

Senator Ann Millner 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: Evan J. Vickers

LONG TITLE

General Description:

This bill provides for partisan election of the members of the State Board of Education and provides for appointment of the members of the State Board of Education if the voters pass a constitutional amendment permitting appointment.

Highlighted Provisions:

This bill:

- ▶ provides for partisan election of the members of the State Board of Education and provides for appointment of the members of the State Board of Education if the voters pass a constitutional amendment permitting appointment;
- ▶ removes the nonvoting members from the State Board of Education;
- ▶ modifies the reporting requirements of state board office candidates and officeholders;
- ▶ reverses the modifications described in the preceding paragraph if the voters pass a constitutional amendment permitting appointment of members of the State Board of Education; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:



26 None

27 **Other Special Clauses:**

28 This bill provides substantive revisor instructions.

29 **Utah Code Sections Affected:**

30 AMENDS:

31 **20A-1-504**, as last amended by Laws of Utah 2010, Chapter 197

32 **20A-9-408**, as enacted by Laws of Utah 2014, Chapter 17

33 **20A-11-403**, as last amended by Laws of Utah 2013, Chapter 420

34 **20A-11-1301**, as last amended by Laws of Utah 2014, Chapters 335 and 337

35 **20A-11-1303**, as last amended by Laws of Utah 2014, Chapter 337

36 **20A-11-1305**, as last amended by Laws of Utah 2014, Chapter 337

37 **20A-14-103**, as last amended by Laws of Utah 2011, Third Special Session, Chapter 3

38 **20A-14-104**, as last amended by Laws of Utah 2004, Chapter 19

39 **53A-1-101**, as last amended by Laws of Utah 2010, Chapter 162

40 REPEALS:

41 **20A-14-105**, as last amended by Laws of Utah 2011, Chapters 292, 327, 335 and last
42 amended by Coordination Clause, Laws of Utah 2011, Chapter 327

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

44 **20A-1-201**, as last amended by Laws of Utah 2014, Chapter 362

45 **20A-1-201.5**, as last amended by Laws of Utah 2013, Chapter 320

46 **20A-1-504**, as last amended by Laws of Utah 2010, Chapter 197

47 **20A-1-507**, as enacted by Laws of Utah 1993, Chapter 1

48 **20A-2-101.5**, as last amended by Laws of Utah 2013, Chapter 263

49 **20A-9-201**, as last amended by Laws of Utah 2014, Chapter 17

50 **20A-9-408**, as enacted by Laws of Utah 2014, Chapter 17

51 **20A-11-101**, as last amended by Laws of Utah 2014, Chapters 18, 158, and 337

52 **20A-11-402**, as last amended by Laws of Utah 2013, Chapter 320

53 **20A-11-403**, as last amended by Laws of Utah 2013, Chapter 420

54 **20A-11-1301**, as last amended by Laws of Utah 2014, Chapters 335 and 337

55 **20A-11-1302**, as last amended by Laws of Utah 2011, Chapter 347

56 **20A-11-1303**, as last amended by Laws of Utah 2014, Chapter 337

- 57 **20A-11-1304**, as enacted by Laws of Utah 1997, Chapter 355
- 58 **20A-11-1305**, as last amended by Laws of Utah 2014, Chapter 337
- 59 **20A-11-1603**, as last amended by Laws of Utah 2014, Chapter 18
- 60 **20A-14-101.1**, as last amended by Laws of Utah 2013, Chapter 455
- 61 **20A-14-101.5**, as last amended by Laws of Utah 2013, Chapter 455
- 62 **20A-14-102**, as last amended by Laws of Utah 2013, Chapter 455
- 63 **20A-14-102.1**, as last amended by Laws of Utah 2013, Chapter 455
- 64 **20A-14-102.2**, as last amended by Laws of Utah 2013, Chapter 455
- 65 **20A-14-102.3**, as last amended by Laws of Utah 2013, Chapter 455
- 66 **20A-14-103**, as last amended by Laws of Utah 2011, Third Special Session, Chapter 3
- 67 **20A-14-104**, as last amended by Laws of Utah 2004, Chapter 19
- 68 **20A-14-106**, as enacted by Laws of Utah 1995, Chapter 1
- 69 **53A-1-101**, as last amended by Laws of Utah 2010, Chapter 162
- 70 **53A-1-109**, Utah Code Annotated 1953
- 71 **53A-1-201**, as last amended by Laws of Utah 2013, Chapter 111
- 72 **53A-1-301**, as last amended by Laws of Utah 2012, Chapter 425

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

75 Section 1. Section **20A-1-504** is amended to read:

76 **20A-1-504. Midterm vacancies in the offices of attorney general, state treasurer,**
77 **state auditor, and lieutenant governor.**

78 (1) (a) When a vacancy occurs for any reason in the office of attorney general, state
79 treasurer, [or] state auditor, [it] or State Board of Education member, the vacancy shall be filled
80 for the unexpired term at the next regular general election.

81 (b) The governor shall fill the vacancy until the next regular general election by
82 appointing a person who meets the qualifications for the office from three persons nominated
83 by the state central committee of the same political party as the prior officeholder.

84 (2) If a vacancy occurs in the office of lieutenant governor, the governor shall, with the
85 consent of the Senate, appoint a person to hold the office until the next regular general election
86 at which the governor stands for election.

87 (3) For a State Board of Education vacancy, if the individual who is being replaced is

88 not a member of a political party, the governor shall fill the vacancy, with the consent of the
89 Senate, by selecting an individual who meets the qualifications and residency requirements for
90 filling the vacancy.

91 Section 2. Section **20A-9-408** is amended to read:

92 **20A-9-408. Signature-gathering nomination process for qualified political party.**

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

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

100 "State of Utah, County of _____

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

109 _____
110 _____.

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

113 (3) Notwithstanding Subsection **20A-9-202(1)(a)**, and except as provided in Subsection
114 **20A-9-202(4)**, a member of a qualified political party who, under this section, is seeking the
115 nomination of the qualified political party for an elective office that is to be filled at the next
116 general election shall:

117 (a) within the period beginning on January 1 before the next regular general election
118 and ending on the third Thursday in March of the same year, and before gathering signatures

119 under this section, file with the filing officer on a form approved by the lieutenant governor a
120 notice of intent to gather signatures for candidacy that includes:

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

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

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

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

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

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

131 (c) pay the filing fee.

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

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

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

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

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

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

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

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

149 (c) pay the filing fee.

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

155 (6) The lieutenant governor shall ensure that the certification described in Subsection
156 20A-9-701(1) also includes the name of each candidate nominated by a qualified political party
157 under this section.

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

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

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

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

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

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

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

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

180 (v) for a State Board of Education race, 4,000 signatures of registered voters who are

181 residents of the State Board of Education district and are permitted by the qualified political
182 party to vote for the qualified political party's candidates in a primary election; and

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

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

189 (i) collect the signatures on a form approved by the lieutenant governor's office, using
190 the same circulation and verification requirements described in Sections 20A-7-304 and
191 20A-7-305; and

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

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

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

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

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

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

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

211 (ii) submit the name of each individual described in Subsection (9)(d)(i) who is not a

212 Utah resident or who is not at least 18 years old to the attorney general and the county attorney;

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

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

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

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

225 Section 3. Section 20A-11-403 is amended to read:

226 **20A-11-403. Failure to file -- Penalties.**

227 (1) Within 30 days after a deadline for the filing of a summary report, the lieutenant
228 governor shall review each filed summary report to ensure that:

229 (a) each officeholder that is required to file a summary report has filed one; and

230 (b) each summary report contains the information required by this part.

231 (2) If it appears that any officeholder has failed to file the summary report required by
232 law, if it appears that a filed summary report does not conform to the law, or if the lieutenant
233 governor has received a written complaint alleging a violation of the law or the falsity of any
234 summary report, the lieutenant governor shall, if the lieutenant governor determines that a
235 violation has occurred:

236 (a) impose a fine against the filing entity in accordance with Section 20A-11-1005; and

237 (b) within five days of discovery of a violation or receipt of a written complaint, notify
238 the officeholder of the violation or written complaint and direct the officeholder to file a
239 summary report correcting the problem.

240 (3) (a) It is unlawful for any officeholder to fail to file or amend a summary report
241 within seven days after receiving notice from the lieutenant governor under this section.

242 (b) Each officeholder who violates Subsection (3)(a) is guilty of a class B

243 misdemeanor.

244 (c) The lieutenant governor shall report all violations of Subsection (3)(a) to the
245 attorney general.

246 (d) In addition to the criminal penalty described in Subsection (3)(b), the lieutenant
247 governor shall impose a civil fine of \$100 against an officeholder who violates Subsection
248 (3)(a).

249 (4) Within 30 days after a deadline for the filing of an interim report by an officeholder
250 under Subsection 20A-11-204(1)(c), 20A-11-303(1)(c), or 20A-11-1303(1)[~~(c)~~](d), the
251 lieutenant governor shall review each filed interim report to ensure that each interim report
252 contains the information required for the report.

253 (5) If it appears that any officeholder has failed to file an interim report required by
254 law, if it appears that a filed interim report does not conform to the law, or if the lieutenant
255 governor has received a written complaint alleging a violation of the law or the falsity of any
256 interim report, the lieutenant governor shall, if the lieutenant governor determines that a
257 violation has occurred:

258 (a) impose a fine against the filing entity in accordance with Section 20A-11-1005; and

259 (b) within five days after the day on which the violation is discovered or a written
260 complaint is received, notify the officeholder of the violation or written complaint and direct
261 the officeholder to file an interim report correcting the problem.

262 (6) (a) It is unlawful for any officeholder to fail to file or amend an interim report
263 within seven days after the day on which the officeholder receives notice from the lieutenant
264 governor under this section.

265 (b) Each officeholder who violates Subsection (6)(a) is guilty of a class B
266 misdemeanor.

267 (c) The lieutenant governor shall report all violations of Subsection (6)(a) to the
268 attorney general.

269 (d) In addition to the criminal penalty described in Subsection (6)(b), the lieutenant
270 governor shall impose a civil fine of \$100 against an officeholder who violates Subsection
271 (6)(a).

272 Section 4. Section 20A-11-1301 is amended to read:

273 **20A-11-1301. School board office candidate -- Campaign finance requirements --**

274 **Candidate as a political action committee officer -- No personal use -- Contribution**
275 **reporting deadline -- Report other accounts.**

276 (1) (a) (i) Each school board office candidate shall deposit each contribution and public
277 service assistance received in one or more separate accounts in a financial institution that are
278 dedicated only to that purpose.

279 (ii) A school board office candidate may:

280 (A) receive a contribution or public service assistance from a political action
281 committee registered under Section 20A-11-601; and

282 (B) be designated by a political action committee as an officer who has primary
283 decision-making authority as described in Section 20A-11-601.

284 (b) A school board office candidate may not use money deposited in an account
285 described in Subsection (1)(a)(i) for:

286 (i) a personal use expenditure; or

287 (ii) an expenditure prohibited by law.

288 (2) A school board office candidate may not deposit or mingle any contributions or
289 public service assistance received into a personal or business account.

290 (3) A school board office candidate may not make any political expenditures prohibited
291 by law.

292 (4) If a person who is no longer a school board office candidate chooses not to expend
293 the money remaining in a campaign account, the person shall continue to file the year-end
294 summary report required by Section 20A-11-1302 until the statement of dissolution and final
295 summary report required by Section 20A-11-1304 are filed with the lieutenant governor.

296 (5) (a) Except as provided in Subsection (5)(b) and Section 20A-11-402, a person who
297 is no longer a school board office candidate may not expend or transfer the money in a
298 campaign account in a manner that would cause the former school board office candidate to
299 recognize the money as taxable income under federal tax law.

300 (b) A person who is no longer a school board office candidate may transfer the money
301 in a campaign account in a manner that would cause the former school board office candidate
302 to recognize the money as taxable income under federal tax law if the transfer is made to a
303 campaign account for federal office.

304 (6) (a) As used in this Subsection (6) [~~and Section 20A-11-1303~~], "received" [~~means:~~]

305 means the same as that term is defined in Subsection [20A-11-1303\(1\)\(a\)](#).

306 ~~[(i) for a cash contribution, that the cash is given to a school board office candidate or a~~
307 ~~member of the candidate's personal campaign committee;]~~

308 ~~[(ii) for a contribution that is a negotiable instrument or check, that the negotiable~~
309 ~~instrument or check is negotiated; and]~~

310 ~~[(iii) for any other type of contribution, that any portion of the contribution's benefit~~
311 ~~inures to the school board office candidate.]~~

312 (b) Each school board office candidate shall report to the chief election officer each
313 contribution and public service assistance received by the school board office candidate:

314 (i) except as provided in Subsection (6)(b)(ii), within 30 days after the day on which
315 the contribution or public service assistance is received; or

316 (ii) within three business days after the day on which the contribution or public service
317 assistance is received, if:

318 (A) the school board office candidate is contested in a primary election and the
319 contribution or public service assistance is received within 30 days before the day on which the
320 primary election is held; or

321 (B) the school board office candidate is contested in a general election and the
322 contribution or public service assistance is received within 30 days before the day on which the
323 general election is held.

324 (c) Except as provided in Subsection (6)(d), for each contribution or provision of
325 public service assistance that a school board office candidate fails to report within the time
326 period described in Subsection (6)(b), the chief election officer shall impose a fine against the
327 school board office candidate in an amount equal to:

328 (i) the greater of \$50 or 15% of the amount of the contribution; or

329 (ii) the greater of \$50 or 15% of the value of the public service assistance.

330 (d) A fine described in Subsection (6)(c) may not exceed the amount of the
331 contribution or the value of the public service assistance to which the fine relates.

332 (e) The chief election officer shall:

333 (i) deposit money received under Subsection (6)(c) into the General Fund; and

334 (ii) report on the chief election officer's website, in the location where reports relating
335 to each school board office candidate are available for public access:

336 (A) each fine imposed by the chief election officer against the school board office
337 candidate;

338 (B) the amount of the fine;

339 (C) the amount of the contribution to which the fine relates; and

340 (D) the date of the contribution.

341 (7) (a) As used in this Subsection (7), "account" means an account in a financial
342 institution:

343 (i) that is not described in Subsection (1)(a)(i); and

344 (ii) into which or from which a person who, as a candidate for an office, other than a
345 school board office for which the person files a declaration of candidacy or federal office, or as
346 a holder of an office, other than a school board office for which the person files a declaration of
347 candidacy or federal office, deposits a contribution or makes an expenditure.

348 (b) A school board office candidate shall include on any financial statement filed in
349 accordance with this part:

350 (i) a contribution deposited in an account:

351 (A) since the last campaign finance statement was filed; or

352 (B) that has not been reported under a statute or ordinance that governs the account; or

353 (ii) an expenditure made from an account:

354 (A) since the last campaign finance statement was filed; or

355 (B) that has not been reported under a statute or ordinance that governs the account.

356 Section 5. Section **20A-11-1303** is amended to read:

357 **20A-11-1303. School board office candidate and school board officeholder --**

358 **Financial reporting requirements -- Interim reports.**

359 (1) (a) As used in this section, "received" means:

360 (i) for a cash contribution, that the cash is given to a school board office candidate or a
361 member of the school board office candidate's personal campaign committee;

362 (ii) for a contribution that is a check or other negotiable instrument, that the check or
363 other negotiable instrument is negotiated; and

364 (iii) for any other type of contribution, that any portion of the contribution's benefit
365 inures to the school board office candidate.

366 [~~(1)(a)~~] (b) As used in this Subsection (1), "campaign account" means a separate

367 campaign account required under Subsection 20A-11-1301(1)(a)(i).

368 ~~[(b)]~~ (c) Each school board office candidate shall file an interim report at the following
369 times in any year in which the candidate has filed a declaration of candidacy for a public office:

370 ~~[(i) May 15;]~~

371 (i) (A) seven days before the school board office candidate's political convention; or

372 (B) May 15, if the school board office candidate does not affiliate with a political

373 party;

374 (ii) seven days before the regular primary election date;

375 (iii) August 31; and

376 (iv) seven days before the regular general election date.

377 ~~[(e)]~~ (d) Each school board ~~[office holder]~~ officeholder who has a campaign account
378 that has not been dissolved under Section 20A-11-1304 shall, in an even year, file an interim
379 report at the following times, regardless of whether an election for the school board office
380 holder's office is held that year:

381 ~~[(i) May 15;]~~

382 (i) (A) seven days before the political convention for the political party of the school

383 board officeholder; or

384 (B) May 15, if the school board officeholder does not affiliate with a political party;

385 (ii) seven days before the regular primary election date for that year;

386 (iii) August 31; and

387 (iv) seven days before the regular general election date.

388 (2) Each interim report shall include the following information:

389 (a) the net balance of the last summary report, if any;

390 (b) a single figure equal to the total amount of receipts reported on all prior interim
391 reports, if any, during the calendar year in which the interim report is due;

392 (c) a single figure equal to the total amount of expenditures reported on all prior
393 interim reports, if any, filed during the calendar year in which the interim report is due;

394 (d) a detailed listing of each contribution and public service assistance received since
395 the last summary report that has not been reported in detail on a prior interim report;

396 (e) for each nonmonetary contribution:

397 (i) the fair market value of the contribution with that information provided by the

398 contributor; and

399 (ii) a specific description of the contribution;

400 (f) a detailed listing of each expenditure made since the last summary report that has
401 not been reported in detail on a prior interim report;

402 (g) for each nonmonetary expenditure, the fair market value of the expenditure;

403 (h) a net balance for the year consisting of the net balance from the last summary
404 report, if any, plus all receipts since the last summary report minus all expenditures since the
405 last summary report;

406 (i) a summary page in the form required by the lieutenant governor that identifies:

407 (i) beginning balance;

408 (ii) total contributions during the period since the last statement;

409 (iii) total contributions to date;

410 (iv) total expenditures during the period since the last statement; and

411 (v) total expenditures to date; and

412 (j) the name of a political action committee for which the school board office candidate
413 or school board office holder is designated as an officer who has primary decision-making
414 authority under Section [20A-11-601](#).

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

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

419 (4) (a) In preparing each interim report, all receipts and expenditures shall be reported
420 as of five days before the required filing date of the report.

421 (b) Any negotiable instrument or check received by a school board office candidate or
422 school board office holder more than five days before the required filing date of a report
423 required by this section shall be included in the interim report.

424 Section 6. Section [20A-11-1305](#) is amended to read:

425 **20A-11-1305. School board office candidate -- Failure to file statement --**

426 **Penalties.**

427 (1) (a) A school board office candidate who fails to file a financial statement by the
428 deadline is subject to a fine imposed in accordance with Section [20A-11-1005](#).

429 (b) If a school board office candidate fails to file an interim report due before the
430 regular primary election, on August 31, or before the regular general election, the chief election
431 officer shall, after making a reasonable attempt to discover if the report was timely filed,
432 inform the county clerk and other appropriate election officials who:

433 (i) (A) shall, if practicable, remove the name of the candidate from the ballots before
434 the ballots are delivered to voters; or

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

438 (ii) may not count any votes for that candidate.

439 (c) Any school board office candidate who fails to file timely a financial statement
440 required by Subsection 20A-11-1303(1)[(b)(ii), (iii), or (iv)](c) is disqualified.

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

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

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

448 (iii) those omissions, errors, or inaccuracies described in Subsection (1)(d)(ii) are
449 corrected in:

450 (A) an amended report; or

451 (B) the next scheduled report.

452 (2) (a) Within 30 days after a deadline for the filing of a summary report by a school
453 board office candidate, the lieutenant governor shall review each filed summary report to
454 ensure that:

455 (i) each school board office candidate that is required to file a summary report has filed
456 one; and

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

458 (b) If it appears that a school board office candidate has failed to file the summary
459 report required by law, if it appears that a filed summary report does not conform to the law, or

460 if the lieutenant governor has received a written complaint alleging a violation of the law or the
461 falsity of any summary report, the lieutenant governor shall, within five days of discovery of a
462 violation or receipt of a written complaint, notify the school board office candidate of the
463 violation or written complaint and direct the school board office candidate to file a summary
464 report correcting the problem.

465 (c) (i) It is unlawful for a school board office candidate to fail to file or amend a
466 summary report within seven days after receiving notice from the lieutenant governor under
467 this section.

468 (ii) Each school board office candidate who violates Subsection (2)(c)(i) is guilty of a
469 class B misdemeanor.

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

472 (iv) In addition to the criminal penalty described in Subsection (2)(c)(ii), the lieutenant
473 governor shall impose a civil fine of \$100 against a school board office candidate who violates
474 Subsection (2)(c)(i).

475 Section 7. Section **20A-14-103** is amended to read:

476 **20A-14-103. State Board of Education members -- When elected -- Qualifications**
477 **-- Avoiding conflicts of interest.**

478 (1) ~~[(a)]~~ Unless otherwise provided by law, each State Board of Education member
479 elected from a State Board of Education district at ~~[the 2010]~~ or before the 2014 general
480 election shall ~~[-(i)]~~ serve out the term of office for which that member was elected ~~[-and].~~

481 ~~[(ii) represent the realigned district if the member resides in that district.]~~

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

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

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

490 ~~[(ii) at the general election to be held in 2014, the State Board of Education member~~

491 ~~elected from State Board of Education District 1 shall be elected to serve a term of office of~~
492 ~~four years.]~~

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

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

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

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

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

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

506 (a) the State Board of Education;

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

508 (c) the Utah State Office of Rehabilitation.

509 Section 8. Section **20A-14-104** is amended to read:

510 **20A-14-104. Becoming a candidate for membership on the State Board of**
511 **Education.**

512 ~~[(1)(a) Persons]~~ A person interested in becoming a candidate for the State Board of
513 Education shall file a declaration of candidacy according to the procedures and requirements of
514 Sections [20A-9-201](#) and [20A-9-202](#).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

574 ~~[(vi) construction;]~~

575 ~~[(vii) banking;]~~

576 ~~[(viii) science and engineering; and]~~

577 ~~[(ix) medical and healthcare;]~~

578 ~~[(e) higher education administration;]~~

579 ~~[(f) applied technology education;]~~

580 ~~[(g) public education administration;]~~

581 ~~[(h) public education instruction;]~~

582 ~~[(i) economic development;]~~

583 ~~[(j) labor; and]~~

584 ~~[(k) other life experiences that would benefit the State Board of Education.]~~

585 Section 9. Section **53A-1-101** is amended to read:

586 **53A-1-101. State Board of Education -- Members.**

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

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

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

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

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

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

601 Section 10. **Repealer.**

602 This bill repeals:

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

605 Section 11. **Revisor instructions.**

606 The Legislature intends that, if the amendment to the Utah Constitution proposed by S.J.R. 5,
607 Proposal to Amend Utah Constitution -- State Board of Education Changes, 2015 General
608 Session, passes the Legislature and is approved by a majority of those voting on the
609 amendment at the next regular general election, the Office of Legislative Research and General
610 Counsel, in preparing the Utah Code database for publication shall, on January 1, 2017:

611 (1) amend Section 20A-1-201 to read:

612 "20A-1-201. Date and purpose of regular general elections.

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

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

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

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

618 (ii) United States Senators;

619 (iii) Representatives to the United States Congress;

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

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

622 (vi) county officers;

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

624 [~~(viii)~~ (vii) local school board members;

625 [~~(ix)~~ (viii) except as provided in Subsection (3), local district officers, as applicable;

626 and

627 [~~(x)~~ (ix) any elected judicial officers; and

628 (b) approve or reject:

629 (i) any proposed amendments to the Utah Constitution that have qualified for the ballot

630 under procedures established in the Utah Code;

631 (ii) any proposed initiatives or referenda that have qualified for the ballot under

632 procedures established in the Utah Code; and

633 (iii) any other ballot propositions submitted to the voters that are authorized by the

634 Utah Code.

635 (3) This section:

636 (a) applies to a special service district for which the county legislative body or the

637 municipal legislative body, as applicable, has delegated authority for the special service district

638 to an administrative control board; and

639 (b) does not apply to a special service district for which the county legislative body or

640 the municipal legislative body, as applicable, has not delegated authority for the special service

641 district to an administrative control board.";

642 (2) amend Section [20A-1-201.5](#) to read:

643 "**20A-1-201.5. Primary election dates.**

644 (1) A regular primary election shall be held throughout the state on the fourth Tuesday

645 of June of each even numbered year as provided in Section [20A-9-403](#), to nominate persons for

646 national, state, local school board, and county offices.

647 (2) A municipal primary election shall be held, if necessary, on the second Tuesday
648 following the first Monday in August before the regular municipal election to nominate persons
649 for municipal offices.

650 (3) If the Legislature makes an appropriation for a Western States Presidential Primary
651 election, the Western States Presidential Primary election shall be held throughout the state on
652 the first Tuesday in February in the year in which a presidential election will be held.";

653 (3) reverse the changes made to Section 20A-1-504 by this bill so that Section
654 20A-1-504 reads:

655 **"20A-1-504. Midterm vacancies in the offices of attorney general, state treasurer,**
656 **state auditor, and lieutenant governor.**

657 (1) (a) When a vacancy occurs for any reason in the office of attorney general, state
658 treasurer, or state auditor, it shall be filled for the unexpired term at the next regular general
659 election.

660 (b) The governor shall fill the vacancy until the next regular general election by
661 appointing a person who meets the qualifications for the office from three persons nominated
662 by the state central committee of the same political party as the prior officeholder.

663 (2) If a vacancy occurs in the office of lieutenant governor, the governor shall, with the
664 consent of the Senate, appoint a person to hold the office until the next regular general election
665 at which the governor stands for election.";

666 (4) amend Section 20A-2-101.5 to read:

667 **"20A-2-101.5. Convicted felons -- Restoration of right to vote and right to hold**
668 **office.**

669 (1) As used in this section, "convicted felon" means a person convicted of a felony in
670 any state or federal court of the United States.

671 (2) Each convicted felon's right to register to vote and to vote in an election is restored
672 when:

673 (a) the felon is sentenced to probation;

674 (b) the felon is granted parole; or

675 (c) the felon has successfully completed the term of incarceration to which the felon
676 was sentenced.

677 (3) Except as provided by Subsection (4), a convicted felon's right to hold elective
678 office is restored when:

- 679 (a) all of the felon's felony convictions have been expunged; or
680 (b) (i) 10 years have passed since the date of the felon's most recent felony conviction;
681 (ii) the felon has paid all court-ordered restitution and fines; and
682 (iii) for each felony conviction that has not been expunged, the felon has:
683 (A) completed probation in relation to the felony;
684 (B) been granted parole in relation to the felony; or
685 (C) successfully completed the term of incarceration associated with the felony.

686 (4) An individual who has been convicted of a grievous sexual offense, as defined in
687 Section [76-1-601](#), against a child, may not hold the office of [~~State Board of Education member~~
688 ~~or~~] local school board member.";

689 (5) amend Section [20A-9-201](#) to read:

690 **"20A-9-201. Declarations of candidacy -- Candidacy for more than one office or of**
691 **more than one political party prohibited with exceptions -- General filing and form**
692 **requirements -- Affidavit of impecuniosity.**

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

- 694 (a) be a United States citizen;
695 (b) meet the legal requirements of that office; and
696 (c) if seeking a registered political party's nomination as a candidate for elective office,
697 designate that registered political party as their preferred party affiliation on their declaration of
698 candidacy.

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

- 700 (i) file a declaration of candidacy for, or be a candidate for, more than one office in
701 Utah during any election year; or
702 (ii) appear on the ballot as the candidate of more than one political party.

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

707 (ii) A person may file a declaration of candidacy for, or be a candidate for, more than

708 one justice court judge office.

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

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

715 (A) read to the prospective candidate the constitutional and statutory qualification
716 requirements for the office that the candidate is seeking; and

717 (B) require the candidate to state whether or not the candidate meets those
718 requirements.

719 (ii) Before accepting a declaration of candidacy for the office of county attorney, the
720 county clerk shall ensure that the person filing that declaration of candidacy is:

721 (A) a United States citizen;

722 (B) an attorney licensed to practice law in Utah who is an active member in good
723 standing of the Utah State Bar;

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

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

729 (iii) Before accepting a declaration of candidacy for the office of district attorney, the
730 county clerk shall ensure that, as of the date of the election, the person filing that declaration of
731 candidacy is:

732 (A) a United States citizen;

733 (B) an attorney licensed to practice law in Utah who is an active member in good
734 standing of the Utah State Bar;

735 (C) a registered voter in the prosecution district in which the person is seeking office;
736 and

737 (D) a current resident of the prosecution district in which the person is seeking office
738 and either will have been a resident of that prosecution district for at least one year as of the

739 date of the election or was appointed and is currently serving as district attorney and became a
740 resident of the prosecution district within 30 days after receiving appointment to the office.

741 (iv) Before accepting a declaration of candidacy for the office of county sheriff, the
742 county clerk shall ensure that the person filing the declaration of candidacy:

743 (A) as of the date of filing:

744 (I) is a United States citizen;

745 (II) is a registered voter in the county in which the person seeks office;

746 (III) (Aa) has successfully met the standards and training requirements established for
747 law enforcement officers under Title 53, Chapter 6, Part 2, Peace Officer Training and
748 Certification Act; or

749 (Bb) has met the waiver requirements in Section 53-6-206; and

750 (IV) is qualified to be certified as a law enforcement officer, as defined in Section
751 53-13-103; and

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

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

757 (A) that the person filing the declaration of candidacy also files the financial disclosure
758 required by Section 20A-11-1603; and

759 (B) if the filing officer is not the lieutenant governor, that the financial disclosure is
760 provided to the lieutenant governor according to the procedures and requirements of Section
761 20A-11-1603.

762 (b) If the prospective candidate states that the qualification requirements for the office
763 are not met, the filing officer may not accept the prospective candidate's declaration of
764 candidacy.

765 (c) If the candidate meets the requirements of Subsection (3)(a) and states that the
766 requirements of candidacy are met, the filing officer shall:

767 (i) inform the candidate that:

768 (A) the candidate's name will appear on the ballot as it is written on the declaration of
769 candidacy;

770 (B) the candidate may be required to comply with state or local campaign finance
771 disclosure laws; and

772 (C) the candidate is required to file a financial statement before the candidate's political
773 convention under:

774 (I) Section 20A-11-204 for a candidate for constitutional office;

775 (II) Section 20A-11-303 for a candidate for the Legislature; or

776 (III) local campaign finance disclosure laws, if applicable;

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

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

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

786 (A) signing the pledge is voluntary; and

787 (B) signed pledges shall be filed with the filing officer;

788 (v) accept the candidate's declaration of candidacy; and

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

792 (d) If the candidate elects to sign the pledge of fair campaign practices, the filing
793 officer shall:

794 (i) accept the candidate's pledge; and

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

798 (4) (a) Except for presidential candidates, the form of the declaration of candidacy shall
799 be substantially as follows:

800 "State of Utah, County of _____

801 I, _____, declare my candidacy for the office of _____, seeking the
 802 nomination of the _____ party, which is my preferred political party affiliation. I do
 803 solemnly swear that: I will meet the qualifications to hold the office, both legally and
 804 constitutionally, if selected; I reside at _____ in the City or Town of _____,
 805 Utah, Zip Code _____ Phone No. _____; I will not knowingly violate any law governing
 806 campaigns and elections; I will file all campaign financial disclosure reports as required
 807 by law; and I understand that failure to do so will result in my disqualification as a
 808 candidate for this office and removal of my name from the ballot. The mailing address
 809 that I designate for receiving official election notices is
 810 _____.

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

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

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

816 (5) (a) Except for presidential candidates, the fee for filing a declaration of candidacy
 817 is:

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

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

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

823 (i) who is disqualified; or

824 (ii) who the filing officer determines has filed improperly.

825 (c) (i) The county clerk shall immediately pay to the county treasurer all fees received
 826 from candidates.

827 (ii) The lieutenant governor shall:

828 (A) apportion to and pay to the county treasurers of the various counties all fees
 829 received for filing of nomination certificates or acceptances; and

830 (B) ensure that each county receives that proportion of the total amount paid to the
 831 lieutenant governor from the congressional district that the total vote of that county for all

832 candidates for representative in Congress bears to the total vote of all counties within the
833 congressional district for all candidates for representative in Congress.

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

838 (ii) A person who is able to pay the filing fee may not claim impecuniosity.

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

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

845 (iv) The filing officer shall ensure that the affidavit of impecuniosity is printed in
846 substantially the following form:

847 "Affidavit of Impecuniosity

848 Individual Name

849 _____ Address _____

850 Phone Number _____

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

854 Date _____ Signature _____

855 Affiant

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

857 _____
858 (signature)

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

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

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

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

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

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

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

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

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

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

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

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

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

886 (8) A declaration of candidacy filed under this section may not be amended or
887 modified after the final date established for filing a declaration of candidacy.";

888 (6) reverse the changes made to Section [20A-9-408](#) by this bill so that Section
889 [20A-9-408](#) reads:

890 **"20A-9-408. Signature-gathering nomination process for qualified political party.**

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

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

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

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

911 (3) Notwithstanding Subsection 20A-9-202(1)(a), and except as provided in Subsection
912 20A-9-202(4), a member of a qualified political party who, under this section, is seeking the
913 nomination of the qualified political party for an elective office that is to be filled at the next
914 general election shall:

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

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

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

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

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

- 925 (v) other information required by the lieutenant governor;
- 926 (b) file a declaration of candidacy, in person, with the filing officer on or after the
927 second Friday in March and before 5 p.m. on the third Thursday in March before the next
928 regular general election; and
- 929 (c) pay the filing fee.
- 930 (4) Notwithstanding Subsection [20A-9-202\(2\)\(a\)](#), a member of a qualified political
931 party who, under this section, is seeking the nomination of the qualified political party for the
932 office of district attorney within a multicounty prosecution district that is to be filled at the next
933 general election shall:
- 934 (a) on or after January 1 before the next regular general election, and before gathering
935 signatures under this section, file with the filing officer on a form approved by the lieutenant
936 governor a notice of intent to gather signatures for candidacy that includes:
- 937 (i) the name of the member who will attempt to become a candidate for a registered
938 political party under this section;
- 939 (ii) the name of the registered political party for which the member is seeking
940 nomination;
- 941 (iii) the office for which the member is seeking to become a candidate;
- 942 (iv) the address and telephone number of the member; and
- 943 (v) other information required by the lieutenant governor;
- 944 (b) file a declaration of candidacy, in person, with the filing officer on or after the
945 second Friday in March and before 5 p.m. on the third Thursday in March before the next
946 regular general election; and
- 947 (c) pay the filing fee.
- 948 (5) Notwithstanding Subsection [20A-9-202\(3\)\(a\)\(iii\)](#), a lieutenant governor candidate
949 who files as the joint-ticket running mate of an individual who is nominated by a qualified
950 political party, under this section, for the office of governor shall submit a letter from the
951 candidate for governor that names the lieutenant governor candidate as a joint-ticket running
952 mate.
- 953 (6) The lieutenant governor shall ensure that the certification described in Subsection
954 [20A-9-701\(1\)](#) also includes the name of each candidate nominated by a qualified political party
955 under this section.

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

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

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

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

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

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

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

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

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

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

984 (i) collect the signatures on a form approved by the lieutenant governor's office, using
985 the same circulation and verification requirements described in Sections 20A-7-304 and
986 20A-7-305; and

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

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

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

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

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

1000 (d) Upon timely receipt of the signatures described in Subsections (8) and (9)(a), the
1001 election officer shall, no later than one day before the day on which the qualified political party
1002 holds the convention to select a nominee for the elective office to which the signature packets
1003 relate:

1004 (i) check the name of each individual who completes the verification for a signature
1005 packet to determine whether each individual is a resident of Utah and is at least 18 years old;

1006 (ii) submit the name of each individual described in Subsection (9)(d)(i) who is not a
1007 Utah resident or who is not at least 18 years old to the attorney general and the county attorney;

1008 (iii) determine whether each signer is a registered voter who is qualified to sign the
1009 petition, using the same method, described in Section [20A-7-206.3](#), used to verify a signature
1010 on a petition;

1011 (iv) certify whether each name is that of a registered voter who is qualified to sign the
1012 signature packet; and

1013 (v) notify the qualified political party and the lieutenant governor of the name of each
1014 member of the qualified political party who qualifies as a nominee of the qualified political
1015 party, under this section, for the elective office to which the convention relates.

1016 (e) Upon receipt of a notice of intent to gather signatures for candidacy described in
1017 this section, the lieutenant governor shall post the notice of intent to gather signatures for

1018 candidacy on the lieutenant governor's website in the same location that the lieutenant governor
1019 posts a declaration of candidacy.";

1020 (7) amend Section [20A-11-101](#) to read:

1021 **20A-11-101. Definitions.**

1022 As used in this chapter:

1023 (1) "Address" means the number and street where an individual resides or where a
1024 reporting entity has its principal office.

1025 (2) "Agent of a reporting entity" means:

1026 (a) a person acting on behalf of a reporting entity at the direction of the reporting
1027 entity;

1028 (b) a person employed by a reporting entity in the reporting entity's capacity as a
1029 reporting entity;

1030 (c) the personal campaign committee of a candidate or officeholder;

1031 (d) a member of the personal campaign committee of a candidate or officeholder in the
1032 member's capacity as a member of the personal campaign committee of the candidate or
1033 officeholder; or

1034 (e) a political consultant of a reporting entity.

1035 (3) "Ballot proposition" includes initiatives, referenda, proposed constitutional
1036 amendments, and any other ballot propositions submitted to the voters that are authorized by
1037 the Utah Code Annotated 1953.

1038 (4) "Candidate" means any person who:

1039 (a) files a declaration of candidacy for a public office; or

1040 (b) receives contributions, makes expenditures, or gives consent for any other person to
1041 receive contributions or make expenditures to bring about the person's nomination or election
1042 to a public office.

1043 (5) "Chief election officer" means:

1044 (a) the lieutenant governor for state office candidates, legislative office candidates,
1045 officeholders, political parties, political action committees, corporations, political issues
1046 committees, [~~state school board candidates,~~] judges, and labor organizations, as defined in
1047 Section [20A-11-1501](#); and

1048 (b) the county clerk for local school board candidates.

1049 (6) (a) "Contribution" means any of the following when done for political purposes:

1050 (i) a gift, subscription, donation, loan, advance, or deposit of money or anything of
1051 value given to the filing entity;

1052 (ii) an express, legally enforceable contract, promise, or agreement to make a gift,
1053 subscription, donation, unpaid or partially unpaid loan, advance, or deposit of money or
1054 anything of value to the filing entity;

1055 (iii) any transfer of funds from another reporting entity to the filing entity;

1056 (iv) compensation paid by any person or reporting entity other than the filing entity for
1057 personal services provided without charge to the filing entity;

1058 (v) remuneration from:

1059 (A) any organization or its directly affiliated organization that has a registered lobbyist;

1060 or

1061 (B) any agency or subdivision of the state, including school districts;

1062 (vi) a loan made by a candidate deposited to the candidate's own campaign; and

1063 (vii) in-kind contributions.

1064 (b) "Contribution" does not include:

1065 (i) services provided by individuals volunteering a portion or all of their time on behalf
1066 of the filing entity if the services are provided without compensation by the filing entity or any
1067 other person;

1068 (ii) money lent to the filing entity by a financial institution in the ordinary course of
1069 business; or

1070 (iii) goods or services provided for the benefit of a candidate or political party at less
1071 than fair market value that are not authorized by or coordinated with the candidate or political
1072 party.

1073 (7) "Coordinated with" means that goods or services provided for the benefit of a
1074 candidate or political party are provided:

1075 (a) with the candidate's or political party's prior knowledge, if the candidate or political
1076 party does not object;

1077 (b) by agreement with the candidate or political party;

1078 (c) in coordination with the candidate or political party; or

1079 (d) using official logos, slogans, and similar elements belonging to a candidate or

1080 political party.

1081 (8) (a) "Corporation" means a domestic or foreign, profit or nonprofit, business
1082 organization that is registered as a corporation or is authorized to do business in a state and
1083 makes any expenditure from corporate funds for:

1084 (i) the purpose of expressly advocating for political purposes; or

1085 (ii) the purpose of expressly advocating the approval or the defeat of any ballot
1086 proposition.

1087 (b) "Corporation" does not mean:

1088 (i) a business organization's political action committee or political issues committee; or

1089 (ii) a business entity organized as a partnership or a sole proprietorship.

1090 (9) "County political party" means, for each registered political party, all of the persons
1091 within a single county who, under definitions established by the political party, are members of
1092 the registered political party.

1093 (10) "County political party officer" means a person whose name is required to be
1094 submitted by a county political party to the lieutenant governor in accordance with Section
1095 [20A-8-402](#).

1096 (11) "Detailed listing" means:

1097 (a) for each contribution or public service assistance:

1098 (i) the name and address of the individual or source making the contribution or public
1099 service assistance;

1100 (ii) the amount or value of the contribution or public service assistance; and

1101 (iii) the date the contribution or public service assistance was made; and

1102 (b) for each expenditure:

1103 (i) the amount of the expenditure;

1104 (ii) the person or entity to whom it was disbursed;

1105 (iii) the specific purpose, item, or service acquired by the expenditure; and

1106 (iv) the date the expenditure was made.

1107 (12) (a) "Donor" means a person that gives money, including a fee, due, or assessment
1108 for membership in the corporation, to a corporation without receiving full and adequate
1109 consideration for the money.

1110 (b) "Donor" does not include a person that signs a statement that the corporation may

1111 not use the money for an expenditure or political issues expenditure.

1112 (13) "Election" means each:

1113 (a) regular general election;

1114 (b) regular primary election; and

1115 (c) special election at which candidates are eliminated and selected.

1116 (14) "Electioneering communication" means a communication that:

1117 (a) has at least a value of \$10,000;

1118 (b) clearly identifies a candidate or judge; and

1119 (c) is disseminated through the Internet, newspaper, magazine, outdoor advertising

1120 facility, direct mailing, broadcast, cable, or satellite provider within 45 days of the clearly

1121 identified candidate's or judge's election date.

1122 (15) (a) "Expenditure" means any of the following made by a reporting entity or an

1123 agent of a reporting entity on behalf of the reporting entity:

1124 (i) any disbursement from contributions, receipts, or from the separate bank account
1125 required by this chapter;

1126 (ii) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money,
1127 or anything of value made for political purposes;

1128 (iii) an express, legally enforceable contract, promise, or agreement to make any
1129 purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of
1130 value for political purposes;

1131 (iv) compensation paid by a filing entity for personal services rendered by a person
1132 without charge to a reporting entity;

1133 (v) a transfer of funds between the filing entity and a candidate's personal campaign
1134 committee; or

1135 (vi) goods or services provided by the filing entity to or for the benefit of another
1136 reporting entity for political purposes at less than fair market value.

1137 (b) "Expenditure" does not include:

1138 (i) services provided without compensation by individuals volunteering a portion or all
1139 of their time on behalf of a reporting entity;

1140 (ii) money lent to a reporting entity by a financial institution in the ordinary course of
1141 business; or

1142 (iii) anything listed in Subsection (15)(a) that is given by a reporting entity to
1143 candidates for office or officeholders in states other than Utah.

1144 (16) "Federal office" means the office of president of the United States, United States
1145 Senator, or United States Representative.

1146 (17) "Filing entity" means the reporting entity that is required to file a financial
1147 statement required by this chapter or Chapter 12, Part 2, Judicial Retention Elections.

1148 (18) "Financial statement" includes any summary report, interim report, verified
1149 financial statement, or other statement disclosing contributions, expenditures, receipts,
1150 donations, or disbursements that is required by this chapter or Chapter 12, Part 2, Judicial
1151 Retention Elections.

1152 (19) "Governing board" means the individual or group of individuals that determine the
1153 candidates and committees that will receive expenditures from a political action committee,
1154 political party, or corporation.

1155 (20) "Incorporation" means the process established by Title 10, Chapter 2, Part 1,
1156 Incorporation, by which a geographical area becomes legally recognized as a city or town.

1157 (21) "Incorporation election" means the election authorized by Section 10-2-111 or
1158 10-2-127.

1159 (22) "Incorporation petition" means a petition authorized by Section 10-2-109 or
1160 10-2-125.

1161 (23) "Individual" means a natural person.

1162 (24) "In-kind contribution" means anything of value, other than money, that is accepted
1163 by or coordinated with a filing entity.

1164 (25) "Interim report" means a report identifying the contributions received and
1165 expenditures made since the last report.

1166 (26) "Legislative office" means the office of state senator, state representative, speaker
1167 of the House of Representatives, president of the Senate, and the leader, whip, and assistant
1168 whip of any party caucus in either house of the Legislature.

1169 (27) "Legislative office candidate" means a person who:

1170 (a) files a declaration of candidacy for the office of state senator or state representative;

1171 (b) declares oneself to be a candidate for, or actively campaigns for, the position of
1172 speaker of the House of Representatives, president of the Senate, or the leader, whip, and

1173 assistant whip of any party caucus in either house of the Legislature; or

1174 (c) receives contributions, makes expenditures, or gives consent for any other person to
1175 receive contributions or make expenditures to bring about the person's nomination, election, or
1176 appointment to a legislative office.

1177 (28) "Major political party" means either of the two registered political parties that
1178 have the greatest number of members elected to the two houses of the Legislature.

1179 (29) "Officeholder" means a person who holds a public office.

1180 (30) "Party committee" means any committee organized by or authorized by the
1181 governing board of a registered political party.

1182 (31) "Person" means both natural and legal persons, including individuals, business
1183 organizations, personal campaign committees, party committees, political action committees,
1184 political issues committees, and labor organizations, as defined in Section [20A-11-1501](#).

1185 (32) "Personal campaign committee" means the committee appointed by a candidate to
1186 act for the candidate as provided in this chapter.

1187 (33) "Personal use expenditure" has the same meaning as provided under Section
1188 [20A-11-104](#).

1189 (34) (a) "Political action committee" means an entity, or any group of individuals or
1190 entities within or outside this state, a major purpose of which is to:

1191 (i) solicit or receive contributions from any other person, group, or entity for political
1192 purposes; or

1193 (ii) make expenditures to expressly advocate for any person to refrain from voting or to
1194 vote for or against any candidate or person seeking election to a municipal or county office.

1195 (b) "Political action committee" includes groups affiliated with a registered political
1196 party but not authorized or organized by the governing board of the registered political party
1197 that receive contributions or makes expenditures for political purposes.

1198 (c) "Political action committee" does not mean:

1199 (i) a party committee;

1200 (ii) any entity that provides goods or services to a candidate or committee in the regular
1201 course of its business at the same price that would be provided to the general public;

1202 (iii) an individual;

1203 (iv) individuals who are related and who make contributions from a joint checking

1204 account;

1205 (v) a corporation, except a corporation a major purpose of which is to act as a political
1206 action committee; or

1207 (vi) a personal campaign committee.

1208 (35) (a) "Political consultant" means a person who is paid by a reporting entity, or paid
1209 by another person on behalf of and with the knowledge of the reporting entity, to provide
1210 political advice to the reporting entity.

1211 (b) "Political consultant" includes a circumstance described in Subsection (35)(a),
1212 where the person:

1213 (i) has already been paid, with money or other consideration;

1214 (ii) expects to be paid in the future, with money or other consideration; or

1215 (iii) understands that the person may, in the discretion of the reporting entity or another
1216 person on behalf of and with the knowledge of the reporting entity, be paid in the future, with
1217 money or other consideration.

1218 (36) "Political convention" means a county or state political convention held by a
1219 registered political party to select candidates.

1220 (37) (a) "Political issues committee" means an entity, or any group of individuals or
1221 entities within or outside this state, a major purpose of which is to:

1222 (i) solicit or receive donations from any other person, group, or entity to assist in
1223 placing a ballot proposition on the ballot, assist in keeping a ballot proposition off the ballot, or
1224 to advocate that a voter refrain from voting or vote for or vote against any ballot proposition;

1225 (ii) make expenditures to expressly advocate for any person to sign or refuse to sign a
1226 ballot proposition or incorporation petition or refrain from voting, vote for, or vote against any
1227 proposed ballot proposition or an incorporation in an incorporation election; or

1228 (iii) make expenditures to assist in qualifying or placing a ballot proposition on the
1229 ballot or to assist in keeping a ballot proposition off the ballot.

1230 (b) "Political issues committee" does not mean:

1231 (i) a registered political party or a party committee;

1232 (ii) any entity that provides goods or services to an individual or committee in the
1233 regular course of its business at the same price that would be provided to the general public;

1234 (iii) an individual;

1235 (iv) individuals who are related and who make contributions from a joint checking
1236 account; or

1237 (v) a corporation, except a corporation a major purpose of which is to act as a political
1238 issues committee.

1239 (38) (a) "Political issues contribution" means any of the following:

1240 (i) a gift, subscription, unpaid or partially unpaid loan, advance, or deposit of money or
1241 anything of value given to a political issues committee;

1242 (ii) an express, legally enforceable contract, promise, or agreement to make a political
1243 issues donation to influence the approval or defeat of any ballot proposition;

1244 (iii) any transfer of funds received by a political issues committee from a reporting
1245 entity;

1246 (iv) compensation paid by another reporting entity for personal services rendered
1247 without charge to a political issues committee; and

1248 (v) goods or services provided to or for the benefit of a political issues committee at
1249 less than fair market value.

1250 (b) "Political issues contribution" does not include:

1251 (i) services provided without compensation by individuals volunteering a portion or all
1252 of their time on behalf of a political issues committee; or

1253 (ii) money lent to a political issues committee by a financial institution in the ordinary
1254 course of business.

1255 (39) (a) "Political issues expenditure" means any of the following when made by a
1256 political issues committee or on behalf of a political issues committee by an agent of the
1257 reporting entity:

1258 (i) any payment from political issues contributions made for the purpose of influencing
1259 the approval or the defeat of:

1260 (A) a ballot proposition; or

1261 (B) an incorporation petition or incorporation election;

1262 (ii) a purchase, payment, distribution, loan, advance, deposit, or gift of money made for
1263 the express purpose of influencing the approval or the defeat of:

1264 (A) a ballot proposition; or

1265 (B) an incorporation petition or incorporation election;

1266 (iii) an express, legally enforceable contract, promise, or agreement to make any
1267 political issues expenditure;

1268 (iv) compensation paid by a reporting entity for personal services rendered by a person
1269 without charge to a political issues committee; or

1270 (v) goods or services provided to or for the benefit of another reporting entity at less
1271 than fair market value.

1272 (b) "Political issues expenditure" does not include:

1273 (i) services provided without compensation by individuals volunteering a portion or all
1274 of their time on behalf of a political issues committee; or

1275 (ii) money lent to a political issues committee by a financial institution in the ordinary
1276 course of business.

1277 (40) "Political purposes" means an act done with the intent or in a way to influence or
1278 tend to influence, directly or indirectly, any person to refrain from voting or to vote for or
1279 against any candidate or a person seeking a municipal or county office at any caucus, political
1280 convention, or election.

1281 (41) (a) "Poll" means the survey of a person regarding the person's opinion or
1282 knowledge of an individual who has filed a declaration of candidacy for public office, or of a
1283 ballot proposition that has legally qualified for placement on the ballot, which is conducted in
1284 person or by telephone, facsimile, Internet, postal mail, or email.

1285 (b) "Poll" does not include:

1286 (i) a ballot; or

1287 (ii) an interview of a focus group that is conducted, in person, by one individual, if:

1288 (A) the focus group consists of more than three, and less than thirteen, individuals; and

1289 (B) all individuals in the focus group are present during the interview.

1290 (42) "Primary election" means any regular primary election held under the election
1291 laws.

1292 [~~45~~] (43) "Publicly identified class of individuals" means a group of 50 or more
1293 individuals sharing a common occupation, interest, or association that contribute to a political
1294 action committee or political issues committee and whose names can be obtained by contacting
1295 the political action committee or political issues committee upon whose financial statement the
1296 individuals are listed.

1297 [~~(43)~~] (44) "Public office" means the office of governor, lieutenant governor, state
1298 auditor, state treasurer, attorney general, [~~state school board member,~~] state senator, state
1299 representative, speaker of the House of Representatives, president of the Senate, and the leader,
1300 whip, and assistant whip of any party caucus in either house of the Legislature.

1301 [~~(44)~~] (45) (a) "Public service assistance" means the following when given or provided
1302 to an officeholder to defray the costs of functioning in a public office or aid the officeholder to
1303 communicate with the officeholder's constituents:

1304 (i) a gift, subscription, donation, unpaid or partially unpaid loan, advance, or deposit of
1305 money or anything of value to an officeholder; or

1306 (ii) goods or services provided at less than fair market value to or for the benefit of the
1307 officeholder.

1308 (b) "Public service assistance" does not include:

1309 (i) anything provided by the state;

1310 (ii) services provided without compensation by individuals volunteering a portion or all
1311 of their time on behalf of an officeholder;

1312 (iii) money lent to an officeholder by a financial institution in the ordinary course of
1313 business;

1314 (iv) news coverage or any publication by the news media; or

1315 (v) any article, story, or other coverage as part of any regular publication of any
1316 organization unless substantially all the publication is devoted to information about the
1317 officeholder.

1318 (46) "Receipts" means contributions and public service assistance.

1319 (47) "Registered lobbyist" means a person registered under Title 36, Chapter 11,
1320 Lobbyist Disclosure and Regulation Act.

1321 (48) "Registered political action committee" means any political action committee that
1322 is required by this chapter to file a statement of organization with the Office of the Lieutenant
1323 Governor.

1324 (49) "Registered political issues committee" means any political issues committee that
1325 is required by this chapter to file a statement of organization with the Office of the Lieutenant
1326 Governor.

1327 (50) "Registered political party" means an organization of voters that:

1328 (a) participated in the last regular general election and polled a total vote equal to 2%
1329 or more of the total votes cast for all candidates for the United States House of Representatives
1330 for any of its candidates for any office; or

1331 (b) has complied with the petition and organizing procedures of Chapter 8, Political
1332 Party Formation and Procedures.

1333 (51) (a) "Remuneration" means a payment:

1334 (i) made to a legislator for the period the Legislature is in session; and

1335 (ii) that is approximately equivalent to an amount a legislator would have earned
1336 during the period the Legislature is in session in the legislator's ordinary course of business.

1337 (b) "Remuneration" does not mean anything of economic value given to a legislator by:

1338 (i) the legislator's primary employer in the ordinary course of business; or

1339 (ii) a person or entity in the ordinary course of business:

1340 (A) because of the legislator's ownership interest in the entity; or

1341 (B) for services rendered by the legislator on behalf of the person or entity.

1342 (52) "Reporting entity" means a candidate, a candidate's personal campaign committee,
1343 a judge, a judge's personal campaign committee, an officeholder, a party committee, a political
1344 action committee, a political issues committee, a corporation, or a labor organization, as
1345 defined in Section [20A-11-1501](#).

1346 [~~(53) "School board office" means the office of state school board.~~]

1347 [~~(54)~~ (53) (a) "Source" means the person or entity that is the legal owner of the
1348 tangible or intangible asset that comprises the contribution.

1349 (b) "Source" means, for political action committees and corporations, the political
1350 action committee and the corporation as entities, not the contributors to the political action
1351 committee or the owners or shareholders of the corporation.

1352 [~~(55)~~ (54) "State office" means the offices of governor, lieutenant governor, attorney
1353 general, state auditor, and state treasurer.

1354 [~~(56)~~ (55) "State office candidate" means a person who:

1355 (a) files a declaration of candidacy for a state office; or

1356 (b) receives contributions, makes expenditures, or gives consent for any other person to
1357 receive contributions or make expenditures to bring about the person's nomination, election, or
1358 appointment to a state office.

1359 [(57)] (56) "Summary report" means the year end report containing the summary of a
1360 reporting entity's contributions and expenditures.

1361 [(58)] (57) "Supervisory board" means the individual or group of individuals that
1362 allocate expenditures from a political issues committee.;

1363 (8) amend Section [20A-11-402](#) to read:

1364 **20A-11-402. Officeholder financial reporting requirements -- Termination of**
1365 **duty to report.**

1366 (1) An officeholder is active and subject to reporting requirements until the
1367 officeholder has filed a statement of dissolution with the lieutenant governor stating that:

1368 (a) the officeholder is no longer receiving contributions or public service assistance and
1369 is no longer making expenditures;

1370 (b) the ending balance on the last summary report filed is zero and the balance in the
1371 separate bank account required by Section [20A-11-201](#) [;] or [20A-11-301](#) [~~;~~ ~~or~~ ~~20A-11-1301~~] is
1372 zero; and

1373 (c) a final summary report in the form required by Section [20A-11-401](#) showing a zero
1374 balance is attached to the statement of dissolution.

1375 (2) A statement of dissolution and a final summary report may be filed at any time.

1376 (3) Each officeholder shall continue to file the year-end summary report required by
1377 Section [20A-11-401](#) until the statement of dissolution and final summary report required by
1378 this section are filed with the lieutenant governor.

1379 (4) An officeholder may not use a contribution deposited in an account in accordance
1380 with this chapter for:

1381 (a) a personal use expenditure; or

1382 (b) an expenditure prohibited by law.

1383 (5) (a) Except as provided in Subsection (5)(b), a person who is no longer an
1384 officeholder may not expend or transfer the money in a campaign account in a manner that
1385 would cause the former officeholder to recognize the money as taxable income under federal
1386 tax law.

1387 (b) A person who is no longer an officeholder may transfer the money in a campaign
1388 account in a manner that would cause the former officeholder to recognize the money as
1389 taxable income under federal tax law if the transfer is made to a campaign account for federal

1390 office.";

1391 (9) reverse the changes made to Section [20A-11-403](#) in Section 3 of this bill and
1392 amend Section [20A-11-403](#) to read:

1393 **20A-11-403. Failure to file -- Penalties.**

1394 (1) Within 30 days after a deadline for the filing of a summary report, the lieutenant
1395 governor shall review each filed summary report to ensure that:

1396 (a) each officeholder that is required to file a summary report has filed one; and

1397 (b) each summary report contains the information required by this part.

1398 (2) If it appears that any officeholder has failed to file the summary report required by
1399 law, if it appears that a filed summary report does not conform to the law, or if the lieutenant
1400 governor has received a written complaint alleging a violation of the law or the falsity of any
1401 summary report, the lieutenant governor shall, if the lieutenant governor determines that a
1402 violation has occurred:

1403 (a) impose a fine against the filing entity in accordance with Section [20A-11-1005](#); and

1404 (b) within five days of discovery of a violation or receipt of a written complaint, notify
1405 the officeholder of the violation or written complaint and direct the officeholder to file a
1406 summary report correcting the problem.

1407 (3) (a) It is unlawful for any officeholder to fail to file or amend a summary report
1408 within seven days after receiving notice from the lieutenant governor under this section.

1409 (b) Each officeholder who violates Subsection (3)(a) is guilty of a class B
1410 misdemeanor.

1411 (c) The lieutenant governor shall report all violations of Subsection (3)(a) to the
1412 attorney general.

1413 (d) In addition to the criminal penalty described in Subsection (3)(b), the lieutenant
1414 governor shall impose a civil fine of \$100 against an officeholder who violates Subsection
1415 (3)(a).

1416 (4) Within 30 days after a deadline for the filing of an interim report by an officeholder
1417 under Subsection [20A-11-204\(1\)\(c\)](#)~~[;]~~ or [20A-11-303\(1\)\(c\)](#)~~[, or 20A-11-1303(1)(c)]~~, the
1418 lieutenant governor shall review each filed interim report to ensure that each interim report
1419 contains the information required for the report.

1420 (5) If it appears that any officeholder has failed to file an interim report required by

1421 law, if it appears that a filed interim report does not conform to the law, or if the lieutenant
 1422 governor has received a written complaint alleging a violation of the law or the falsity of any
 1423 interim report, the lieutenant governor shall, if the lieutenant governor determines that a
 1424 violation has occurred:

1425 (a) impose a fine against the filing entity in accordance with Section [20A-11-1005](#); and

1426 (b) within five days after the day on which the violation is discovered or a written
 1427 complaint is received, notify the officeholder of the violation or written complaint and direct
 1428 the officeholder to file an interim report correcting the problem.

1429 (6) (a) It is unlawful for any officeholder to fail to file or amend an interim report
 1430 within seven days after the day on which the officeholder receives notice from the lieutenant
 1431 governor under this section.

1432 (b) Each officeholder who violates Subsection (6)(a) is guilty of a class B
 1433 misdemeanor.

1434 (c) The lieutenant governor shall report all violations of Subsection (6)(a) to the
 1435 attorney general.

1436 (d) In addition to the criminal penalty described in Subsection (6)(b), the lieutenant
 1437 governor shall impose a civil fine of \$100 against an officeholder who violates Subsection
 1438 (6)(a).";

1439 (10) amend Section [20A-11-1603](#) to read:

1440 **"20A-11-1603. Financial disclosure form -- Required when filing for candidacy --**

1441 **Public availability.**

1442 (1) [~~Candidates seeking the following offices~~] A candidate seeking the office of state
 1443 constitutional officer or state legislator shall file a financial disclosure with the filing officer at
 1444 the time of filing a declaration of candidacy[?].

1445 [~~(a) state constitutional officer;~~]

1446 [~~(b) state legislator; or~~]

1447 [~~(c) State Board of Education member.~~]

1448 (2) A filing officer may not accept a declaration of candidacy for an office listed in
 1449 Subsection (1) unless the declaration of candidacy is accompanied by the financial disclosure
 1450 required by this section.

1451 (3) The financial disclosure form shall contain the same requirements and shall be in

1452 the same format as the financial disclosure form described in Section [20A-11-1604](#).

1453 (4) The financial disclosure form shall:

1454 (a) be made available for public inspection at the filing officer's place of business;

1455 (b) if the filing officer is an individual other than the lieutenant governor, be provided
1456 to the lieutenant governor within five business days of the date of filing and be made publicly
1457 available at the Office of the Lieutenant Governor; and

1458 (c) be made publicly available on the Statewide Electronic Voter Information Website
1459 administered by the lieutenant governor.";

1460 (11) renumber Section [20A-14-101.1](#) as Section [53A-1-107](#) and amend to read:

1461 ~~"[[20A-14-101.1](#)]~~ **53A-1-107. Definitions.**

1462 As used in this part:

1463 (1) "Board" means the State Board of Education.

1464 (2) "Board block assignment file" means the electronic file that assigns each of Utah's
1465 115,406 census blocks to a particular State Board of Education district.

1466 (3) "Board shapefile" means the electronic shapefile that stores the boundary of each of
1467 the 15 State Board of Education districts.

1468 (4) "Census block" means any one of the 115,406 individual geographic areas into
1469 which the Bureau of the Census of the United States Department of Commerce has divided the
1470 state of Utah, to each of which the Bureau of the Census has attached a discrete population
1471 tabulation from the 2010 decennial census.

1472 (5) "Shapefile" means the digital vector storage format for storing geometric location
1473 and associated attribute information.";

1474 (12) renumber Section [20A-14-101.5](#) as Section [53A-1-108](#) and amend to read:

1475 ~~"[[20A-14-101.5](#)]~~ **53A-1-108. State Board of Education districts.**

1476 ~~[(1) As used in this section:]~~

1477 ~~[(a) "County boundary" means the county boundary's location in the database as of
1478 January 1, 2010.]~~

1479 ~~[(b) "Database" means the State Geographic Information Database created in Section
1480 [63F-1-507](#).]~~

1481 ~~[(c) "Local school district boundary" means the local school district boundary's
1482 location in the database as of January 1, 2010.]~~

1483 ~~[(d) "Municipal boundary" means the municipal boundary's location in the database as~~
1484 ~~of January 1, 2010.]~~

1485 ~~[(2) The State Board of Education shall consist of 15 members, with one member to be~~
1486 ~~elected from each State Board of Education district.]~~

1487 ~~[(3)]~~ (1) The Legislature adopts the official census population figures and maps of the
1488 Bureau of the Census of the United States Department of Commerce developed in connection
1489 with the taking of the 2010 national decennial census as the official data for establishing State
1490 Board of Education district boundaries.

1491 ~~[(4)]~~ (2) (a) Effective January 1, 2023, the Legislature shall adopt the official census
1492 population figures and maps of the Bureau of the Census of the United States Department of
1493 Commerce developed in connection with the taking of the 2020 national decennial census as
1494 the official data for establishing State Board of Education district boundaries.

1495 (b) Using the data described in Subsection (2), the Legislature shall divide the state
1496 into 15 State Board of Education districts.

1497 (3) (a) Notwithstanding ~~[Subsection (3)]~~ Subsections (1) and (2), the Legislature enacts
1498 the district numbers and boundaries of the State Board of Education districts designated in the
1499 board shapefile ~~[that is the electronic component of the bill that enacts this section].~~

1500 (b) ~~[That]~~ The board shapefile described in Subsection (3)(a), and the State Board of
1501 Education district boundaries generated from that board shapefile, may be accessed via the
1502 Utah Legislature's website.";

1503 (13) enact Section [53A-1-109](#) to read:

1504 **"53A-1-109. State Board of Education -- Members.**

1505 (1) A member of the State Board of Education shall:

1506 (a) (i) be appointed by the governor, with the consent of the Senate; and

1507 (ii) reside in and represent a State Board of Education district, described in Section
1508 [53A-1-108](#).

1509 (b) The board of a local school district may recommend one or more individuals for the
1510 governor to consider appointing to the State Board of Education.

1511 (2) The board shall consist of 15 members.

1512 (3) A board member shall, during the member's term of office, maintain the member's
1513 primary residence within the State Board of Education district that the member is appointed to

1514 represent.

1515 (4) An individual who has been convicted of a grievous sexual offense, as defined in
1516 Section 76-1-601, against a child, may not serve as a member of the board.

1517 (5) (a) The governor shall appoint the members of the board, as the terms of existing
1518 members end, as follows:

1519 (i) for terms beginning on January 1, 2019, the governor shall appoint board members
1520 residing in districts 1, 2, 3, 5, 6, 9, and 14 to terms of four years; and

1521 (ii) for terms beginning on January 1, 2021, the governor shall appoint board members
1522 residing in districts 4, 7, 8, 10, 11, 12, 13, and 15 to terms of four years.

1523 (b) The term of a member of the board is four years.

1524 (6) (a) If a vacancy occurs on the board for any reason before the end of the term for
1525 that board member, the governor shall appoint, with the consent of the Senate, an individual
1526 who resides in the applicable State Board of Education district to serve on the board for the
1527 remainder of the term of that board member.

1528 (b) The governor may remove an individual from the board for cause.

1529 (c) Except as provided in Subsection (6)(d), the governor may not appoint an
1530 individual to more than two consecutive terms as a member of the board.

1531 (d) The governor may appoint an individual appointed under Subsection (6)(a) to two
1532 consecutive terms on the board immediately following the partial initial term served by the
1533 board member.

1534 (7) A board member whose term expires shall continue to serve on the board until the
1535 member's replacement is appointed by the governor and confirmed by the Senate.

1536 (8) A board member may not, during the member's term of office, also serve as an
1537 employee of:

1538 (a) the State Board of Education;

1539 (b) the Utah State Office of Education; or

1540 (c) the Utah State Office of Rehabilitation.";

1541 (14) amend Section 53A-1-301 to read:

1542 "53A-1-301. Appointment -- Qualifications -- Duties.

1543 (1) (a) The State Board of Education, upon approval from the governor and with the
1544 consent of the Senate, shall appoint a superintendent of public instruction, hereinafter called

1545 the state superintendent, who is the executive officer of the board and serves at the pleasure of
1546 the board.

1547 (b) The board shall appoint the state superintendent on the basis of outstanding
1548 professional qualifications.

1549 (c) The state superintendent shall administer all programs assigned to the State Board
1550 of Education in accordance with the policies and the standards established by the board.

1551 (2) The State Board shall with the appointed superintendent develop a statewide
1552 education strategy focusing on core academics, including the development of:

1553 (a) core curriculum and graduation requirements;

1554 (b) a process to select instructional materials that best correlate to the core curriculum
1555 and graduation requirements that are supported by generally accepted scientific standards of
1556 evidence;

1557 (c) professional development programs for teachers, superintendents, and principals;

1558 (d) remediation programs;

1559 (e) a method for creating individual student learning targets, and a method of
1560 measuring an individual student's performance toward those targets;

1561 (f) progress-based assessments for ongoing performance evaluations of districts and
1562 schools;

1563 (g) incentives to achieve the desired outcome of individual student progress in core
1564 academics, and which do not create disincentives for setting high goals for the students;

1565 (h) an annual report card for school and district performance, measuring learning and
1566 reporting progress-based assessments;

1567 (i) a systematic method to encourage innovation in schools and school districts as they
1568 strive to achieve improvement in their performance; and

1569 (j) a method for identifying and sharing best demonstrated practices across districts and
1570 schools.

1571 (3) The superintendent shall perform duties assigned by the board, including the
1572 following:

1573 (a) investigating all matters pertaining to the public schools;

1574 (b) adopting and keeping an official seal to authenticate the superintendent's official
1575 acts;

- 1576 (c) holding and conducting meetings, seminars, and conferences on educational topics;
1577 (d) presenting to the governor and the Legislature each December a report of the public
1578 school system for the preceding year to include:
- 1579 (i) data on the general condition of the schools with recommendations considered
1580 desirable for specific programs;
- 1581 (ii) a complete statement of fund balances;
- 1582 (iii) a complete statement of revenues by fund and source;
- 1583 (iv) a complete statement of adjusted expenditures by fund, the status of bonded
1584 indebtedness, the cost of new school plants, and school levies;
- 1585 (v) a complete statement of state funds allocated to each school district and charter
1586 school by source, including supplemental appropriations, and a complete statement of
1587 expenditures by each school district and charter school, including supplemental appropriations,
1588 by function and object as outlined in the U.S. Department of Education publication "Financial
1589 Accounting for Local and State School Systems";
- 1590 (vi) a complete statement, by school district and charter school, of the amount of and
1591 percentage increase or decrease in expenditures from the previous year attributed to:
- 1592 (A) wage increases, with expenditure data for base salary adjustments identified
1593 separately from step and lane expenditures;
- 1594 (B) medical and dental premium cost adjustments; and
- 1595 (C) adjustments in the number of teachers and other staff;
- 1596 (vii) a statement that includes data on:
- 1597 (A) fall enrollments;
- 1598 (B) average membership;
- 1599 (C) high school graduates;
- 1600 (D) licensed and classified employees, including data reported by school districts on
1601 educator ratings pursuant to Section [53A-8a-405](#);
- 1602 (E) pupil-teacher ratios;
- 1603 (F) average class sizes calculated in accordance with State Board of Education rules
1604 adopted under Subsection [53A-3-602.5\(4\)](#);
- 1605 (G) average salaries;
- 1606 (H) applicable private school data; and

- 1607 (I) data from standardized norm-referenced tests in grades 5, 8, and 11 on each school
1608 and district;
- 1609 (viii) statistical information regarding incidents of delinquent activity in the schools or
1610 at school-related activities with separate categories for:
- 1611 (A) alcohol and drug abuse;
- 1612 (B) weapon possession;
- 1613 (C) assaults; and
- 1614 (D) arson;
- 1615 (ix) information about:
- 1616 (A) the development and implementation of the strategy of focusing on core
1617 academics;
- 1618 (B) the development and implementation of competency-based education and
1619 progress-based assessments; and
- 1620 (C) the results being achieved under Subsections (3)(d)(ix)(A) and (B), as measured by
1621 individual progress-based assessments and a comparison of Utah students' progress with the
1622 progress of students in other states using standardized norm-referenced tests as benchmarks;
1623 and
- 1624 (x) other statistical and financial information about the school system which the state
1625 superintendent considers pertinent;
- 1626 (e) collecting and organizing education data into an automated decision support system
1627 to facilitate school district and school improvement planning, accountability reporting,
1628 performance recognition, and the evaluation of educational policy and program effectiveness to
1629 include:
- 1630 (i) data that are:
- 1631 (A) comparable across schools and school districts;
- 1632 (B) appropriate for use in longitudinal studies; and
- 1633 (C) comprehensive with regard to the data elements required under applicable state or
1634 federal law or state board rule;
- 1635 (ii) features that enable users, most particularly school administrators, teachers, and
1636 parents, to:
- 1637 (A) retrieve school and school district level data electronically;

- 1638 (B) interpret the data visually; and
- 1639 (C) draw conclusions that are statistically valid; and
- 1640 (iii) procedures for the collection and management of education data that:
- 1641 (A) require the state superintendent of public instruction to:
- 1642 (I) collaborate with school districts in designing and implementing uniform data
- 1643 standards and definitions;
- 1644 (II) undertake or sponsor research to implement improved methods for analyzing
- 1645 education data;
- 1646 (III) provide for data security to prevent unauthorized access to or contamination of the
- 1647 data; and
- 1648 (IV) protect the confidentiality of data under state and federal privacy laws; and
- 1649 (B) require all school districts and schools to comply with the data collection and
- 1650 management procedures established under Subsection (3)(e);
- 1651 (f) administering and implementing federal educational programs in accordance with
- 1652 Title 53A, Chapter 1, Part 9, Implementing Federal Programs Act; and
- 1653 (g) with the approval of the board, preparing and submitting to the governor a budget
- 1654 for the board to be included in the budget that the governor submits to the Legislature.
- 1655 (4) The state superintendent shall distribute funds deposited in the Autism Awareness
- 1656 Restricted Account created in Section [53A-1-304](#) in accordance with the requirements of
- 1657 Section [53A-1-304](#).
- 1658 (5) Upon leaving office, the state superintendent shall deliver to the state
- 1659 superintendent's successor all books, records, documents, maps, reports, papers, and other
- 1660 articles pertaining to the state superintendent's office.
- 1661 (6) (a) For the purpose of Subsection (3)(d)(vii):
- 1662 (i) the pupil-teacher ratio for a school shall be calculated by dividing the number of
- 1663 students enrolled in a school by the number of full-time equivalent teachers assigned to the
- 1664 school, including regular classroom teachers, school-based specialists, and special education
- 1665 teachers;
- 1666 (ii) the pupil-teacher ratio for a school district shall be the median pupil-teacher ratio of
- 1667 the schools within a school district;
- 1668 (iii) the pupil-teacher ratio for charter schools aggregated shall be the median

1669 pupil-teacher ratio of charter schools in the state; and

1670 (iv) the pupil-teacher ratio for the state's public schools aggregated shall be the median
1671 pupil-teacher ratio of public schools in the state.

1672 (b) The printed copy of the report required by Subsection (3)(d) shall:

1673 (i) include the pupil-teacher ratio for:

1674 (A) each school district;

1675 (B) the charter schools aggregated; and

1676 (C) the state's public schools aggregated; and

1677 (ii) indicate the Internet website where pupil-teacher ratios for each school in the state
1678 may be accessed.";

1679 (15) renumber and amend Section [20A-14-102](#) as Section [53A-1-110](#), as follows:

1680 ~~"[20A-14-102.]~~ **53A-1-110. Board shapefile -- Lieutenant Governor's Office**
1681 **as repository.**

1682 (1) (a) The Legislature shall file a copy of the board shapefile enacted by the
1683 Legislature with the lieutenant governor's office.

1684 (b) The legal boundaries of State Board of Education districts are contained in the
1685 board shapefile on file with the lieutenant governor's office.

1686 (2) (a) The lieutenant governor shall:

1687 (i) generate maps of each State Board of Education district from the board shapefile;
1688 and

1689 (ii) ensure that those maps are available for viewing on the lieutenant governor's
1690 website.

1691 (b) If there is any inconsistency between the maps and the board shapefile, the board
1692 shapefile is controlling.";

1693 (16) renumber and amend Section [20A-14-102.1](#) as Section [53A-1-111](#), as follows:

1694 ~~"[20A-14-102.1.]~~ **53A-1-111. Omissions from maps -- How resolved.**

1695 (1) If any area of the state is omitted from a State Board of Education district in the
1696 board shapefile enacted by the Legislature, the county clerk of the affected county, upon
1697 discovery of the omission, shall attach the area to the appropriate State Board of Education
1698 district according to the requirements of Subsections (2) and (3).

1699 (2) If the omitted area is surrounded by a single State Board of Education district, the

1700 county clerk shall attach the area to that district.

1701 (3) If the omitted area is contiguous to two or more State Board of Education districts,
1702 the county clerk shall attach the area to the district that has the least population, as determined
1703 by the Utah Population Estimates Committee.

1704 (4) The county clerk shall certify in writing and file with the lieutenant governor any
1705 attachment made under this section.";

1706 (17) renumber Section 20A-14-102.2 as Section 53A-1-112 and amend to read:

1707 "[20A-14-102.2.] 53A-1-112. Uncertain boundaries -- How resolved.

1708 (1) As used in this section:

1709 (a) "Affected party" means:

1710 (i) a ~~[state school]~~ board member whose State Board of Education district boundary is
1711 uncertain because the feature used to establish the district boundary in the board shapefile has
1712 been removed, modified, or is unable to be identified or who is uncertain about whether ~~[or~~
1713 ~~not]~~ the member or another person resides in a particular State Board of Education district;

1714 (ii) a ~~[candidate for state school]~~ potential appointee to the board whose State Board of
1715 Education district boundary is uncertain because the feature used to establish the district
1716 boundary in the board shapefile has been removed, modified, or is unable to be identified or
1717 who is uncertain about whether ~~[or not the candidate or another person]~~ the potential appointee
1718 or another individual resides in a particular State Board of Education district; or

1719 (iii) ~~[a person]~~ an individual who is uncertain about which State Board of Education
1720 district contains the ~~[person's]~~ individual's residence because the feature used to establish the
1721 district boundary in the board shapefile has been removed, modified, or is unable to be
1722 identified.

1723 (b) "Feature" means a geographic or other tangible or intangible mark such as a road or
1724 political subdivision boundary that is used to establish a State Board of Education district
1725 boundary.

1726 (2) (a) An affected party may file a written request petitioning the lieutenant governor
1727 to determine:

1728 (i) the precise location of the State Board of Education district boundary;

1729 (ii) the number of the State Board of Education district in which ~~[a person]~~ an
1730 individual resides; or

- 1731 (iii) both Subsections (2)(a)(i) and (ii).
- 1732 (b) In order to make the determination required by Subsection (2)(a), the lieutenant
1733 governor shall review:
- 1734 (i) the board shapefile; and
- 1735 (ii) other relevant data such as aerial photographs, aerial maps, or other data about the
1736 area.
- 1737 (c) Within five days of receipt of the request, the lieutenant governor shall:
- 1738 (i) review the board [~~block~~] shapefile;
- 1739 (ii) review any relevant data; and
- 1740 (iii) make a determination.
- 1741 (d) If the lieutenant governor determines the precise location of the State Board of
1742 Education district boundary, the lieutenant governor shall:
- 1743 (i) prepare a certification identifying the appropriate State Board of Education district
1744 boundary and attaching a map, if necessary; and
- 1745 (ii) send a copy of the certification to:
- 1746 (A) the affected party;
- 1747 (B) the county clerk of the affected county; and
- 1748 (C) the Automated Geographic Reference Center created under Section [63F-1-506](#).
- 1749 (e) If the lieutenant governor determines the number of the State Board of Education
1750 district in which a particular [~~person~~] individual resides, the lieutenant governor shall send a
1751 letter identifying that district by number to:
- 1752 (i) the [~~person~~] individual;
- 1753 (ii) the affected party who filed the petition, if different than the [~~person~~] individual
1754 whose State Board of Education district number was identified; and
- 1755 (iii) the county clerk of the affected county.";
- 1756 (18) renumber Section [20A-14-102.3](#) as Section [53A-1-113](#) and amend to read:
- 1757 "~~20A-14-102.3~~ [53A-1-113](#). County clerk, Automated Geographic Reference
1758 Center, and lieutenant governor responsibilities -- Maps.
- 1759 (1) As used in this section, "redistricting boundary data" means the board shapefile.
- 1760 (2) Each county clerk shall obtain a copy of the redistricting boundary data for the
1761 clerk's county from the lieutenant governor's office.

1762 (3) (a) A county clerk may create one or more county maps that identify the boundaries
1763 of State Board of Education districts as generated from the redistricting boundary data.

1764 (b) Before publishing or distributing any map or data created by the county clerk that
1765 identifies the boundaries of State Board of Education districts within the county, the clerk shall
1766 submit the county map and data to the lieutenant governor and to the Automated Geographic
1767 Reference Center for review.

1768 (c) Within 30 days after receipt of a county map and data from a county clerk, the
1769 Automated Geographic Reference Center shall:

1770 (i) review the county map and data to evaluate if the county map and data accurately
1771 reflect the boundaries of State Board of Education districts established by the Legislature in the
1772 redistricting boundary data;

1773 (ii) determine whether the county map and data are correct or incorrect; and

1774 (iii) communicate those findings to the lieutenant governor.

1775 (d) The lieutenant governor shall either notify the county clerk that the county map and
1776 data are correct or inform the county clerk that the county map and data are incorrect.

1777 (e) If the county clerk receives notice from the lieutenant governor that the county map
1778 and data submitted are incorrect, the county clerk shall:

1779 (i) make the corrections necessary to conform the county map and data to the
1780 redistricting boundary data; and

1781 (ii) resubmit the corrected county map and data to the lieutenant governor for a new
1782 review under this Subsection (3).

1783 ~~[(4) (a) Subject to the requirements of this Subsection (4), each county clerk shall~~
1784 ~~establish voting precincts and polling places within each State Board of Education district~~
1785 ~~according to the procedures and requirements of Section 20A-5-303.]~~

1786 ~~[(b) Within five working days after approval of voting precincts and polling places by~~
1787 ~~the county legislative body as required by Section 20A-5-303, each county clerk shall submit a~~
1788 ~~voting precinct map identifying the boundaries of each voting precinct within the county to the~~
1789 ~~lieutenant governor and to the Automated Geographic Reference Center for review.]~~

1790 ~~[(c) Within 30 days after receipt of a voting precinct map from a county clerk, the~~
1791 ~~Automated Geographic Reference Center shall:]~~

1792 ~~[(i) review the voting precinct map to evaluate if the voting precinct map accurately~~

1793 reflects the boundaries of State Board of Education districts established by the Legislature in
 1794 the redistricting boundary data;]

1795 [~~(ii) determine whether the voting precinct map is correct or incorrect; and]~~

1796 [~~(iii) communicate those findings to the lieutenant governor.;~~]

1797 [~~(d) The lieutenant governor shall either notify the county clerk that the voting precinct
 1798 map is correct or notify the county clerk that the voting precinct map is incorrect.;~~]

1799 [~~(e) If the county clerk receives notice from the lieutenant governor that the voting
 1800 precinct map is incorrect, the county clerk shall:]~~

1801 [~~(i) make the corrections necessary to conform the voting precinct map to the
 1802 redistricting boundary data; and]~~

1803 [~~(ii) resubmit the corrected voting precinct map to the lieutenant governor and to the
 1804 Automated Geographic Reference Center for a new review under this Subsection (4).;]~~];

1805 (19) amend Section 53A-1-201 to read:

1806 **"53A-1-201. Election and appointment of officers -- Removal from office.**

1807 (1) As used in this section, "board" means the State Board of Education.

1808 ~~[(1)]~~ (2) The State Board of Education shall elect from its members a chair, and at least
 1809 one vice chair, but no more than three vice chairs, each year at a meeting held any time
 1810 between November 15 and January 15.

1811 ~~[(2)]~~ (3) (a) If the election of officers is held subsequent to the ~~[election]~~ appointment
 1812 of a new member of the board, but ~~[prior to the time that]~~ before the new member takes office,
 1813 the new member shall assume the position of the outgoing member for purposes of the election
 1814 of officers.

1815 (b) In all other matters the outgoing member shall retain the full authority of the office
 1816 until replaced as provided by law.

1817 ~~[(3)]~~ (4) The duties of these officers shall be determined by the board.

1818 ~~[(4)]~~ (5) The board shall appoint a secretary who serves at the pleasure of the board.

1819 ~~[(5)]~~ (6) An officer appointed or elected by the board under this section may be
 1820 removed from office for cause by a vote of two-thirds of the board.";

1821 (20) repeal Section 20A-1-507;

1822 (21) repeal Section 20A-11-1301;

1823 (22) repeal Section 20A-11-1302;

- 1824 (23) repeal Section [20A-11-1303](#);
- 1825 (24) repeal Section [20A-11-1304](#);
- 1826 (25) repeal Section [20A-11-1305](#);
- 1827 (26) repeal Section [20A-14-103](#);
- 1828 (27) repeal Section [20A-14-104](#);
- 1829 (28) repeal Section [20A-14-106](#); and
- 1830 (29) repeal Section [53A-1-101](#).