

Senator Alvin B. Jackson 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 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 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

Utah Code Sections Affected:



26 AMENDS:

27 20A-1-504, as last amended by Laws of Utah 2010, Chapter 197

28 20A-9-408, as enacted by Laws of Utah 2014, Chapter 17

29 20A-11-403, as last amended by Laws of Utah 2013, Chapter 420

30 20A-11-1301, as last amended by Laws of Utah 2014, Chapters 335 and 337

31 20A-11-1303, as last amended by Laws of Utah 2014, Chapter 337

32 20A-11-1305, as last amended by Laws of Utah 2014, Chapter 337

33 20A-14-103, as last amended by Laws of Utah 2011, Third Special Session, Chapter 3

34 20A-14-104, as last amended by Laws of Utah 2004, Chapter 19

35 REPEALS:

36 20A-14-105, as last amended by Laws of Utah 2011, Chapters 292, 327, 335 and last
37 amended by Coordination Clause, Laws of Utah 2011, Chapter 327



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

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

41 20A-1-504. **Midterm vacancies in the offices of attorney general, state treasurer,
42 state auditor, and lieutenant governor.**

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

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

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

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

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

57 **20A-9-408. Signature-gathering nomination process for qualified political party.**

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

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

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

74 _____
75 _____.

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

78 (3) Notwithstanding Subsection 20A-9-202(1)(a), and except as provided in Subsection
79 20A-9-202(4), a member of a qualified political party who, under this section, is seeking the
80 nomination of the qualified political party for an elective office that is to be filled at the next
81 general election shall:

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

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

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

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

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

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

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

96 (c) pay the filing fee.

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

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

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

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

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

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

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

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

114 (c) pay the filing fee.

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

119 mate.

120 (6) The lieutenant governor shall ensure that the certification described in Subsection
121 20A-9-701(1) also includes the name of each candidate nominated by a qualified political party
122 under this section.

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

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

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

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

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

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

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

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

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

148 [~~(v)~~] (vi) for a county office race, signatures of 3% of the registered voters who are
149 residents of the area permitted to vote for the county office and are permitted by the qualified

150 political party to vote for the qualified political party's candidates in a primary election.

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

154 (i) collect the signatures on a form approved by the lieutenant governor's office, using
155 the same circulation and verification requirements described in Sections 20A-7-304 and
156 20A-7-305; and

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

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

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

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

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

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

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

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

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

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

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

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

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

191 **20A-11-403. Failure to file -- Penalties.**

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

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

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

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

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

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

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

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

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

211 (d) In addition to the criminal penalty described in Subsection (3)(b), the lieutenant

212 governor shall impose a civil fine of \$100 against an officeholder who violates Subsection
213 (3)(a).

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

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

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

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

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

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

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

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

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

238 **20A-11-1301. School board office candidate -- Campaign finance requirements --**
239 **Candidate as a political action committee officer -- No personal use -- Contribution**
240 **reporting deadline -- Report other accounts.**

241 (1) (a) (i) Each school board office candidate shall deposit each contribution and public
242 service assistance received in one or more separate accounts in a financial institution that are

243 dedicated only to that purpose.

244 (ii) A school board office candidate may:

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

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

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

251 (i) a personal use expenditure; or

252 (ii) an expenditure prohibited by law.

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

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

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

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

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

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

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

273 [~~(ii) for a contribution that is a negotiable instrument or check, that the negotiable~~

274 instrument or check is negotiated; and]

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

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

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

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

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

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

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

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

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

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

297 (e) The chief election officer shall:

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

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

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

303 (B) the amount of the fine;

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

305 (D) the date of the contribution.

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

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

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

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

315 (i) a contribution deposited in an account:

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

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

318 (ii) an expenditure made from an account:

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

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

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

322 **20A-11-1303. School board office candidate and school board officeholder --**

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

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

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

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

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

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

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

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

336 (i) (A) seven days before the school board office candidate's political convention; or
337 (B) May 15, if the school board office candidate does not affiliate with a political
338 party;

339 (ii) seven days before the regular primary election date;
340 (iii) August 31; and
341 (iv) seven days before the regular general election date.

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

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

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

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

350 (ii) seven days before the regular primary election date for that year;
351 (iii) August 31; and
352 (iv) seven days before the regular general election date.

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

354 (a) the net balance of the last summary report, if any;
355 (b) a single figure equal to the total amount of receipts reported on all prior interim
356 reports, if any, during the calendar year in which the interim report is due;

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

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

361 (e) for each nonmonetary contribution:

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

364 (ii) a specific description of the contribution;

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

- 367 (g) for each nonmonetary expenditure, the fair market value of the expenditure;
- 368 (h) a net balance for the year consisting of the net balance from the last summary
369 report, if any, plus all receipts since the last summary report minus all expenditures since the
370 last summary report;
- 371 (i) a summary page in the form required by the lieutenant governor that identifies:
- 372 (i) beginning balance;
- 373 (ii) total contributions during the period since the last statement;
- 374 (iii) total contributions to date;
- 375 (iv) total expenditures during the period since the last statement; and
- 376 (v) total expenditures to date; and
- 377 (j) the name of a political action committee for which the school board office candidate
378 or school board office holder is designated as an officer who has primary decision-making
379 authority under Section [20A-11-601](#).
- 380 (3) (a) For all individual contributions or public service assistance of \$50 or less, a
381 single aggregate figure may be reported without separate detailed listings.
- 382 (b) Two or more contributions from the same source that have an aggregate total of
383 more than \$50 may not be reported in the aggregate, but shall be reported separately.
- 384 (4) (a) In preparing each interim report, all receipts and expenditures shall be reported
385 as of five days before the required filing date of the report.
- 386 (b) Any negotiable instrument or check received by a school board office candidate or
387 school board office holder more than five days before the required filing date of a report
388 required by this section shall be included in the interim report.
- 389 Section 6. Section **20A-11-1305** is amended to read:
- 390 **20A-11-1305. School board office candidate -- Failure to file statement --**
- 391 **Penalties.**
- 392 (1) (a) A school board office candidate who fails to file a financial statement by the
393 deadline is subject to a fine imposed in accordance with Section [20A-11-1005](#).
- 394 (b) If a school board office candidate fails to file an interim report due before the
395 regular primary election, on August 31, or before the regular general election, the chief election
396 officer shall, after making a reasonable attempt to discover if the report was timely filed,
397 inform the county clerk and other appropriate election officials who:

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

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

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

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

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

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

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

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

415 (A) an amended report; or

416 (B) the next scheduled report.

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

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

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

423 (b) If it appears that a school board office candidate has failed to file the summary
424 report required by law, if it appears that a filed summary report does not conform to the law, or
425 if the lieutenant governor has received a written complaint alleging a violation of the law or the
426 falsity of any summary report, the lieutenant governor shall, within five days of discovery of a
427 violation or receipt of a written complaint, notify the school board office candidate of the
428 violation or written complaint and direct the school board office candidate to file a summary

429 report correcting the problem.

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

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

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

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

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

441 **20A-14-103. State Board of Education members -- When elected -- Qualifications**
442 **-- Avoiding conflicts of interest.**

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

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

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

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

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

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

458 (2) (a) A person seeking election to the State Board of Education shall have been a
459 resident of the State Board of Education district in which the person is seeking election for at

460 least one year as of the date of the election.

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

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

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

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

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

471 (a) the State Board of Education;

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

473 (c) the Utah State Office of Rehabilitation.

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

475 **20A-14-104. Becoming a candidate for membership on the State Board of**
476 **Education.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

520 ~~[(b) prepare a list of candidates for membership on the State Board of Education for~~
521 ~~each state board district subject to election in that year using the qualifications under~~

522 Subsection ~~(6)~~;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

551 Section 9. **Repealer.**

552 This bill repeals:

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