a financial statement.**

928 (1) Except as provided in Subsections [20A-11-512\(1\)\(b\)](#) and (4), the chief election
929 officer shall fine a filing entity \$100 for failing to file a financial statement by the filing
930 deadline.

931 (2) If a filing entity is unable to pay the fine or files an affidavit of impecuniosity in a
932 manner similar to Subsection [20A-9-201~~\(5\)\(d\)~~\(15\)](#), the chief election officer shall impose the
933 fine against the candidate or treasurer, as appropriate.

934 (3) The chief election officer shall deposit fines collected under this chapter in the
935 General Fund.

936 Section 13. Section **20A-14-101.1** is amended to read:

937 **CHAPTER 14. ELECTION OF STATE AND LOCAL SCHOOL BOARDS**

938 **20A-14-101.1. Title -- Definitions.**

939 (1) This chapter is known as "Election of State and Local School Boards."

940 (2) As used in this part:

941 ~~(1)~~ (a) "Board" means the State Board of Education.

942 ~~(2)~~ (b) "Board block assignment file" means the electronic file that assigns each of
943 Utah's 115, 406 census blocks to a particular State Board of Education district.

944 ~~(3)~~ (c) "Board shapefile" means the electronic shapefile that stores the boundary of
945 each of the 15 State Board of Education districts.

946 ~~(4)~~ (d) "Census block" means any one of the 115, 406 individual geographic areas
947 into which the Bureau of the Census of the United States Department of Commerce has divided
948 the state of Utah, to each of which the Bureau of the Census has attached a discrete population
949 tabulation from the 2010 decennial census.

950 ~~(5)~~ (e) "Shapefile" means the digital vector storage format for storing geometric
951 location and associated attribute information.

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

953 **20A-14-103. State Board of Education members -- When elected -- Qualifications**
954 **-- Avoiding conflicts of interest.**

955 (1) (a) Unless otherwise provided by law, each State Board of Education member
956 elected from a State Board of Education District at the 2010 general election shall:

957 (i) serve out the term of office for which that member was elected; and

958 (ii) represent the realigned district if the member resides in that district.
959 (b) At the general election to be held in 2012, a State Board of Education member
960 elected from State Board of Education Districts 4, 7, 8, 10, 11, 12, 13, and 15 shall be elected
961 to serve a term of office of four years.

962 (c) In order to ensure that the terms of approximately half of the State Board of
963 Education members expire every two years:

964 (i) at the general election to be held in 2012, the State Board of Education member
965 elected from State Board of Education District 1 shall be elected to serve a term of office of
966 two years; and

967 (ii) at the general election to be held in 2014, the State Board of Education member
968 elected from State Board of Education District 1 shall be elected to serve a term of office of
969 four years.

970 (2) (a) A person seeking election to the State Board of Education shall have been a
971 resident of the State Board of Education district in which the person is seeking election for at
972 least one year as of the date of the election.

973 (b) A person who has resided within the State Board of Education district, as the
974 boundaries of the district exist on the date of the election, for one year immediately preceding
975 the date of the election shall be considered to have met the requirements of this Subsection (2).

976 (3) A State Board of Education member shall:

977 (a) be and remain a registered voter in the State Board of Education district from which
978 the member was elected or appointed; and

979 (b) maintain the member's primary residence within the State Board of Education
980 district from which the member was elected or appointed during the member's term of office.

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

- 983 (a) the State Board of Education;
- 984 (b) the Utah State Office of Education; or
- 985 (c) the Utah State Office of Rehabilitation.

986 (5) The provisions of Section 20A-9-403 do not apply to the election of a State Board
987 of Education member. The election of a State Board of Education member is governed by this
988 chapter.

989 Section 15. Section **20A-14-103.5** is enacted to read:

990 **20A-14-103.5. State Board of Education -- Candidacy.**

991 (1) The office of State Board of Education member is a nonpartisan office.

992 (2) An individual who desires to be a candidate for the office of State Board of

993 Education member shall:

994 (a) file a declaration of candidacy in person with the filing officer:

995 (i) on or after January 1 of the regular general election year and before the individual
996 circulates a nomination petition described in Section [20A-14-103.6](#); and

997 (ii) in accordance with the procedures and requirements of Section [20A-9-201](#); and

998 (b) pay the filing fee.

999 (3) (a) Each county clerk who receives a declaration of candidacy described in this
1000 section from a candidate for multicounty office shall transmit the filing fee and a copy of the
1001 candidate's declaration of candidacy to the lieutenant governor within one working day after the
1002 day on which the candidate files the declaration of candidacy.

1003 (b) Each day during the filing period, each county clerk shall notify the lieutenant
1004 governor electronically or by telephone of candidates who have filed a declaration of candidacy
1005 described in this section in the county clerk's office.

1006 (4) (a) A declaration of candidacy filed under this section is valid unless an individual
1007 files a written objection with the clerk or lieutenant governor within five days after the day of
1008 the deadline for filing a declaration of candidacy.

1009 (b) If an individual files an objection, the clerk or lieutenant governor shall:

1010 (i) immediately mail or personally deliver notice of the objection to the affected
1011 candidate; and

1012 (ii) decide any objection within 48 hours after the objection is filed.

1013 (c) If the clerk or lieutenant governor sustains the objection, the candidate may, if
1014 possible, cure the problem by amending the declaration or nomination petition, or by filing a
1015 new declaration, within three days after the day on which the objection is sustained.

1016 (d) (i) The clerk's or lieutenant governor's decision upon objections to form is final.

1017 (ii) The clerk's or lieutenant governor's decision upon substantive matters is reviewable
1018 by a district court if prompt application is made to the court.

1019 (iii) The decision of the district court is final unless the Supreme Court, in the exercise

1020 of discretion, agrees to review the lower court decision.

1021 (5) A candidate may withdraw as a candidate by filing a written affidavit with the
1022 clerk.

1023 (6) Notwithstanding Subsection (2)(a), and subject to Subsection [20A-9-201\(12\)\(b\)](#), an
1024 individual may designate an agent to file the form described in Subsection [20A-9-201\(12\)](#) in
1025 person with the filing officer if:

1026 (a) the individual is located outside the state during the filing period because:

1027 (i) of employment with the state or the United States; or

1028 (ii) the individual is a member of:

1029 (A) the active or reserve components of the Army, Navy, Air Force, Marine Corps, or
1030 Coast Guard of the United States, and is on active duty;

1031 (B) the Merchant Marine, the commissioned corps of the Public Health Service, or the
1032 commissioned corps of the National Oceanic and Atmospheric Administration of the United
1033 States; or

1034 (C) the National Guard and is on activated status;

1035 (b) the individual communicates with the filing officer using an electronic device that
1036 allows the individual and the filing officer to see and hear each other; and

1037 (c) the individual provides the filing officer with an email address to which the filing
1038 officer may send the copies described in Subsection [20A-9-201\(9\)](#).

1039 Section 16. Section **20A-14-103.6** is enacted to read:

1040 **20A-14-103.6. Signature-gathering process for State Board of Education --**
1041 **Verification of signatures -- Placement on ballot.**

1042 (1) A candidate who is seeking placement on the ballot for the office of member of the
1043 State Board of Education shall, after complying with the requirements of Subsection
1044 [20A-14-103.5\(2\)](#):

1045 (a) during the period beginning on January 1 of an even-numbered year and ending at 5
1046 p.m. on the second Friday in April, collect signatures of at least 2,000 registered voters who
1047 reside in the same State Board of Education district as the candidate, including, from each
1048 school district within that State Board of Education district, at least 300 signatures from
1049 registered voters who reside in that school district;

1050 (b) collect the signatures described in Subsection (1)(a) on a nomination petition form

1051 created by the lieutenant governor's office, in accordance with, and subject to, the same
1052 circulation and verification requirements described in Sections [20A-7-304](#) and [20A-7-305](#); and

1053 (c) submit the signatures described in Subsection (1)(a) to the election officer no later
1054 than 5 p.m. on the second Friday in April.

1055 (2) Upon timely receipt of the signatures described in this section, the election officer
1056 shall, no later than seven days after the day on which the election officer receives the
1057 signatures:

1058 (a) check the name of each individual who completes the verification for a signature
1059 packet to determine whether each individual is a resident of Utah and is at least 18 years old;

1060 (b) submit the name of each individual described in Subsection (2)(a) who is not a
1061 Utah resident or who is not at least 18 years old to the attorney general and the county attorney;

1062 (c) determine whether each signer is a registered voter who is qualified to sign the
1063 nomination petition form, using the same method described in Section [20A-7-206.3](#) to verify a
1064 signature on a petition;

1065 (d) certify whether each name is the name of a registered voter who is qualified to sign
1066 the signature packet; and

1067 (e) certify the candidate for placement on the ballot if the election officer determines
1068 that the candidate:

1069 (i) has complied with the requirements of this section and Section [20A-14-103.5](#); and

1070 (ii) obtained the signatures described in Subsection (1)(a).

1071 (3) (a) If more than two candidates qualify to be placed on the ballot for one State
1072 School Board District, the election officer shall certify the candidates for placement on the
1073 regular primary election ballot.

1074 (b) The election officer shall place the names of the two candidates who receive the
1075 highest number of votes in a primary election for a State School Board District on the general
1076 election ballot.

1077 (c) If only one or two candidates qualify to be placed on the ballot for one State School
1078 Board District, the election officer:

1079 (i) shall certify the name of each candidate for placement on the regular general
1080 election ballot; and

1081 (ii) may not place the name of a candidate described in Subsection (3)(c)(i) on the

1082 primary election ballot.

1083 Section 17. Section **53A-1-101** is amended to read:

1084 **53A-1-101. State Board of Education -- Members.**

1085 [~~(1) Members of the~~] The State Board of Education shall [~~be nominated and~~] consist of
1086 15 members, elected as provided in Title 20A, Chapter 14, [~~Nomination and~~] Election of State
1087 and Local School Boards.

1088 [~~(2) (a) In addition to the members designated under Subsection (1), the following~~
1089 ~~members shall serve as nonvoting members of the State Board of Education:~~]

1090 [~~(i) two members of the State Board of Regents, appointed by the chair of the State~~
1091 ~~Board of Regents;~~]

1092 [~~(ii) one member of the Utah College of Applied Technology Board of Trustees,~~
1093 ~~appointed by the chair of the board of trustees; and~~]

1094 [~~(iii) one member of the State Charter School Board, appointed by the chair of the State~~
1095 ~~Charter School Board.~~]

1096 [~~(b) A nonvoting member shall continue to serve as a member without a set term until~~
1097 ~~the member is replaced by the chair of the State Board of Regents, chair of the Utah College of~~
1098 ~~Applied Technology Board of Trustees, or chair of the State Charter School Board, as~~
1099 ~~applicable.~~]

1100 Section 18. **Repealer.**

1101 This bill repeals:

1102 Section **20A-14-104, Becoming a candidate for membership on the State Board of**
1103 **Education -- Nominating and recruiting committee -- Membership -- Procedure -- Duties.**

1104 Section **20A-14-105, Becoming a candidate for membership on the State Board of**
1105 **Education -- Selection of candidates by the governor -- Ballot placement.**

1106 Section 19. **Revisor instructions.**

1107 It is the intent of the Legislature that, in preparing the Utah Code database for
1108 publication, the Office of Legislative Research and General Counsel shall change the
1109 references to "Title 20A, Chapter 14, Nomination and Election of State and Local School
1110 Boards" in the following sections and subsections to read "Title 20A, Chapter 14, Election of
1111 State and Local School Boards":

1112 (1) Subsection **53A-1a-506(1)(a)**;

- 1113 (2) Subsection [53A-1a-506.5\(1\)\(a\)](#);
- 1114 (3) Subsection [53A-2-119\(2\)](#);
- 1115 (4) Section [53A-3-101](#);
- 1116 (5) Subsection [53A-11-102.5\(1\)](#); and
- 1117 (6) Subsection [53A-15-1202\(1\)](#).

Legislative Review Note
as of 10-22-14 12:17 PM

Office of Legislative Research and General Counsel