l	STATE SCHOOL BOARD ELECTIONS AMENDMENTS
2	2015 GENERAL SESSION
3	STATE OF UTAH
4	Chief Sponsor: Norman K Thurston
5	Senate Sponsor:
6 7	LONG TITLE
8	General Description:
9	This bill changes the method, and related provisions, for electing members to the State
)	Board of Education.
	Highlighted Provisions:
2	This bill:
,	defines terms;
ļ	 provides that members of the State Board of Education are elected by electors
	chosen from members of the boards of local school districts;
)	 removes provisions relating to the State Board of Education from the Election
7	Code;
3	 describes the process for choosing electors;
)	 describes the qualifications to become and remain a member of the State Board of
)	Education;
l	 establishes State Board of Education districts;
2	 provides for filling a mid-term vacancy;
3	• requires a candidate for, or member of, the State Board of Education to file financial
1	reports and to disclose conflict of interest information; and
	 makes technical and conforming changes.
)	Money Appropriated in this Bill:
7	None



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28
     Other Special Clauses:
29
            None
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     Utah Code Sections Affected:
31
     AMENDS:
32
            20A-1-201, as last amended by Laws of Utah 2014, Chapter 362
33
            20A-1-201.5, as last amended by Laws of Utah 2013, Chapter 320
34
            20A-1-404, as last amended by Laws of Utah 2008, Chapter 13
            20A-2-101.5, as last amended by Laws of Utah 2013, Chapter 263
35
            20A-9-201, as last amended by Laws of Utah 2014, Chapter 17
36
            20A-11-101, as last amended by Laws of Utah 2014, Chapters 18, 158, and 337
37
38
            20A-11-402, as last amended by Laws of Utah 2013, Chapter 320
39
            20A-11-403, as last amended by Laws of Utah 2013, Chapter 420
40
            20A-11-1603, as last amended by Laws of Utah 2014, Chapter 18
41
            53A-1-101, as last amended by Laws of Utah 2010, Chapter 162
42
            53A-1-201, as last amended by Laws of Utah 2013, Chapter 111
            53A-1a-506, as last amended by Laws of Utah 2014, Chapters 291, 363, and 406
43
            53A-3-101, as repealed and reenacted by Laws of Utah 1995, Chapter 1
44
45
            53A-11-102.5, as last amended by Laws of Utah 2010, Chapter 210
46
            53A-15-1202, as last amended by Laws of Utah 2012, Chapter 238
47
     ENACTS:
48
            20A-14-101.2, Utah Code Annotated 1953
49
            53A-1-107, Utah Code Annotated 1953
50
            53A-1-114, Utah Code Annotated 1953
51
            53A-1-115, Utah Code Annotated 1953
52
            53A-1-116, Utah Code Annotated 1953
53
            53A-1-117, Utah Code Annotated 1953
54
     RENUMBERS AND AMENDS:
55
            53A-1-108, (Renumbered from 20A-14-103, as last amended by Laws of Utah 2011,
56
     Third Special Session, Chapter 3)
57
            53A-1-109, (Renumbered from 20A-11-1301, as last amended by Laws of Utah 2014,
58
     Chapters 335 and 337)
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59
             53A-1-110, (Renumbered from 20A-11-1302, as last amended by Laws of Utah 2011,
60
      Chapter 347)
             53A-1-111, (Renumbered from 20A-11-1303, as last amended by Laws of Utah 2014,
61
62
      Chapter 337)
             53A-1-112, (Renumbered from 20A-11-1304, as enacted by Laws of Utah 1997,
63
64
      Chapter 355)
65
             53A-1-113, (Renumbered from 20A-11-1305, as last amended by Laws of Utah 2014,
66
      Chapter 337)
67
      REPEALS:
68
             20A-1-507, as enacted by Laws of Utah 1993, Chapter 1
69
             20A-14-101.1, as last amended by Laws of Utah 2013, Chapter 455
70
             20A-14-101.5, as last amended by Laws of Utah 2013, Chapter 455
71
             20A-14-102, as last amended by Laws of Utah 2013, Chapter 455
72
             20A-14-102.1, as last amended by Laws of Utah 2013. Chapter 455
73
             20A-14-102.2, as last amended by Laws of Utah 2013, Chapter 455
74
             20A-14-102.3, as last amended by Laws of Utah 2013, Chapter 455
75
             20A-14-104, as last amended by Laws of Utah 2004, Chapter 19
76
             20A-14-105, as last amended by Laws of Utah 2011, Chapters 292, 327, 335 and last
77
      amended by Coordination Clause, Laws of Utah 2011, Chapter 327
78
             20A-14-106, as enacted by Laws of Utah 1995, Chapter 1
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80
      Be it enacted by the Legislature of the state of Utah:
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             Section 1. Section 20A-1-201 is amended to read:
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             20A-1-201. Date and purpose of regular general elections.
83
             (1) A regular general election shall be held throughout the state on the first Tuesday
84
      after the first Monday in November of each even-numbered year.
             (2) At the regular general election, the voters shall:
85
             (a) choose persons to serve the terms established by law for the following offices:
86
87
             (i) electors of President and Vice President of the United States;
88
             (ii) United States Senators;
89
             (iii) Representatives to the United States Congress;
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90	(iv) governor, lieutenant governor, attorney general, state treasurer, and state auditor;
91	(v) senators and representatives to the Utah Legislature;
92	(vi) county officers;
93	[(vii) State School Board members;]
94	[(viii)] (vii) local school board members;
95	[(ix)] (viii) except as provided in Subsection (3), local district officers, as applicable;
96	and
97	[(x)] (ix) any elected judicial officers; and
98	(b) approve or reject:
99	(i) any proposed amendments to the Utah Constitution that have qualified for the ballot
100	under procedures established in the Utah Code;
101	(ii) any proposed initiatives or referenda that have qualified for the ballot under
102	procedures established in the Utah Code; and
103	(iii) any other ballot propositions submitted to the voters that are authorized by the
104	Utah Code.
105	(3) This section:
106	(a) applies to a special service district for which the county legislative body or the
107	municipal legislative body, as applicable, has delegated authority for the special service district
108	to an administrative control board; and
109	(b) does not apply to a special service district for which the county legislative body or
110	the municipal legislative body, as applicable, has not delegated authority for the special service
111	district to an administrative control board.
112	Section 2. Section 20A-1-201.5 is amended to read:
113	20A-1-201.5. Primary election dates.
114	(1) A regular primary election shall be held throughout the state on the fourth Tuesday
115	of June of each even numbered year as provided in Section 20A-9-403, to nominate persons for
116	national, state, <u>local</u> school board, and county offices.
117	(2) A municipal primary election shall be held, if necessary, on the second Tuesday
118	following the first Monday in August before the regular municipal election to nominate persons
119	for municipal offices.
120	(3) If the Legislature makes an appropriation for a Western States Presidential Primary

Financial Reporting; and

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121	election, the Western States Presidential Primary election shall be held throughout the state on
122	the first Tuesday in February in the year in which a presidential election will be held.
123	Section 3. Section 20A-1-404 is amended to read:
124	20A-1-404. Election controversies.
125	(1) (a) (i) Whenever any controversy occurs between any election officer or other
126	person or entity charged with any duty or function under this title and any candidate, or the
127	officers or representatives of any political party, or persons who have made nominations, either
128	party to the controversy may file a verified petition with the district court.
129	(ii) If a petition is filed, the petitioner shall serve a copy of the petition on the
130	respondents on the same day that the petition is filed with the court.
131	(b) The verified petition shall identify concisely the nature of the controversy and the
132	relief sought.
133	(2) After reviewing the petition, the court shall:
134	(a) issue an order commanding the respondent named in the petition to appear before
135	the court to answer, under oath, to the petition;
136	(b) summarily hear and dispose of any issues raised by the petition to obtain:
137	(i) strict compliance with all filing deadlines for financial disclosure reports under:
138	(A) Section 10-3-208, regarding campaign finance statements in municipal elections;
139	(B) Section 17-16-6.5, regarding campaign finance statements for county offices;
140	(C) Title 20A, Chapter 11, Part 2, State Office Candidates - Campaign Organization
141	and Financial Reporting Requirements;
142	(D) Title 20A, Chapter 11, Part 3, Candidates for Legislative Office - Campaign
143	Organization and Financial Reporting Requirements;
144	(E) Title 20A, Chapter 11, Part 4, Officeholder Financial Reporting Requirements;
145	(F) Title 20A, Chapter 11, Part 5, Political Party Registration and Financial Reporting
146	Requirements;
147	(G) Title 20A, Chapter 11, Part 6, Political Action Committee Registration and
148	Financial Reporting Requirements;
149	(H) Title 20A, Chapter 11, Part 7, Campaign Financial Reporting by Corporations;
150	(I) Title 20A, Chapter 11, Part 8, Political Issues Committees - Registration and

152	[(J) Title 20A, Chapter 11, Part 13, State and Local School Board Candidates; and]
153	[(K)] (J) Title 20A, Chapter 12, Part 3, Campaign and Financial Reporting
154	Requirements for Judicial Retention Elections; and
155	(ii) substantial compliance with all other provisions of this title by the parties to the
156	controversy; and
157	(c) make and enter orders and judgments, and issue the process of the court to enforce
158	all of those orders and judgments.
159	Section 4. Section 20A-2-101.5 is amended to read:
160	20A-2-101.5. Convicted felons Restoration of right to vote and right to hold
161	office.
162	(1) As used in this section, "convicted felon" means [a person] an individual convicted
163	of a felony in any state or federal court of the United States.
164	(2) Each convicted felon's right to register to vote and to vote in an election is restored
165	when:
166	(a) the felon is sentenced to probation;
167	(b) the felon is granted parole; or
168	(c) the felon has successfully completed the term of incarceration to which the felon
169	was sentenced.
170	(3) Except as provided by Subsection (4), a convicted felon's right to hold elective
171	office is restored when:
172	(a) all of the felon's felony convictions have been expunged; or
173	(b) (i) 10 years have passed since the date of the felon's most recent felony conviction;
174	(ii) the felon has paid all court-ordered restitution and fines; and
175	(iii) for each felony conviction that has not been expunged, the felon has:
176	(A) completed probation in relation to the felony;
177	(B) been granted parole in relation to the felony; or
178	(C) successfully completed the term of incarceration associated with the felony.
179	(4) An individual who has been convicted of a grievous sexual offense, as defined in
180	Section 76-1-601, against a child, may not hold the office of [State Board of Education member
181	or] local school board member.
182	Section 5 Section 20A-9-201 is amended to read:

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213

requirements.

	02-10-15 12:50 PM H.B. 29
183	20A-9-201. Declarations of candidacy Candidacy for more than one office or of
184	more than one political party prohibited with exceptions General filing and form
185	requirements Affidavit of impecuniosity.
186	(1) Before filing a declaration of candidacy for election to any office, [a person] an
187	individual shall:
188	(a) be a United States citizen;
189	(b) meet the legal requirements of that office; and
190	(c) if seeking a registered political party's nomination as a candidate for elective office,
191	designate that registered political party as their preferred party affiliation on their declaration of
192	candidacy.
193	(2) (a) Except as provided in Subsection (2)(b), [a person] an individual may not:
194	(i) file a declaration of candidacy for, or be a candidate for, more than one office in
195	Utah during any election year; or
196	(ii) appear on the ballot as the candidate of more than one political party.
197	(b) (i) [A person] An individual may file a declaration of candidacy for, or be a
198	candidate for, president or vice president of the United States and another office, if the [person]
199	<u>individual</u> resigns the [person's] <u>individual's</u> candidacy for the other office after the [person]
200	individual is officially nominated for president or vice president of the United States.
201	(ii) [A person] An individual may file a declaration of candidacy for, or be a candidate
202	for, more than one justice court judge office.
203	(iii) [A person] An individual may file a declaration of candidacy for lieutenant
204	governor even if the [person] individual filed a declaration of candidacy for another office in
205	the same election year if the [person] individual withdraws as a candidate for the other office in
206	accordance with Subsection 20A-9-202(6) before filing the declaration of candidacy for
207	lieutenant governor.
208	(3) (a) (i) Except for presidential candidates, before the filing officer may accept any
209	declaration of candidacy, the filing officer shall:
210	(A) read to the prospective candidate the constitutional and statutory qualification

(B) require the candidate to state whether or not the candidate meets those

requirements for the office that the candidate is seeking; and

214	(ii) Before accepting a declaration of candidacy for the office of county attorney, the
215	county clerk shall ensure that the [person] individual filing that declaration of candidacy is:
216	(A) a United States citizen;
217	(B) an attorney licensed to practice law in Utah who is an active member in good
218	standing of the Utah State Bar;
219	(C) a registered voter in the county in which the [person] individual is seeking office;
220	and
221	(D) a current resident of the county in which the [person] individual is seeking office
222	and either has been a resident of that county for at least one year or was appointed and is
223	currently serving as county attorney and became a resident of the county within 30 days after
224	appointment to the office.
225	(iii) Before accepting a declaration of candidacy for the office of district attorney, the
226	county clerk shall ensure that, as of the date of the election, the [person] individual filing that
227	declaration of candidacy is:
228	(A) a United States citizen;
229	(B) an attorney licensed to practice law in Utah who is an active member in good
230	standing of the Utah State Bar;
231	(C) a registered voter in the prosecution district in which the [person] individual is
232	seeking office; and
233	(D) a current resident of the prosecution district in which the [person] individual is
234	seeking office and either will have been a resident of that prosecution district for at least one
235	year as of the date of the election or was appointed and is currently serving as district attorney
236	and became a resident of the prosecution district within 30 days after receiving appointment to
237	the office.
238	(iv) Before accepting a declaration of candidacy for the office of county sheriff, the
239	county clerk shall ensure that the [person] individual filing the declaration of candidacy:
240	(A) as of the date of filing:
241	(I) is a United States citizen;
242	(II) is a registered voter in the county in which the [person] individual seeks office;

(III) (Aa) has successfully met the standards and training requirements established for

law enforcement officers under Title 53, Chapter 6, Part 2, Peace Officer Training and

245	Certification Act; or
246	(Bb) has met the waiver requirements in Section 53-6-206; and
247	(IV) is qualified to be certified as a law enforcement officer, as defined in Section
248	53-13-103; and
249	(B) as of the date of the election, shall have been a resident of the county in which the
250	person seeks office for at least one year.
251	(v) Before accepting a declaration of candidacy for the office of governor, lieutenant
252	governor, state auditor, state treasurer, attorney general, or state legislator, [or State Board of
253	Education member,] the filing officer shall ensure:
254	(A) that the [person] individual filing the declaration of candidacy also files the
255	financial disclosure required by Section 20A-11-1603; and
256	(B) if the filing officer is not the lieutenant governor, that the financial disclosure is
257	provided to the lieutenant governor according to the procedures and requirements of Section
258	20A-11-1603.
259	(b) If the prospective candidate states that the qualification requirements for the office
260	are not met, the filing officer may not accept the prospective candidate's declaration of
261	candidacy.
262	(c) If the candidate meets the requirements of Subsection (3)(a) and states that the
263	requirements of candidacy are met, the filing officer shall:
264	(i) inform the candidate that:
265	(A) the candidate's name will appear on the ballot as it is written on the declaration of
266	candidacy;
267	(B) the candidate may be required to comply with state or local campaign finance
268	disclosure laws; and
269	(C) the candidate is required to file a financial statement before the candidate's political
270	convention under:
271	(I) Section 20A-11-204 for a candidate for constitutional office;
272	(II) Section 20A-11-303 for a candidate for the Legislature; or
273	(III) local campaign finance disclosure laws, if applicable;
274	(ii) except for a presidential candidate, provide the candidate with a copy of the current
275	campaign financial disclosure laws for the office the candidate is seeking and inform the

2/0	candidate that failure to comply will result in disqualification as a candidate and removal of the
277	candidate's name from the ballot;
278	(iii) provide the candidate with a copy of Section 20A-7-801 regarding the Statewide
279	Electronic Voter Information Website Program and inform the candidate of the submission
280	deadline under Subsection 20A-7-801(4)(a);
281	(iv) provide the candidate with a copy of the pledge of fair campaign practices
282	described under Section 20A-9-206 and inform the candidate that:
283	(A) signing the pledge is voluntary; and
284	(B) signed pledges shall be filed with the filing officer;
285	(v) accept the candidate's declaration of candidacy; and
286	(vi) if the candidate has filed for a partisan office, provide a certified copy of the
287	declaration of candidacy to the chair of the county or state political party of which the
288	candidate is a member.
289	(d) If the candidate elects to sign the pledge of fair campaign practices, the filing
290	officer shall:
291	(i) accept the candidate's pledge; and
292	(ii) if the candidate has filed for a partisan office, provide a certified copy of the
293	candidate's pledge to the chair of the county or state political party of which the candidate is a
294	member.
295	(4) (a) Except for presidential candidates, the form of the declaration of candidacy shall
296	be substantially as follows:
297	"State of Utah, County of
298	I,, declare my candidacy for the office of, seeking the
299	nomination of the party, which is my preferred political party affiliation. I do
300	solemnly swear that: I will meet the qualifications to hold the office, both legally and
301	constitutionally, if selected; I reside at in the City or Town of,
302	Utah, Zip Code Phone No; I will not knowingly violate any law governing
303	campaigns and elections; I will file all campaign financial disclosure reports as required
304	by law; and I understand that failure to do so will result in my disqualification as a
305	candidate for this office and removal of my name from the ballot. The mailing address
306	that I designate for receiving official election notices is

·
Subscribed and sworn before me this (month\day\year).
Notary Public (or other officer qualified to administer oatl
(b) An agent designated to file a declaration of candidacy under Section 20A-9-202
may not sign the form described in Subsection (4)(a).
(5) (a) Except for presidential candidates, the fee for filing a declaration of candidacy
is:
(i) \$50 for candidates for the local school district board; and
(ii) \$50 plus 1/8 of 1% of the total salary for the full term of office legally paid to the
person holding the office for all other federal, state, and county offices.
(b) Except for presidential candidates, the filing officer shall refund the filing fee to
any candidate:
(i) who is disqualified; or
(ii) who the filing officer determines has filed improperly.
(c) (i) The county clerk shall immediately pay to the county treasurer all fees received
from candidates.
(ii) The lieutenant governor shall:
(A) apportion to and pay to the county treasurers of the various counties all fees
received for filing of nomination certificates or acceptances; and
(B) ensure that each county receives that proportion of the total amount paid to the
lieutenant governor from the congressional district that the total vote of that county for all
candidates for representative in Congress bears to the total vote of all counties within the
congressional district for all candidates for representative in Congress.
(d) (i) [A person] An individual who is unable to pay the filing fee may file a
declaration of candidacy without payment of the filing fee upon a prima facie showing of
impecuniosity as evidenced by an affidavit of impecuniosity filed with the filing officer and, if
requested by the filing officer, a financial statement filed at the time the affidavit is submitted.
(ii) [A person] An individual who is able to pay the filing fee may not claim
impecuniosity.
(iii) (A) False statements made on an affidavit of impecuniosity or a financial

338	statement filed under this section shall be subject to the criminal penalties provided under
339	Sections 76-8-503 and 76-8-504 and any other applicable criminal provision.
340	(B) Conviction of a criminal offense under Subsection (5)(d)(iii)(A) shall be
341	considered an offense under this title for the purposes of assessing the penalties provided in
342	Subsection 20A-1-609(2).
343	(iv) The filing officer shall ensure that the affidavit of impecuniosity is printed in
344	substantially the following form:
345	"Affidavit of Impecuniosity
346	Individual Name
347	Address
348	Phone Number
349	I,(name), do solemnly [swear] [affirm], under penalty of law
350	for false statements, that, owing to my poverty, I am unable to pay the filing fee required by
351	law.
352	Date Signature
353	Affiant
354	Subscribed and sworn to before me on (month\day\year)
355	
356	(signature)
357	Name and Title of Officer Authorized to Administer Oath
358	(v) The filing officer shall provide to [a person] an individual who requests an affidavit
359	of impecuniosity a statement printed in substantially the following form, which may be
360	included on the affidavit of impecuniosity:
361	"Filing a false statement is a criminal offense. In accordance with Section 20A-1-609, a
362	candidate who is found guilty of filing a false statement, in addition to being subject to criminal
363	penalties, will be removed from the ballot."
364	(vi) The filing officer may request that [a person] an individual who makes a claim of
365	impecuniosity under this Subsection (5)(d) file a financial statement on a form prepared by the
366	election official.
367	(6) (a) If there is no legislative appropriation for the Western States Presidential
368	Primary election, as provided in Part 8, Western States Presidential Primary, a candidate for

369	president of the United States who is affiliated with a registered political party and chooses to
370	participate in the regular primary election shall:
371	(i) file a declaration of candidacy, in person or via a designated agent, with the
372	lieutenant governor:
373	(A) on a form developed and provided by the lieutenant governor; and
374	(B) on or after the second Friday in March and before 5 p.m. on the third Thursday in
375	March before the next regular primary election;
376	(ii) identify the registered political party whose nomination the candidate is seeking;
377	(iii) provide a letter from the registered political party certifying that the candidate may
378	participate as a candidate for that party in that party's presidential primary election; and
379	(iv) pay the filing fee of \$500.
380	(b) An agent designated to file a declaration of candidacy may not sign the form
381	described in Subsection (6)(a)(i)(A).
382	(7) [Any person] An individual who fails to file a declaration of candidacy or
383	certificate of nomination within the time provided in this chapter is ineligible for nomination to
384	office.
385	(8) A declaration of candidacy filed under this section may not be amended or
386	modified after the final date established for filing a declaration of candidacy.
387	Section 6. Section 20A-11-101 is amended to read:
388	20A-11-101. Definitions.
389	As used in this chapter:
390	(1) "Address" means the number and street where an individual resides or where a
391	reporting entity has its principal office.
392	(2) "Agent of a reporting entity" means:
393	(a) a person acting on behalf of a reporting entity at the direction of the reporting
394	entity;
395	(b) a person employed by a reporting entity in the reporting entity's capacity as a
396	reporting entity;
397	(c) the personal campaign committee of a candidate or officeholder;
398	(d) a member of the personal campaign committee of a candidate or officeholder in the
399	member's capacity as a member of the personal campaign committee of the candidate or

400	officeholder; or
401	(e) a political consultant of a reporting entity.
402	(3) "Ballot proposition" includes initiatives, referenda, proposed constitutional
403	amendments, and any other ballot propositions submitted to the voters that are authorized by
404	the Utah Code Annotated 1953.
405	(4) "Candidate" means any person who:
406	(a) files a declaration of candidacy for a public office; or
407	(b) receives contributions, makes expenditures, or gives consent for any other person to
408	receive contributions or make expenditures to bring about the person's nomination or election
409	to a public office.
410	(5) "Chief election officer" means:
411	(a) the lieutenant governor for state office candidates, legislative office candidates,
412	officeholders, political parties, political action committees, corporations, political issues
413	committees, [state school board candidates,] judges, and labor organizations, as defined in
414	Section 20A-11-1501; and
415	(b) the county clerk for local school board candidates.
416	(6) (a) "Contribution" means any of the following when done for political purposes:
417	(i) a gift, subscription, donation, loan, advance, or deposit of money or anything of
418	value given to the filing entity;
419	(ii) an express, legally enforceable contract, promise, or agreement to make a gift,
420	subscription, donation, unpaid or partially unpaid loan, advance, or deposit of money or
421	anything of value to the filing entity;
422	(iii) any transfer of funds from another reporting entity to the filing entity;
423	(iv) compensation paid by any person or reporting entity other than the filing entity for
424	personal services provided without charge to the filing entity;
425	(v) remuneration from:
426	(A) any organization or its directly affiliated organization that has a registered lobbyist;
427	or
428	(B) any agency or subdivision of the state, including school districts;
429	(vi) a loan made by a candidate deposited to the candidate's own campaign; and
430	(vii) in-kind contributions.

431	(b) "Contribution" does not include:
432	(i) services provided by individuals volunteering a portion or all of their time on behalf
433	of the filing entity if the services are provided without compensation by the filing entity or any
434	other person;
435	(ii) money lent to the filing entity by a financial institution in the ordinary course of
436	business; or
437	(iii) goods or services provided for the benefit of a candidate or political party at less
438	than fair market value that are not authorized by or coordinated with the candidate or political
439	party.
440	(7) "Coordinated with" means that goods or services provided for the benefit of a
441	candidate or political party are provided:
442	(a) with the candidate's or political party's prior knowledge, if the candidate or political
443	party does not object;
444	(b) by agreement with the candidate or political party;
445	(c) in coordination with the candidate or political party; or
446	(d) using official logos, slogans, and similar elements belonging to a candidate or
447	political party.
448	(8) (a) "Corporation" means a domestic or foreign, profit or nonprofit, business
449	organization that is registered as a corporation or is authorized to do business in a state and
450	makes any expenditure from corporate funds for:
451	(i) the purpose of expressly advocating for political purposes; or
452	(ii) the purpose of expressly advocating the approval or the defeat of any ballot
453	proposition.
454	(b) "Corporation" does not mean:
455	(i) a business organization's political action committee or political issues committee; or
456	(ii) a business entity organized as a partnership or a sole proprietorship.
457	(9) "County political party" means, for each registered political party, all of the persons
458	within a single county who, under definitions established by the political party, are members of
459	the registered political party.

(10) "County political party officer" means a person whose name is required to be

submitted by a county political party to the lieutenant governor in accordance with Section

402	20A-8-402.
463	(11) "Detailed listing" means:
464	(a) for each contribution or public service assistance:
465	(i) the name and address of the individual or source making the contribution or public
466	service assistance;
467	(ii) the amount or value of the contribution or public service assistance; and
468	(iii) the date the contribution or public service assistance was made; and
469	(b) for each expenditure:
470	(i) the amount of the expenditure;
471	(ii) the person or entity to whom it was disbursed;
472	(iii) the specific purpose, item, or service acquired by the expenditure; and
473	(iv) the date the expenditure was made.
474	(12) (a) "Donor" means a person that gives money, including a fee, due, or assessment
475	for membership in the corporation, to a corporation without receiving full and adequate
476	consideration for the money.
477	(b) "Donor" does not include a person that signs a statement that the corporation may
478	not use the money for an expenditure or political issues expenditure.
479	(13) "Election" means each:
480	(a) regular general election;
481	(b) regular primary election; and
482	(c) special election at which candidates are eliminated and selected.
483	(14) "Electioneering communication" means a communication that:
484	(a) has at least a value of \$10,000;
485	(b) clearly identifies a candidate or judge; and
486	(c) is disseminated through the Internet, newspaper, magazine, outdoor advertising
487	facility, direct mailing, broadcast, cable, or satellite provider within 45 days of the clearly
488	identified candidate's or judge's election date.
489	(15) (a) "Expenditure" means any of the following made by a reporting entity or an
490	agent of a reporting entity on behalf of the reporting entity:
491	(i) any disbursement from contributions, receipts, or from the separate bank account

required by this chapter;

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political party, or corporation.

- 493 (ii) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money, 494 or anything of value made for political purposes; 495 (iii) an express, legally enforceable contract, promise, or agreement to make any 496 purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of 497 value for political purposes; 498 (iv) compensation paid by a filing entity for personal services rendered by a person 499 without charge to a reporting entity; 500 (v) a transfer of funds between the filing entity and a candidate's personal campaign 501 committee; or 502 (vi) goods or services provided by the filing entity to or for the benefit of another reporting entity for political purposes at less than fair market value. 503 504 (b) "Expenditure" does not include: 505 (i) services provided without compensation by individuals volunteering a portion or all of their time on behalf of a reporting entity; 506 507 (ii) money lent to a reporting entity by a financial institution in the ordinary course of 508 business; or 509 (iii) anything listed in Subsection (15)(a) that is given by a reporting entity to 510 candidates for office or officeholders in states other than Utah. 511 (16) "Federal office" means the office of president of the United States, United States 512 Senator, or United States Representative. 513 (17) "Filing entity" means the reporting entity that is required to file a financial 514 statement required by this chapter or Chapter 12, Part 2, Judicial Retention Elections. 515 (18) "Financial statement" includes any summary report, interim report, verified 516 financial statement, or other statement disclosing contributions, expenditures, receipts,
 - Retention Elections. (19) "Governing board" means the individual or group of individuals that determine the candidates and committees that will receive expenditures from a political action committee.

donations, or disbursements that is required by this chapter or Chapter 12, Part 2, Judicial

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

524	(21) "Incorporation election" means the election authorized by Section 10-2-111 or
525	10-2-127.
526	(22) "Incorporation petition" means a petition authorized by Section 10-2-109 or
527	10-2-125.
528	(23) "Individual" means a natural person.
529	(24) "In-kind contribution" means anything of value, other than money, that is accepted
530	by or coordinated with a filing entity.
531	(25) "Interim report" means a report identifying the contributions received and
532	expenditures made since the last report.
533	(26) "Legislative office" means the office of state senator, state representative, speaker
534	of the House of Representatives, president of the Senate, and the leader, whip, and assistant
535	whip of any party caucus in either house of the Legislature.
536	(27) "Legislative office candidate" means a person who:
537	(a) files a declaration of candidacy for the office of state senator or state representative;
538	(b) declares oneself to be a candidate for, or actively campaigns for, the position of
539	speaker of the House of Representatives, president of the Senate, or the leader, whip, and
540	assistant whip of any party caucus in either house of the Legislature; or
541	(c) receives contributions, makes expenditures, or gives consent for any other person to
542	receive contributions or make expenditures to bring about the person's nomination, election, or
543	appointment to a legislative office.
544	(28) "Major political party" means either of the two registered political parties that
545	have the greatest number of members elected to the two houses of the Legislature.
546	(29) "Officeholder" means a person who holds a public office.
547	(30) "Party committee" means any committee organized by or authorized by the
548	governing board of a registered political party.
549	(31) "Person" means both natural and legal persons, including individuals, business
550	organizations, personal campaign committees, party committees, political action committees,
551	political issues committees, and labor organizations, as defined in Section 20A-11-1501.
552	(32) "Personal campaign committee" means the committee appointed by a candidate to
553	act for the candidate as provided in this chapter.
554	(33) "Personal use expenditure" has the same meaning as provided under Section

555	20A-11-104
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- (34) (a) "Political action committee" means an entity, or any group of individuals or entities within or outside this state, a major purpose of which is to:
- (i) solicit or receive contributions from any other person, group, or entity for political purposes; or
- (ii) make expenditures to expressly advocate for any person to refrain from voting or to vote for or against any candidate or person seeking election to a municipal or county office.
- (b) "Political action committee" includes groups affiliated with a registered political party but not authorized or organized by the governing board of the registered political party that receive contributions or makes expenditures for political purposes.
 - (c) "Political action committee" does not mean:
 - (i) a party committee;
- (ii) any entity that provides goods or services to a candidate or committee in the regular course of its business at the same price that would be provided to the general public;
 - (iii) an individual;
- (iv) individuals who are related and who make contributions from a joint checking account;
- (v) a corporation, except a corporation a major purpose of which is to act as a political action committee; or
 - (vi) a personal campaign committee.
- (35) (a) "Political consultant" means a person who is paid by a reporting entity, or paid by another person on behalf of and with the knowledge of the reporting entity, to provide political advice to the reporting entity.
- (b) "Political consultant" includes a circumstance described in Subsection (35)(a), where the person:
 - (i) has already been paid, with money or other consideration;
 - (ii) expects to be paid in the future, with money or other consideration; or
- (iii) understands that the person may, in the discretion of the reporting entity or another person on behalf of and with the knowledge of the reporting entity, be paid in the future, with money or other consideration.
 - (36) "Political convention" means a county or state political convention held by a

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registered political party to select candidates.

- (37) (a) "Political issues committee" means an entity, or any group of individuals or entities within or outside this state, a major purpose of which is to:
- (i) solicit or receive donations from any other person, group, or entity to assist in placing a ballot proposition on the ballot, assist in keeping a ballot proposition off the ballot, or to advocate that a voter refrain from voting or vote for or vote against any ballot proposition;
- (ii) make expenditures to expressly advocate for any person to sign or refuse to sign a ballot proposition or incorporation petition or refrain from voting, vote for, or vote against any proposed ballot proposition or an incorporation in an incorporation election; or
- (iii) make expenditures to assist in qualifying or placing a ballot proposition on the ballot or to assist in keeping a ballot proposition off the ballot.
 - (b) "Political issues committee" does not mean:
 - (i) a registered political party or a party committee;
- (ii) any entity that provides goods or services to an individual or committee in the regular course of its business at the same price that would be provided to the general public;
 - (iii) an individual;
- (iv) individuals who are related and who make contributions from a joint checking account; or
- (v) a corporation, except a corporation a major purpose of which is to act as a political issues committee.
 - (38) (a) "Political issues contribution" means any of the following:
- (i) a gift, subscription, unpaid or partially unpaid loan, advance, or deposit of money or anything of value given to a political issues committee;
- (ii) an express, legally enforceable contract, promise, or agreement to make a political issues donation to influence the approval or defeat of any ballot proposition;
- (iii) any transfer of funds received by a political issues committee from a reporting entity;
- (iv) compensation paid by another reporting entity for personal services rendered without charge to a political issues committee; and
- (v) goods or services provided to or for the benefit of a political issues committee at less than fair market value.

convention, or election.

617	(b) "Political issues contribution" does not include:
618	(i) services provided without compensation by individuals volunteering a portion or all
619	of their time on behalf of a political issues committee; or
620	(ii) money lent to a political issues committee by a financial institution in the ordinary
621	course of business.
622	(39) (a) "Political issues expenditure" means any of the following when made by a
623	political issues committee or on behalf of a political issues committee by an agent of the
624	reporting entity:
625	(i) any payment from political issues contributions made for the purpose of influencing
626	the approval or the defeat of:
627	(A) a ballot proposition; or
628	(B) an incorporation petition or incorporation election;
629	(ii) a purchase, payment, distribution, loan, advance, deposit, or gift of money made for
630	the express purpose of influencing the approval or the defeat of:
631	(A) a ballot proposition; or
632	(B) an incorporation petition or incorporation election;
633	(iii) an express, legally enforceable contract, promise, or agreement to make any
634	political issues expenditure;
635	(iv) compensation paid by a reporting entity for personal services rendered by a person
636	without charge to a political issues committee; or
637	(v) goods or services provided to or for the benefit of another reporting entity at less
638	than fair market value.
639	(b) "Political issues expenditure" does not include:
640	(i) services provided without compensation by individuals volunteering a portion or all
641	of their time on behalf of a political issues committee; or
642	(ii) money lent to a political issues committee by a financial institution in the ordinary
643	course of business.
644	(40) "Political purposes" means an act done with the intent or in a way to influence or
645	tend to influence, directly or indirectly, any person to refrain from voting or to vote for or
646	against any candidate or a person seeking a municipal or county office at any caucus, political

of their time on behalf of an officeholder;

648	(41) (a) "Poll" means the survey of a person regarding the person's opinion or
649	knowledge of an individual who has filed a declaration of candidacy for public office, or of a
650	ballot proposition that has legally qualified for placement on the ballot, which is conducted in
651	person or by telephone, facsimile, Internet, postal mail, or email.
652	(b) "Poll" does not include:
653	(i) a ballot; or
654	(ii) an interview of a focus group that is conducted, in person, by one individual, if:
655	(A) the focus group consists of more than three, and less than thirteen, individuals; and
656	(B) all individuals in the focus group are present during the interview.
657	(42) "Primary election" means any regular primary election held under the election
658	laws.
659	[(45)] (43) "Publicly identified class of individuals" means a group of 50 or more
660	individuals sharing a common occupation, interest, or association that contribute to a political
661	action committee or political issues committee and whose names can be obtained by contacting
662	the political action committee or political issues committee upon whose financial statement the
663	individuals are listed.
664	[(43)] (44) "Public office" means the office of governor, lieutenant governor, state
665	auditor, state treasurer, attorney general, [state school board member,] state senator, state
666	representative, speaker of the House of Representatives, president of the Senate, and the leader,
667	whip, and assistant whip of any party caucus in either house of the Legislature.
668	[44] (a) "Public service assistance" means the following when given or provided
669	to an officeholder to defray the costs of functioning in a public office or aid the officeholder to
670	communicate with the officeholder's constituents:
671	(i) a gift, subscription, donation, unpaid or partially unpaid loan, advance, or deposit of
672	money or anything of value to an officeholder; or
673	(ii) goods or services provided at less than fair market value to or for the benefit of the
674	officeholder.
675	(b) "Public service assistance" does not include:
676	(i) anything provided by the state;
677	(ii) services provided without compensation by individuals volunteering a portion or all

679	(iii) money lent to an officeholder by a financial institution in the ordinary course of
680	business;
681	(iv) news coverage or any publication by the news media; or
682	(v) any article, story, or other coverage as part of any regular publication of any
683	organization unless substantially all the publication is devoted to information about the
684	officeholder.
685	(46) "Receipts" means contributions and public service assistance.
686	(47) "Registered lobbyist" means a person registered under Title 36, Chapter 11,
687	Lobbyist Disclosure and Regulation Act.
688	(48) "Registered political action committee" means any political action committee that
689	is required by this chapter to file a statement of organization with the Office of the Lieutenant
690	Governor.
691	(49) "Registered political issues committee" means any political issues committee that
692	is required by this chapter to file a statement of organization with the Office of the Lieutenant
693	Governor.
694	(50) "Registered political party" means an organization of voters that:
695	(a) participated in the last regular general election and polled a total vote equal to 2%
696	or more of the total votes cast for all candidates for the United States House of Representatives
697	for any of its candidates for any office; or
698	(b) has complied with the petition and organizing procedures of Chapter 8, Political
699	Party Formation and Procedures.
700	(51) (a) "Remuneration" means a payment:
701	(i) made to a legislator for the period the Legislature is in session; and
702	(ii) that is approximately equivalent to an amount a legislator would have earned
703	during the period the Legislature is in session in the legislator's ordinary course of business.
704	(b) "Remuneration" does not mean anything of economic value given to a legislator by:
705	(i) the legislator's primary employer in the ordinary course of business; or
706	(ii) a person or entity in the ordinary course of business:
707	(A) because of the legislator's ownership interest in the entity; or
708	(B) for services rendered by the legislator on behalf of the person or entity.
709	(52) "Reporting entity" means a candidate, a candidate's personal campaign committee,

710	a judge, a judge's personal campaign committee, an officeholder, a party committee, a political
711	action committee, a political issues committee, a corporation, or a labor organization, as
712	defined in Section 20A-11-1501.
713	[(53) "School board office" means the office of state school board.]
714	[(54)] (53) (a) "Source" means the person or entity that is the legal owner of the
715	tangible or intangible asset that comprises the contribution.
716	(b) "Source" means, for political action committees and corporations, the political
717	action committee and the corporation as entities, not the contributors to the political action
718	committee or the owners or shareholders of the corporation.
719	[(55)] (54) "State office" means the offices of governor, lieutenant governor, attorney
720	general, state auditor, and state treasurer.
721	[(56)] (55) "State office candidate" means a person who:
722	(a) files a declaration of candidacy for a state office; or
723	(b) receives contributions, makes expenditures, or gives consent for any other person to
724	receive contributions or make expenditures to bring about the person's nomination, election, or
725	appointment to a state office.
726	[(57)] (56) "Summary report" means the year end report containing the summary of a
727	reporting entity's contributions and expenditures.
728	[(58)] (57) "Supervisory board" means the individual or group of individuals that
729	allocate expenditures from a political issues committee.
730	Section 7. Section 20A-11-402 is amended to read:
731	20A-11-402. Officeholder financial reporting requirements Termination of
732	duty to report.
733	(1) An officeholder is active and subject to reporting requirements until the
734	officeholder has filed a statement of dissolution with the lieutenant governor stating that:
735	(a) the officeholder is no longer receiving contributions or public service assistance and
736	is no longer making expenditures;
737	(b) the ending balance on the last summary report filed is zero and the balance in the
738	separate bank account required by Section 20A-11-201[;] or 20A-11-301[, or 20A-11-1301] is
739	zero; and
740	(c) a final summary report in the form required by Section 20A-11-401 showing a zero

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- balance is attached to the statement of dissolution.
 - (2) A statement of dissolution and a final summary report may be filed at any time.
- 743 (3) Each officeholder shall continue to file the year-end summary report required by 744 Section 20A-11-401 until the statement of dissolution and final summary report required by 745 this section are filed with the lieutenant governor.
 - (4) An officeholder may not use a contribution deposited in an account in accordance with this chapter for:
 - (a) a personal use expenditure; or
 - (b) an expenditure prohibited by law.
 - (5) (a) Except as provided in Subsection (5)(b), a person who is no longer an officeholder may not expend or transfer the money in a campaign account in a manner that would cause the former officeholder to recognize the money as taxable income under federal tax law.
 - (b) A person who is no longer an officeholder may transfer the money in a campaign account in a manner that would cause the former officeholder to recognize the money as taxable income under federal tax law if the transfer is made to a campaign account for federal office.
 - Section 8. Section **20A-11-403** is amended to read:

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

- (1) Within 30 days after a deadline for the filing of a summary report, the lieutenant governor shall review each filed summary report to ensure that:
 - (a) each officeholder that is required to file a summary report has filed one; and
 - (b) each summary report contains the information required by this part.
- (2) If it appears that any officeholder has failed to file the summary report required by law, if it appears that a filed summary report does not conform to the law, or if the lieutenant governor has received a written complaint alleging a violation of the law or the falsity of any summary report, the lieutenant governor shall, if the lieutenant governor determines that a violation has occurred:
 - (a) impose a fine against the filing entity in accordance with Section 20A-11-1005; and
- 770 (b) within five days of discovery of a violation or receipt of a written complaint, notify 771 the officeholder of the violation or written complaint and direct the officeholder to file a

summary report correcting the problem.

- (3) (a) It is unlawful for any officeholder to fail to file or amend a summary report within seven days after receiving notice from the lieutenant governor under this section.
- (b) Each officeholder who violates Subsection (3)(a) is guilty of a class B misdemeanor.
- (c) The lieutenant governor shall report all violations of Subsection (3)(a) to the attorney general.
- (d) In addition to the criminal penalty described in Subsection (3)(b), the lieutenant governor shall impose a civil fine of \$100 against an officeholder who violates Subsection (3)(a).
- (4) Within 30 days after a deadline for the filing of an interim report by an officeholder under Subsection 20A-11-204(1)(c)[---] or 20A-11-303(1)(c), [or 20A-11-1303(1)(c),--] the lieutenant governor shall review each filed interim report to ensure that each interim report contains the information required for the report.
- (5) If it appears that any officeholder has failed to file an interim report required by law, if it appears that a filed interim report does not conform to the law, or if the lieutenant governor has received a written complaint alleging a violation of the law or the falsity of any interim report, the lieutenant governor shall, if the lieutenant governor determines that a violation has occurred:
 - (a) impose a fine against the filing entity in accordance with Section 20A-11-1005; and
- (b) within five days after the day on which the violation is discovered or a written complaint is received, notify the officeholder of the violation or written complaint and direct the officeholder to file an interim report correcting the problem.
- (6) (a) It is unlawful for any officeholder to fail to file or amend an interim report within seven days after the day on which the officeholder receives notice from the lieutenant governor under this section.
- (b) Each officeholder who violates Subsection (6)(a) is guilty of a class B misdemeanor.
- (c) The lieutenant governor shall report all violations of Subsection (6)(a) to the attorney general.
 - (d) In addition to the criminal penalty described in Subsection (6)(b), the lieutenant

803	governor shall impose a civil fine of \$100 against an officeholder who violates Subsection
804	(6)(a).
805	Section 9. Section 20A-11-1603 is amended to read:
806	20A-11-1603. Financial disclosure form Required when filing for candidacy
807	Public availability.
808	(1) Candidates seeking the following offices shall file a financial disclosure with the
809	filing officer at the time of filing a declaration of candidacy:
810	(a) state constitutional officer; <u>or</u>
811	(b) state legislator[; or].
812	[(c) State Board of Education member.]
813	(2) A filing officer may not accept a declaration of candidacy for an office [listed]
814	described in Subsection (1) unless the declaration of candidacy is accompanied by the financial
815	disclosure required by this section.
816	(3) The financial disclosure form shall contain the same requirements and shall be in
817	the same format as the financial disclosure form described in Section 20A-11-1604.
818	(4) The financial disclosure form shall:
819	(a) be made available for public inspection at the filing officer's place of business;
820	(b) if the filing officer is an individual other than the lieutenant governor, be provided
821	to the lieutenant governor within five business days of the date of filing and be made publicly
822	available at the Office of the Lieutenant Governor; and
823	(c) be made publicly available on the Statewide Electronic Voter Information Website
824	administered by the lieutenant governor.
825	Section 10. Section 20A-14-101.2 is enacted to read:
826	CHAPTER 14. ELECTION OF LOCAL SCHOOL BOARDS
827	20A-14-101.2. Title.
828	This chapter is known as "Election of Local School Boards."
829	Section 11. Section 53A-1-101 is amended to read:
830	53A-1-101. Definitions State Board of Education Districts.
831	(1) As used in this part:
832	(a) "Candidate" means any person who:
833	(i) files a notice of intent to seek office under Subsection 53A-1-101(5); or

834	(ii) receives contributions, makes expenditures, or gives consent for any other person to
835	receive contributions or make expenditures to bring about the person's election to a state school
836	board office.
837	(b) "Conflict of interest" means an action that is taken by a state board officeholder that
838	the state board officeholder reasonably believes may cause direct financial benefit or detriment
839	to the state board officeholder, a member of the state board officeholder's immediate family, or
840	an entity that the state board officeholder is required to disclose under the provisions of this
841	section, if that benefit or detriment is distinguishable from the effects of that action on the
842	public or on the state board officeholder's profession, occupation, or association generally.
843	(c) (i) "Contribution" means any of the following when done for political purposes:
844	(A) a gift, subscription, donation, loan, advance, or deposit of money or anything of
845	value given to a candidate;
846	(B) an express, legally enforceable contract, promise, or agreement to make a gift,
847	subscription, donation, unpaid or partially unpaid loan, advance, or deposit of money or
848	anything of value to a candidate;
849	(C) any transfer of funds from a reporting entity to the candidate;
850	(D) compensation paid by any person or reporting entity other than the candidate for
851	personal services provided without charge to the candidate;
852	(E) remuneration from any organization or its directly affiliated organization that has a
853	registered lobbyist, or from any agency or subdivision of the state, including school districts;
854	(F) a loan made by a candidate deposited into the candidate's own campaign; and
855	(G) in-kind contributions.
856	(ii) "Contribution" does not include:
857	(A) services provided by an individual volunteering a portion or all of the individual's
858	time on behalf of the candidate if the services are provided without compensation by the
859	candidate or any other person;
860	(B) money lent to the candidate by a financial institution in the ordinary course of
861	business; or
862	(C) goods or services provided for the benefit of the candidate less than fair market
863	value that are not authorized by or coordinated with the candidate.
864	(d) "Coordinated with" means that goods or services provided for the benefit of a

803	candidate are provided.
866	(i) with the candidate's prior knowledge, if the candidate does not object;
867	(ii) by agreement with the candidate;
868	(iii) in coordination with the candidate; or
869	(iv) using official logos, slogans, and similar elements belonging to the candidate.
870	(e) "Detailed listing" means the same as that term is defined in Section 20A-11-101.
871	(f) "Entity" means a corporation, a partnership, a limited liability company, a limited
872	partnership, a sole proprietorship, an association, a cooperative, a trust, an organization, a joint
873	venture, a governmental entity, an unincorporated organization, or any other legal entity,
874	regardless of whether it is established primarily for the purpose of gain or economic profit.
875	(g) (i) "Expenditure" means any of the following made by a reporting entity or an agent
876	of a reporting entity on behalf of the reporting entity:
877	(A) any disbursement from contributions, receipts, or the separate bank account
878	required by Title 20A, Chapter 11, Campaign and Financial Reporting Requirements;
879	(B) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money,
880	or anything of value made for political purposes;
881	(C) an express, legally enforceable contract, promise, or agreement to make any
882	purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of
883	value for political purposes;
884	(D) compensation paid by a filing entity for personal services rendered by a person
885	without charge to a candidate;
886	(E) a transfer of funds between the filing entity and a candidate's personal campaign
887	committee; or
888	(F) goods or services provided by the filing entity to or for the benefit of a candidate
889	for political purposes at less than fair market value.
890	(ii) "Expenditure" does not include:
891	(A) services provided without compensation by an individual volunteering a portion or
892	all of the individual's time on behalf of a candidate; or
893	(B) money lent to a candidate by a financial institution in the ordinary course of
894	business.
895	(h) "Filing entity" means the reporting entity that is required to file a financial

896	statement required under Title 20A, Chapter 11, Campaign and Financial Reporting
897	Requirements, or Title 20A, Chapter 12, Part 2, Judicial Retention Elections.
898	(i) "Immediate family" means the state board officeholder's spouse, a child living in the
899	state board officeholder's immediate household, or an individual claimed as a dependent for
900	state or federal income tax purposes by the state board officeholder.
901	(j) "Income" means earnings, compensation, or any other payment made to an
902	individual for gain, regardless of source, whether denominated as wages, salary, commission,
903	pay, bonus, severance pay, incentive pay, contract payment, interest, per diem, expenses,
904	reimbursement, dividends, or otherwise.
905	(k) "In-kind contribution" means anything of value, other than money, that is accepted
906	by or coordinated with a filing entity.
907	(l) (i) "Owner or officer" means an individual who owns an ownership interest in an
908	entity or holds a position where the person has authority to manage, direct, control, or make
909	decisions for:
910	(A) the entity or a portion of the entity; or
911	(B) an employee, agent, or independent contractor of the entity.
912	(ii) "Owner or officer" includes:
913	(A) a member of a board of directors or other governing body of an entity; or
914	(B) a partner in any type of partnership.
915	(m) "Personal use expenditure" has the same meaning as that term is defined in Section
916	<u>20A-11-104.</u>
917	(n) "Phase base" means:
918	(i) for phase two of the method of equal proportions, 0.70710678;
919	(ii) for phase three of the method of equal proportions, 0.77459667;
920	(iii) for phase four of the method of equal proportions, 0.81649658;
921	(iv) for phase five of the method of equal proportions, 0.84515425;
922	(v) for phase six of the method of equal proportions, 0.8660254; or
923	(vi) for phase seven of the method of equal proportions, 0.8819171.
924	(o) "Political purposes" means an act done with the intent or in a way to influence or
925	tend to influence, directly or indirectly, an elector to refrain from voting or to vote for or
926	against any candidate.

927	(p) "Population" means the number of students enrolled in a school district on October
928	1 of the preceding even-numbered year.
929	(q) "Preceding year" means the year immediately preceding the day on which the state
930	board officeholder files a financial disclosure form.
931	(r) (i) "Public service assistance" means the following when given or provided to a
932	state board officeholder to defray the costs of functioning as a state board officeholder or to aid
933	the state board officeholder to communicate with the state board officeholder's constituents:
934	(A) a gift, subscription, donation, unpaid or partially unpaid loan, advance, or deposit
935	of money or anything of value to a state board officeholder; or
936	(B) goods or services provided at less than fair market value to or for the benefit of the
937	state board officeholder.
938	(ii) "Public service assistance" does not include:
939	(A) anything provided by the state;
940	(B) services provided without compensation by an individual volunteering a portion or
941	all of the individual's time on behalf of a state board officeholder;
942	(C) money lent to a state board officeholder by a financial institution in the ordinary
943	course of business;
944	(D) news coverage or any publication by the news media; or
945	(E) any article, story, or other coverage as part of any regular publication of any
946	organization unless substantially all the publication is devoted to information about the state
947	board officeholder.
948	(s) "Registered lobbyist" means a person registered under Title 36, Chapter 11,
949	Lobbyist Disclosure and Regulation Act.
950	(t) "Reporting entity" means the same as that term is defined in Section 20A-11-101.
951	(u) "Reside" or "residence" has the same meaning as the term "residence" or "resident"
952	<u>in Section 20A-2-105.</u>
953	(v) "State board" means the State Board of Education.
954	(w) "State board office" means the office of State Board of Education member.
955	(x) "State board officeholder" means an individual who holds state board office.
956	(y) "State district" means a State Board of Education district.
957	(2) There are 15 state districts made up of local school districts, as follows:

958	(a) District 1 consists of Alpine School District;
959	(b) District 2 consists of Davis School District;
960	(c) District 3 consists of Granite School District;
961	(d) District 4 consists of Jordan School District;
962	(e) District 5 consists of Canyons School District;
963	(f) District 6 consists of Nebo School District and Provo School District;
964	(g) District 7 consists of Salt Lake School District and Murray School District;
965	(h) District 8 consists of Weber School District and Ogden School District;
966	(i) District 9 consists of Washington School District and Iron School District;
967	(j) District 10 consists of Cache School District and Logan School District;
968	(k) District 11 consists of Tooele School District and Box Elder School District;
969	(l) District 12 consists of Wasatch School District, Park City School District, Morgan
970	School District, South Summit School District, North Summit School District, and Rich
971	School District;
972	(m) District 13 consists of Uintah School District, Duchesne School District, and
973	Daggett School District;
974	(n) District 14 consists of Tintic School District, Millard School District, Juab School
975	District, Beaver School District, Sevier School District, South Sanpete School District, and
976	North Sanpete School District; and
977	(o) District 15 consists of Grand School District, Kane School District, Garfield School
978	District, Wayne School District, Piute School District, Carbon School District, San Juan
979	School District, and Emery School District.
980	(3) If a school district boundary changes, the boundary of a state district that would be
981	impacted by the change does not change until:
982	(a) the day after the last day of the next general session of the Legislature; or
983	(b) if the school district boundary change takes effect during a general session of the
984	Legislature, the day after the last day of the general session of the Legislature that begins
985	during the next calendar year.
986	[(1)] (4) Members of the [State Board of Education shall be nominated and] state board
987	shall be elected as provided in [Title 20A, Chapter 14, Nomination and Election of State and
988	Local School Boards] this section.

989	[(2) (a) In addition to the members designated under Subsection (1), the following
990	members shall serve as nonvoting members of the State Board of Education:]
991	[(i) two members of the State Board of Regents, appointed by the chair of the State
992	Board of Regents;]
993	[(ii) one member of the Utah College of Applied Technology Board of Trustees,
994	appointed by the chair of the board of trustees; and]
995	[(iii) one member of the State Charter School Board, appointed by the chair of the State
996	Charter School Board.]
997	[(b) A nonvoting member shall continue to serve as a member without a set term until
998	the member is replaced by the chair of the State Board of Regents, chair of the Utah College of
999	Applied Technology Board of Trustees, or chair of the State Charter School Board, as
1000	applicable.]
1001	(5) An individual seeking state board office shall, for a term beginning on or after
1002	January 1, 2018, file with the lieutenant governor, in the year preceding the year in which the
1003	term of office begins, a notice of intent to seek office no earlier than the first Tuesday in May,
1004	and no later than 5 p.m. on the third Tuesday in May.
1005	(6) For a state board office term beginning on or after January 1, 2018, no earlier than
1006	the first Tuesday in August, and no later than the last Tuesday in August of the year preceding
1007	the year in which the state board office term begins, the electors for a state board district shall,
1008	by majority vote, choose an individual who complies with the following to represent that state
1009	board district:
1010	(a) Subsection (5);
1011	(b) the requirements for serving in state board office; and
1012	(c) the residency requirements, described in Section 53A-1-108, for serving in state
1013	board office as the representative for that state board district.
1014	(7) The term for a state board office is two years.
1015	(8) If a vacancy occurs on the state board for any reason other than the expiration of the
1016	state board officeholder's term, the governor, with the consent of the Senate, shall fill the
1017	vacancy by appointment of an individual who complies with Subsections (6)(b) and (c) to serve
1018	the remainder of the unexpired term.
1019	Section 12. Section 53A-1-107 is enacted to read:

1020	53A-1-107. Apportionment of electors.
1021	(1) (a) If a state board district consists of less than three school districts, all members of
1022	the boards for those school districts are electors for that state board district.
1023	(b) If a state board district consists of three or more school districts, the boards of those
1024	school districts shall choose electors for that state board district in accordance with Subsection
1025	<u>(5).</u>
1026	(2) On April 1 of an odd-numbered year, the lieutenant governor shall apportion
1027	electors to each school district within a state board district that consists of three or more school
1028	districts in accordance with the method of equal proportions described in Subsection (3).
1029	(3) The lieutenant governor shall:
1030	(a) for a school district described in Subsection (2):
1031	(i) calculate the first phase priority number for the school district by dividing the
1032	school district's population by the square root of two;
1033	(ii) calculate the second phase priority number for the school district by multiplying the
1034	school district's first phase priority number by the second phase base; and
1035	(iii) calculate each subsequent phase priority number for the school district by
1036	multiplying the priority number of the previous phase for the school district by the phase base
1037	for the current phase, until completion of the seventh phase; and
1038	(b) (i) consolidate the priority numbers calculated for all school districts in all seven
1039	phases into a single list, in order of greatest to smallest;
1040	(ii) apportion one elector to the school district whose priority number appears first on
1041	the list described in Subsection (3)(b)(i); and
1042	(iii) apportion one elector to each subsequent school district whose priority number
1043	appears on the list described in Subsection (3)(b)(i) until immediately before one of the school
1044	districts would be apportioned electors in a number equal to the total number of members on
1045	the board of the local school district, plus one.
1046	(4) If, after complying with Subsection (3), a school district is apportioned less than
1047	two electors, the lieutenant governor shall apportion additional electors to the school district
1048	until the school district is apportioned two electors.
1049	(5) After the lieutenant governor completes the process of determining the number of
1050	electors for a school district, the board of a school district described in Subsection (1)(h) shall

1051	on or before May 1 of an even-numbered year, by majority vote, select, from among the
1052	members of the school district board, electors to participate in choosing the next state board
1053	officeholder for the state district in which the school district is located.
1054	(6) If a school district board described in Subsection (1)(b) fails, before the deadline
1055	described in Subsection (5), to appoint one or more of the electors apportioned to the school
1056	district, the lieutenant governor shall, on or before June 1, appoint, from among the members
1057	of the school district board, the remaining electors that were not appointed by the school
1058	district board.
1059	Section 13. Section 53A-1-108, which is renumbered from Section 20A-14-103 is
1060	renumbered and amended to read:
1061	[20A-14-103]. <u>53A-1-108.</u> State Board of Education members When
1062	elected Qualifications Avoiding conflicts of interest.
1063	[(1) (a) Unless otherwise provided by law, each State Board of Education member
1064	elected from a State Board of Education District at the 2010 general election shall:
1065	[(i) serve out the term of office for which that member was elected; and]
1066	[(ii) represent the realigned district if the member resides in that district.]
1067	[(b) At the general election to be held in 2012, a State Board of Education member
1068	elected from State Board of Education Districts 4, 7, 8, 10, 11, 12, 13, and 15 shall be elected
1069	to serve a term of office of four years.]
1070	[(c) In order to ensure that the terms of approximately half of the State Board of
1071	Education members expire every two years:]
1072	[(i) at the general election to be held in 2012, the State Board of Education member
1073	elected from State Board of Education District 1 shall be elected to serve a term of office of
1074	two years; and]
1075	[(ii) at the general election to be held in 2014, the State Board of Education member
1076	elected from State Board of Education District 1 shall be elected to serve a term of office of
1077	four years.]
1078	(1) The term of a state board officeholder who is elected or appointed to a term that
1079	begins before January 1, 2018, ends on December 31, 2017, regardless of the term to which the
1080	state board officeholder was elected or appointed.
1081	(2) (a) [A person seeking election to the State Board of Education] An individual

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1082	seeking state board office shall have been a resident of the [State Board of Education district in
1083	which the person is seeking election for at least one year as of the date of the election] state
1084	board district that the individual is seeking to represent for at least one year immediately before
1085	the day on which the individual's term of office will begin.
1086	(b) [A person] An individual who has resided within the [State Board of Education]
1087	state board district, as the boundaries of the district exist on the [date of the election] day on
1088	which the individual's term of office will begin, for one year immediately preceding the [date
1089	of the election shall be] day on which the individual's term of office will begin, is considered to
1090	have met the requirements of this Subsection (2).
1091	[(3) A State Board of Education member shall:]
1092	(3) A state board officeholder shall:
1093	(a) be and remain a [registered voter in the State Board of Education district from
1094	which the member was elected or appointed] resident of the state board district that the state
1095	board officeholder was elected to represent; and
1096	(b) maintain the [member's] state board officeholder's primary residence within the
1097	[State Board of Education district from which the member was elected or appointed] state
1098	board district described in Subsection (3)(a) during the [member's] state board officeholder's
1099	term of office.
1100	(4) A [State Board of Education member] state board officeholder may not, during the
1101	[member's] state board officeholder's term of office, also serve as an employee of:
1102	(a) the State Board of Education;
1103	(b) the Utah State Office of Education; or
1104	(c) the Utah State Office of Rehabilitation.
1105	(5) An individual who has been convicted of a grievous sexual offense, as defined in
1106	Section 76-1-601, against a child, may not hold a state board office.
1107	Section 14. Section 53A-1-109, which is renumbered from Section 20A-11-1301 is
1108	renumbered and amended to read:
1109	[20A-11-1301]. <u>53A-1-109.</u> State board office candidate Campaign finance

(1) (a) (i) Each [school] state board office candidate shall deposit each contribution and

requirements -- Candidate as a political action committee officer -- No personal use --

Contribution reporting deadline -- Report other accounts.

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1113	public service assistance received in one or more separate accounts in a financial institution
1114	that are dedicated only to that purpose.

- (ii) A [school] state board office candidate may:
- (A) receive a contribution or public service assistance from a political action committee registered under Section 20A-11-601; and
- (B) be designated by a political action committee as an officer who has primary decision-making authority as described in Section 20A-11-601.
- (b) A [school] state board office candidate may not use money deposited in an account described in Subsection (1)(a)(i) for:
 - (i) a personal use expenditure; or
- (ii) an expenditure prohibited by law.
- 1124 (2) A [school] state board office candidate may not deposit or mingle any contributions 1125 or public service assistance received into a personal or business account.
 - (3) A [school] state board office candidate may not make any political expenditures prohibited by law.
 - (4) If [a person] an individual who is no longer a [school] state board office candidate chooses not to expend the money remaining in a campaign account, the [person] individual shall continue to file the year-end summary report required by Section [20A-11-1302] 53A-1-110 until the statement of dissolution and final summary report required by Section [20A-11-1304] 53A-1-112 are filed with the lieutenant governor.
 - (5) (a) Except as provided in Subsection (5)(b) and Section [20A-11-402, a person] 53A-1-114, an individual who is no longer a [school] state board office candidate may not expend or transfer the money in a campaign account in a manner that would cause the former [school] state board office candidate to recognize the money as taxable income under federal tax law.
 - (b) [A person] An individual who is no longer a [school] state board office candidate may transfer the money in a campaign account in a manner that would cause the former [school] state board office candidate to recognize the money as taxable income under federal tax law if the transfer is made to a campaign account for federal office.
- 1142 (6) (a) As used in this Subsection (6) and Section [20A-11-1303] <u>53A-1-111</u>, 1143 "received" means:

1144	(i) for a cash contribution, that the cash is given to a [school] state board office
1145	candidate or a member of the state board office candidate's personal campaign committee;
1146	(ii) for a contribution that is a negotiable instrument or check, that the negotiable
1147	instrument or check is negotiated; and
1148	(iii) for any other type of contribution, that any portion of the contribution's benefit
1149	inures to the [school] state board office candidate.
1150	(b) Each [school] state board office candidate shall report to the [chief election officer]
1151	<u>lieutenant governor</u> each contribution and public service assistance received by the [school]
1152	state board office candidate:
1153	(i) except as provided in Subsection (6)(b)(ii), within 30 days after the day on which
1154	the contribution or public service assistance is received; or
1155	(ii) within three business days after the day on which the contribution or public service
1156	assistance is received, if[: (A) the school board office candidate is contested in a primary
1157	election and] the contribution or public service assistance is received within 30 days before the
1158	[day on which the primary election is held; or] last Tuesday in August.
1159	[(B) the school board office candidate is contested in a general election and the
1160	contribution or public service assistance is received within 30 days before the day on which the
1161	general election is held.]
1162	(c) Except as provided in Subsection (6)(d), for each contribution or provision of
1163	public service assistance that a [school] state board office candidate fails to report within the
1164	time period described in Subsection (6)(b), the [chief election officer] lieutenant governor shall
1165	impose a fine against the [school] state board office candidate in an amount equal to:
1166	(i) [the greater of \$50 or] 15% of the amount of the contribution; or
1167	(ii) [the greater of \$50 or] 15% of the value of the public service assistance.
1168	[(d) A fine described in Subsection (6)(c) may not exceed the amount of the
1169	contribution or the value of the public service assistance to which the fine relates.]
1170	[(e) The chief election officer shall:]
1171	(d) The lieutenant governor shall:
1172	(i) deposit money received under Subsection (6)(c) into the General Fund; and
1173	(ii) report on the [chief election officer's] lieutenant governor's website, in the location
1174	where reports relating to each [school] state board office candidate are available for public

11/3	access:
1176	(A) each fine imposed by the [chief election officer] lieutenant governor against the
1177	[school] state board office candidate;
1178	(B) the amount of the fine;
1179	(C) the amount of the contribution to which the fine relates; and
1180	(D) the date of the contribution.
1181	(7) (a) As used in this Subsection (7), "account" means an account in a financial
1182	institution:
1183	(i) that is not described in Subsection (1)(a)(i); and
1184	(ii) into which or from which [a person] an individual who, as a candidate for an office
1185	other than a [school] state board office for which the [person] individual files a [declaration of
1186	candidacy] notice of intent to seek office or federal office, or as a holder of an office, other than
1187	a [school] state board office for which the [person] individual files a [declaration of candidacy]
1188	notice of intent to seek office or federal office, deposits a contribution or makes an
1189	expenditure.
1190	(b) A [school] state board office candidate shall include on any financial statement
1191	filed in accordance with this part:
1192	(i) a contribution deposited in an account:
1193	(A) since the last campaign finance statement was filed; or
1194	(B) that has not been reported under a statute or ordinance that governs the account; or
1195	(ii) an expenditure made from an account:
1196	(A) since the last campaign finance statement was filed; or
1197	(B) that has not been reported under a statute or ordinance that governs the account.
1198	Section 15. Section 53A-1-110, which is renumbered from Section 20A-11-1302 is
1199	renumbered and amended to read:
1200	[20A-11-1302]. <u>53A-1-110.</u> State board office candidate Financial
1201	reporting requirements Year-end summary report.
1202	(1) (a) Each [school] state board office candidate shall file a summary report by
1203	January 10 of the year after the regular general election year.
1204	(b) In addition to the requirements of Subsection (1)(a), a former [school] state board

office candidate [that] who has not filed the statement of dissolution and final summary report

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December 31 of the previous year.

1206 required under Section [20A-11-1304] 53A-1-112 shall continue to file a summary report on 1207 January 10 of each year. 1208 (2) (a) Each summary report shall include the following information as of December 31 1209 of the previous year: 1210 (i) the net balance of the last financial statement, if any; 1211 (ii) a single figure equal to the total amount of receipts reported on all interim reports, 1212 if any, during the previous year; 1213 (iii) a single figure equal to the total amount of expenditures reported on all interim 1214 reports, if any, filed during the previous year; 1215 (iv) a detailed listing of each receipt, contribution, and public service assistance since 1216 the last summary report that has not been reported in detail on an interim report; 1217 (v) for each nonmonetary contribution: 1218 (A) the fair market value of the contribution with that information provided by the 1219 contributor; and 1220 (B) a specific description of the contribution; 1221 (vi) a detailed listing of each expenditure made since the last summary report that has 1222 not been reported in detail on an interim report; 1223 (vii) for each nonmonetary expenditure, the fair market value of the expenditure: 1224 (viii) a net balance for the year consisting of the net balance from the last summary 1225 report, if any, plus all receipts minus all expenditures; and 1226 (ix) the name of a political action committee for which the [school] state board office 1227 candidate is designated as an officer who has primary decision-making authority under Section 1228 20A-11-601. 1229 (b) (i) For all individual contributions or public service assistance of \$50 or less, a 1230 single aggregate figure may be reported without separate detailed listings. 1231 (ii) Two or more contributions from the same source that have an aggregate total of 1232 more than \$50 may not be reported in the aggregate, but shall be reported separately. 1233 (c) In preparing the report, all receipts and expenditures shall be reported as of

(d) A check or negotiable instrument received by a [school] state board office

candidate on or before December 31 of the previous year shall be included in the summary

1237	report.
1238	(3) The [school] state board office candidate shall certify in the summary report that, to
1239	the best of the [school] state board office candidate's knowledge, all receipts and all
1240	expenditures have been reported as of December 31 of the previous year and that there are no
1241	bills or obligations outstanding and unpaid except as set forth in that report.
1242	Section 16. Section 53A-1-111, which is renumbered from Section 20A-11-1303 is
1243	renumbered and amended to read:
1244	[20A-11-1303]. <u>53A-1-111.</u> State board office candidate and state board
1245	officeholder Financial reporting requirements Interim reports.
1246	(1) (a) As used in this Subsection (1), "campaign account" means a separate campaign
1247	account required under Subsection [20A-11-1301] 53A-1-109(1)(a)(i).
1248	(b) Each [school] state board office candidate shall file an interim report at the
1249	following times in any year in which the candidate has filed a [declaration of candidacy for a
1250	public] notice of intent to seek office for a state board office:
1251	[(i) May 15;]
1252	[(ii) seven days before the regular primary election date;]
1253	[(iii) August 31; and]
1254	[(iv) seven days before the regular general election date.]
1255	(i) June 1; and
1256	(ii) July 30.
1257	(c) Each [school] state board [office holder] officeholder who has a campaign account
1258	that has not been dissolved under Section [20A-11-1304] 53A-1-112 shall, in an even year, file
1259	an interim report at the following times, regardless of whether an election for the school board
1260	[office holder's] officeholder's office is held that year:
1261	[(i) May 15;]
1262	[(ii) seven days before the regular primary election date for that year;]
1263	[(iii) August 31; and]
1264	[(iv) seven days before the regular general election date.]
1265	(i) June 1; and
1266	(ii) July 30.
1267	(2) Each interim report shall include the following information:

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1268	(a) the net balance of the last summary report, if any;
1269	(b) a single figure equal to the total amount of receipts reported on all prior interim
1270	reports, if any, during the calendar year in which the interim report is due;
1271	(c) a single figure equal to the total amount of expenditures reported on all prior
1272	interim reports, if any, filed during the calendar year in which the interim report is due;
1273	(d) a detailed listing of each contribution and public service assistance received since
1274	the last summary report that has not been reported in detail on a prior interim report;
1275	(e) for each nonmonetary contribution:
1276	(i) the fair market value of the contribution with that information provided by the
1277	contributor; and
1278	(ii) a specific description of the contribution;
1279	(f) a detailed listing of each expenditure made since the last summary report that has
1280	not been reported in detail on a prior interim report;
1281	(g) for each nonmonetary expenditure, the fair market value of the expenditure;
1282	(h) a net balance for the year consisting of the net balance from the last summary
1283	report, if any, plus all receipts since the last summary report minus all expenditures since the
1284	last summary report;
1285	(i) a summary page in the form required by the lieutenant governor that identifies:
1286	(i) beginning balance;
1287	(ii) total contributions during the period since the last statement;
1288	(iii) total contributions to date;
1289	(iv) total expenditures during the period since the last statement; and
1290	(v) total expenditures to date; and
1291	(j) the name of a political action committee for which the [school] state board office
1292	candidate or [school] state board [office holder] officeholder is designated as an officer who
1293	has primary decision-making authority under Section 20A-11-601.
1294	(3) (a) For all individual contributions or public service assistance of \$50 or less, a
1295	single aggregate figure may be reported without separate detailed listings.
1296	(b) Two or more contributions from the same source that have an aggregate total of
1297	more than \$50 may not be reported in the aggregate, but shall be reported separately.
1298	(4) (a) In preparing each interim report, all receipts and expenditures shall be reported

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1299	as of five days before the required filing date of the report.
1300	(b) Any negotiable instrument or check received by a

- (b) Any negotiable instrument or check received by a [school] state board office candidate or [school] state board [office holder] officeholder more than five days before the required filing date of a report required by this section shall be included in the interim report.
- Section 17. Section **53A-1-112**, which is renumbered from Section 20A-11-1304 is renumbered and amended to read:

[20A-11-1304]. <u>53A-1-112.</u> State board office candidate -- Financial reporting requirements -- Termination of duty to report.

- (1) Each [school] state board office candidate is subject to interim reporting requirements until the candidate withdraws or is [eliminated in a primary] defeated.
- (2) Each [school] state board office candidate is subject to year-end summary reporting requirements until the candidate has filed a statement of dissolution with the lieutenant governor stating that:
- (a) the [school] state board office candidate is no longer receiving contributions and is no longer making expenditures;
- (b) the ending balance on the last summary report filed is zero and the balance in the separate bank account required in Section [20A-11-1301] 53A-1-109 is zero; and
- (c) a final summary report in the form required by Section [20A-11-1302] <u>53A-1-110</u> showing a zero balance is attached to the statement of dissolution.
 - (3) A statement of dissolution and a final summary report may be filed at any time.
- (4) Each [school] state board office candidate shall continue to file the year-end summary report required by Section [20A-11-1302] 53A-1-110 until the statement of dissolution and final summary report required by this section are filed.
- Section 18. Section **53A-1-113**, which is renumbered from Section 20A-11-1305 is renumbered and amended to read:

[20A-11-1305]. <u>53A-1-113.</u> State board office candidate -- Failure to file statement -- Penalties.

- (1) (a) A [school] state board office candidate who fails to file a financial statement by the deadline is subject to a \$100 fine imposed [in accordance with Section 20A-11-1005] by the lieutenant governor.
 - (b) If a [school] state board office candidate fails to file an interim report due on or

1330	before [the regular primary election, on August 31, or before the regular general election, the
1331	chief election officer] June 1 or July 30, the lieutenant governor shall, after making a
1332	reasonable attempt to discover if the report was timely filed, [inform the county clerk and other
1333	appropriate election officials who:] disqualify the state board office candidate from running for
1334	state board office during the current race.
1335	[(i) (A) shall, if practicable, remove the name of the candidate from the ballots before
1336	the ballots are delivered to voters; or]
1337	[(B) shall, if removing the candidate's name from the ballot is not practicable, inform
1338	the voters by any practicable method that the candidate has been disqualified and that votes
1339	cast for the candidate will not be counted; and]
1340	[(ii) may not count any votes for that candidate.]
1341	(c) Any [school] state board office candidate who fails to timely file [timely] a
1342	financial statement required by Subsection [20A-11-1303(1)(b)(ii), (iii), or (iv)]
1343	53A-1-111(1)(b) is disqualified.
1344	(d) Notwithstanding Subsections (1)(b) and (1)(c), a [school] state board office
1345	candidate is not disqualified and the [chief election officer] lieutenant governor may not
1346	impose a fine if:
1347	[(i) the candidate timely files the reports required by this section in accordance with
1348	Section 20A-11-103;]
1349	[(ii)] (i) those reports are completed, detailing accurately and completely the
1350	information required by this part except for inadvertent omissions or insignificant errors or
1351	inaccuracies; and
1352	[(iii)] (ii) those omissions, errors, or inaccuracies described in Subsection (1)(d)[(ii)](i)
1353	are corrected in:
1354	(A) an amended report; or
1355	(B) the next scheduled report.
1356	(2) (a) Within 30 days after a deadline for the filing of a summary report by a [school]
1357	state board office candidate, the lieutenant governor shall review each filed summary report to
1358	ensure that:
1359	(i) each [school] state board candidate that is required to file a summary report has
1360	filed one; and

summary report correcting the problem.

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1361	(ii) each summary report contains the information required by this part.
1362	(b) If it appears that a [school] state board candidate has failed to file the summary
1363	report required by law, if it appears that a filed summary report does not conform to the law, or
1364	if the lieutenant governor has received a written complaint alleging a violation of the law or the
1365	falsity of any summary report, the lieutenant governor shall, within five days of discovery of a
1366	violation or receipt of a written complaint, notify the [school] state board office candidate of
1367	the violation or written complaint and direct the [school] state board office candidate to file a

- (c) (i) It is unlawful for a [school] state board office candidate to fail to file or amend a summary report within seven days after receiving notice from the lieutenant governor under this section.
- (ii) Each [school] state board office candidate who violates Subsection (2)(c)(i) is guilty of a class B misdemeanor.
- (iii) The lieutenant governor shall report all violations of Subsection (2)(c)(i) to the attorney general.
- (iv) In addition to the criminal penalty described in Subsection (2)(c)(ii), the lieutenant governor shall impose a civil fine of \$100 against a [school] state board office candidate who violates Subsection (2)(c)(i).
 - Section 19. Section **53A-1-114** is enacted to read:

<u>53A-1-114.</u> State board officeholder financial reporting requirements --Termination of duty to report.

- (1) A state board officeholder is active and subject to reporting requirements until the state board officeholder has filed a statement of dissolution with the lieutenant governor stating that:
- (a) the state board officeholder is no longer receiving contributions or public service assistance and is no longer making expenditures;
- (b) the ending balance on the last summary report filed is zero and the balance in the separate bank account required by Section 53A-1-109 is zero; and
- (c) a final summary report in the form required by Section 53A-1-112 showing a zero balance is attached to the statement of dissolution.
- (2) A statement of dissolution and a final summary report may be filed at any time.

1392	(3) Each state board officeholder shall continue to file the year-end summary report
1393	required by Section 53A-1-112 until the statement of dissolution and final summary report
1394	required by this section are filed with the lieutenant governor.
1395	(4) A state board officeholder may not use a contribution deposited into an account in
1396	accordance with this chapter for:
1397	(a) a personal use expenditure; or
1398	(b) an expenditure prohibited by law.
1399	(5) (a) Except as provided in Subsection (5)(b), an individual who is no longer a state
1400	board officeholder may not expend or transfer the money in a campaign account in a manner
1401	that would cause the former state board officeholder to recognize the money as taxable income
1402	under federal tax law.
1403	(b) An individual who is no longer a state board officeholder may transfer the money in
1404	a campaign account in a manner that would cause the former state board officeholder to
1405	recognize the money as taxable income under federal tax law if the transfer is made to a
1406	campaign account for federal office.
1407	Section 20. Section 53A-1-115 is enacted to read:
1408	53A-1-115. Financial disclosure form Required when filing notice of intent to
1409	seek office Public availability.
1410	(1) A candidate who is seeking state board office shall file a financial disclosure with
1411	the lieutenant governor at the time of filing a notice of intent to seek office.
1412	(2) The lieutenant governor may not accept a notice of intent to seek office described in
1413	Subsection (1) unless the notice of intent to seek office is accompanied by the financial
1414	disclosure required by this section.
1415	(3) The financial disclosure form shall contain the same requirements and shall be in
1416	the same format as the financial disclosure form described in Section 20A-11-1604.
1417	(4) The financial disclosure form shall:
1418	(a) be made available for public inspection at the Office of the Lieutenant Governor;
1419	and
1420	(b) be made publicly available on the Statewide Electronic Voter Information Website
1421	administered by the lieutenant governor.
1422	Section 21. Section 53A-1-116 is enacted to read:

1423	53A-1-116. Failure to disclose conflict of interest Failure to comply with
1424	reporting requirements.
1425	(1) Before or during any vote on any rule, resolution, order, or any other state board
1426	matter in which a state board officeholder has actual knowledge that the state board
1427	officeholder has a conflict of interest that is not stated on the financial disclosure form
1428	described in this section, the state board officeholder shall orally declare to the state board that
1429	the state board officeholder may have a conflict of interest and what that conflict of interest is.
1430	(2) Any public declaration of a conflict of interest that is made under Subsection (1)
1431	shall be noted in the minutes of the meeting or on the official record of the action taken.
1432	(3) A state board officeholder shall file a financial disclosure form:
1433	(a) on the tenth day of January of each year, or the following business day if the due
1434	date falls on a weekend or holiday; and
1435	(b) each time the state board officeholder changes employment.
1436	(4) The financial disclosure form described in Subsection (3) shall include:
1437	(a) the state board officeholder's name;
1438	(b) the name and address of each of the state board officeholder's current employers
1439	and each of the state board officeholder's employers during the preceding year;
1440	(c) for each employer described in Subsection (4)(b), a brief description of the
1441	employment, including the state board officeholder's occupation and, as applicable, job title;
1442	(d) for each entity in which the state board officeholder is an owner or officer, or was
1443	an owner or officer during the preceding year:
1444	(i) the name of the entity;
1445	(ii) a brief description of the type of business or activity conducted by the entity; and
1446	(iii) the state board officeholder's position in the entity;
1447	(e) in accordance with Subsection (5)(b), for each individual from whom, or entity
1448	from which, the state board officeholder has received \$5,000 or more in income during the
1449	preceding year:
1450	(i) the name of the individual or entity; and
1451	(ii) a brief description of the type of business or activity conducted by the individual or
1452	entity;
1453	(f) for each entity in which the state board officeholder holds any stocks or bonds

1454	having a fair market value of \$5,000 or more as of the date of the disclosure form or during the
1455	preceding year, but excluding funds that are managed by a third party, including blind trusts,
1456	managed investment accounts, and mutual funds:
1457	(i) the name of the entity; and
1458	(ii) a brief description of the type of business or activity conducted by the entity;
1459	(g) for each entity not listed in Subsections (4)(d) through (f) in which the state board
1460	officeholder currently serves, or served in the preceding year, on the board of directors or in
1461	any other type of paid leadership capacity:
1462	(i) the name of the entity or organization;
1463	(ii) a brief description of the type of business or activity conducted by the entity; and
1464	(iii) the type of advisory position held by the state board officeholder;
1465	(h) at the option of the state board officeholder, a description of any real property in
1466	which the state board officeholder holds an ownership or other financial interest that the state
1467	board officeholder believes may constitute a conflict of interest, including a description of the
1468	type of interest held by the state board officeholder in the property;
1469	(i) the name of the state board officeholder's spouse and any other adult residing in the
1470	state board officeholder's household who is not related by blood or marriage, as applicable;
1471	(j) for the state board officeholder's spouse, the information that a state board
1472	officeholder is required to provide under Subsection (4)(b);
1473	(k) a brief description of the employment and occupation of each adult who:
1474	(i) resides in the state board officeholder's household; and
1475	(ii) is not related to the state board officeholder by blood or marriage;
1476	(1) at the option of the state board officeholder, a description of any other matter or
1477	interest that the state board officeholder believes may constitute a conflict of interest;
1478	(m) the date the form was completed;
1479	(n) a statement that the state board officeholder believes that the form is true and
1480	accurate to the best of the state board officeholder's knowledge; and
1481	(o) the signature of the state board officeholder.
1482	(5) (a) The state board officeholder shall file the financial disclosure form with:
1483	(i) the secretary of the Senate, if the state board officeholder is a member of the Senate;
1484	(ii) the chief clerk of the House of Representatives, if the state board officeholder is a

1485	member of the House of Representatives; or
1486	(iii) the lieutenant governor, if the state board officeholder is a state board officeholder
1487	other than a state board officeholder described in Subsection (5)(a)(i) or (ii).
1488	(b) In making the disclosure described in Subsection (4)(e), a state board officeholder
1489	who provides goods or services to multiple customers or clients as part of a business or a
1490	licensed profession is only required to provide the information described in Subsection (4)(e) in
1491	relation to the entity or practice through which the state board officeholder provides the goods
1492	or services and is not required to provide the information described in Subsection (4)(e) in
1493	relation to the state board officeholder's individual customers or clients.
1494	(6) The lieutenant governor shall ensure that blank financial disclosure forms are
1495	available on the Internet and at the Office of the Lieutenant Governor.
1496	(7) The lieutenant governor shall make each version of a financial disclosure form or
1497	an amendment to a financial disclosure form received under this section available to the public
1498	for two years after the day on which the lieutenant governor receives the form.
1499	(8) The disclosure requirements described in this section do not prohibit a state board
1500	officeholder from voting or acting on any matter.
1501	(9) A state board officeholder may amend a financial disclosure form described in this
1502	part at any time.
1503	(10) A state board officeholder who violates the requirements of Subsection (1) is
1504	guilty of a class B misdemeanor.
1505	(11) (a) A state board officeholder who intentionally or knowingly violates a provision
1506	of this section, other than Subsection (1), is guilty of a class B misdemeanor.
1507	(b) In addition to the criminal penalty described in Subsection (11)(a), the lieutenant
1508	governor shall impose a civil penalty of \$100 against a state board officeholder who violates a
1509	provision of this section, other than Subsection (1).
1510	Section 22. Section 53A-1-117 is enacted to read:
1511	53A-1-117. Failure to file Penalties.
1512	(1) Within 30 days after the day on which a state board officeholder is required to file a
1513	financial disclosure form under Subsection 53A-1-116(3)(a), the lieutenant governor shall
1514	review each filed financial disclosure form to ensure that:

(a) each state board officeholder who is required to file a financial disclosure form has

1516	filed one; and
1517	(b) each financial disclosure form contains the information required under Section
1518	<u>53A-1-116.</u>
1519	(2) The lieutenant governor shall take the action described in Subsection (3) if:
1520	(a) a state board officeholder has failed to timely file a financial disclosure form;
1521	(b) a filed financial disclosure form does not comply with the requirements of Section
1522	<u>53A-1-116; or</u>
1523	(c) the lieutenant governor receives a written complaint alleging a violation of Section
1524	53A-1-116, other than Subsection 53A-1-116(1), and after receiving the complaint and giving
1525	the state board officeholder notice and an opportunity to be heard, the lieutenant governor
1526	determines that a violation occurred.
1527	(3) If a circumstance described in Subsection (2) occurs, the lieutenant governor shall,
1528	within five days after the day on which the lieutenant governor determines that a violation
1529	occurred, notify the state board officeholder of the violation and direct the state board
1530	officeholder to file an amended report correcting the problem.
1531	(4) (a) It is unlawful for a state board officeholder to fail to file or amend a financial
1532	disclosure form within seven days after the day on which the state board officeholder receives
1533	the notice described in Subsection (3).
1534	(b) A state board officeholder who violates Subsection (4)(a) is guilty of a class B
1535	misdemeanor.
1536	(c) The lieutenant governor shall report all violations of Subsection (4)(a) to the
1537	attorney general.
1538	(d) In addition to the criminal penalty described in Subsection (4)(b), the lieutenant
1539	governor shall impose a civil fine of \$100 against a state board officeholder who violates
1540	Subsection (4)(a).
1541	(5) The lieutenant governor shall deposit a fine collected under this part into the
1542	General Fund as a dedicated credit to pay for the costs of administering the provisions of this
1543	part.
1544	Section 23. Section 53A-1-201 is amended to read:
1545	53A-1-201. Election and appointment of officers Removal from office.
1546	(1) The State Board of Education shall elect from its members a chair, and at least one

1547	vice chair, but no more than three vice chairs, each year at a meeting held [any time between
1548	November 15 and January 15.] no earlier than November 15 and no later than January 15.
1549	(2) (a) If the election of officers is held [subsequent to] after the election of a new
1550	member of the board, but [prior to the time that] before the new member takes office, the new
1551	member shall assume the position of the outgoing member for purposes of the election of
1552	officers.
1553	(b) In all other matters the outgoing member shall retain the full authority of the office
1554	until replaced as provided by law.
1555	[(3) The duties of these officers shall be determined by the board.]
1556	(3) The board shall determine the duties of the officers elected under this section.
1557	(4) The board shall appoint a secretary who serves at the pleasure of the board.
1558	(5) An officer [appointed or] elected by the board under this section may be removed
1559	from office for cause by a vote of two-thirds of the board.
1560	Section 24. Section 53A-1a-506 is amended to read:
1561	53A-1a-506. Eligible students.
1562	(1) As used in this section:
1563	(a) "District school" means a public school under the control of a local school board
1564	elected pursuant to Title 20A, Chapter 14, [Nomination and] Election of [State and] Local
1565	School Boards.
1566	(b) "Refugee" means a person who is eligible to receive benefits and services from the
1567	federal Office of Refugee Resettlement.
1568	(2) All resident students of the state qualify for admission to a charter school, subject
1569	to the limitations set forth in this section and Section 53A-1a-506.5.
1570	(3) (a) A charter school shall enroll an eligible student who submits a timely
1571	application, unless the number of applications exceeds the capacity of a program, class, grade
1572	level, or the charter school.
1573	(b) If the number of applications exceeds the capacity of a program, class, grade level,
1574	or the charter school, students shall be selected on a random basis, except as provided in
1575	Subsections (4) through (8).
1576	(4) A charter school may give an enrollment preference to:

(a) a child or grandchild of an individual who has actively participated in the

1578	development of the charter school;
1579	(b) a child or grandchild of a member of the charter school governing board;
1580	(c) a sibling of a student presently enrolled in the charter school;
1581	(d) a child of an employee of the charter school;
1582	(e) students articulating between charter schools offering similar programs that are
1583	governed by the same governing board;
1584	(f) students articulating from one charter school to another pursuant to an articulation
1585	agreement between the charter schools that is approved by the State Charter School Board; or
1586	(g) students who reside within:
1587	(i) the school district in which the charter school is located;
1588	(ii) the municipality in which the charter school is located; or
1589	(iii) a two-mile radius of the charter school.
1590	(5) (a) Except as provided in Subsection (5)(b), a charter school that is approved by the
1591	State Board of Education after May 13, 2014, and is located in a high growth area shall give an
1592	enrollment preference to students who reside within a two-mile radius of the charter school.
1593	(b) The requirement to give an enrollment preference under Subsection (5)(a) does not
1594	apply to a charter school that was approved without a high priority status pursuant to
1595	Subsection 53A-1a-502.5(6)(b).
1596	(6) If a district school converts to charter status, the charter school shall give an
1597	enrollment preference to students who would have otherwise attended it as a district school.
1598	(7) (a) A charter school whose mission is to enhance learning opportunities for
1599	refugees or children of refugee families may give an enrollment preference to refugees or
1600	children of refugee families.
1601	(b) A charter school whose mission is to enhance learning opportunities for English
1602	language learners may give an enrollment preference to English language learners.
1603	(8) A charter school may weight its lottery to give a slightly better chance of admission
1604	to educationally disadvantaged students, including:
1605	(a) low-income students;
1606	(b) students with disabilities;
1607	(c) English language learners;
1608	(d) migrant students;

1609	(e) neglected or delinquent students; and
1610	(f) homeless students.
1611	(9) A charter school may not discriminate in its admission policies or practices on the
1612	same basis as other public schools may not discriminate in their admission policies and
1613	practices.
1614	Section 25. Section 53A-3-101 is amended to read:
1615	53A-3-101. Selection and election of members to local boards of education.
1616	Members of local boards of education shall be elected as provided in Title 20A,
1617	Chapter 14, [Nomination and] Election of [State and] Local School Boards.
1618	Section 26. Section 53A-11-102.5 is amended to read:
1619	53A-11-102.5. Dual enrollment.
1620	(1) "District school" means a public school under the control of a local school board
1621	elected pursuant to Title 20A, Chapter 14, [Nomination and] Election of [State and] Local
1622	School Boards.
1623	(2) A person having control of a minor who is enrolled in a regularly established
1624	private school or a home school may also enroll the minor in a public school for dual
1625	enrollment purposes.
1626	(3) The minor may participate in any academic activity in the public school available to
1627	students in the minor's grade or age group, subject to compliance with the same rules and
1628	requirements that apply to a full-time student's participation in the activity.
1629	(4) (a) A student enrolled in a dual enrollment program in a district school is
1630	considered a student of the district in which the district school of attendance is located for
1631	purposes of state funding to the extent of the student's participation in the district school
1632	programs.
1633	(b) A student enrolled in a dual enrollment program in a charter school is considered a
1634	student of the charter school for purposes of state funding to the extent of the student's
1635	participation in the charter school programs.
1636	(5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
1637	State Board of Education shall make rules for purposes of dual enrollment to govern and
1638	regulate the transferability of credits toward graduation that are earned in a private or home
1639	school.

1640	Section 27. Section 53A-15-1202 is amended to read:
1641	53A-15-1202. Definitions.
1642	As used in this part:
1643	(1) "District school" means a public school under the control of a local school board
1644	elected pursuant to Title 20A, Chapter 14, [Nomination and] Election of [State and] Local
1645	School Boards.
1646	(2) "Eligible student" means:
1647	(a) a student enrolled in a district school or charter school in Utah; or
1648	(b) beginning on July 1, 2013, a student:
1649	(i) who attends a private school or home school; and
1650	(ii) whose custodial parent or legal guardian is a resident of Utah.
1651	(3) "LEA" means a local education agency in Utah that has administrative control and
1652	direction for public education.
1653	(4) "Online course" means a course of instruction offered by the Statewide Online
1654	Education Program through the use of digital technology.
1655	(5) "Primary LEA of enrollment" means the LEA in which an eligible student is
1656	enrolled for courses other than online courses offered through the Statewide Online Education
1657	Program.
1658	(6) "Released-time" means a period of time during the regular school day a student is
1659	excused from school at the request of the student's parent or guardian pursuant to rules of the
1660	State Board of Education.
1661	Section 28. Repealer.
1662	This bill repeals:
1663	Section 20A-1-507, Midterm vacancies in the State Board of Education.
1664	Section 20A-14-101.1, Definitions.
1665	Section 20A-14-101.5, State Board of Education Number of members State
1666	Board of Education district boundaries.
1667	Section 20A-14-102, State Board of Education districts.
1668	Section 20A-14-102.1, Omissions from maps How resolved.
1669	Section 20A-14-102.2, Uncertain boundaries How resolved.
1670	Section 20A-14-102.3, County clerk, Automated Geographic Reference Center,

1671	and lieutenant governor responsibilities Maps and voting precinct boundaries.
1672	Section 20A-14-104, Becoming a candidate for membership on the State Board of
1673	Education Nominating and recruiting committee Membership Procedure Duties.
1674	Section 20A-14-105, Becoming a candidate for membership on the State Board of
1675	Education Selection of candidates by the governor Ballot placement.
1676	Section 20A-14-106, Vacancies on the State Board of Education.

Legislative Review Note as of 1-26-15 1:56 PM

The Utah Legislature's Joint Rule 4-2-402 requires legislative general counsel to place a legislative review note on legislation. The Legislative Management Committee has further directed legislative general counsel to include legal analysis in the legislative review note only if legislative general counsel determines there is a high probability that a court would declare the legislation to be unconstitutional under the Utah Constitution, the United States Constitution, or both. As explained in the legal analysis below, legislative general counsel has determined, based on applicable state and federal constitutional language and current interpretations of that language in state and federal court case law, that this legislation has a high probability of being declared unconstitutional by a court.

Article X, Section 3, of the Utah Constitution provides as follows:

"The general control and supervision of the public education system shall be vested in a State Board of Education. The membership of the board shall be established and elected as provided by statute. The State Board of Education shall appoint a State Superintendent of Public Instruction who shall be the executive officer of the board."

The question raised by this bill is whether Article X, Section 3, of the Utah Constitution would permit members of the State School Board to be chosen by a group designated by law (such as local school board members) rather than requiring an election by registered voters. "The general rule of statutory construction is that where the statutory language is plain and unambiguous, [appellate courts] do not look beyond the language's plain meaning to divine legislative intent." *Horton v. Royal Order of Sun*, 821 P.2d 1167, 1168 (Utah 1991), citing *Schurtz v. BMW of N. Am. Inc.*, 814 P.2d 1108, 1112 (Utah 1991); *Brinkerhoff v. Forsyth*, 779 P.2d 685, 686 (Utah 1989); *Allisen v. American Legion Post No. 134*, 763 P.2d 806, 809 (Utah 1988).

In interpreting this constitutional provision, it is highly likely that a court would find that the plain meaning of the term "elected" requires an election by registered voters. The same term is used in the Utah Constitution in relation to public officers in general (Article IV, Section 9; Article VI, Section 30; Article VII, Sections 9 and 10; and Article XXIV, Section 11), legislators (Article VI, Sections 1, 4, 5, 7, 10, 17, 18, and 25; Article VII, Sections 6 and 8; and

Article XIII, Sections 1 and 2), public prosecutors (Article VIII, Section 16), county boards of equalization (Article XIII, Section 7), and the governor and lieutenant governor (Article VII, Section 2). None of these provisions have been interpreted to require anything other than elections by registered voters, despite the fact that only two of these references have additional language specifying submission to voters (the governor and lieutenant governor, Article VII, Section 2; and public officers in general, Article IV, Section 9). Moreover, three of the provisions that use the term "elected," use language similar to the language used in Article X, Section 3 (see: Article VII, Section 10, which provides that following an appointment to fill a vacancy in the office of state auditor, state treasurer, or attorney general, "the appointee shall hold office until a successor shall be elected and qualified, as provided by law."; Article VIII, Section 16, "Public prosecutors shall be elected in a manner provided by statute . . . "; and Article XIII, Section 7, " . . . a county board of equalization consisting of elected county officials as provided by statute.").

Additionally, while the meaning of the term "elected" in Article X, Section 3, of the Utah Constitution has never been directly addressed by a Utah appellate court, the Utah Supreme Court analyzed the Legislature's implementation of this provision in a manner that is instructive in *State Board of Education v. Commission of Finance*, et al, 247 P.2d 435 (Utah 1952). In that case, the Legislature enacted a law that transitioned the appointed State Board of Education to the elected board, required by the new constitutional provision, by allowing the appointed members to serve the remainder of their terms of office and then be replaced by an elected member. This statutory scheme was challenged when the Commission of Finance refused to approve payment of the superintendent's salary because the superintendent was not appointed by a board whose members had all been elected. In upholding the statutory scheme enacted by the Legislature, the court analyzed the case as one based on the right of suffrage. Specifically, the court stated as follows:

". . . it is clear that following the approval of the constitutional amendments on November 7, 1950, by the electorate, the Legislature was under a duty to provide for the election of Board members." Id. at 443.

"Thus the question is presented whether the Legislature, when directed by a constitutional amendment to provide by law the time and the manner of the election of a board of public officers which theretofore has been appointive, works an unreasonable restraint upon the right of suffrage if it spreads the election of the entire board over the next three succeeding general elections." Id. at 444.

"Thus we conclude that [the statute] providing for the election of the Board according to the schedule there set forth is not an unreasonable restraint upon the right of suffrage, but is a valid exercise of the power of the Legislature to provide for the holding of elections. . ." Id. at 446.

Based on the court's analysis, it is clear that the court interpreted Article X, Section 3, of the Utah Constitution as requiring the election of the State Board of Education by the registered voters of the state.

This bill provides for the members of the State Board of Education to be chosen by electors selected by local school board districts. Based on the foregoing analysis there is a high probability that a Utah appellate court would hold that this method of selecting members of the State Board of Education is an appointive process, rather than an elective process, that violates Article X, Section 3, of the Utah Constitution.

Office of Legislative Research and General Counsel