

1                   **AMENDMENTS TO STATE BOARD OF EDUCATION**

2                                   2015 GENERAL SESSION

3                                   STATE OF UTAH

4                                   **Chief Sponsor: Ann Millner**

5                                   House Sponsor: Daniel McCay

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7   **LONG TITLE**

8   **General Description:**

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

12 **Highlighted Provisions:**

13       This bill:

- 14       ▶ provides for partisan election of the members of the State Board of Education and
- 15 provides for appointment of the members of the State Board of Education if the
- 16 voters pass a constitutional amendment permitting appointment;
- 17       ▶ removes the nonvoting members from the State Board of Education;
- 18       ▶ modifies the reporting requirements of state board office candidates and
- 19 officeholders;
- 20       ▶ reverses the modifications described in the preceding paragraph if the voters pass a
- 21 constitutional amendment permitting appointment of members of the State Board of
- 22 Education;

23 ~~§→ [→ beginning on January 1, 2023, reduces the number of State Board of Education~~  
24 ~~members;] ←§~~ and

- 25       ▶ makes technical and conforming changes.

26 **Money Appropriated in this Bill:**

27       None

S.B. 195



28 **Other Special Clauses:**

29 This bill provides substantive revisor instructions.

30 **Utah Code Sections Affected:**

31 AMENDS:

32 **20A-1-504**, as last amended by Laws of Utah 2010, Chapter 197

33 **20A-9-408**, as enacted by Laws of Utah 2014, Chapter 17

34 **20A-11-403**, as last amended by Laws of Utah 2013, Chapter 420

35 **20A-11-1301**, as last amended by Laws of Utah 2014, Chapters 335 and 337

36 **20A-11-1303**, as last amended by Laws of Utah 2014, Chapter 337

37 **20A-11-1305**, as last amended by Laws of Utah 2014, Chapter 337

38 **20A-14-103**, as last amended by Laws of Utah 2011, Third Special Session, Chapter 3

39 **20A-14-104**, as last amended by Laws of Utah 2004, Chapter 19

40 **53A-1-101**, as last amended by Laws of Utah 2010, Chapter 162

41 REPEALS:

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

43 amended by Coordination Clause, Laws of Utah 2011, Chapter 327

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

45 **20A-1-201**, as last amended by Laws of Utah 2014, Chapter 362

46 **20A-1-201.5**, as last amended by Laws of Utah 2013, Chapter 320

47 **20A-1-504**, as last amended by Laws of Utah 2010, Chapter 197

48 **20A-1-507**, as enacted by Laws of Utah 1993, Chapter 1

49 **20A-2-101.5**, as last amended by Laws of Utah 2013, Chapter 263

50 **20A-9-201**, as last amended by Laws of Utah 2014, Chapter 17

51 **20A-9-408**, as enacted by Laws of Utah 2014, Chapter 17

52 **20A-11-101**, as last amended by Laws of Utah 2014, Chapters 18, 158, and 337

53 **20A-11-402**, as last amended by Laws of Utah 2013, Chapter 320

54 **20A-11-403**, as last amended by Laws of Utah 2013, Chapter 420

55 **20A-11-1301**, as last amended by Laws of Utah 2014, Chapters 335 and 337

56 **20A-11-1302**, as last amended by Laws of Utah 2011, Chapter 347

57 **20A-11-1303**, as last amended by Laws of Utah 2014, Chapter 337

58 **20A-11-1304**, as enacted by Laws of Utah 1997, Chapter 355

59            **20A-11-1305**, as last amended by Laws of Utah 2014, Chapter 337  
60            **20A-11-1603**, as last amended by Laws of Utah 2014, Chapter 18  
61            **20A-14-101.1**, as last amended by Laws of Utah 2013, Chapter 455  
62            **20A-14-101.5**, as last amended by Laws of Utah 2013, Chapter 455  
63            **20A-14-102**, as last amended by Laws of Utah 2013, Chapter 455  
64            **20A-14-102.1**, as last amended by Laws of Utah 2013, Chapter 455  
65            **20A-14-102.2**, as last amended by Laws of Utah 2013, Chapter 455  
66            **20A-14-102.3**, as last amended by Laws of Utah 2013, Chapter 455  
67            **20A-14-103**, as last amended by Laws of Utah 2011, Third Special Session, Chapter 3  
68            **20A-14-104**, as last amended by Laws of Utah 2004, Chapter 19  
69            **20A-14-106**, as enacted by Laws of Utah 1995, Chapter 1  
70            **53A-1-101**, as last amended by Laws of Utah 2010, Chapter 162  
71            **53A-1-109**, Utah Code Annotated 1953  
72            **53A-1-201**, as last amended by Laws of Utah 2013, Chapter 111  
73            **53A-1-301**, as last amended by Laws of Utah 2012, Chapter 425

74

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

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

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

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

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

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

88            (3) For a State Board of Education vacancy, if the individual who is being replaced is  
89 not a member of a political party, the governor shall fill the vacancy, with the consent of the

90 Senate, by selecting an individual who meets the qualifications and residency requirements for  
91 filling the vacancy.

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

93 **20A-9-408. Signature-gathering nomination process for qualified political party.**

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

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

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

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

110 \_\_\_\_\_  
111 \_\_\_\_\_.

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

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

118 (a) within the period beginning on January 1 before the next regular general election  
119 and ending on the third Thursday in March of the same year, and before gathering signatures  
120 under this section, file with the filing officer on a form approved by the lieutenant governor a

121 notice of intent to gather signatures for candidacy that includes:

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

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

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

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

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

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

132 (c) pay the filing fee.

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

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

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

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

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

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

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

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

150 (c) pay the filing fee.

151 (5) Notwithstanding Subsection 20A-9-202(3)(a)(iii), a lieutenant governor candidate

152 who files as the joint-ticket running mate of an individual who is nominated by a qualified  
153 political party, under this section, for the office of governor shall submit a letter from the  
154 candidate for governor that names the lieutenant governor candidate as a joint-ticket running  
155 mate.

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

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

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

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

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

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

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

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

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

181 (v) for a State Board of Education race, 4,000 signatures of registered voters who are  
182 residents of the State Board of Education district and are permitted by the qualified political

183 party to vote for the qualified political party's candidates in a primary election; and

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

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

190 (i) collect the signatures on a form approved by the lieutenant governor's office, using  
191 the same circulation and verification requirements described in Sections 20A-7-304 and  
192 20A-7-305; and

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

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

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

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

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

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

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

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

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

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

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

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

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

227 **20A-11-403. Failure to file -- Penalties.**

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

274 **20A-11-1301. School board office candidate -- Campaign finance requirements --**  
275 **Candidate as a political action committee officer -- No personal use -- Contribution**

276 **reporting deadline -- Report other accounts.**

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

280 (ii) A school board office candidate may:

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

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

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

287 (i) a personal use expenditure; or

288 (ii) an expenditure prohibited by law.

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

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

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

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

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

305 (6) (a) As used in this Subsection (6) [~~and Section 20A-11-1303~~], "received" [~~means:~~]  
306 means the same as that term is defined in Subsection 20A-11-1303(1)(a).

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

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

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

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

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

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

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

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

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

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

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

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

333 (e) The chief election officer shall:

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

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

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

338 candidate;

339 (B) the amount of the fine;

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

341 (D) the date of the contribution.

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

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

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

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

351 (i) a contribution deposited in an account:

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

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

354 (ii) an expenditure made from an account:

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

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

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

358 **20A-11-1303. School board office candidate and school board officeholder --**  
359 **Financial reporting requirements -- Interim reports.**

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

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

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

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

367 [~~(1) (a)~~] (b) As used in this Subsection (1), "campaign account" means a separate  
368 campaign account required under Subsection **20A-11-1301(1)(a)(i)**.

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

371            ~~[(i) May 15;]~~

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

373            (B) May 15, if the school board office candidate does not affiliate with a political  
374 party;

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

376            (iii) August 31; and

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

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

382            ~~[(i) May 15;]~~

383            (i) (A) seven days before the political convention for the political party of the school  
384 board officeholder; or

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

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

387            (iii) August 31; and

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

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

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

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

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

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

397            (e) for each nonmonetary contribution:

398            (i) the fair market value of the contribution with that information provided by the  
399 contributor; and

- 400 (ii) a specific description of the contribution;
- 401 (f) a detailed listing of each expenditure made since the last summary report that has  
402 not been reported in detail on a prior interim report;
- 403 (g) for each nonmonetary expenditure, the fair market value of the expenditure;
- 404 (h) a net balance for the year consisting of the net balance from the last summary  
405 report, if any, plus all receipts since the last summary report minus all expenditures since the  
406 last summary report;
- 407 (i) a summary page in the form required by the lieutenant governor that identifies:
- 408 (i) beginning balance;
- 409 (ii) total contributions during the period since the last statement;
- 410 (iii) total contributions to date;
- 411 (iv) total expenditures during the period since the last statement; and
- 412 (v) total expenditures to date; and
- 413 (j) the name of a political action committee for which the school board office candidate  
414 or school board office holder is designated as an officer who has primary decision-making  
415 authority under Section [20A-11-601](#).
- 416 (3) (a) For all individual contributions or public service assistance of \$50 or less, a  
417 single aggregate figure may be reported without separate detailed listings.
- 418 (b) Two or more contributions from the same source that have an aggregate total of  
419 more than \$50 may not be reported in the aggregate, but shall be reported separately.
- 420 (4) (a) In preparing each interim report, all receipts and expenditures shall be reported  
421 as of five days before the required filing date of the report.
- 422 (b) Any negotiable instrument or check received by a school board office candidate or  
423 school board office holder more than five days before the required filing date of a report  
424 required by this section shall be included in the interim report.
- 425 Section 6. Section **20A-11-1305** is amended to read:
- 426 **20A-11-1305. School board office candidate -- Failure to file statement --**
- 427 **Penalties.**
- 428 (1) (a) A school board office candidate who fails to file a financial statement by the  
429 deadline is subject to a fine imposed in accordance with Section [20A-11-1005](#).
- 430 (b) If a school board office candidate fails to file an interim report due before the

431 regular primary election, on August 31, or before the regular general election, the chief election  
432 officer shall, after making a reasonable attempt to discover if the report was timely filed,  
433 inform the county clerk and other appropriate election officials who:

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

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

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

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

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

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

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

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

451 (A) an amended report; or

452 (B) the next scheduled report.

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

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

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

459 (b) If it appears that a school board office candidate has failed to file the summary  
460 report required by law, if it appears that a filed summary report does not conform to the law, or  
461 if the lieutenant governor has received a written complaint alleging a violation of the law or the

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

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

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

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

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

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

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

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

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

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

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

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

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



493 ~~four years.]~~

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

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

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

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

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

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

507 (a) the State Board of Education;

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

509 (c) the Utah State Office of Rehabilitation.

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

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

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

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

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

523 ~~[(a) one member shall be appointed to represent each of the following business and~~

524 industry sectors:]

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

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

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

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

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

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

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

532 sectors:]

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

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

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

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

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

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

539 [~~(3) (a) The members appointed under Subsections (2)(a)(i) through (vi) and (2)(b)(i)~~

540 through (vi) shall be appointed from lists containing at least two names submitted by

541 organizations representing each of the respective sectors.]

542 [~~(b) At least one member of the nominating and recruiting committee shall reside~~

543 within each state board district in which a member's term expires during the committee's

544 two-year term of office.]

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

546 [~~(b) The chair, or another member of the committee designated by the chair, shall~~

547 schedule and convene all committee meetings.]

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

549 committee members.]

550 [~~(d) Members of the nominating and recruiting committee shall serve without~~

551 compensation, but they may be reimbursed for expenses incurred in the performance of their

552 official duties as established by the Division of Finance.]

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

554 [~~(a) recruit potential candidates for membership on the State Board of Education prior~~

555 to the deadline to file a declaration of candidacy;]

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

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

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

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

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

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

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

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

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

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

572           ~~[(iii) retailing;]~~

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

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

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

576           ~~[(vii) banking;]~~

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

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

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

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

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

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

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

584           ~~[(j) labor; and]~~

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

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

587 **53A-1-101. State Board of Education -- Members.**

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

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

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

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

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

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

602 Section 10. **Repealer.**

603 This bill repeals:

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

606 Section 11. **Revisor instructions.**

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

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

613 **"20A-1-201. Date and purpose of regular general elections.**

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

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

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

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

619 (ii) United States Senators;

620 (iii) Representatives to the United States Congress;

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

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

623 (vi) county officers;

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

625 [~~(viii)~~] (vii) local school board members;

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

627 and

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

629 (b) approve or reject:

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

631 under procedures established in the Utah Code;

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

633 procedures established in the Utah Code; and

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

635 Utah Code.

636 (3) This section:

637 (a) applies to a special service district for which the county legislative body or the  
638 municipal legislative body, as applicable, has delegated authority for the special service district  
639 to an administrative control board; and

640 (b) does not apply to a special service district for which the county legislative body or  
641 the municipal legislative body, as applicable, has not delegated authority for the special service  
642 district to an administrative control board.";

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

644 **"20A-1-201.5. Primary election dates.**

645 (1) A regular primary election shall be held throughout the state on the fourth Tuesday  
646 of June of each even numbered year as provided in Section [20A-9-403](#), to nominate persons for  
647 national, state, local school board, and county offices.

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

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

654 (3) reverse the changes made to Section 20A-1-504 by this bill so that Section  
655 20A-1-504 reads:

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

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

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

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

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

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

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

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

674 (a) the felon is sentenced to probation;

675 (b) the felon is granted parole; or

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

678 (3) Except as provided by Subsection (4), a convicted felon's right to hold elective

679 office is restored when:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

722 (A) a United States citizen;

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

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

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

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

733 (A) a United States citizen;

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

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

738 (D) a current resident of the prosecution district in which the person is seeking office  
739 and either will have been a resident of that prosecution district for at least one year as of the  
740 date of the election or was appointed and is currently serving as district attorney and became a



741 resident of the prosecution district within 30 days after receiving appointment to the office.

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

744 (A) as of the date of filing:

745 (I) is a United States citizen;

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

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

749 Certification Act; or

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

751 (IV) is qualified to be certified as a law enforcement officer, as defined in Section  
752 53-13-103; and

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

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

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

760 (B) if the filing officer is not the lieutenant governor, that the financial disclosure is  
761 provided to the lieutenant governor according to the procedures and requirements of Section  
762 20A-11-1603.

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

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

768 (i) inform the candidate that:

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

771 (B) the candidate may be required to comply with state or local campaign finance

772 disclosure laws; and

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

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

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

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

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

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

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

787 (A) signing the pledge is voluntary; and

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

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

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

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

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

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

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

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

802 I, \_\_\_\_\_, declare my candidacy for the office of \_\_\_\_\_, seeking the

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

811 \_\_\_\_\_

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

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

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

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

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

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

- 823 (i) who is disqualified; or
- 824 (ii) who the filing officer determines has filed improperly.
- 825 (c) (i) The county clerk shall immediately pay to the county treasurer all fees received  
 826 from candidates.

827 (ii) The lieutenant governor shall:

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

830 (B) ensure that each county receives that proportion of the total amount paid to the  
 831 lieutenant governor from the congressional district that the total vote of that county for all  
 832 candidates for representative in Congress bears to the total vote of all counties within the  
 833 congressional district for all candidates for representative in Congress.

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

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

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

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

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

847 "Affidavit of Impecuniosity

848 Individual Name

849 \_\_\_\_\_ Address \_\_\_\_\_

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

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

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

855 Affiant

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

857 \_\_\_\_\_  
858 (signature)

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

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

863 "Filing a false statement is a criminal offense. In accordance with Section 20A-1-609, a  
864 candidate who is found guilty of filing a false statement, in addition to being subject to criminal

865 penalties, will be removed from the ballot."

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

907 \_\_\_\_\_  
908 \_\_\_\_\_.

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

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

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

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

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

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

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

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

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

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

929 (c) pay the filing fee.

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

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

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

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

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

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

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

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

947 (c) pay the filing fee.

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

953 (6) The lieutenant governor shall ensure that the certification described in Subsection  
954 20A-9-701(1) also includes the name of each candidate nominated by a qualified political party  
955 under this section.

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

958 party that nominated the candidate.

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

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

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

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

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

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

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

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

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

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

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



989 office, for the qualified political party's nomination.

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

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

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

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

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

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

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

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

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

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

1016 (e) Upon receipt of a notice of intent to gather signatures for candidacy described in  
1017 this section, the lieutenant governor shall post the notice of intent to gather signatures for  
1018 candidacy on the lieutenant governor's website in the same location that the lieutenant governor  
1019 posts a declaration of candidacy.";

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

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

1022 As used in this chapter:

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

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

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

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

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

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

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

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

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

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

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

1043 (5) "Chief election officer" means:

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

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

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

1050 (i) a gift, subscription, donation, loan, advance, or deposit of money or anything of

- 1051 value given to the filing entity;
- 1052 (ii) an express, legally enforceable contract, promise, or agreement to make a gift,
- 1053 subscription, donation, unpaid or partially unpaid loan, advance, or deposit of money or
- 1054 anything of value to the filing entity;
- 1055 (iii) any transfer of funds from another reporting entity to the filing entity;
- 1056 (iv) compensation paid by any person or reporting entity other than the filing entity for
- 1057 personal services provided without charge to the filing entity;
- 1058 (v) remuneration from:
- 1059 (A) any organization or its directly affiliated organization that has a registered lobbyist;
- 1060 or
- 1061 (B) any agency or subdivision of the state, including school districts;
- 1062 (vi) a loan made by a candidate deposited to the candidate's own campaign; and
- 1063 (vii) in-kind contributions.
- 1064 (b) "Contribution" does not include:
- 1065 (i) services provided by individuals volunteering a portion or all of their time on behalf
- 1066 of the filing entity if the services are provided without compensation by the filing entity or any
- 1067 other person;
- 1068 (ii) money lent to the filing entity by a financial institution in the ordinary course of
- 1069 business; or
- 1070 (iii) goods or services provided for the benefit of a candidate or political party at less
- 1071 than fair market value that are not authorized by or coordinated with the candidate or political
- 1072 party.
- 1073 (7) "Coordinated with" means that goods or services provided for the benefit of a
- 1074 candidate or political party are provided:
- 1075 (a) with the candidate's or political party's prior knowledge, if the candidate or political
- 1076 party does not object;
- 1077 (b) by agreement with the candidate or political party;
- 1078 (c) in coordination with the candidate or political party; or
- 1079 (d) using official logos, slogans, and similar elements belonging to a candidate or
- 1080 political party.
- 1081 (8) (a) "Corporation" means a domestic or foreign, profit or nonprofit, business

1082 organization that is registered as a corporation or is authorized to do business in a state and  
1083 makes any expenditure from corporate funds for:

- 1084 (i) the purpose of expressly advocating for political purposes; or
- 1085 (ii) the purpose of expressly advocating the approval or the defeat of any ballot

1086 proposition.

1087 (b) "Corporation" does not mean:

- 1088 (i) a business organization's political action committee or political issues committee; or
- 1089 (ii) a business entity organized as a partnership or a sole proprietorship.

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

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

1096 (11) "Detailed listing" means:

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

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

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

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

1102 (b) for each expenditure:

1103 (i) the amount of the expenditure;

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

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

1106 (iv) the date the expenditure was made.

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

1110 (b) "Donor" does not include a person that signs a statement that the corporation may  
1111 not use the money for an expenditure or political issues expenditure.

1112 (13) "Election" means each:

- 1113 (a) regular general election;
- 1114 (b) regular primary election; and
- 1115 (c) special election at which candidates are eliminated and selected.
- 1116 (14) "Electioneering communication" means a communication that:
- 1117 (a) has at least a value of \$10,000;
- 1118 (b) clearly identifies a candidate or judge; and
- 1119 (c) is disseminated through the Internet, newspaper, magazine, outdoor advertising
- 1120 facility, direct mailing, broadcast, cable, or satellite provider within 45 days of the clearly
- 1121 identified candidate's or judge's election date.
- 1122 (15) (a) "Expenditure" means any of the following made by a reporting entity or an
- 1123 agent of a reporting entity on behalf of the reporting entity:
- 1124 (i) any disbursement from contributions, receipts, or from the separate bank account
- 1125 required by this chapter;
- 1126 (ii) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money,
- 1127 or anything of value made for political purposes;
- 1128 (iii) an express, legally enforceable contract, promise, or agreement to make any
- 1129 purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of
- 1130 value for political purposes;
- 1131 (iv) compensation paid by a filing entity for personal services rendered by a person
- 1132 without charge to a reporting entity;
- 1133 (v) a transfer of funds between the filing entity and a candidate's personal campaign
- 1134 committee; or
- 1135 (vi) goods or services provided by the filing entity to or for the benefit of another
- 1136 reporting entity for political purposes at less than fair market value.
- 1137 (b) "Expenditure" does not include:
- 1138 (i) services provided without compensation by individuals volunteering a portion or all
- 1139 of their time on behalf of a reporting entity;
- 1140 (ii) money lent to a reporting entity by a financial institution in the ordinary course of
- 1141 business; or
- 1142 (iii) anything listed in Subsection (15)(a) that is given by a reporting entity to
- 1143 candidates for office or officeholders in states other than Utah.

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

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

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

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

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

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

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

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

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

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

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

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

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

1171 (b) declares oneself to be a candidate for, or actively campaigns for, the position of  
1172 speaker of the House of Representatives, president of the Senate, or the leader, whip, and  
1173 assistant whip of any party caucus in either house of the Legislature; or

1174 (c) receives contributions, makes expenditures, or gives consent for any other person to

1175 receive contributions or make expenditures to bring about the person's nomination, election, or  
1176 appointment to a legislative office.

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

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

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

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

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

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

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

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

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

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

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

1199 (i) a party committee;

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

1202 (iii) an individual;

1203 (iv) individuals who are related and who make contributions from a joint checking  
1204 account;

1205 (v) a corporation, except a corporation a major purpose of which is to act as a political

1206 action committee; or

1207 (vi) a personal campaign committee.

1208 (35) (a) "Political consultant" means a person who is paid by a reporting entity, or paid

1209 by another person on behalf of and with the knowledge of the reporting entity, to provide

1210 political advice to the reporting entity.

1211 (b) "Political consultant" includes a circumstance described in Subsection (35)(a),

1212 where the person:

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

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

1215 (iii) understands that the person may, in the discretion of the reporting entity or another

1216 person on behalf of and with the knowledge of the reporting entity, be paid in the future, with

1217 money or other consideration.

1218 (36) "Political convention" means a county or state political convention held by a

1219 registered political party to select candidates.

1220 (37) (a) "Political issues committee" means an entity, or any group of individuals or

1221 entities within or outside this state, a major purpose of which is to:

1222 (i) solicit or receive donations from any other person, group, or entity to assist in

1223 placing a ballot proposition on the ballot, assist in keeping a ballot proposition off the ballot, or

1224 to advocate that a voter refrain from voting or vote for or vote against any ballot proposition;

1225 (ii) make expenditures to expressly advocate for any person to sign or refuse to sign a

1226 ballot proposition or incorporation petition or refrain from voting, vote for, or vote against any

1227 proposed ballot proposition or an incorporation in an incorporation election; or

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

1229 ballot or to assist in keeping a ballot proposition off the ballot.

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

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

1232 (ii) any entity that provides goods or services to an individual or committee in the

1233 regular course of its business at the same price that would be provided to the general public;

1234 (iii) an individual;

1235 (iv) individuals who are related and who make contributions from a joint checking

1236 account; or



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

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

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

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

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

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

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

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

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

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

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

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

1260 (A) a ballot proposition; or

1261 (B) an incorporation petition or incorporation election;

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

1264 (A) a ballot proposition; or

1265 (B) an incorporation petition or incorporation election;

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

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

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

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

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

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

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

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

1285 (b) "Poll" does not include:

1286 (i) a ballot; or

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

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

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

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

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

1297 ~~[(43)]~~ (44) "Public office" means the office of governor, lieutenant governor, state  
1298 auditor, state treasurer, attorney general, ~~[state school board member,]~~ state senator, state

1299 representative, speaker of the House of Representatives, president of the Senate, and the leader,  
1300 whip, and assistant whip of any party caucus in either house of the Legislature.

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

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

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

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

1309 (i) anything provided by the state;

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

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

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

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

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

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

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

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

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

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

1330 for any of its candidates for any office; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1381 (a) a personal use expenditure; or

1382 (b) an expenditure prohibited by law.

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

1387 (b) A person who is no longer an officeholder may transfer the money in a campaign  
1388 account in a manner that would cause the former officeholder to recognize the money as  
1389 taxable income under federal tax law if the transfer is made to a campaign account for federal  
1390 office.";

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

1392 amend Section [20A-11-403](#) to read:

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

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

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

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

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

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

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

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

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

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

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

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

1420 (5) If it appears that any officeholder has failed to file an interim report required by  
1421 law, if it appears that a filed interim report does not conform to the law, or if the lieutenant  
1422 governor has received a written complaint alleging a violation of the law or the falsity of any

1423 interim report, the lieutenant governor shall, if the lieutenant governor determines that a  
1424 violation has occurred:

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

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

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

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

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

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

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

1440 "**20A-11-1603. Financial disclosure form -- Required when filing for candidacy --**  
1441 **Public availability.**

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

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

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

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

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

1451 (3) The financial disclosure form shall contain the same requirements and shall be in  
1452 the same format as the financial disclosure form described in Section [20A-11-1604](#).

1453 (4) The financial disclosure form shall:

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

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

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

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

1461 "[20A-14-101.1] 53A-1-107. Definitions.

1462 As used in this part:

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

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

1466 (3) "Board shapefile" means the electronic shapefile that stores:

1467 ~~Ŝ → [a] ← Ŝ~~ the boundary of each of the 15 State Board of Education districts ~~Ŝ → [f] . [j]~~

1467a ~~[through~~

1468 ~~December 31, 2022; and~~

1469 ~~—— (b) the boundary of each of the nine State Board of Education districts beginning on~~  
1470 ~~January 1, 2023.] ← Ŝ~~

1471 (4) "Census block" means any one of the 115,406 individual geographic areas into  
1472 which the Bureau of the Census of the United States Department of Commerce has divided the  
1473 state of Utah, to each of which the Bureau of the Census has attached a discrete population  
1474 tabulation from the 2010 decennial census.

1475 (5) "Shapefile" means the digital vector storage format for storing geometric location  
1476 and associated attribute information.";

1477 (12) renumber Section 20A-14-101.5 as Section 53A-1-108 and amend to read:

1478 "[20A-14-101.5] 53A-1-108. State Board of Education districts.

1479 ~~[(1) As used in this section:]~~

1480 ~~[(a) "County boundary" means the county boundary's location in the database as of~~  
1481 ~~January 1, 2010.]~~

1482 ~~[(b) "Database" means the State Geographic Information Database created in Section~~  
1483 ~~63F-1-507.]~~

1484 ~~[(c) "Local school district boundary" means the local school district boundary's~~



1485 location in the database as of January 1, 2010.];

1486 [(d) "Municipal boundary" means the municipal boundary's location in the database as  
1487 of January 1, 2010.];

1488 [(2) The State Board of Education shall consist of 15 members, with one member to be  
1489 elected from each State Board of Education district.];

1490 [(3)] (1) The Legislature adopts the official census population figures and maps of the  
1491 Bureau of the Census of the United States Department of Commerce developed in connection  
1492 with the taking of the 2010 national decennial census as the official data for establishing State  
1493 Board of Education district boundaries.

1494 [(4)] (2) (a) Effective January 1, 2023, the Legislature shall adopt the official census  
1495 population figures and maps of the Bureau of the Census of the United States Department of  
1496 Commerce developed in connection with the taking of the 2020 national decennial census as  
1497 the official data for establishing State Board of Education district boundaries.

1498 (b) Using the data described in Subsection (2), the Legislature shall divide the state  
1499 into ~~9~~ 15 State Board of Education districts.

1500 (3) (a) Notwithstanding [~~Subsection (3)~~] Subsections (1) and (2), the Legislature enacts  
1501 the district numbers and boundaries of the State Board of Education districts designated in the  
1502 board shapefile [that is the electronic component of the bill that enacts this section].

1503 (b) [~~That~~] The board shapefile described in Subsection (3)(a), and the State Board of  
1504 Education district boundaries generated from that board shapefile, may be accessed via the  
1505 Utah Legislature's website.;"

1506 (13) enact Section [53A-1-109](#) to read:

1507 **"53A-1-109. State Board of Education -- Members.**

1508 (1) A member of the State Board of Education shall:

1509 (a) be appointed by the Governor, with the consent of the senate; and

1510 (b) reside in and represent a State Board of Education district, described in Section  
1511 [53A-1-108.](#)

1512 (2) ~~9~~ The board shall consist of 15 members ~~through December 31, 2022~~  
1512a ~~.~~

1513 ~~Beginning on January 1, 2023, the board shall consist of nine members.~~

1514 (3) A board member shall, during the member's term of office, maintain the member's  
1515 primary residence within the State Board of Education district that the member is appointed to

1516 represent.

1517 (4) An individual who has been convicted of a grievous sexual offense, as defined in  
 1518 Section 76-1-601, against a child, may not serve as a member of the board.

1519 (5) The governor shall appoint the members of the board, as the terms of existing  
 1520 members end, as follows:

1521 (a) for terms beginning on January 1, 2019, the governor shall appoint board members  
 1522 residing in districts 1, 2, 3, 5, 6, 9, and 14 to terms of four years; and

1523 (b) for terms beginning on January 1, 2021, the governor shall appoint board members  
 1524 residing in districts 4, 7, 8, 10, 11, 12, 13, and 15 to terms of ~~two~~ four ~~←~~ years.

1525 ~~→~~ ~~(6) The governor shall appoint nine members to the board, to terms beginning on~~  
 1526 ~~January 1, 2023, with one member residing in and representing each of the nine districts~~  
 1527 ~~described in Subsection 53A-1-108(2) as follows:~~

1528 ~~—— (a) the governor shall appoint five members to four-year terms; and~~

1529 ~~—— (b) the governor shall appoint four members to two-year terms.~~

1530 ~~(7) (6) ←~~ (a) If a vacancy occurs on the board for any reason before the end of the term for  
 1531 that board member, the governor shall appoint, with the consent of the Senate, an individual  
 1532 who resides in the applicable State Board of Education district to serve on the board for the  
 1533 remainder of the term of that board member.

1534 (b) The governor may remove an individual from the board for cause.

1535 (c) Except as provided in Subsection ~~→~~ ~~(7) (6) ←~~ (d), the governor may not appoint an  
 1536 individual to more than two consecutive terms as a member of the board.

1537 (d) The governor may appoint an individual appointed under Subsection ~~→~~ ~~(6)(b) or~~  
 1538 ~~(7) (6) ←~~ (a) to two consecutive terms on the board immediately following the partial initial  
 1538a term

1539 served by the board member.

1540 ~~→~~ ~~(8) (7) ←~~ A board member whose term expires shall continue to serve on the board  
 1540a until the

1541 member's replacement is appointed by the governor and confirmed by the Senate.

1542 ~~→~~ ~~(9) (8) ←~~ A board member may not, during the member's term of office, also serve as  
 1542a an

1543 employee of:

1544 (a) the State Board of Education;

1545 (b) the Utah State Office of Education; or

1546 (c) the Utah State Office of Rehabilitation.";

1547 (14) amend Section 53A-1-301 to read:

1548 **"53A-1-301. Appointment -- Qualifications -- Duties.**

1549 (1) (a) The State Board of Education, upon approval from the governor and with the  
1550 consent of the Senate, shall appoint a superintendent of public instruction, hereinafter called  
1551 the state superintendent, who is the executive officer of the board and serves at the pleasure of  
1552 the board.

1553 (b) The board shall appoint the state superintendent on the basis of outstanding  
1554 professional qualifications.

1555 (c) The state superintendent shall administer all programs assigned to the State Board  
1556 of Education in accordance with the policies and the standards established by the board.

1557 (2) The State Board shall with the appointed superintendent develop a statewide  
1558 education strategy focusing on core academics, including the development of:

1559 (a) core curriculum and graduation requirements;

1560 (b) a process to select instructional materials that best correlate to the core curriculum  
1561 and graduation requirements that are supported by generally accepted scientific standards of  
1562 evidence;

1563 (c) professional development programs for teachers, superintendents, and principals;

1564 (d) remediation programs;

1565 (e) a method for creating individual student learning targets, and a method of  
1566 measuring an individual student's performance toward those targets;

1567 (f) progress-based assessments for ongoing performance evaluations of districts and  
1568 schools;

1569 (g) incentives to achieve the desired outcome of individual student progress in core  
1570 academics, and which do not create disincentives for setting high goals for the students;

1571 (h) an annual report card for school and district performance, measuring learning and  
1572 reporting progress-based assessments;

1573 (i) a systematic method to encourage innovation in schools and school districts as they  
1574 strive to achieve improvement in their performance; and

1575 (j) a method for identifying and sharing best demonstrated practices across districts and  
1576 schools.

1577 (3) The superintendent shall perform duties assigned by the board, including the

1578 following:

1579 (a) investigating all matters pertaining to the public schools;

1580 (b) adopting and keeping an official seal to authenticate the superintendent's official  
1581 acts;

1582 (c) holding and conducting meetings, seminars, and conferences on educational topics;

1583 (d) presenting to the governor and the Legislature each December a report of the public  
1584 school system for the preceding year to include:

1585 (i) data on the general condition of the schools with recommendations considered  
1586 desirable for specific programs;

1587 (ii) a complete statement of fund balances;

1588 (iii) a complete statement of revenues by fund and source;

1589 (iv) a complete statement of adjusted expenditures by fund, the status of bonded  
1590 indebtedness, the cost of new school plants, and school levies;

1591 (v) a complete statement of state funds allocated to each school district and charter  
1592 school by source, including supplemental appropriations, and a complete statement of  
1593 expenditures by each school district and charter school, including supplemental appropriations,  
1594 by function and object as outlined in the U.S. Department of Education publication "Financial  
1595 Accounting for Local and State School Systems";

1596 (vi) a complete statement, by school district and charter school, of the amount of and  
1597 percentage increase or decrease in expenditures from the previous year attributed to:

1598 (A) wage increases, with expenditure data for base salary adjustments identified  
1599 separately from step and lane expenditures;

1600 (B) medical and dental premium cost adjustments; and

1601 (C) adjustments in the number of teachers and other staff;

1602 (vii) a statement that includes data on:

1603 (A) fall enrollments;

1604 (B) average membership;

1605 (C) high school graduates;

1606 (D) licensed and classified employees, including data reported by school districts on  
1607 educator ratings pursuant to Section [53A-8a-405](#);

1608 (E) pupil-teacher ratios;

1609 (F) average class sizes calculated in accordance with State Board of Education rules  
1610 adopted under Subsection 53A-3-602.5(4);

1611 (G) average salaries;

1612 (H) applicable private school data; and

1613 (I) data from standardized norm-referenced tests in grades 5, 8, and 11 on each school  
1614 and district;

1615 (viii) statistical information regarding incidents of delinquent activity in the schools or  
1616 at school-related activities with separate categories for:

1617 (A) alcohol and drug abuse;

1618 (B) weapon possession;

1619 (C) assaults; and

1620 (D) arson;

1621 (ix) information about:

1622 (A) the development and implementation of the strategy of focusing on core  
1623 academics;

1624 (B) the development and implementation of competency-based education and  
1625 progress-based assessments; and

1626 (C) the results being achieved under Subsections (3)(d)(ix)(A) and (B), as measured by  
1627 individual progress-based assessments and a comparison of Utah students' progress with the  
1628 progress of students in other states using standardized norm-referenced tests as benchmarks;  
1629 and

1630 (x) other statistical and financial information about the school system which the state  
1631 superintendent considers pertinent;

1632 (e) collecting and organizing education data into an automated decision support system  
1633 to facilitate school district and school improvement planning, accountability reporting,  
1634 performance recognition, and the evaluation of educational policy and program effectiveness to  
1635 include:

1636 (i) data that are:

1637 (A) comparable across schools and school districts;

1638 (B) appropriate for use in longitudinal studies; and

1639 (C) comprehensive with regard to the data elements required under applicable state or

1640 federal law or state board rule;

1641 (ii) features that enable users, most particularly school administrators, teachers, and  
1642 parents, to:

1643 (A) retrieve school and school district level data electronically;

1644 (B) interpret the data visually; and

1645 (C) draw conclusions that are statistically valid; and

1646 (iii) procedures for the collection and management of education data that:

1647 (A) require the state superintendent of public instruction to:

1648 (I) collaborate with school districts in designing and implementing uniform data  
1649 standards and definitions;

1650 (II) undertake or sponsor research to implement improved methods for analyzing  
1651 education data;

1652 (III) provide for data security to prevent unauthorized access to or contamination of the  
1653 data; and

1654 (IV) protect the confidentiality of data under state and federal privacy laws; and

1655 (B) require all school districts and schools to comply with the data collection and  
1656 management procedures established under Subsection (3)(e);

1657 (f) administering and implementing federal educational programs in accordance with  
1658 Title 53A, Chapter 1, Part 9, Implementing Federal Programs Act; and

1659 (g) with the approval of the board, preparing and submitting to the governor a budget  
1660 for the board to be included in the budget that the governor submits to the Legislature.

1661 (4) The state superintendent shall distribute funds deposited in the Autism Awareness  
1662 Restricted Account created in Section [53A-1-304](#) in accordance with the requirements of  
1663 Section [53A-1-304](#).

1664 (5) Upon leaving office, the state superintendent shall deliver to the state  
1665 superintendent's successor all books, records, documents, maps, reports, papers, and other  
1666 articles pertaining to the state superintendent's office.

1667 (6) (a) For the purpose of Subsection (3)(d)(vii):

1668 (i) the pupil-teacher ratio for a school shall be calculated by dividing the number of  
1669 students enrolled in a school by the number of full-time equivalent teachers assigned to the  
1670 school, including regular classroom teachers, school-based specialists, and special education

1671 teachers;

1672 (ii) the pupil-teacher ratio for a school district shall be the median pupil-teacher ratio of  
1673 the schools within a school district;

1674 (iii) the pupil-teacher ratio for charter schools aggregated shall be the median  
1675 pupil-teacher ratio of charter schools in the state; and

1676 (iv) the pupil-teacher ratio for the state's public schools aggregated shall be the median  
1677 pupil-teacher ratio of public schools in the state.

1678 (b) The printed copy of the report required by Subsection (3)(d) shall:

1679 (i) include the pupil-teacher ratio for:

1680 (A) each school district;

1681 (B) the charter schools aggregated; and

1682 (C) the state's public schools aggregated; and

1683 (ii) indicate the Internet website where pupil-teacher ratios for each school in the state  
1684 may be accessed.";

1685 (15) renumber and amend Section 20A-14-102 as Section 53A-1-110, as follows:

1686 "[20A-14-102.] 53A-1-110. Board shapefile -- Lieutenant Governor's Office  
1687 as repository.

1688 (1) (a) The Legislature shall file a copy of the board shapefile enacted by the  
1689 Legislature with the lieutenant governor's office.

1690 (b) The legal boundaries of State Board of Education districts are contained in the  
1691 board shapefile on file with the lieutenant governor's office.

1692 (2) (a) The lieutenant governor shall:

1693 (i) generate maps of each State Board of Education district from the board shapefile;  
1694 and

1695 (ii) ensure that those maps are available for viewing on the lieutenant governor's  
1696 website.

1697 (b) If there is any inconsistency between the maps and the board shapefile, the board  
1698 shapefile is controlling.";

1699 (16) renumber and amend Section 20A-14-102.1 as Section 53A-1-111, as follows:

1700 "[20A-14-102.1.] 53A-1-111. Omissions from maps -- How resolved.

1701 (1) If any area of the state is omitted from a State Board of Education district in the

1702 board shapefile enacted by the Legislature, the county clerk of the affected county, upon  
1703 discovery of the omission, shall attach the area to the appropriate State Board of Education  
1704 district according to the requirements of Subsections (2) and (3).

1705 (2) If the omitted area is surrounded by a single State Board of Education district, the  
1706 county clerk shall attach the area to that district.

1707 (3) If the omitted area is contiguous to two or more State Board of Education districts,  
1708 the county clerk shall attach the area to the district that has the least population, as determined  
1709 by the Utah Population Estimates Committee.

1710 (4) The county clerk shall certify in writing and file with the lieutenant governor any  
1711 attachment made under this section.";

1712 (17) renumber Section 20A-14-102.2 as Section 53A-1-112 and amend to read:

1713 "[20A-14-102.2] 53A-1-112. Uncertain boundaries -- How resolved.

1714 (1) As used in this section:

1715 (a) "Affected party" means:

1716 (i) a ~~[state school]~~ board member whose State Board of Education district boundary is  
1717 uncertain because the feature used to establish the district boundary in the board shapefile has  
1718 been removed, modified, or is unable to be identified or who is uncertain about whether ~~[or~~  
1719 ~~not]~~ the member or another person resides in a particular State Board of Education district;

1720 (ii) a ~~[candidate for state school]~~ potential appointee to the board whose State Board of  
1721 Education district boundary is uncertain because the feature used to establish the district  
1722 boundary in the board shapefile has been removed, modified, or is unable to be identified or  
1723 who is uncertain about whether ~~[or not the candidate or another person]~~ the potential appointee  
1724 or another individual resides in a particular State Board of Education district; or

1725 (iii) ~~[a person]~~ an individual who is uncertain about which State Board of Education  
1726 district contains the ~~[person's]~~ individual's residence because the feature used to establish the  
1727 district boundary in the board shapefile has been removed, modified, or is unable to be  
1728 identified.

1729 (b) "Feature" means a geographic or other tangible or intangible mark such as a road or  
1730 political subdivision boundary that is used to establish a State Board of Education district  
1731 boundary.

1732 (2) (a) An affected party may file a written request petitioning the lieutenant governor



1733 to determine:

1734 (i) the precise location of the State Board of Education district boundary;

1735 (ii) the number of the State Board of Education district in which [~~a person~~] an  
1736 individual resides; or

1737 (iii) both Subsections (2)(a)(i) and (ii).

1738 (b) In order to make the determination required by Subsection (2)(a), the lieutenant  
1739 governor shall review:

1740 (i) the board shapefile; and

1741 (ii) other relevant data such as aerial photographs, aerial maps, or other data about the  
1742 area.

1743 (c) Within five days of receipt of the request, the lieutenant governor shall:

1744 (i) review the board [~~block~~] shapefile;

1745 (ii) review any relevant data; and

1746 (iii) make a determination.

1747 (d) If the lieutenant governor determines the precise location of the State Board of  
1748 Education district boundary, the lieutenant governor shall:

1749 (i) prepare a certification identifying the appropriate State Board of Education district  
1750 boundary and attaching a map, if necessary; and

1751 (ii) send a copy of the certification to:

1752 (A) the affected party;

1753 (B) the county clerk of the affected county; and

1754 (C) the Automated Geographic Reference Center created under Section [63F-1-506](#).

1755 (e) If the lieutenant governor determines the number of the State Board of Education  
1756 district in which a particular [~~person~~] individual resides, the lieutenant governor shall send a  
1757 letter identifying that district by number to:

1758 (i) the [~~person~~] individual;

1759 (ii) the affected party who filed the petition, if different than the [~~person~~] individual  
1760 whose State Board of Education district number was identified; and

1761 (iii) the county clerk of the affected county.";

1762 (18) renumber Section [20A-14-102.3](#) as Section [53A-1-113](#) and amend to read:

1763 "~~[20A-14-102.3:]~~ [53A-1-113](#). County clerk, Automated Geographic Reference

1764 **Center, and lieutenant governor responsibilities -- Maps.**

1765 (1) As used in this section, "redistricting boundary data" means the board shapefile.

1766 (2) Each county clerk shall obtain a copy of the redistricting boundary data for the  
1767 clerk's county from the lieutenant governor's office.

1768 (3) (a) A county clerk may create one or more county maps that identify the boundaries  
1769 of State Board of Education districts as generated from the redistricting boundary data.

1770 (b) Before publishing or distributing any map or data created by the county clerk that  
1771 identifies the boundaries of State Board of Education districts within the county, the clerk shall  
1772 submit the county map and data to the lieutenant governor and to the Automated Geographic  
1773 Reference Center for review.

1774 (c) Within 30 days after receipt of a county map and data from a county clerk, the  
1775 Automated Geographic Reference Center shall:

1776 (i) review the county map and data to evaluate if the county map and data accurately  
1777 reflect the boundaries of State Board of Education districts established by the Legislature in the  
1778 redistricting boundary data;

1779 (ii) determine whether the county map and data are correct or incorrect; and

1780 (iii) communicate those findings to the lieutenant governor.

1781 (d) The lieutenant governor shall either notify the county clerk that the county map and  
1782 data are correct or inform the county clerk that the county map and data are incorrect.

1783 (e) If the county clerk receives notice from the lieutenant governor that the county map  
1784 and data submitted are incorrect, the county clerk shall:

1785 (i) make the corrections necessary to conform the county map and data to the  
1786 redistricting boundary data; and

1787 (ii) resubmit the corrected county map and data to the lieutenant governor for a new  
1788 review under this Subsection (3).

1789 ~~[(4) (a) Subject to the requirements of this Subsection (4), each county clerk shall~~  
1790 ~~establish voting precincts and polling places within each State Board of Education district~~  
1791 ~~according to the procedures and requirements of Section 20A-5-303.]~~

1792 ~~[(b) Within five working days after approval of voting precincts and polling places by~~  
1793 ~~the county legislative body as required by Section 20A-5-303, each county clerk shall submit a~~  
1794 ~~voting precinct map identifying the boundaries of each voting precinct within the county to the~~

1795 lieutenant governor and to the Automated Geographic Reference Center for review.]

1796 ~~[(c) Within 30 days after receipt of a voting precinct map from a county clerk, the~~  
1797 ~~Automated Geographic Reference Center shall:]~~

1798 ~~[(i) review the voting precinct map to evaluate if the voting precinct map accurately~~  
1799 ~~reflects the boundaries of State Board of Education districts established by the Legislature in~~  
1800 ~~the redistricting boundary data;]~~

1801 ~~[(ii) determine whether the voting precinct map is correct or incorrect; and]~~

1802 ~~[(iii) communicate those findings to the lieutenant governor:]~~

1803 ~~[(d) The lieutenant governor shall either notify the county clerk that the voting precinct~~  
1804 ~~map is correct or notify the county clerk that the voting precinct map is incorrect.]~~

1805 ~~[(e) If the county clerk receives notice from the lieutenant governor that the voting~~  
1806 ~~precinct map is incorrect, the county clerk shall:]~~

1807 ~~[(i) make the corrections necessary to conform the voting precinct map to the~~  
1808 ~~redistricting boundary data; and]~~

1809 ~~[(ii) resubmit the corrected voting precinct map to the lieutenant governor and to the~~  
1810 ~~Automated Geographic Reference Center for a new review under this Subsection (4).]";~~

1811 (19) amend Section 53A-1-201 to read:

1812 **"53A-1-201. Election and appointment of officers -- Removal from office.**

1813 (1) As used in this section, "board" means the State Board of Education.

1814 ~~[(1)]~~ (2) The State Board of Education shall elect from its members a chair, and at least  
1815 one vice chair, but no more than three vice chairs, each year at a meeting held any time  
1816 between November 15 and January 15.

1817 ~~[(2)]~~ (3) (a) If the election of officers is held subsequent to the ~~[election]~~ appointment  
1818 of a new member of the board, but ~~[prior to the time that]~~ before the new member takes office,  
1819 the new member shall assume the position of the outgoing member for purposes of the election  
1820 of officers.

1821 (b) In all other matters the outgoing member shall retain the full authority of the office  
1822 until replaced as provided by law.

1823 ~~[(3)]~~ (4) The duties of these officers shall be determined by the board.

1824 ~~[(4)]~~ (5) The board shall appoint a secretary who serves at the pleasure of the board.

1825 ~~[(5)]~~ (6) An officer appointed or elected by the board under this section may be

- 1826 removed from office for cause by a vote of two-thirds of the board.";
- 1827        (20) repeal Section [20A-1-507](#);
- 1828        (21) repeal Section [20A-11-1301](#);
- 1829        (22) repeal Section [20A-11-1302](#);
- 1830        (23) repeal Section [20A-11-1303](#);
- 1831        (24) repeal Section [20A-11-1304](#);
- 1832        (25) repeal Section [20A-11-1305](#);
- 1833        (26) repeal Section [20A-14-103](#);
- 1834        (27) repeal Section [20A-14-104](#);
- 1835        (28) repeal Section [20A-14-106](#); and
- 1836        (29) repeal Section [53A-1-101](#).

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**Legislative Review Note**  
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**Office of Legislative Research and General Counsel**