

## HB0186S02 compared with HB0186S01

~~text~~ shows text that was in HB0186S01 but was deleted in HB0186S02.

text shows text that was not in HB0186S01 but was inserted into HB0186S02.

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Representative Francis D. Gibson proposes the following substitute bill:

### STATE SCHOOL BOARD MEMBERSHIP AND ELECTION

#### AMENDMENTS

2015 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Francis D. Gibson**

Senate Sponsor: \_\_\_\_\_

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#### LONG TITLE

##### General Description:

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

##### Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ repeals the nominating and recruiting committee, and related provisions, for selecting candidates for the office of State Board of Education member;
- ▶ provides that an individual may be placed on the ballot as a nonpartisan candidate

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for the office of State Board of Education member by filing a declaration of candidacy, obtaining signatures, and complying with other provisions described in this bill;

- ▶ describes the election process and related provisions for a State Board of Education member;
- ▶ removes the nonvoting members from the State Board of Education;
- ▶ increases the compensation of members of the State Board of Education; and
- ▶ makes technical and conforming changes.

### **Money Appropriated in this Bill:**

None

### **Other Special Clauses:**

This bill provides revisor instructions.

### **Utah Code Sections Affected:**

AMENDS:

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

**20A-6-301**, as last amended by Laws of Utah 2014, Chapters 17 and 169

**20A-6-302**, as last amended by Laws of Utah 2014, Chapter 17

**20A-6-303**, as last amended by Laws of Utah 2014, Chapter 17

**20A-6-304**, as last amended by Laws of Utah 2014, Chapter 17

**20A-9-201**, as last amended by Laws of Utah 2014, Chapter 17

**20A-9-202**, as last amended by Laws of Utah 2014, Chapter 17

**20A-9-403**, as last amended by Laws of Utah 2014, Chapter 17

**20A-9-407**, as enacted by Laws of Utah 2014, Chapter 17

**20A-9-408**, as enacted by Laws of Utah 2014, Chapter 17

**20A-9-701**, as last amended by Laws of Utah 2014, Chapter 17

**20A-11-1005**, as last amended by Laws of Utah 2013, Chapter 252

**20A-14-101.1**, as last amended by Laws of Utah 2013, Chapter 455

**20A-14-103**, as last amended by Laws of Utah 2011, Third Special Session, Chapter 3

**53A-1-101**, as last amended by Laws of Utah 2010, Chapter 162

**53A-1-202**, as last amended by Laws of Utah 2010, Chapter 286

ENACTS:

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**20A-14-103.5**, Utah Code Annotated 1953

**20A-14-103.6**, Utah Code Annotated 1953

REPEALS:

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

**20A-14-105**, as last amended by Laws of Utah 2011, Chapters 292, 327, 335 and last amended by Coordination Clause, Laws of Utah 2011, Chapter 327

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

**53A-1a-506**, Utah Code Annotated 1953

**53A-1a-506.5**, Utah Code Annotated 1953

**53A-2-119**, Utah Code Annotated 1953

**53A-3-101**, as repealed and reenacted by Laws of Utah 1995, Chapter 1

**53A-11-102.5**, Utah Code Annotated 1953

**53A-15-1202**, Utah Code Annotated 1953

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

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

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

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

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

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

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

(1) Each election officer shall ensure that:

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

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

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

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

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

(ii) the ballot number and the words "Poll Worker's Initial \_\_\_\_" are printed on the stub; and

(iii) ballot stubs are numbered consecutively;

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

(i) "Official Ballot for \_\_\_\_ County, Utah";

(ii) the date of the election; and

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

(d) each ticket is placed in a separate column on the ballot in the order specified under Section 20A-6-305 with the party emblem, followed by the party name, at the head of the column;

(e) the party name or title is printed in capital letters not less than one-fourth of an inch high;

(f) a circle one-half inch in diameter is printed immediately below the party name or title, and the top of the circle is placed not less than two inches below the perforated line;

(g) unaffiliated candidates, candidates not affiliated with a registered political party, and all other candidates for elective office who were not nominated by a registered political party in accordance with Subsection 20A-9-202[(4)](5) or Subsection 20A-9-403(5), are listed in one column in the order specified under Section 20A-6-305, without a party circle, with the following instructions printed at the head of the column: "All candidates not affiliated with a political party are listed below. They are to be considered with all offices and candidates listed to the left. Only one vote is allowed for each office.";

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

(i) the offices to be filled are plainly printed immediately above the names of the

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candidates for those offices;

(j) the names of candidates are printed in capital letters, not less than one-eighth nor more than one-fourth of an inch high in heavy-faced type not smaller than 10 point, between lines or rules three-eighths of an inch apart;

(k) a square with sides measuring not less than one-fourth of an inch in length is printed immediately adjacent to the name of each candidate;

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

(m) in an election in which a voter is authorized to cast a write-in vote and where a write-in candidate is qualified under Section 20A-9-601, immediately adjacent to the unaffiliated ticket on the ballot, the ballot contains a write-in column long enough to contain as many written names of candidates as there are persons to be elected with:

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

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

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

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

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

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

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(2) Each election officer shall ensure that:

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

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

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

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

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

(d) the ballots contain no other names.

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

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

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

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

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

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

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

(4) Each election officer shall ensure that:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(f) If the candidate whose name would, except for this Subsection (2)(f), be placed on the ballot under Subsection (2)(a) has been elected on a ballot under Subsection (2)(a) to the two consecutive terms immediately preceding the term for which the candidate is seeking

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election, Subsection (2)(a) does not apply and that candidate shall be considered to be an unopposed candidate the same as any other unopposed candidate for another office, unless a petition is filed with the county clerk before the date of that year's primary election that:

(i) requests the procedure set forth in Subsection (2)(a) to be followed; and

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

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

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

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

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

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

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

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



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

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

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

(1) Each election officer shall ensure that:

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

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

(c) the ballot sheet or any pages used for the ballot label are of sufficient number to include, after the list of candidates:

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

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

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

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

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

(f) the office titles are printed immediately adjacent to the names of candidates so as to indicate clearly the candidates for each office and the number to be elected;

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

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

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

(A) the ballot sheet or ballot label shall be clearly marked to indicate that the list of candidates is continued on the following column or page; and

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

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each page.

(2) Each election officer shall ensure that:

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

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

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

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

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

(1) Each election officer shall ensure that:

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

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

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

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

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

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

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

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

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

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

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

(2) Each election officer shall ensure that:

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

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

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

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

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

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

(a) be a United States citizen;

(b) meet the legal requirements of that office; and

(c) if seeking a registered political party's nomination as a candidate for elective office, designate that registered political party as their preferred party affiliation on their declaration of candidacy.

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

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

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

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

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

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

(3) [~~(a)~~-(i)] Except for presidential candidates, before the filing officer may accept any

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declaration of candidacy, the filing officer shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~[(v)]~~ (7) Before accepting a declaration of candidacy for the office of governor, lieutenant governor, state auditor, state treasurer, attorney general, state legislator, or State Board of Education member, the filing officer shall ensure:

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

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

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

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

~~[(f)]~~ (a) inform the candidate that:

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

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

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

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

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

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

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

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

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

~~[(A)]~~ (i) signing the pledge is voluntary; and

~~[(B)]~~ (ii) signed pledges shall be filed with the filing officer;

~~[(v)]~~ (e) accept the candidate's declaration of candidacy; and

~~[(vi)]~~ (f) if the candidate has filed for a partisan office, provide a certified copy of the declaration of candidacy to the chair of the county or state political party of which the candidate is a member.

~~[(d)]~~ (10) If the candidate elects to sign the pledge of fair campaign practices, the filing officer shall:

~~[(i)]~~ (a) accept the candidate's pledge; and

~~[(ii)]~~ (b) if the candidate has filed for a partisan office, provide a certified copy of the candidate's pledge to the chair of the county or state political party of which the candidate is a member.

~~[(4)]~~ (11) (a) Except for presidential candidates~~[-the form of]~~ and candidates for a nonpartisan office, the lieutenant governor shall create a form for the declaration of candidacy [shall be] to read substantially as follows:

"State of Utah, County of \_\_\_\_

I, \_\_\_\_\_, declare my candidacy for the office of \_\_\_\_\_, seeking the nomination of the \_\_\_\_\_ party, which is my preferred political party affiliation. I do solemnly swear that: I will meet the qualifications to hold the office, both legally and constitutionally, if selected; I reside at \_\_\_\_\_ in the City or Town of \_\_\_\_\_,

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Utah, Zip Code \_\_\_\_ Phone No. \_\_\_\_; I will not knowingly violate any law governing campaigns and elections; I will file all campaign financial disclosure reports as required by law; and I understand that failure to do so will result in my disqualification as a candidate for this office and removal of my name from the ballot. The mailing address that I designate for receiving official election notices is

\_\_\_\_\_.

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

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

(b) An agent designated to file a declaration of candidacy under Section 20A-9-202 may not sign the form described in Subsection [(4)] (11)(a).

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

"State of Utah, County of \_\_\_\_\_

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

\_\_\_\_\_.

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

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

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

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

(i) \$50 for candidates for the local school district board; and

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(ii) \$50 plus 1/8 of 1% of the total salary for the full term of office legally paid to the person holding the office for all other federal, state, and county offices.

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

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

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

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

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

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

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

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

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

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

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

"Affidavit of Impecuniosity

Individual Name

Address



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Phone Number \_\_\_\_\_

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

Date \_\_\_\_\_ Signature \_\_\_\_\_

Affiant

Subscribed and sworn to before me on \_\_\_\_\_ (month\day\year)

\_\_\_\_\_  
(signature)

Name and Title of Officer Authorized to Administer Oath \_\_\_\_\_ "

~~(v)~~ (f) The filing officer shall provide to a person who requests an affidavit of impecuniosity a statement printed in substantially the following form, which may be included on the affidavit of impecuniosity:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) ~~[(a) Each person seeking]~~ An individual who desires to become a candidate for an elective office, other than a State Board of Education office, that is to be filled at the next regular general election shall:

~~[(+)]~~ (a) file a declaration of candidacy in person with the filing officer:

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

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

~~[(+)]~~ (b) pay the filing fee.

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

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

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

~~[(2)]~~ (3) (a) ~~[Each person intending]~~ An individual who desires to become a candidate for the office of district attorney within a multicounty prosecution district that is to be filled at

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the next regular general election shall:

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

(ii) pay the filing fee.

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

~~[(3)]~~ (4) (a) On or before 5 p.m. on the first Monday after the third Saturday in April, each lieutenant governor candidate shall:

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

(ii) pay the filing fee; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) Each registered political party that chooses to have the names of its candidates for elective office featured with party affiliation on the ballot at a regular general election shall comply with the requirements of this section and shall nominate its candidates for elective office in the manner prescribed in this section.

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

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

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

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

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

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

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

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

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

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

(b) A candidate for elective office shall submit nomination petitions to the appropriate filing officer for verification and certification no later than 5 p.m. on the final day in March. Candidates may supplement their submissions at any time on or before the filing deadline.

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

(d) The filing officer shall:

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

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

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

(iv) consider a person who signs a nomination petition a member of a registered political party for purposes of Subsection (3)(a)(ii) if the person has designated that registered political party as their preferred party affiliation on their voter registration form prior to 5 p.m.

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on the final day in March; and

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

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

(f) The lieutenant governor shall issue rules that provide for the use of statistical sampling procedures for filing officers to verify signatures under Subsection (3)(d). The statistical sampling procedures shall reflect a bona fide effort to determine the validity of a candidate's entire submission, using widely recognized statistical sampling techniques. The lieutenant governor may also issue supplemental rules and guidance that provide for the transparent, orderly, and timely submission, verification, and certification of nomination petition signatures.

(g) The county clerk shall:

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

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

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

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

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

(ii) a list of unopposed candidates for elective office who have been nominated by a registered political party under Subsection (5)(c) and instruct the county clerks to exclude such

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candidates from the primary-election ballot.

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

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

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

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

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

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

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

(b) When a tie vote occurs in any primary election for any county office, the district court judges of the district in which the county is located shall, at a public meeting called by



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the judges and in the presence of the candidates involved, select the nominee by lot cast in whatever manner the judges determine.

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

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

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

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

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

"State of Utah, County of \_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_.

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

(3) Notwithstanding Subsection 20A-9-202(1)~~[(a)]~~, and except as provided in Subsection 20A-9-202~~[(4)]~~(5), a member of a qualified political party who, under this section, is seeking the nomination of the qualified political party for an elective office that is to be filled

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at the next general election, shall:

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

(b) pay the filing fee.

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

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

(b) pay the filing fee.

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

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

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

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

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

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

(2) Notwithstanding Subsection 20A-9-201[~~(4)~~](11)(a), the form of the declaration of candidacy for a member of a qualified political party who is nominated by, or who is seeking

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the nomination of, the qualified political party under this section shall be substantially as follows:

"State of Utah, County of \_\_\_\_

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

---

---

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

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

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

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

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

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

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

(v) other information required by the lieutenant governor;

(b) file a declaration of candidacy, in person, with the filing officer on or after the

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second Friday in March and before 5 p.m. on the third Thursday in March before the next regular general election; and

(c) pay the filing fee.

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

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

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

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

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

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

(v) other information required by the lieutenant governor;

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

(c) pay the filing fee.

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

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

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

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party that nominated the candidate.

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

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

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

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

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

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

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

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

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

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

(ii) submit the signatures to the election officer no later than 14 days before the day on which the qualified political party holds its convention to select candidates, for the elective

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office, for the qualified political party's nomination.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) As used in this part:

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

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

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

~~(4)~~ (d) "Census block" means any one of the 115, 406 individual geographic areas

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into which the Bureau of the Census of the United States Department of Commerce has divided the state of Utah, to each of which the Bureau of the Census has attached a discrete population tabulation from the 2010 decennial census.

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

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

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

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

- (i) serve out the term of office for which that member was elected; and
- (ii) represent the realigned district if the member resides in that district.

(b) At the general election to be held in 2012, a State Board of Education member elected from State Board of Education Districts 4, 7, 8, 10, 11, 12, 13, and 15 shall be elected to serve a term of office of four years.

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

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

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

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

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

(3) A State Board of Education member shall:

(a) be and remain a registered voter in the State Board of Education district from which



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the member was elected or appointed; and

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

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

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

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

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

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

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

(2) An individual who desires to be a candidate for the office of State Board of Education member shall:

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

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

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

(b) pay the filing fee.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(ii) the individual is a member of:

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

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

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

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

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

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

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

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

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

(i) at least 300 registered voters who reside in that school district; or

(ii) at least 2% of the registered voters who reside in that school district;

(b) collect the signatures described in Subsection (1)(a) on a nomination petition form created by the lieutenant governor's office, in accordance with, and subject to, the same circulation and verification requirements described in Sections 20A-7-304 and 20A-7-305; and

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

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

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

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

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

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

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

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

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

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

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

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

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

(ii) may not place the name of a candidate described in Subsection (3)(c)(i) on the primary election ballot.

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

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

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

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

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

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

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

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

Section 18. Section **53A-1-202** is amended to read:

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### 53A-1-202. Compensation for services -- Insurance -- Per diem and expenses.

(1) Each member of the State Board of Education shall receive \$3,000 per year, payable monthly, as compensation for services.

(2) A board member may participate in any group insurance plan provided to employees of the State Office of Education as part of their compensation on the same basis as required for employee participation.

(3) In addition to the provisions of Subsections (1) and (2), a board member may receive per diem and travel expenses in accordance with:

(a) Section 63A-3-106;

(b) Section 63A-3-107; and

(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

(4) In addition to the provisions of Subsections (1) through (3), a board member may receive \$273 for each day on which the board member attends a meeting of the State Board of Education.

Section ~~{18}~~19. **Repealer.**

This bill repeals:

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

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

Section ~~{19}~~20. **Revisor instructions.**

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

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

(2) Subsection 53A-1a-506.5(1)(a);

(3) Subsection 53A-2-119(2);

(4) Section 53A-3-101;

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(5) Subsection 53A-11-102.5(1); and

(6) Subsection 53A-15-1202(1).