

Representative Brian M. Greene proposes the following substitute bill:

EDUCATION ELECTIONS AND REPORTING AMENDMENTS

2015 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Alvin B. Jackson

House Sponsor: Keven J. Stratton

LONG TITLE

General Description:

This bill amends provisions of the Election Code to make candidates for, and members of, the State Board of Education and certain local school boards subject to partisan election and modifies the reporting requirements of state school board office candidates and officeholders.

Highlighted Provisions:

This bill:

- ▶ provides that members of the State Board of Education, and local school boards in districts designated as partisan school districts, are elected through partisan election;
- ▶ modifies the reporting requirements of state school board office candidates and officeholders;
- ▶ removes the nominating committee, and related provisions, for selecting candidates to run for the State Board of Education; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None



26 **Utah Code Sections Affected:**

27 AMENDS:

28 **20A-1-102**, as last amended by Laws of Utah 2014, Chapters 17, 31, 231, 362, and 391

29 **20A-1-504**, as last amended by Laws of Utah 2010, Chapter 197

30 **20A-1-511**, as last amended by Laws of Utah 2012, Chapter 327

31 **20A-9-101**, as last amended by Laws of Utah 2014, Chapter 17

32 **20A-9-403**, as last amended by Laws of Utah 2014, Chapter 17

33 **20A-9-406**, as enacted by Laws of Utah 2014, Chapter 17

34 **20A-9-408**, as enacted by Laws of Utah 2014, Chapter 17

35 **20A-11-403**, as last amended by Laws of Utah 2013, Chapter 420

36 **20A-11-1301**, as last amended by Laws of Utah 2014, Chapters 335 and 337

37 **20A-11-1303**, as last amended by Laws of Utah 2014, Chapter 337

38 **20A-11-1305**, as last amended by Laws of Utah 2014, Chapter 337

39 **20A-14-103**, as last amended by Laws of Utah 2011, Third Special Session, Chapter 3

40 **20A-14-104**, as last amended by Laws of Utah 2004, Chapter 19

41 **20A-14-202**, as last amended by Laws of Utah 2011, Chapter 297

42 REPEALS:

43 **20A-14-105**, as last amended by Laws of Utah 2011, Chapters 292, 327, 335 and last
44 amended by Coordination Clause, Laws of Utah 2011, Chapter 327



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

47 Section 1. Section **20A-1-102** is amended to read:

48 **20A-1-102. Definitions.**

49 As used in this title:

50 (1) "Active voter" means a registered voter who has not been classified as an inactive
51 voter by the county clerk.

52 (2) "Automatic tabulating equipment" means apparatus that automatically examines
53 and counts votes recorded on paper ballots or ballot sheets and tabulates the results.

54 (3) (a) "Ballot" means the storage medium, whether paper, mechanical, or electronic,
55 upon which a voter records the voter's votes.

56 (b) "Ballot" includes ballot sheets, paper ballots, electronic ballots, and secrecy

57 envelopes.

58 (4) "Ballot label" means the cards, papers, booklet, pages, or other materials that:

59 (a) contain the names of offices and candidates and statements of ballot propositions to
60 be voted on; and

61 (b) are used in conjunction with ballot sheets that do not display that information.

62 (5) "Ballot proposition" means a question, issue, or proposal that is submitted to voters
63 on the ballot for their approval or rejection including:

64 (a) an opinion question specifically authorized by the Legislature;

65 (b) a constitutional amendment;

66 (c) an initiative;

67 (d) a referendum;

68 (e) a bond proposition;

69 (f) a judicial retention question;

70 (g) an incorporation of a city or town; or

71 (h) any other ballot question specifically authorized by the Legislature.

72 (6) "Ballot sheet":

73 (a) means a ballot that:

74 (i) consists of paper or a card where the voter's votes are marked or recorded; and

75 (ii) can be counted using automatic tabulating equipment; and

76 (b) includes punch card ballots and other ballots that are machine-countable.

77 (7) "Bind," "binding," or "bound" means securing more than one piece of paper

78 together with a staple or stitch in at least three places across the top of the paper in the blank
79 space reserved for securing the paper.

80 (8) "Board of canvassers" means the entities established by Sections [20A-4-301](#) and
81 [20A-4-306](#) to canvass election returns.

82 (9) "Bond election" means an election held for the purpose of approving or rejecting
83 the proposed issuance of bonds by a government entity.

84 (10) "Book voter registration form" means voter registration forms contained in a
85 bound book that are used by election officers and registration agents to register persons to vote.

86 (11) "Business reply mail envelope" means an envelope that may be mailed free of
87 charge by the sender.

88 (12) "By-mail voter registration form" means a voter registration form designed to be
89 completed by the voter and mailed to the election officer.

90 (13) "Canvass" means the review of election returns and the official declaration of
91 election results by the board of canvassers.

92 (14) "Canvassing judge" means a poll worker designated to assist in counting ballots at
93 the canvass.

94 (15) "Contracting election officer" means an election officer who enters into a contract
95 or interlocal agreement with a provider election officer.

96 (16) "Convention" means the political party convention at which party officers and
97 delegates are selected.

98 (17) "Counting center" means one or more locations selected by the election officer in
99 charge of the election for the automatic counting of ballots.

100 (18) "Counting judge" means a poll worker designated to count the ballots during
101 election day.

102 (19) "Counting poll watcher" means a person selected as provided in Section
103 [20A-3-201](#) to witness the counting of ballots.

104 (20) "Counting room" means a suitable and convenient private place or room,
105 immediately adjoining the place where the election is being held, for use by the poll workers
106 and counting judges to count ballots during election day.

107 (21) "County officers" means those county officers that are required by law to be
108 elected.

109 (22) "Date of the election" or "election day" or "day of the election":

110 (a) means the day that is specified in the calendar year as the day that the election
111 occurs; and

112 (b) does not include:

113 (i) deadlines established for absentee voting; or

114 (ii) any early voting or early voting period as provided under Chapter 3, Part 6, Early
115 Voting.

116 (23) "Elected official" means:

117 (a) a person elected to an office under Section [20A-1-303](#);

118 (b) a person who is considered to be elected to a municipal office in accordance with

119 Subsection 20A-1-206(1)(c)(ii); or

120 (c) a person who is considered to be elected to a local district office in accordance with

121 Subsection 20A-1-206(3)(c)(ii).

122 (24) "Election" means a regular general election, a municipal general election, a
123 statewide special election, a local special election, a regular primary election, a municipal
124 primary election, and a local district election.

125 (25) "Election Assistance Commission" means the commission established by Public
126 Law 107-252, the Help America Vote Act of 2002.

127 (26) "Election cycle" means the period beginning on the first day persons are eligible to
128 file declarations of candidacy and ending when the canvass is completed.

129 (27) "Election judge" means a poll worker that is assigned to:

130 (a) preside over other poll workers at a polling place;

131 (b) act as the presiding election judge; or

132 (c) serve as a canvassing judge, counting judge, or receiving judge.

133 (28) "Election officer" means:

134 (a) the lieutenant governor, for all statewide ballots and elections;

135 (b) the county clerk for:

136 (i) a county ballot and election; and

137 (ii) a ballot and election as a provider election officer as provided in Section
138 20A-5-400.1 or 20A-5-400.5;

139 (c) the municipal clerk for:

140 (i) a municipal ballot and election; and

141 (ii) a ballot and election as a provider election officer as provided in Section
142 20A-5-400.1 or 20A-5-400.5;

143 (d) the local district clerk or chief executive officer for:

144 (i) a local district ballot and election; and

145 (ii) a ballot and election as a provider election officer as provided in Section
146 20A-5-400.1 or 20A-5-400.5; or

147 (e) the business administrator or superintendent of a school district for:

148 (i) a school district ballot and election; and

149 (ii) a ballot and election as a provider election officer as provided in Section

150 [20A-5-400.1](#) or [20A-5-400.5](#).

151 (29) "Election official" means any election officer, election judge, or poll worker.

152 (30) "Election results" means:

153 (a) for an election other than a bond election, the count of votes cast in the election and
154 the election returns requested by the board of canvassers; or

155 (b) for bond elections, the count of those votes cast for and against the bond
156 proposition plus any or all of the election returns that the board of canvassers may request.

157 (31) "Election returns" includes the pollbook, the military and overseas absentee voter
158 registration and voting certificates, one of the tally sheets, any unprocessed absentee ballots, all
159 counted ballots, all excess ballots, all unused ballots, all spoiled ballots, the ballot disposition
160 form, and the total votes cast form.

161 (32) "Electronic ballot" means a ballot that is recorded using a direct electronic voting
162 device or other voting device that records and stores ballot information by electronic means.

163 (33) "Electronic signature" means an electronic sound, symbol, or process attached to
164 or logically associated with a record and executed or adopted by a person with the intent to sign
165 the record.

166 (34) (a) "Electronic voting device" means a voting device that uses electronic ballots.

167 (b) "Electronic voting device" includes a direct recording electronic voting device.

168 (35) "Inactive voter" means a registered voter who has:

169 (a) been sent the notice required by Section [20A-2-306](#); and

170 (b) failed to respond to that notice.

171 (36) "Inspecting poll watcher" means a person selected as provided in this title to
172 witness the receipt and safe deposit of voted and counted ballots.

173 (37) "Judicial office" means the office filled by any judicial officer.

174 (38) "Judicial officer" means any justice or judge of a court of record or any county
175 court judge.

176 (39) "Local district" means a local government entity under Title 17B, Limited Purpose
177 Local Government Entities - Local Districts, and includes a special service district under Title
178 17D, Chapter 1, Special Service District Act.

179 (40) "Local district officers" means those local district board members that are required
180 by law to be elected.

181 (41) "Local election" means a regular county election, a regular municipal election, a
182 municipal primary election, a local special election, a local district election, and a bond
183 election.

184 (42) "Local political subdivision" means a county, a municipality, a local district, or a
185 local school district.

186 (43) "Local special election" means a special election called by the governing body of a
187 local political subdivision in which all registered voters of the local political subdivision may
188 vote.

189 (44) "Municipal executive" means:

190 (a) the mayor in the council-mayor form of government defined in Section [10-3b-102](#);

191 or

192 (b) the mayor in the council-manager form of government defined in Subsection

193 [10-3b-103\(6\)](#).

194 (45) "Municipal general election" means the election held in municipalities and, as
195 applicable, local districts on the first Tuesday after the first Monday in November of each
196 odd-numbered year for the purposes established in Section [20A-1-202](#).

197 (46) "Municipal legislative body" means the council of the city or town in any form of
198 municipal government.

199 (47) "Municipal office" means an elective office in a municipality.

200 (48) "Municipal officers" means those municipal officers that are required by law to be
201 elected.

202 (49) "Municipal primary election" means an election held to nominate candidates for
203 municipal office.

204 (50) "Nonpartisan school district" means a school district designated as a nonpartisan
205 school district under Subsection [20A-14-202\(5\)](#).

206 [~~(50)~~] (51) "Official ballot" means the ballots distributed by the election officer to the
207 poll workers to be given to voters to record their votes.

208 [~~(51)~~] (52) "Official endorsement" means:

209 (a) the information on the ballot that identifies:

210 (i) the ballot as an official ballot;

211 (ii) the date of the election; and

212 (iii) the facsimile signature of the election officer; and

213 (b) the information on the ballot stub that identifies:

214 (i) the poll worker's initials; and

215 (ii) the ballot number.

216 [~~52~~] (53) "Official register" means the official record furnished to election officials
217 by the election officer that contains the information required by Section 20A-5-401.

218 [~~53~~] (54) "Paper ballot" means a paper that contains:

219 (a) the names of offices and candidates and statements of ballot propositions to be
220 voted on; and

221 (b) spaces for the voter to record the voter's vote for each office and for or against each
222 ballot proposition.

223 (55) "Partisan school district" means a school district designated as a partisan school
224 district under Subsection 20A-14-202(5).

225 [~~54~~] (56) "Pilot project" means the election day voter registration pilot project created
226 in Section 20A-4-108.

227 [~~55~~] (57) "Political party" means an organization of registered voters that has
228 qualified to participate in an election by meeting the requirements of Chapter 8, Political Party
229 Formation and Procedures.

230 [~~56~~] (58) "Pollbook" means a record of the names of voters in the order that they
231 appear to cast votes.

232 [~~57~~] (59) "Polling place" means the building where voting is conducted.

233 [~~58~~] (60) (a) "Poll worker" means a person assigned by an election official to assist
234 with an election, voting, or counting votes.

235 (b) "Poll worker" includes election judges.

236 (c) "Poll worker" does not include a watcher.

237 [~~59~~] (61) "Position" means a square, circle, rectangle, or other geometric shape on a
238 ballot in which the voter marks the voter's choice.

239 [~~60~~] (62) "Primary convention" means the political party conventions held during the
240 year of the regular general election.

241 [~~61~~] (63) "Protective counter" means a separate counter, which cannot be reset, that:

242 (a) is built into a voting machine; and

243 (b) records the total number of movements of the operating lever.

244 ~~[(62)]~~ (64) "Provider election officer" means an election officer who enters into a
245 contract or interlocal agreement with a contracting election officer to conduct an election for
246 the contracting election officer's local political subdivision in accordance with Section
247 [20A-5-400.1](#).

248 ~~[(63)]~~ (65) "Provisional ballot" means a ballot voted provisionally by a person:

249 (a) whose name is not listed on the official register at the polling place;

250 (b) whose legal right to vote is challenged as provided in this title; or

251 (c) whose identity was not sufficiently established by a poll worker.

252 ~~[(64)]~~ (66) "Provisional ballot envelope" means an envelope printed in the form
253 required by Section [20A-6-105](#) that is used to identify provisional ballots and to provide
254 information to verify a person's legal right to vote.

255 ~~[(65)]~~ (67) "Qualify" or "qualified" means to take the oath of office and begin
256 performing the duties of the position for which the person was elected.

257 ~~[(66)]~~ (68) "Receiving judge" means the poll worker that checks the voter's name in the
258 official register, provides the voter with a ballot, and removes the ballot stub from the ballot
259 after the voter has voted.

260 ~~[(67)]~~ (69) "Registration form" means a book voter registration form and a by-mail
261 voter registration form.

262 ~~[(68)]~~ (70) "Regular ballot" means a ballot that is not a provisional ballot.

263 ~~[(69)]~~ (71) "Regular general election" means the election held throughout the state on
264 the first Tuesday after the first Monday in November of each even-numbered year for the
265 purposes established in Section [20A-1-201](#).

266 ~~[(70)]~~ (72) "Regular primary election" means the election on the fourth Tuesday of
267 June of each even-numbered year, to nominate candidates of political parties and candidates for
268 ~~[nonpartisan]~~ local school board positions to advance to the regular general election.

269 ~~[(71)]~~ (73) "Resident" means a person who resides within a specific voting precinct in
270 Utah.

271 ~~[(72)]~~ (74) "Sample ballot" means a mock ballot similar in form to the official ballot
272 printed and distributed as provided in Section [20A-5-405](#).

273 ~~[(73)]~~ (75) "Scratch vote" means to mark or punch the straight party ticket and then

274 mark or punch the ballot for one or more candidates who are members of different political
275 parties.

276 ~~[(74)]~~ (76) "Secrecy envelope" means the envelope given to a voter along with the
277 ballot into which the voter places the ballot after the voter has voted it in order to preserve the
278 secrecy of the voter's vote.

279 ~~[(75)]~~ (77) "Special election" means an election held as authorized by Section
280 20A-1-203.

281 ~~[(76)]~~ (78) "Spoiled ballot" means each ballot that:

282 (a) is spoiled by the voter;

283 (b) is unable to be voted because it was spoiled by the printer or a poll worker; or

284 (c) lacks the official endorsement.

285 ~~[(77)]~~ (79) "Statewide special election" means a special election called by the governor
286 or the Legislature in which all registered voters in Utah may vote.

287 ~~[(78)]~~ (80) "Stub" means the detachable part of each ballot.

288 ~~[(79)]~~ (81) "Substitute ballots" means replacement ballots provided by an election
289 officer to the poll workers when the official ballots are lost or stolen.

290 ~~[(80)]~~ (82) "Ticket" means each list of candidates for each political party or for each
291 group of petitioners.

292 ~~[(81)]~~ (83) "Transfer case" means the sealed box used to transport voted ballots to the
293 counting center.

294 ~~[(82)]~~ (84) "Vacancy" means the absence of a person to serve in any position created
295 by statute, whether that absence occurs because of death, disability, disqualification,
296 resignation, or other cause.

297 ~~[(83)]~~ (85) "Valid voter identification" means:

298 (a) a form of identification that bears the name and photograph of the voter which may
299 include:

300 (i) a currently valid Utah driver license;

301 (ii) a currently valid identification card that is issued by:

302 (A) the state; or

303 (B) a branch, department, or agency of the United States;

304 (iii) a currently valid Utah permit to carry a concealed weapon;

- 305 (iv) a currently valid United States passport; or
- 306 (v) a currently valid United States military identification card;
- 307 (b) one of the following identification cards, whether or not the card includes a
- 308 photograph of the voter:
 - 309 (i) a valid tribal identification card;
 - 310 (ii) a Bureau of Indian Affairs card; or
 - 311 (iii) a tribal treaty card; or
 - 312 (c) two forms of identification not listed under Subsection [~~(83)~~] (85)(a) or (b) but that
 - 313 bear the name of the voter and provide evidence that the voter resides in the voting precinct,
 - 314 which may include:
 - 315 (i) a current utility bill or a legible copy thereof, dated within the 90 days before the
 - 316 election;
 - 317 (ii) a bank or other financial account statement, or a legible copy thereof;
 - 318 (iii) a certified birth certificate;
 - 319 (iv) a valid Social Security card;
 - 320 (v) a check issued by the state or the federal government or a legible copy thereof;
 - 321 (vi) a paycheck from the voter's employer, or a legible copy thereof;
 - 322 (vii) a currently valid Utah hunting or fishing license;
 - 323 (viii) certified naturalization documentation;
 - 324 (ix) a currently valid license issued by an authorized agency of the United States;
 - 325 (x) a certified copy of court records showing the voter's adoption or name change;
 - 326 (xi) a valid Medicaid card, Medicare card, or Electronic Benefits Transfer Card;
 - 327 (xii) a currently valid identification card issued by:
 - 328 (A) a local government within the state;
 - 329 (B) an employer for an employee; or
 - 330 (C) a college, university, technical school, or professional school located within the
 - 331 state; or
 - 332 (xiii) a current Utah vehicle registration.
 - 333 [~~(84)~~] (86) "Valid write-in candidate" means a candidate who has qualified as a
 - 334 write-in candidate by following the procedures and requirements of this title.
 - 335 [~~(85)~~] (87) "Voter" means a person who:

336 (a) meets the requirements for voting in an election;

337 (b) meets the requirements of election registration;

338 (c) is registered to vote; and

339 (d) is listed in the official register book.

340 ~~[(86)]~~ (88) "Voter registration deadline" means the registration deadline provided in
341 Section [20A-2-102.5](#).

342 ~~[(87)]~~ (89) "Voting area" means the area within six feet of the voting booths, voting
343 machines, and ballot box.

344 ~~[(88)]~~ (90) "Voting booth" means:

345 (a) the space or compartment within a polling place that is provided for the preparation
346 of ballots, including the voting machine enclosure or curtain; or

347 (b) a voting device that is free standing.

348 ~~[(89)]~~ (91) "Voting device" means:

349 (a) an apparatus in which ballot sheets are used in connection with a punch device for
350 piercing the ballots by the voter;

351 (b) a device for marking the ballots with ink or another substance;

352 (c) an electronic voting device or other device used to make selections and cast a ballot
353 electronically, or any component thereof;

354 (d) an automated voting system under Section [20A-5-302](#); or

355 (e) any other method for recording votes on ballots so that the ballot may be tabulated
356 by means of automatic tabulating equipment.

357 ~~[(90)]~~ (92) "Voting machine" means a machine designed for the sole purpose of
358 recording and tabulating votes cast by voters at an election.

359 ~~[(91)]~~ (93) "Voting poll watcher" means a person appointed as provided in this title to
360 witness the distribution of ballots and the voting process.

361 ~~[(92)]~~ (94) "Voting precinct" means the smallest voting unit established as provided by
362 law within which qualified voters vote at one polling place.

363 ~~[(93)]~~ (95) "Watcher" means a voting poll watcher, a counting poll watcher, an
364 inspecting poll watcher, and a testing watcher.

365 ~~[(94)]~~ (96) "Western States Presidential Primary" means the election established in
366 Chapter 9, Part 8, Western States Presidential Primary.

367 ~~[(95)]~~ (97) "Write-in ballot" means a ballot containing any write-in votes.

368 ~~[(96)]~~ (98) "Write-in vote" means a vote cast for a person whose name is not printed on
369 the ballot according to the procedures established in this title.

370 Section 2. Section **20A-1-504** is amended to read:

371 **20A-1-504. Midterm vacancies in the offices of attorney general, state treasurer,**
372 **state auditor, and lieutenant governor.**

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

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

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

382 (3) For a State Board of Education vacancy, if the individual who is being replaced is
383 not a member of a political party, the governor shall fill the vacancy, with the consent of the
384 Senate, by selecting an individual who meets the qualifications and residency requirements for
385 filling the vacancy.

386 Section 3. Section **20A-1-511** is amended to read:

387 **20A-1-511. Midterm vacancies on local school boards.**

388 (1) (a) ~~Except as provided in Subsection (2), a local school board shall fill~~
389 ~~vacancies on the board by [appointment, except as otherwise provided in Subsection (2).]:~~

390 (i) for a partisan school district, appointing a legally qualified individual from a list of
391 names submitted by the same political party as the individual whose vacancy is being filled; or

392 (ii) for a nonpartisan school district, appointing a legally qualified individual.

393 (b) If the board fails to make an appointment within 30 days after a vacancy occurs, the
394 county legislative body, or municipal legislative body in a city district, shall fill the vacancy by
395 ~~[appointment.]:~~

396 (i) for a partisan school district, appointing an individual from a list of names
397 submitted by the same political party as the individual whose vacancy is being filled; or

398 (ii) for a nonpartisan school district, appointing a legally qualified individual.
399 (c) A member appointed and qualified under this Subsection (1) shall serve until a
400 successor is elected or appointed and qualified.
401 (2) (a) A vacancy on the board shall be filled by an interim appointment, followed by
402 an election to fill a two-year term if:
403 (i) the vacancy on the board occurs, or a letter of resignation is received by the board,
404 at least 14 days before the deadline for filing a declaration of candidacy; and
405 (ii) two years of the vacated term will remain after the first Monday of January
406 following the next school board election.
407 (b) Members elected under this Subsection (2) shall serve for the remaining two years
408 of the vacated term and until a successor is elected and qualified.
409 (3) Before appointing [~~a person~~] an individual to fill a vacancy under this section, the
410 local school board shall [~~:(a) give public notice of the vacancy at least two weeks before the~~
411 ~~local school board meets to fill the vacancy; (b) identify, in the notice: (i) the date, time, and~~
412 ~~place of the meeting where the vacancy will be filled; and (ii) the person to whom a person~~
413 ~~interested in being appointed to fill the vacancy may submit his name for consideration and any~~
414 ~~deadline for submitting it; and (c)]₂ in an open meeting, interview each [~~person~~] individual
415 whose name [~~was~~] is submitted for consideration and meets the qualifications for office
416 regarding the [~~person's~~] individual's qualifications.
417 (4) If the individual who is being replaced on the board of a partisan school district is
418 not a member of a political party, the local school board shall appoint a replacement or interim
419 replacement for the individual by:
420 (a) giving public notice of the vacancy at least two weeks before the local school board
421 meets to fill the vacancy;
422 (b) identifying, in the notice:
423 (i) the date, time, and place of the meeting where the vacancy will be filled; and
424 (ii) the individual to whom an individual interested in being appointed to fill the
425 vacancy may submit his or her name for consideration and any deadline for submission; and
426 (c) in an open meeting, interviewing each individual whose name is submitted for
427 consideration and meets the qualifications for office regarding the individual's qualifications.
428 Section 4. Section **20A-9-101** is amended to read:~~

429 **20A-9-101. Definitions.**

430 As used in this chapter:

431 (1) (a) "Candidates for elective office" means persons who file a declaration of
432 candidacy under Section [20A-9-202](#) to run in a regular general election for a federal office,
433 constitutional office, multicounty office, [or] county office, or local school district office for a
434 partisan school district.

435 (b) "Candidates for elective office" does not mean candidates for:

436 (i) justice or judge of court of record or not of record;

437 (ii) presidential elector;

438 (iii) any political party offices; and

439 (iv) municipal or local district offices.

440 (2) "Constitutional office" means the state offices of governor, lieutenant governor,
441 attorney general, state auditor, and state treasurer.

442 (3) "Continuing political party" is as defined in Section [20A-8-101](#).

443 (4) (a) "County office" means an elective office where the office holder is selected by
444 voters entirely within one county.

445 (b) "County office" does not mean:

446 (i) the office of justice or judge of any court of record or not of record;

447 (ii) the office of presidential elector;

448 (iii) any political party offices;

449 (iv) any municipal or local district offices; and

450 (v) the office of United States Senator and United States Representative.

451 (5) "Federal office" means an elective office for United States Senator and United
452 States Representative.

453 (6) "Filing officer" means:

454 (a) the lieutenant governor, for:

455 (i) the office of United States Senator and United States Representative; and

456 (ii) all constitutional offices;

457 (b) the county clerk, for county offices and local school district offices, and the county
458 clerk in the filer's county of residence, for multicounty offices;

459 (c) the city or town clerk, for municipal offices; and

460 (d) the local district clerk, for local district offices.

461 (7) "Local district office" means an elected office in a local district.

462 (8) "Local government office" includes county offices, municipal offices, and local
463 district offices and other elective offices selected by the voters from a political division entirely
464 within one county.

465 (9) (a) "Multicounty office" means an elective office where the office holder is selected
466 by the voters from more than one county.

467 (b) "Multicounty office" does not mean:

468 (i) a county office;

469 (ii) a federal office;

470 (iii) the office of justice or judge of any court of record or not of record;

471 (iv) the office of presidential elector;

472 (v) any political party offices; and

473 (vi) any municipal or local district offices.

474 (10) "Municipal office" means an elective office in a municipality.

475 (11) (a) "Political division" means a geographic unit from which an office holder is
476 elected and that an office holder represents.

477 (b) "Political division" includes a county, a city, a town, a local district, a school
478 district, a legislative district, and a county prosecution district.

479 (12) "Qualified political party" means a registered political party that:

480 (a) permits voters who are unaffiliated with any political party to vote for the registered
481 political party's candidates in a primary election;

482 (b) (i) permits a delegate for the registered political party to vote on a candidate
483 nomination in the registered political party's convention remotely; or

484 (ii) provides a procedure for designating an alternate delegate if a delegate is not
485 present at the registered political party's convention;

486 (c) does not hold the registered political party's convention before April 1 of an
487 even-numbered year;

488 (d) permits a member of the registered political party to seek the registered political
489 party's nomination for any elective office by the member choosing to seek the nomination by
490 either or both of the following methods:

491 (i) seeking the nomination through the registered political party's convention process,
492 in accordance with the provisions of Section 20A-9-407; or

493 (ii) seeking the nomination by collecting signatures, in accordance with the provisions
494 of Section 20A-9-408; and

495 (e) no later than 5 p.m. on September 30 of an odd-numbered year, certifies to the
496 lieutenant governor that, for the election in the following year, the registered political party
497 intends to nominate the registered political party's candidates in accordance with the provisions
498 of Sections 20A-9-407 and 20A-9-408.

499 Section 5. Section 20A-9-403 is amended to read:

500 **20A-9-403. Regular primary elections.**

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

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

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

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

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

520 (i) either declare their intent to participate in the next regular primary election or
521 declare that the registered political party chooses not to have the names of its candidates for

522 elective office featured on the ballot at the next regular general election;

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

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

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

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

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

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

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

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

552 (d) The filing officer shall:

- 553 (i) verify signatures on nomination petitions in a transparent and orderly manner;
- 554 (ii) for all qualifying candidates for elective office who submitted nomination petitions
555 to the filing officer, issue certifications referenced in Subsection (3)(a) no later than 5 p.m. on
556 the first Monday after the third Saturday in April;
- 557 (iii) consider active and inactive voters eligible to sign nomination petitions;
- 558 (iv) consider a person who signs a nomination petition a member of a registered
559 political party for purposes of Subsection (3)(a)(ii) if the person has designated that registered
560 political party as their preferred party affiliation on their voter registration form prior to 5 p.m.
561 on the final day in March; and
- 562 (v) utilize procedures described in Section [20A-7-206.3](#) to verify submitted nomination
563 petition signatures, or use statistical sampling procedures to verify submitted nomination
564 petition signatures pursuant to rules issued by the lieutenant governor under Subsection (3)(f).
- 565 (e) Notwithstanding any other provision in Subsection (3), a candidate for lieutenant
566 governor may appear on the regular primary ballot of a registered political party without
567 submitting nomination petitions if the candidate files a declaration of candidacy and complies
568 with Subsection [20A-9-202\(3\)](#).
- 569 (f) The lieutenant governor shall issue rules that provide for the use of statistical
570 sampling procedures for filing officers to verify signatures under Subsection (3)(d). The
571 statistical sampling procedures shall reflect a bona fide effort to determine the validity of a
572 candidate's entire submission, using widely recognized statistical sampling techniques. The
573 lieutenant governor may also issue supplemental rules and guidance that provide for the
574 transparent, orderly, and timely submission, verification, and certification of nomination
575 petition signatures.
- 576 (g) ~~[The]~~ For a nonpartisan school district, the county clerk shall:
- 577 (i) review the declarations of candidacy filed by candidates for a local ~~[boards]~~ board
578 of education to determine if more than two candidates have filed for the same seat;
- 579 (ii) place the names of all candidates who have filed a declaration of candidacy for a
580 local board of education seat on the nonpartisan section of the ballot if more than two
581 candidates have filed for the same seat; and
- 582 (iii) determine the order of the local board of education candidates' names on the ballot
583 in accordance with Section [20A-6-305](#).

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

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

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

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

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

598 (i) if all or a portion of the county is in a nonpartisan school district:

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

604 (ii) if no part of the county is in a nonpartisan school district:

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

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

613 (b) If two or more candidates, other than presidential candidates, are to be elected to
614 the office at the regular general election, those party candidates equal in number to positions to

615 be filled who receive the highest number of votes at the regular primary election are the
616 nominees of their party for those positions.

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

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

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

631 (c) When a tie vote occurs in any primary election for any local school board office in a
632 partisan school district, the county clerks of the counties in which the local school board is
633 located shall, at a public meeting called by the county clerks and in the presence of the
634 candidates involved, select the nominee by lot cast in whatever manner the county clerks
635 determine.

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

640 Section 6. Section **20A-9-406** is amended to read:

641 **20A-9-406. Qualified political party -- Requirements and exemptions.**

642 The following provisions apply to a qualified political party:

643 (1) the qualified political party shall certify to the lieutenant governor no later than 5
644 p.m. on March 1 of each even-numbered year:

645 (a) the identity of one or more registered political parties whose members may vote for

646 the qualified political party's candidates; and

647 (b) whether the qualified political party chooses to nominate unopposed candidates
648 without the names of the candidates appearing on the ballot, as described in Subsection
649 20A-9-403(5)(c);

650 (2) the provisions of Subsections 20A-9-403(1) through (4)(a), Subsection
651 20A-9-403(5)(c), and Section 20A-9-405 do not apply to a nomination for the qualified
652 political party;

653 (3) an individual may only obtain a nomination for the qualified political party by using
654 a method described in Section 20A-9-407, Section 20A-9-408, or both;

655 (4) the qualified political party shall comply with the provisions of Sections
656 20A-9-407, 20A-9-408, and 20A-9-409;

657 (5) notwithstanding Subsection 20A-6-301(1)(a), (1)(g), or (2)(a), each election officer
658 shall ensure that a ballot described in Section 20A-6-301 includes each person nominated by a
659 qualified political party under Section 20A-9-407 or 20A-9-408:

660 (a) under the qualified political party's name and emblem, if any; or

661 (b) under the title of the qualified registered political party as designated by the
662 qualified political party in the certification described in Subsection (1), or, if none is
663 designated, then under some suitable title;

664 (6) notwithstanding Subsection 20A-6-302(1)(a), each election officer shall ensure, for
665 paper ballots in regular general elections, that each candidate who is nominated by the qualified
666 political party is listed by party;

667 (7) notwithstanding Subsection 20A-6-303(1)(g), each election officer shall ensure that
668 the party designation of each candidate who is nominated by the qualified political party is
669 printed immediately adjacent to the candidate's name on ballot sheets or ballot labels;

670 (8) notwithstanding Subsection 20A-6-304(1)(g), each election officer shall ensure that
671 the party designation of each candidate who is nominated by the qualified political party is
672 displayed adjacent to the candidate's name on an electronic ballot;

673 (9) "candidates for elective office," defined in Subsection 20A-9-101(1)(a), also
674 includes an individual who files a declaration of candidacy under Section 20A-9-407 or
675 20A-9-408 to run in a regular general election for a federal office, constitutional office,
676 multicounty office, or county office;

677 (10) an individual who is nominated by, or seeking the nomination of, the qualified
678 political party is not required to comply with Subsection 20A-9-201(1)(c);

679 (11) notwithstanding Subsection 20A-9-403(3), the qualified political party is entitled
680 to have each of the qualified political party's candidates for elective office appear on the
681 primary ballot of the qualified political party with an indication that each candidate is a
682 candidate for the qualified political party;

683 (12) notwithstanding Subsection 20A-9-403(4)(a), the lieutenant governor shall include
684 on the list provided by the lieutenant governor to the county clerks:

685 (a) the names of all candidates of the qualified political party for federal, constitutional,
686 multicounty, [~~and~~] county, and local partisan school district offices; and

687 (b) the names of unopposed candidates for elective office who have been nominated by
688 the qualified political party and instruct the county clerks to exclude such candidates from the
689 primary-election ballot;

690 (13) notwithstanding Subsection 20A-9-403(5)(c), a candidate who is unopposed for an
691 elective office in the regular primary election of the qualified political party is nominated by
692 the party for that office without appearing on the primary ballot, provided that the party has
693 chosen to nominate unopposed candidates under Subsection 20A-9-403(2)(a)(iii); and

694 (14) notwithstanding the provisions of Subsections 20A-9-403(1) and (2) and Section
695 20A-9-405, the qualified political party is entitled to have the names of its candidates for
696 elective office featured with party affiliation on the ballot at a regular general election.

697 Section 7. Section 20A-9-408 is amended to read:

698 **20A-9-408. Signature-gathering nomination process for qualified political party.**

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

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

706 "State of Utah, County of _____

707 I, _____, declare my intention of becoming a candidate for the office of

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

715 _____
716 _____.

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

719 (3) Notwithstanding Subsection 20A-9-202(1)(a), and except as provided in Subsection
720 20A-9-202(4), a member of a qualified political party who, under this section, is seeking the
721 nomination of the qualified political party for an elective office that is to be filled at the next
722 general election shall:

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

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

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

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

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

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

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

737 (c) pay the filing fee.

738 (4) Notwithstanding Subsection 20A-9-202(2)(a), a member of a qualified political

739 party who, under this section, is seeking the nomination of the qualified political party for the
740 office of district attorney within a multicounty prosecution district that is to be filled at the next
741 general election shall:

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

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

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

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

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

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

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

755 (c) pay the filing fee.

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

761 (6) The lieutenant governor shall ensure that the certification described in Subsection
762 20A-9-701(1) also includes the name of each candidate nominated by a qualified political party
763 under this section.

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

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

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

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

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

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

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

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

786 (v) for a State Board of Education race, 4,000 signatures of registered voters who are
787 residents of the State Board of Education district and are permitted by the qualified political
788 party to vote for the qualified political party's candidates in a primary election;

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

792 (vii) for a local partisan school district office race, signatures of 3% of the registered
793 voters who are residents of the area permitted to vote for the local partisan school district office
794 and are permitted by the qualified political party to vote for the qualified political party's
795 candidates in a primary election.

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

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

801 [20A-7-305](#); and

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

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

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

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

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

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

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

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

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

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

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

831 (e) Upon receipt of a notice of intent to gather signatures for candidacy described in

832 this section, the lieutenant governor shall post the notice of intent to gather signatures for
833 candidacy on the lieutenant governor's website in the same location that the lieutenant governor
834 posts a declaration of candidacy.

835 Section 8. Section **20A-11-403** is amended to read:

836 **20A-11-403. Failure to file -- Penalties.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

882 Section 9. Section 20A-11-1301 is amended to read:

883 **20A-11-1301. School board office candidate -- Campaign finance requirements --**
884 **Candidate as a political action committee officer -- No personal use -- Contribution**
885 **reporting deadline -- Report other accounts.**

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

889 (ii) A school board office candidate may:

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

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

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

- 896 (i) a personal use expenditure; or
897 (ii) an expenditure prohibited by law.

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

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

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

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

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

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

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

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

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

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

924 (i) except as provided in Subsection (6)(b)(ii), within 30 days after the day on which

925 the contribution or public service assistance is received; or

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

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

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

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

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

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

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

942 (e) The chief election officer shall:

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

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

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

948 (B) the amount of the fine;

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

950 (D) the date of the contribution.

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

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

954 (ii) into which or from which a person who, as a candidate for an office, other than a
955 school board office for which the person files a declaration of candidacy or federal office, or as

956 a holder of an office, other than a school board office for which the person files a declaration of
957 candidacy or federal office, deposits a contribution or makes an expenditure.

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

960 (i) a contribution deposited in an account:

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

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

963 (ii) an expenditure made from an account:

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

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

966 Section 10. Section **20A-11-1303** is amended to read:

967 **20A-11-1303. School board office candidate and school board officeholder --**

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

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

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

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

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

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

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

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

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

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

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

985 (iii) August 31; and

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

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

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

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

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

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

996 (iii) August 31; and

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

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

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

1000 (b) a single figure equal to the total amount of receipts reported on all prior interim
1001 reports, if any, during the calendar year in which the interim report is due;

1002 (c) a single figure equal to the total amount of expenditures reported on all prior
1003 interim reports, if any, filed during the calendar year in which the interim report is due;

1004 (d) a detailed listing of each contribution and public service assistance received since
1005 the last summary report that has not been reported in detail on a prior interim report;

1006 (e) for each nonmonetary contribution:

1007 (i) the fair market value of the contribution with that information provided by the
1008 contributor; and

1009 (ii) a specific description of the contribution;

1010 (f) a detailed listing of each expenditure made since the last summary report that has
1011 not been reported in detail on a prior interim report;

1012 (g) for each nonmonetary expenditure, the fair market value of the expenditure;

1013 (h) a net balance for the year consisting of the net balance from the last summary
1014 report, if any, plus all receipts since the last summary report minus all expenditures since the
1015 last summary report;

1016 (i) a summary page in the form required by the lieutenant governor that identifies:

1017 (i) beginning balance;

- 1018 (ii) total contributions during the period since the last statement;
- 1019 (iii) total contributions to date;
- 1020 (iv) total expenditures during the period since the last statement; and
- 1021 (v) total expenditures to date; and
- 1022 (j) the name of a political action committee for which the school board office candidate
- 1023 or school board office holder is designated as an officer who has primary decision-making
- 1024 authority under Section [20A-11-601](#).

1025 (3) (a) For all individual contributions or public service assistance of \$50 or less, a

1026 single aggregate figure may be reported without separate detailed listings.

1027 (b) Two or more contributions from the same source that have an aggregate total of

1028 more than \$50 may not be reported in the aggregate, but shall be reported separately.

1029 (4) (a) In preparing each interim report, all receipts and expenditures shall be reported

1030 as of five days before the required filing date of the report.

1031 (b) Any negotiable instrument or check received by a school board office candidate or

1032 school board office holder more than five days before the required filing date of a report

1033 required by this section shall be included in the interim report.

1034 Section 11. Section [20A-11-1305](#) is amended to read:

1035 **20A-11-1305. School board office candidate -- Failure to file statement --**

1036 **Penalties.**

1037 (1) (a) A school board office candidate who fails to file a financial statement by the

1038 deadline is subject to a fine imposed in accordance with Section [20A-11-1005](#).

1039 (b) If a school board office candidate fails to file an interim report due before the

1040 regular primary election, on August 31, or before the regular general election, the chief election

1041 officer shall, after making a reasonable attempt to discover if the report was timely filed,

1042 inform the county clerk and other appropriate election officials who:

1043 (i) (A) shall, if practicable, remove the name of the candidate from the ballots before

1044 the ballots are delivered to voters; or

1045 (B) shall, if removing the candidate's name from the ballot is not practicable, inform

1046 the voters by any practicable method that the candidate has been disqualified and that votes

1047 cast for the candidate will not be counted; and

1048 (ii) may not count any votes for that candidate.

1049 (c) Any school board office candidate who fails to file timely a financial statement
1050 required by Subsection 20A-11-1303(1)[~~(b)(ii), (iii), or (iv)~~](c) is disqualified.

1051 (d) Notwithstanding Subsections (1)(b) and (1)(c), a school board office candidate is
1052 not disqualified and the chief election officer may not impose a fine if:

1053 (i) the candidate timely files the reports required by this section in accordance with
1054 Section 20A-11-103;

1055 (ii) those reports are completed, detailing accurately and completely the information
1056 required by this part except for inadvertent omissions or insignificant errors or inaccuracies;
1057 and

1058 (iii) those omissions, errors, or inaccuracies described in Subsection (1)(d)(ii) are
1059 corrected in:

1060 (A) an amended report; or

1061 (B) the next scheduled report.

1062 (2) (a) Within 30 days after a deadline for the filing of a summary report by a school
1063 board office candidate, the lieutenant governor shall review each filed summary report to
1064 ensure that:

1065 (i) each school board office candidate that is required to file a summary report has filed
1066 one; and

1067 (ii) each summary report contains the information required by this part.

1068 (b) If it appears that a school board office candidate has failed to file the summary
1069 report required by law, if it appears that a filed summary report does not conform to the law, or
1070 if the lieutenant governor has received a written complaint alleging a violation of the law or the
1071 falsity of any summary report, the lieutenant governor shall, within five days of discovery of a
1072 violation or receipt of a written complaint, notify the school board office candidate of the
1073 violation or written complaint and direct the school board office candidate to file a summary
1074 report correcting the problem.

1075 (c) (i) It is unlawful for a school board office candidate to fail to file or amend a
1076 summary report within seven days after receiving notice from the lieutenant governor under
1077 this section.

1078 (ii) Each school board office candidate who violates Subsection (2)(c)(i) is guilty of a
1079 class B misdemeanor.

1080 (iii) The lieutenant governor shall report all violations of Subsection (2)(c)(i) to the
1081 attorney general.

1082 (iv) In addition to the criminal penalty described in Subsection (2)(c)(ii), the lieutenant
1083 governor shall impose a civil fine of \$100 against a school board office candidate who violates
1084 Subsection (2)(c)(i).

1085 Section 12. Section **20A-14-103** is amended to read:

1086 **20A-14-103. State Board of Education members -- When elected -- Qualifications**
1087 **-- Avoiding conflicts of interest.**

1088 (1) ~~[(a)]~~ Unless otherwise provided by law, each State Board of Education member
1089 elected from a State Board of Education district at ~~[the 2010]~~ or before the 2014 general
1090 election shall ~~[-(i)]~~ serve out the term of office for which that member was elected ~~[-and]~~.

1091 ~~[(ii) represent the realigned district if the member resides in that district.]~~

1092 ~~[(b) At the general election to be held in 2012, a State Board of Education member~~
1093 ~~elected from State Board of Education Districts 4, 7, 8, 10, 11, 12, 13, and 15 shall be elected~~
1094 ~~to serve a term of office of four years.]~~

1095 ~~[(c) In order to ensure that the terms of approximately half of the State Board of~~
1096 ~~Education members expire every two years:]~~

1097 ~~[(i) at the general election to be held in 2012, the State Board of Education member~~
1098 ~~elected from State Board of Education District 1 shall be elected to serve a term of office of~~
1099 ~~two years; and]~~

1100 ~~[(ii) at the general election to be held in 2014, the State Board of Education member~~
1101 ~~elected from State Board of Education District 1 shall be elected to serve a term of office of~~
1102 ~~four years:]~~

1103 (2) (a) A person seeking election to the State Board of Education shall have been a
1104 resident of the State Board of Education district in which the person is seeking election for at
1105 least one year as of the date of the election.

1106 (b) A person who has resided within the State Board of Education district, as the
1107 boundaries of the district exist on the date of the election, for one year immediately preceding
1108 the date of the election shall be considered to have met the requirements of this Subsection (2).

1109 (3) A State Board of Education member shall:

1110 (a) be and remain a registered voter in the State Board of Education district from which

1111 the member was elected or appointed; and

1112 (b) maintain the member's primary residence within the State Board of Education
1113 district from which the member was elected or appointed during the member's term of office.

1114 (4) A State Board of Education member may not, during the member's term of office,
1115 also serve as an employee of:

1116 (a) the State Board of Education;

1117 (b) the Utah State Office of Education; or

1118 (c) the Utah State Office of Rehabilitation.

1119 Section 13. Section **20A-14-104** is amended to read:

1120 **20A-14-104. Becoming a candidate for membership on the State Board of**
1121 **Education.**

1122 (1) ~~[(a) Persons]~~ A person interested in becoming a candidate for the State Board of
1123 Education shall file a declaration of candidacy according to the procedures and requirements of
1124 Sections [20A-9-201](#) and [20A-9-202](#).

1125 ~~[(b) By May 1 of the year in which a State Board of Education member's term expires,~~
1126 ~~the lieutenant governor shall submit the name of each person who has filed a declaration of~~
1127 ~~candidacy for the State Board of Education to the nominating and recruiting committee for the~~
1128 ~~State Board of Education.]~~

1129 ~~[(2) By November 1 of the year preceding each regular general election year, a~~
1130 ~~nominating and recruiting committee consisting of 12 members, each to serve a two-year term,~~
1131 ~~shall be appointed by the governor as follows:]~~

1132 ~~[(a) one member shall be appointed to represent each of the following business and~~
1133 ~~industry sectors:]~~

1134 ~~[(i) manufacturing and mining;]~~

1135 ~~[(ii) transportation and public utilities;]~~

1136 ~~[(iii) service, trade, and information technology;]~~

1137 ~~[(iv) finance, insurance, and real estate;]~~

1138 ~~[(v) construction; and]~~

1139 ~~[(vi) agriculture; and]~~

1140 ~~[(b) one member shall be appointed to represent each of the following education~~
1141 ~~sectors:]~~

1142 ~~[(i) teachers;]~~

1143 ~~[(ii) school administrators;]~~

1144 ~~[(iii) parents;]~~

1145 ~~[(iv) local school board members;]~~

1146 ~~[(v) charter schools; and]~~

1147 ~~[(vi) higher education.]~~

1148 ~~[(3) (a) The members appointed under Subsections (2)(a)(i) through (vi) and (2)(b)(i)~~

1149 ~~through (vi) shall be appointed from lists containing at least two names submitted by~~

1150 ~~organizations representing each of the respective sectors.]~~

1151 ~~[(b) At least one member of the nominating and recruiting committee shall reside~~

1152 ~~within each state board district in which a member's term expires during the committee's two-~~

1153 ~~year term of office.]~~

1154 ~~[(4) (a) The members shall elect one member to serve as chair for the committee.]~~

1155 ~~[(b) The chair, or another member of the committee designated by the chair, shall~~

1156 ~~schedule and convene all committee meetings.]~~

1157 ~~[(c) Any formal action by the committee requires the approval of a majority of~~

1158 ~~committee members.]~~

1159 ~~[(d) Members of the nominating and recruiting committee shall serve without~~

1160 ~~compensation, but they may be reimbursed for expenses incurred in the performance of their~~

1161 ~~official duties as established by the Division of Finance.]~~

1162 ~~[(5) The nominating and recruiting committee shall:]~~

1163 ~~[(a) recruit potential candidates for membership on the State Board of Education prior~~

1164 ~~to the deadline to file a declaration of candidacy;]~~

1165 ~~[(b) prepare a list of candidates for membership on the State Board of Education for~~

1166 ~~each state board district subject to election in that year using the qualifications under~~

1167 ~~Subsection (6);]~~

1168 ~~[(c) submit a list of at least three candidates for each state board position to the~~

1169 ~~governor by July 1; and]~~

1170 ~~[(d) ensure that the list includes appropriate background information on each~~

1171 ~~candidate.]~~

1172 ~~[(6) The nominating committee shall select a broad variety of candidates who possess~~

1173 ~~outstanding professional qualifications relating to the powers and duties of the State Board of~~
1174 ~~Education, including experience in the following areas:]~~

1175 ~~[(a) business and industry administration;]~~

1176 ~~[(b) business and industry human resource management;]~~

1177 ~~[(c) business and industry finance;]~~

1178 ~~[(d) business and industry, including expertise in:]~~

1179 ~~[(i) metrics and evaluation;]~~

1180 ~~[(ii) manufacturing;]~~

1181 ~~[(iii) retailing;]~~

1182 ~~[(iv) natural resources;]~~

1183 ~~[(v) information technology;]~~

1184 ~~[(vi) construction;]~~

1185 ~~[(vii) banking;]~~

1186 ~~[(viii) science and engineering; and]~~

1187 ~~[(ix) medical and healthcare;]~~

1188 ~~[(e) higher education administration;]~~

1189 ~~[(f) applied technology education;]~~

1190 ~~[(g) public education administration;]~~

1191 ~~[(h) public education instruction;]~~

1192 ~~[(i) economic development;]~~

1193 ~~[(j) labor; and]~~

1194 ~~[(k) other life experiences that would benefit the State Board of Education.]~~

1195 (2) The office of State Board of Education member is a partisan office.

1196 Section 14. Section ~~20A-14-202~~ is amended to read:

1197 **20A-14-202. Local boards of education -- Membership -- When elected --**

1198 **Qualifications -- Avoiding conflicts of interest -- Designation of partisan or nonpartisan**

1199 **school districts.**

1200 (1) (a) Except as provided in Subsection (1)(b), the board of education of a school
1201 district with a student population of up to 24,000 students shall consist of five members.

1202 (b) The board of education of a school district with a student population of more than
1203 10,000 students but fewer than 24,000 students shall increase from five to seven members

1204 beginning with the 2004 regular general election.

1205 (c) The board of education of a school district with a student population of 24,000 or
1206 more students shall consist of seven members.

1207 (d) Student population is based on the October 1 student count submitted by districts to
1208 the State Office of Education.

1209 (e) If the number of members of a local school board is required to change under
1210 Subsection (1)(b), the board shall be reapportioned and elections conducted as provided in
1211 Sections [20A-14-201](#) and [20A-14-203](#).

1212 (f) A school district which now has or increases to a seven-member board shall
1213 maintain a seven-member board regardless of subsequent changes in student population.

1214 (g) (i) Members of a local board of education shall be elected at each regular general
1215 election.

1216 (ii) Except as provided in Subsection (1)(g)(iii), no more than three members of a local
1217 board of education may be elected to a five-member board, nor more than four members
1218 elected to a seven-member board, in any election year.

1219 (iii) More than three members of a local board of education may be elected to a
1220 five-member board and more than four members elected to a seven-member board in any
1221 election year only when required by reapportionment or to fill a vacancy or to implement
1222 Subsection (1)(b).

1223 (h) One member of the local board of education shall be elected from each local school
1224 board district.

1225 (2) (a) For an election held after the 2008 general election, a person seeking election to
1226 a local school board shall have been a resident of the local school board district in which the
1227 person is seeking election for at least one year as of the date of the election.

1228 (b) A person who has resided within the local school board district, as the boundaries
1229 of the district exist on the date of the election, for one year immediately preceding the date of
1230 the election shall be considered to have met the requirements of this Subsection (2).

1231 (3) A member of a local school board shall:

1232 (a) be and remain a registered voter in the local school board district from which the
1233 member is elected or appointed; and

1234 (b) maintain the member's primary residence within the local school board district from

1235 which the member is elected or appointed during the member's term of office.

1236 (4) A member of a local school board may not, during the member's term in office, also
1237 serve as an employee of that board.

1238 (5) (a) A local school board shall, on or before October 1, 2015:

1239 (i) determine whether the board's school district is a partisan school district or a
1240 nonpartisan school district; and

1241 (ii) notify the lieutenant governor, in writing, regarding whether the board's school
1242 district is a partisan school district or a nonpartisan school district.

1243 (b) If a local school board fails to timely comply with Subsection (5)(a), the school
1244 district is a partisan school district.

1245 (c) A local school board of a school district that is designated as a partisan school
1246 district or a nonpartisan school district under this Subsection (5) may change the designation by
1247 taking the action described in Subsection (5)(a)(i) and (ii) on or before October 1 during an
1248 odd-numbered year.

1249 Section 15. **Repealer.**

1250 This bill repeals:

1251 Section **20A-14-105, Becoming a candidate for membership on the State Board of**
1252 **Education -- Selection of candidates by the governor -- Ballot placement.**